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EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

(2002/C 172 E/001) **WRITTEN QUESTION E-0921/01**

by Monica Frassoni (Verts/ALE) to the Commission

(28 March 2001)

Subject: Tourism-oriented property development in Bosa and Villanova Monteleone, Teulada, Monte Russu and Cala Giunco-Stagno Notteri, and a fish-farming plant in Bosa

In reply to my questions Nos E-3009/00 [1], E-3339/00 [2], E-3340/00 [3] and P-3314/00 [4] concerning tourism-oriented property development along the coast in Bosa and Villanova Monteleone, Teulada, Monte Russu (Aglientu) and Cala Giunco-Stagno Notteri (Villasimius) and an intensive fish-farming plant in Bosa, the Commission said that it would take the necessary steps to gather detailed information and ensure that Community law is complied with.

Could the Commission clarify what steps it has taken to date with regard to the above-mentioned cases?

In particular, could it confirm:

— with regard to the planned development in Monte Russu, that an assessment of implications has been begun, in accordance with the provisions of Article 6(3) of Directive 92/43/EEC [5], and could it say whether the findings of this assessment are already available?

— with regard to the LIFE legislation, that the development has not yet received final construction authorisation, and could it say whether this means that, once authorisation has been obtained, it will be subject to an environmental impact assessment? Is any Community funding earmarked for the development?

— with regard to the proposed developments in Teulada and Cala Giunco-Stagno Notteri, whether any Community funding is earmarked? If so, does the Commission intend to freeze it pending confirmation that the developments comply with Community legislation concerning LIFE and the Natura 2000 network?

[1] OJ C 136 E, 8.5.2001, p. 156.
[2] OJ C 151 E, 22.5.2001, p. 140.
[3] OJ C 151 E, 22.5.2001, p. 141.
[4] OJ C 151 E, 22.5.2001, p. 133.
[5] OJ L 206, 22.7.1992, p. 7.

Supplementary answer
given by Mrs Wallström on behalf of the Commission

(26 February 2002)

In reply to the Honourable Member's written question concerning four cases of alleged incorrect application — in Sardinia (Italy) — of Directive 92/43/EEC of 21 May 1992 on the conservation of natural

habitats and of wild fauna and flora (the 'Habitats Directive'), Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1] and Directive 97/11/EC of 3 March 1997 [2] amending Directive 85/337/EEC (building projects and aquaculture at Bosa and Villanova Monteleone, tourism and property development along the coast of Cala Giunco-Stagno Notteri, Villasimius, tourism-orientated property development on the Teulada coast, tourism-oriented property development on the Monte Russu coast, Aglientu), the Commission has launched four own-initiative investigations.

With regard to the tourism-orientated property development on the Monte Russu coast, the Commission has been unable to identify any breach of the Environmental Impact Assessment (EIA) and Habitats Directives. The project consists of a holiday resort in two parts, one above the Castelsardo — Santa Teresa di Gallura road and the other one below that road. The area below the road is within the proposed Site of Community Importance (pSCI) ITB010006 Monte Russu, while the area above the road is outside the site (but next to it). The total capacity of the resort is approximately 2250 beds. An assessment of the impact on the site as required by the Habitats Directive was submitted by the proposer in September 2000 and an EIA was also requested by the regional authorities and submitted by the proposer in March 2001. The assessment of the impact on the site took into account all the habitats and species of Community importance listed in Annexes I and II to the Habitats Directive present on the site. These include some habitat types which, because their presence on the site is very limited and they are well represented on other sites in Sardinia, are not part of the site description in the official Natura 2000 forms. The planned mitigation measures effectively reduce the direct and indirect impact of the project on the habitats of Community importance present on the site. In conclusion, the assessment carried out in view of the site's conservation objectives was properly done and the project is not likely to have a significant impact on the Monte Russu pSCI.

The Commission will take the appropriate steps to ensure that Community law is observed in the cases in question.

The projects concerned are not being cofinanced by the Structural Funds.

[1] OJ L 175, 5.7.1985.
[2] OJ L 73, 14.3.1997.

(2002/C 172 E/002) **WRITTEN QUESTION E-2048/01**

by Alexander de Roo (Verts/ALE), Torben Lund (PSE), John Bowis (PPE-DE) and Chris Davies (ELDR) to the Commission

(13 July 2001)

Subject: Vistula river basin as pilot project for the Water Framework Directive

The Vistula river, called the Queen of Polish rivers, is more than 1 000 km long, and its river basin covers 55,7 % of Poland and falls mostly within Polish territory. Its water quality is very poor because of the 10 million cubic meters of sewage and waste that are discharged daily. It starts in heavily-industrialised Upper Silesia, which is one of the most contaminated areas in Europe. It flows through the historic city of Cracow where, thanks to ISPA and EBRD funding, untreated urban wastewater should be a thing of the past by 2005. The Vistula continues between Zawichost and Plock (this section is a breeding area of European importance for rare and endangered birds like stone curlew, common gull, little tern and corncrake). The Vistula flows through the Polish capital Warsaw, where less than 50 % of its wastewater is treated. The river passes through Wloclawek, where the first and so far only dam has been constructed in its middle and lower course. River fragmentation is not a big problem yet in these parts of the Vistula, but the existing dam raises many ecological and social problems. It halts sediment transport (disrupting sediment balance and reducing groundwater resources downstream), precludes fish migration, and increases the risk of winter floods. The Polish Government plans more dams between Warsaw and Gdansk. If built, these dams would mean the end of salmon reproduction in the tributary Drweca and would ruin the ecologically very valuable Vistula valley and estuary — having a negative impact on the

Baltic Sea. When Poland becomes a member of the European Union it will have to fulfil the 'good ecological and chemical status' objectives of the Water Framework Directive in all waters by the required deadlines, and achieve integrated river basin management. Poland should also prevent further deterioration of the current ecological and chemical status of all waters. As an EU-Accession country, Poland also has to implement the Habitat Directive, contributing to the establishment of the Natura 2000 network, which is also a requirement of the WFD. This process, which implies the protection of certain habitats and species, has already started in the Vistula river basin. Large parts of the Vistula valley are now considered for designation as Natura 2000 sites, but the process is under threat because of the plans for building new dams.

Will the European Commission, therefore, consider a proposal of assistance to the Polish authorities for a timely implementation of the Water Framework Directive by designating the Vistula river basin as a demonstration project for integrated river basin management (IRBM), to be financed by ISPA and other EU funding? If successful, the Vistula river basin IRBM project could be a model for implementation of the WFD elsewhere in Central and Eastern Europe.

Answer given by Mr Verheugen on behalf of the Commission

(6 September 2001)

The Commission agrees with the Honourable Members that the water quality of the Vistula river, as well as the protection of species and habitats, present in that river basin deserve attention. The Commission continues to follow the proposal to build dams on the Vistula very closely.

Within the implementation strategy for the Water Framework Directive, the testing of guidance documents in pilot river basins is foreseen. For this purpose about 10 basins or sub-basins will be selected, both in Member States and Candidate Countries. At present, selection criteria are being developed, to ensure that the chosen basins are representative as well as broadly distributed across Europe. The Vistula river would definitely qualify as a candidate for a pilot river basin. If proposed by the Polish authorities, the Commission would assess the proposal on an equal basis with all other proposals.

As regards Community funding, the Commission would positively consider, under the PHARE programme, a project proposal from the Polish authorities related to the implementation of Directive 2000/60/EC establishing a framework of Community action in the field of water policy [1]. Such a project could include integrated river basin management of the Vistula river.

[1] OJ L 327, 22.12.2000.

(2002/C 172 E/003) **WRITTEN QUESTION E-2174/01**

by Markus Ferber (PPE-DE) to the Commission

(19 July 2001)

Subject: Financial aid for the Palestinians

The European Union grants financial aid to the Palestinians.

From which budget lines does the money come? How much money has been granted in the past few years, and what amounts have been set for this year and next? What projects has the money been used to finance? By whom and on the basis of what criteria are the projects selected?

Answer given by Mr Patten on behalf of the Commission

(10 September 2001)

The Community grants financial and technical cooperation to the Palestinian Authority broadly under three budget lines:

— B7-410: MEDA (measures to accompany the reforms to the economic and social structures in the Mediterranean non-member countries). This is the main budget line for the Euro-Mediterranean Partnership.

— B7-420: Community operations connected with the Israel/PLO Peace Agreement. This is a special instrument set up following the 1993 statement of principle on support for the Middle East Peace Process.

— B7-421: Aid to the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA). The Community has been a contributor to UNRWA's budget since 1971.

A table showing aid granted by the Community to the Palestinian Authority in 1999 and 2000, broken down by budget line, will be sent direct to the Honourable Member and Parliament's Secretariat.

No commitment is planned (under the MEDA line) this year (2001): decisions on operations in Palestine will be taken in the light of the political situation there. However, the Commission (EuropeAid) has provided for a total of € 48 050 000 in commitment appropriations in 2001 under line B7-420 (Peace Agreement) and commitments of € 42 250 000 under line B7-241 (UNRWA).

A list of the projects financed by the Community under the MEDA line in 1999 and 2000 is also being sent direct to the Honourable Member and Parliament's Secretariat.

Commitments under line B7-421 take the form of contributions paid each year into UNRWA's own budget.

So far the main objectives, guidelines and priority sectors for Community operations in the Mediterranean partner countries have been set out in three-year strategy papers known as indicative programmes. The new MEDA regulation (Council Regulation (EC) No 2698/2000 of 27 November 2000 amending Regulation (EC) No 1488/96 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership [1]) also provides for longer-term strategy papers covering the period 2000-2006.

The 2000-2002 indicative programme for the West Bank and the Gaza Strip which the Commission approved in December 2000 reflects the priorities set in the Palestinian Development Plan, and comprises two main cooperation sectors: support for economic transition and development (in two sections — support for the reform process and institutional capacity building, and private-sector development), and socio-economic balance and environment. Community-financed projects have to fall within one of these categories.

[1] OJ L 311, 12.12.2000.

(2002/C 172 E/004) **WRITTEN QUESTION E-2182/01**

by Glenys Kinnock (PSE) to the Commission

(23 July 2001)

Subject: Delegation staffing

Does the Commission have any figures which confirm that there is a significant imbalance in the allocation of staff to delegations in third countries?

Would the Commission provide detailed evidence of the situation in ACP States compared to, for instance, south-east Asia or the Balkans?

Have there been any recent reductions in the staffing of ACP Delegations? If so, how can that be justified when the implementation of the Cotonou Agreement is at such a critical stage?

Answer given by Mr Patten on behalf of the Commission

(9 November 2001)

In its communication to the Council and the Parliament on the development of the External Service of 3 July 2001 ([1]), the Commission has tried to reconcile the need to be represented globally with the tight financial situation applying to the management of the Service. Hard decisions have had to be taken to close Offices and streamline Delegations in different regions of the world in order to be able to find the resources, both financial and human, to adapt the Service to a changing environment and to the Commission's role within it.

The differences in the allocation of staff to Delegations is a result of the fact that external representations of the Commission were not created at the same time and did not all fulfill the same functions or work in a similar environment. Originally, the main tasks of most Delegations were to participate in international trade negotiations in Geneva and in some industrialised countries or to implement assistance in the African, Caribbean and Pacific area. A relatively comfortable budgetary position and the difficulty in finding university-level local talent in the ACP countries resulted in the deployment of a larger number of officials, as compared to university-level local staff, than is the case elsewhere. This is still a characteristic of many ACP Delegations because, some of those difficulties still apply. However, efforts to correct this situation have been undertaken since 1996. Re-balancing consists of re-deploying officials' posts when this is judged possible and necessary, by either nationals of the host country or Europeans employed locally on a contract basis. In all cases, however, attention is paid to keeping enough officials in place to perform tasks involving the exercise of public authority that cannot be performed by local staff. At the beginning of 1996, before redeployments were started, the Commission had in its Delegations in ACP countries 241 A officials and 24 university-level local staff. As of today it has, respectively, 211 and 91.

Those Delegations which have been opened more recently, or older ones in developed countries where local talent is more readily available, show a very different profile. De-concentration, through which Delegations take on the aid management responsibilities previously held by headquarters, and de-centralisation, passing on those responsibilities to beneficiaries' governments, have become the main plank of the reform of the management of external assistance, and a major determining factor in the ratio between officials and locally hired staff. In the Balkans and Eastern Europe, excluding the enlargement Delegations, at the beginning of 1996 the Commission had 25 A grade officials and 27 university-level local staff. As of today it has, respectively, 40 and 111. The equivalent figures for Asia are 27 and 30 at the beginning of 1996 and 34 and 48 as of today.

Due to the scarcity of resources on the administrative part of the budget and in order to implement those policies, the financial rules have been changed in some areas. In PHARE and TACIS countries, for example, including the Balkans, non-statutory technical and other staff are being paid under the operational part of the budget. This adds flexibility and makes it easier to hire as programmes expand and to cut back as they wind up. These staff make up a significant part of the non-officials in the referred regions.

The result is that in some cases Delegations in other areas seem at a disadvantage when compared with those larger ones in the Balkans, for example. However, the Commission is at this very moment actively pursuing de-concentration towards non-European Delegations. This policy will apply mostly in Africa and Asia but also in Latin America and the Pacific. By 2004 all Delegations implementing a significant assistance programme will have been strengthened in this way.

The communication of 3 July 2001 foresees further redeployments of staff from some ACP Delegations, albeit in a limited way. The eleven posts freed are to be used in part to strengthen regional Delegations in the same area and the remaining posts will be used to open new Delegations in areas where the Commission is still underrepresented politically, taking into account both the importance of the trade component and the implementation of external assistance, including the European Development Fund (EDF). As in the past, where necessary compensation will be provided for the posts to be re-deployed through the allocation of posts for the recruitment of university-level local staff or locally hired technical assistance staff.

Concerning the implementation of the Cotonou Agreement, in those countries where the Commission has found it necessary to close or streamline its representations, additional human resources are being allocated to some of the regional Delegations concerned in order to reinforce their capacity to cover programmes and activities in the countries for which they are responsible. Furthermore, these Delegations will be provided with additional resources under the de-concentration exercise, which will strengthen their programme-implementing capacity.

(1) COM(2001) 381 final.

(2002/C 172 E/005) **WRITTEN QUESTION E-2323/01**

by Michael Cashman (PSE) to the Commission

(31 July 2001)

Subject: Visas for non-EU citizens

Can the Commission comment on the ease with which non-EU citizens residing legally in an EU Member State can obtain visas for travel within the EU? Can the Commission comment in particular on a case when the non-EU resident is married to an EU citizen?

Answer given by Mr Vitorino on behalf of the Commission

(6 September 2001)

Under the Schengen Agreement the Member States have developed extensive areas of cooperation regarding the conditions under which non-EU nationals may travel within an area without internal frontiers. This acquis was integrated into the Community/European Union by the Amsterdam Treaty (1).

Under Article 21 of the Convention applying the Schengen Agreement (CSA), nationals of third countries residing legally on the territory of a Member State and in possession of a residence permit are not required to possess a visa for the Member States that have implemented the Schengen acquis (with the exception of the United Kingdom and Ireland) and for Norway and Iceland. They may move freely provided they have their residence permit, satisfy the conditions of Article 5(1)(a), (c) and (e) of the CSA and are not on the list of national alerts of the Member State concerned.

As regards third country nationals who are members of the family of a citizen of the Union and who accompany them or join them in another Member State not forming part of the area without internal frontiers, Community law allows the Member States to require such persons to be in possession of a visa in accordance with 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 (2).

In that case, Member States must grant such visas without undue formalities. In particular, the only documents that may be required in order to issue a visa are an identity document (identity card or passport) and proof of relationship to the EU citizen. Visas must be issued free of charge.

The Commission has transmitted a proposal for a Directive [3] to the European Parliament and the Council to establish an overall approach to the conditions in which third-country nationals have the freedom to travel in the territory of the Member States for periods not exceeding three months within a six-month period.

[1] OJ C 340, 10.11.1997.
[2] OJ L 81, 21.3.2001.
[3] COM(2001) 388 final.

(2002/C 172 E/006)

WRITTEN QUESTION E-2431/01

by Eryl McNally (PSE) to the Commission

(7 September 2001)

Subject: 6th VAT Directive

The 6th VAT Directive provides a reduced rate of VAT for energy saving materials, which is applicable where individuals pay to have these materials installed in their homes. However, the reduced rate does not apply when individuals purchase such materials in order to install them in their homes themselves.

Would the Commission please comment on whether consideration is being given to the removal of this anomaly from the 6th VAT Directive?

Answer given by Mr Bolkestein on behalf of the Commission

(29 October 2001)

The situation under current Community VAT legislation is that category 9 of Annex H of the sixth VAT 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] covers the process of the 'supply, construction, renovation and alteration of housing provided as part of social policy'. Member States may therefore allocate a reduced VAT rate of no less than 5 % to these services.

Energy saving materials, once incorporated into this process, are automatically covered by this provision, as will be all building materials when supplied as a part of a service provided by a building contractor. Whereas the same goods when bought across the counter by an individual are considered to be supplies of goods, and therefore the standard rate applies.

As the Honourable Member will know, the new VAT strategy [2] foresees that a review and rationalisation of the rules and derogations applying to the definition of reduced VAT rates will be considered in the medium term. Particular attention will be paid to such issues.

[1] OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2001/41/CE (OJ L 22, 24.1.2001) et corrigendum (OJ L 26, 27.1.2001).
[2] COM(2000) 348 final.

(2002/C 172 E/007)

WRITTEN QUESTION E-2443/01

by Elspeth Attwooll (ELDR) to the Commission

(11 September 2001)

Subject: Personal imports of alcohol and tobacco within the EU

Directive 92/12/EEC [1], as amended, states that individuals may bring goods upon which excise duty has been paid in another EU Member State into a second EU Member State without being liable to pay excise

duty, provided the goods are intended for personal and not commercial use. Article 9 of the Directive sets down amounts for both tobacco and alcohol products which may be used by Member States as guide levels to determine whether imports of goods are indeed for commercial or personal use.

The UK implementing legislation requires individuals importing amounts of goods above these limits to satisfy officials that the goods are not to be used for commercial purposes, failing which the goods may be confiscated. Travellers complain that UK officials impose these limits arbitrarily. Does the Commission think that, by placing the onus of proof on the traveller and by threatening sanctions of confiscation and imprisonment, the UK has faithfully implemented the provisions of Directive 92/12/EEC and the rules on free movement?

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

Answer given by Mr Bolkestein on behalf of the Commission

(29 October 2001)

Under Article 8 of Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such produtcs, the excise duty on products which are acquired by private individuals for their own use and transported by them shall be charged in the Member State in which the goods are acquired. If, on the other hand, products acquired in a Member State are held for commercial purposes in another Member State, the excise duty is levied in the Member State in which the products are held.

In the case of private individuals returning to a Member State with excisable goods acquired in another Member State, the excise duty treatment of the goods therefore depends on the purpose — commercial or private — for which the goods are held. In Article 9(2) of Directive 92/12/EEC, instructions are given on how to proceed when establishing this purpose.

The Member States' authorities must base their determination on all relevant aspects in the particular case, and at least all the criteria enumerated in Article 9(2):

— The commercial status of the holder of the products and his reasons for holding them;

— The place where the products are located or, if appropriate, the mode of transport used;

— Any document relating to the products;

— The nature of the products;

— The quantity of the products.

As concerns the last criterion, the quantity of the products, the Member States may choose to lay down certain guide levels, which may not be lower than the levels fixed in Article 9(2) of Directive 92/12/EEC. These levels may serve solely as a form of evidence. Member States which choose to avail themselves of the possibility to lay down guide levels are free to determine how this rule should be incorporated into their national law.

However, in the Commission's view, the principle remains that the Member States' authorities must establish, taking into account all the criteria of Article 9(2), whether the goods are held for commercial purposes or private use. They may not base their determination exclusively on a single criterion, be it the quantity of the products or any other aspect, and then, in effect, leave it to the individual to prove that the products are held for another purpose.

As concerns the sanctions applied in the event of an infringement of excise duty law, the Member States are, in the absence of harmonised Community rules, in principle free to determine their own system of sanctions. These must however respect the general principles of Community law, and in particular the principle of proportionality. This means that the sanctions must not go beyond what is necessary to achieve their objectives.

The Commission is at present looking into complaints concerning the way the United Kingdom has transposed certain aspects of Directive 92/12/EEC into national law. The Commission is awaiting the outcome of this investigation to determine whether, in its view, the United Kingdom has faithfully implemented the Directive.

(2002/C 172 E/008) **WRITTEN QUESTION E-2616/01**

by María Sornosa Martínez (PSE) to the Commission

(27 September 2001)

Subject: State of affairs concerning bottling plant in La Gomera (Canaries)

A water-bottling plant in process of construction on the island of La Gomera (Canaries) is meeting with a broad-based opposition movement, bringing together residents' associations, farmers' organisations and environmental groups, who have complained to local, national and Community institutions on the grounds that this project will have an irreversible impact on the sites of Community importance of Tagaluche (identification number ES-7020108) and Lomo del Carretón (ES-7020037). In addition, the project has not been subjected to the mandatory environmental impact assessment.

The author of this question addressed an earlier question on La Gomera to the Commission (E-0859/00 [1]), to which Commissioner Wallström replied on 8 May 2000, pointing out, among other aspects, the following:

— the Commission had received a complaint on the matter (99/4875, SG/99, A/10714/2);

— the Commission was examining the dossier in order to determine the impact of the project on the above-mentioned sites of Community importance and ascertain whether there was an infringement of Article 6 of Directive 92/43/EEC [2];

— the Commission would take the necessary action to ensure compliance with Community law.

However, now that over a year has passed since Commissioner Wallström's answer, no information on the state of the dossier has been received by either the complainant organisations or the author of this question.

Can the Commission state what research and other activity it has carried out in the past year and what results have been obtained, as well as indicating the stage reached by the works referred to in Complaint 99/4875?

Can the Commission indicate the date by which the Spanish government is obliged to reply to its inquiries? Should a reply have already been received, can the Commission state its content?

Can the Commission state what measures it has taken to prevent the plant from being constructed in Tagaluche and ensure compliance with Community law?

Would the Commission be willing to send a delegation to La Gomera to verify the real environmental and agricultural impact of the construction work for the bottling plant?

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[1] OJ C 46 E, 13.2.2001, p. 63.
[2] OJ L 206, 22.7.1992, p. 7.

(2002/C 172 E/009) **WRITTEN QUESTION E-2809/01**

by Jean Lambert (Verts/ALE) to the Commission

(10 October 2001)

Subject: Construction of a bottling plant at Taguluche, La Gomera (Canary Islands)

With respect to our question P-0360/00 [1] on the construction of a bottling plant in Taguluche, La Gomera, Canary Islands, the Commission told us on 7 March 2000 that it would take the necessary measures to ensure conformity with Community law in this case.

As we have not received any additional information on the Commission's action, we would like to know:

— Has the Commission enquired into the environmentally adverse effects of the project and therefore assessed whether the Habitat directive (92/43/EEC) [2] has been infringed? Should not Art. 6 of that directive apply for the preventive preservation of the site?

— Has the Commission enquired into the environmental impact assessment procedure, given the fact that no proper assessment on the underground water sources was done, as mentioned in our previous question?

— What measures has the Commission taken in order to ensure the protection of the site and the correct application of the Habitat and EIA (97/11/EC) [3] directives?

— What follow-up has the Commission given to the complaint it has received on the same issue (P-1999/4875)?

— Would the Commission be ready to send a delegation to La Gomera so as to enquire into the real impact of this project on the environment as well as on local agricultural activity?

(1) OJ C 330 E, 21.11.2000, p. 137.
(2) OJ L 206, 22.7.1992, p. 7.
(3) OJ L 73, 14.3.1997, p. 5.

Joint answer
to Written Questions E-2616/01 and E-2809/01
given by Mrs Wallström on behalf of the Commission

(12 November 2001)

Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1], amended by Council Directive 97/11/EC of 3 March 1997 [2], does not apply in the case mentioned by the Honourable Member because the project in question is not included in the annexes to that Directive.

Nevertheless, as was pointed out in the answers to the written questions cited above, this project might affect the Taguluche and Lomo del Carretón nature sites identified by the Spanish authorities in their national list of sites of Community importance likely to be included 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 [3].

In its preliminary inquiries into complaint 99/4875, the Commission asked the Spanish authorities to comment on the facts as stated and to find out if the project concerned is likely to have a significant effect on the sites mentioned in the light of the objectives of Directive 92/43/EEC, in which case the procedure laid down in Article 6 of that Directive has to be applied. The Commission has analysed both the Spanish authorities' reply and the additional information supplied by the complainant.

Having examined the dossier and in view of this project's considerable potential impact, the Commission has sent another letter to the Spanish authorities asking for additional information regarding the effect of this project on the area and their assessment of possible alternatives. It has not yet received a reply. The Commission has informed the complainant of the above.

As regards sending a Commission delegation to La Gomera to verify the real impact of the work, it should be noted that the Commission has no inspection capability in the environmental field.

(1) OJ L 175, 5.7.1985.
(2) OJ L 73, 14.3.1997.
(3) OJ L 206, 22.7.1992.

(2002/C 172 E/010) **WRITTEN QUESTION E-2656/01**

by Stavros Xarchakos (PPE-DE) to the Commission

(1 October 2001)

Subject: Reconsideration of the EU's foreign policy

According to information so far made public by the American authorities, Muslim extremists led by bin Laden are implicated in the terrorist attack on the USA, while Afghanistan's Islamic leadership is accused of providing him with support. It is worth noting that in the past information has been published in the European press concerning the involvement of bin Laden's followers in the Bosnian war, while Muslim extremists also participated in the conflict in Kosovo in 1999. It should be remembered that many EU countries helped the Bosnians and the Kosovans both militarily and politically in their conflict with the Serbs.

Does the EU intend to reconsider the policy of support which it has given to Muslim extremist cells in the Balkans? Does it consider that the USA's planned retaliation is placing EU countries in danger? Can accurate figures be provided for the total humanitarian aid given by the EU to Pakistan and Afghanistan during the last five years?

Answer given by Mr Patten on behalf of the Commission

(27 November 2001)

The Community's support in the Balkans is designed to build stability, democracy and the rule of law; it aims to counter extremism in all its forms which has wreaked such havoc across the region in the last decade.

The Commission considers that the attacks in the United States on 11 September represented an attack on open and free societies everywhere. The threat of terrorism is a danger to us all, and the firm action being taken to deal with it is necessary and legitimate. The most dangerous course of action would be to not take action.

Commitments of Community aid to Pakistan for development and economic cooperation over the last five years amount to:

(Million euro)

1997	22,5
1998	71
1999	None
2000	10
2001	None so far
Total	103,5

Pakistan can further benefit under decentralised regional projects, on the basis of calls for proposals.

Humanitarian aid for Pakistan and Afghanistan for the period 1997-2001.

(Million euro)

1997	33
1998	38
1999	33,7
2000	37,6
2001	101,9 [1]
Total	244,2

[1] Including € 37 million as yet not committed.

(2002/C 172 E/011) **WRITTEN QUESTION E-2677/01**

by Raffaele Costa (PPE-DE) to the Commission

(2 October 2001)

Subject: Remuneration of EIB employees

What was the total amount, inclusive of all costs and charges, which the EIB paid out to its employees in 2000? Furthermore, exactly how many persons did the EIB have in its employ on 31 December 2000?

Answer given by Mr Solbes Mira on behalf of the Commission

(20 November 2001)

The Commission can confirm that the European Investment Bank (EIB) employed 1 033 persons at 31 December 2000.

In the financial year 2000, as stated in the Bank's Annual Report [1], EIB expenditure on staff, including the eight members of the Management Committee, totalled € 137,435 million. Of that amount, 69 % or € 94,924 million related to remuneration, the balance of € 42,511 million being allocated to social expenditure. Unlike other Union institutions, the EIB is directly responsible for expenditure on health insurance, pensions, the crèche and child-minding facilities, as well as subsidies for staff catering services.

As regards the remuneration arrangements for EIB staff and a comparison with the remuneration of officials and other staff of the Communities, the Honourable Member is referred to the answer given by the Commission to his Written Question P-0486/00 [2].

[1] Published on the EIB's website in all the Community languages: http://www.eib.org/report00/pdf/pdf.htm.
[2] OJ C 303 E, 24.10.2000.

(2002/C 172 E/012) **WRITTEN QUESTION E-2685/01**

by Mario Mauro (PPE-DE) to the Commission

(3 October 2001)

Subject: Funding from Enlargement DG

Will the Commission provide a list of the projects which, in 2000 and 2001, were submitted by the Italian Regions of Liguria, Lombardy, Piedmont and Valle d'Aosta for financing from the funds administered by the Enlargement Directorate-General, and the names of those which were subsequently approved?

Answer given by Mr Verheugen on behalf of the Commission

(31 January 2002)

None of the regions mentioned by the Honourable Member received funding under the Ecos-Ouverture Programme 1998, although applications were submitted as follows:

— Val d'Aoste — one application;

— Liguria — two applications;

— Lombardia — two applications.

(2002/C 172 E/013) **WRITTEN QUESTION E-2687/01**

by Mario Mauro (PPE-DE) to the Commission

(3 October 2001)

Subject: Funding from Trade DG

Will the Commission provide a list of the projects which, in 2000 and 2001, were submitted by the Italian Regions of Liguria, Lombardy, Piedmont and Valle d'Aosta for financing from the funds administered by the Trade Directorate-General, and the names of those which were subsequently approved?

Answer given by Mr Lamy on behalf of the Commission

(31 January 2002)

The Trade Directorate General has received no request for funding projects from these regions, neither in 2000 nor in 2001.

(2002/C 172 E/014) **WRITTEN QUESTION E-2696/01**

by Mario Mauro (PPE-DE) to the Commission

(3 October 2001)

Subject: Funding from External Relations DG

Will the Commission provide a list of the projects which, in 2000 and 2001, were submitted by the Italian Regions of Liguria, Lombardy, Piedmont and Valle d'Aosta for financing from the funds administered by the External Relations Directorate-General, and the names of those which were subsequently approved?

Reply given by Mr Patten on behalf of the Commission

(31 January 2002)

No financing was allocated in 2000 or 2001 from the funds administered by the External Relations Directorate-General for projects submitted by the Italian regions mentioned in the Honourable Member's question.

(2002/C 172 E/015) **WRITTEN QUESTION E-2714/01**

by Martin Callanan (PPE-DE) to the Commission

(3 October 2001)

Subject: Sixth VAT directive

The sixth VAT directive provides a lower rate of VAT for installed energy-saving materials, but excludes energy-saving materials sold directly to consumers.

Would the Commission agree that this discrepancy sends out a mixed message regarding the importance of tackling climate change?

Answer given by Mr Bolkestein on behalf of the Commission

(20 November 2001)

The Honourable Member is referred to the Commission's answers to Written Questions E-3018/00 from Mr Ford [1] and E-2431/01 from Mrs McNally [2].

[1] OJ C 163 E, 6.6.2001.
[2] See page 7.

(2002/C 172 E/016) **WRITTEN QUESTION E-2773/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(9 October 2001)

Subject: Construction of external frontier posts on Poland's eastern border

The construction of new border posts along Poland's eastern boarder has been funded by the European Union. On enlargement, strict border controls will have to be built up progressively on the eastern borders of the Czech Republic, Slovakia, Hungary and Romania.

How much was the EU contribution to improving Poland's eastern border controls, and what are the intended arrangements for financial contributions and planning assistance for establishing border controls along the eastern frontiers of the other countries mentioned above?

Answer given by Mr Verheugen on behalf of the Commission

(3 December 2001)

The PHARE programme has made and continues to make substantial allocations both in terms of investment and institutional building to improve eastern border management in all the candidate countries mentioned by the Honourable Member. Clearly the emphasis is on improving management of those borders that are likely to become the future Schengen external borders of the European Union. In this area, the Commission co-operates very closely with the EU Member States for both the implementation and monitoring of border projects. Both Commission and Member State experts carried out technical missions in all candidate countries in 1998-1999 and in 2000-2001 for the identification of needs in the fields of asylum, migration, border management and police & customs co-operation in the fight against organised crime.

The core approach is to assist the candidates to adopt a legal framework consistent with the acquis. The main tool in this respect is the financing of twinning arrangements between EU Member States and candidate countries. Each Twinning Covenant implies the secondment of, at least, one Pre-Accession Advisor (PAA) from one Member State and for 12 months minimum duration. Each project covers also training, study trips, equipment where necessary and short-term experts to complement the PAA. Another substantial part of the allocations is directed towards investment, i.e. the supply of equipment (transport, laboratory equipment, detection tools, etc. …) or the financing of the building/rehabilitation of appropriate infrastructure (border crossing points mainly) for ensuring the enforcement of the JHA acquis.

The PHARE Horizontal Programmes (PHP) consist of multi-country sectoral projects focused on the assistance to the establishment of strategies and on training, with a view to ensuring certain homogeneity between the candidate countries in the transposition of the acquis. Two PHARE JHA horizontal programmes of € 10 million each have been established in 1996-1999 and then 2000-2003. They concentrate in the fields of border management and control, training of judges, visa, asylum, immigration, organised crime, judicial co-operation. In the field of drugs, another multi-country programme of € 10 million was developed in 1999, with the aim to developing an anti-drugs policy and strengthening the

fight against drugs supply and demand. Moreover, in 2000, it was decided to allocate € 1 million for each PHARE candidate country to develop a National PHARE Project to complete this PHARE Drugs Horizontal programme.

In addition to the efforts made with regard to improving border management on the future Schengen external borders of the candidate countries, significant amounts have been made available through the TACIS programme to improve the situation of the Western borders of Russia, Ukraine, Belarus and Moldova. Since 1996, the TACIS Cross-Border Cooperation Programme has committed € 65 million to improve border infrastructure. Additional funds have been used to improve the overall border management capacity of these countries, mainly for border guard and customs services. These efforts will be continued in the future.

Poland

Since 1990, the European Commission has committed € 181 million for investments in eastern border crossings in Poland and access roads to these crossings. During the same period, an additional amount of € 140 million has been committed for investments and institution building in Eastern Border Management in Poland. This includes, a.o., aspects of phyto-sanitary and veterinary inspection (i.e. training of inspectors) and inspection posts on border crossings (building infrastructure and laboratory equipment), customs administration (equipment and training of customs officials), police and border guards (equipment and training). This amount includes € 17,5 millon committed to twinning activities with member states on issues such as migration and asylum, border policy, visa policy, organised crime and international judicial co-operation.

Czech Republic

It is important to recall that the Czech Republic that will not have, as such, any future external Schengen borders, except the Prague International Airport. It will have however to ensure a 'high level' of border protection with all its neighbouring countries irrespective of their status. In this context, PHARE national assistance amounted to over € 11,5 million during 1997-2001.

This assistance focused mainly on:

(a) strengthening the operational capacity and training of the Border and Alien Police (prevention of illegal immigration, exchange of information, Schengen standards, etc.),

(b) setting up of a compatible National Schengen Information System (NSIS), of systems of machine-readable documents and Automated Fingerprint Identification Systems (AFIS),

(c) supply of special border control equipment (notably on the border with Slovakia).

Slovakia

PHARE support has been provided to assist border management under the 1998 and 1999 programmes (about € 4,65 million), and in particular the supply of technical equipment at the border crossing points with Ukraine and the improvement of the border protection strategy for the Slovak-Ukrainian border. To date, training activities/seminars have been organised in a wide range of fields including illegal immigration, police co-operation; false documents, protection of the green border, traffic and organised crime.

Hungary

In Hungary, PHARE is supporting the strengthening of external borders since 1997. Since then, more than € 51 million were made available in support of border management. Most of the assistance was provided in the area of Justice and Home Affairs through training, advise in the fight against crime, equipment for information technology, green border control and visa control but also modernisation of the infrastructure

at future external border crossing points. In addition, funding was also provided to reinforce veterinary and phyto-sanitary controls through the installation of laboratory equipment. Projects were also implemented to assist the customs authorities.

Romania

PHARE support has been provided to strengthen border management under the 1999 and 2000 programmes. The PHARE 1999 border management programme (budget € 10,5 million) covered elaboration of new management structures and policies for the border management services, staff training and investment in equipment. The PHARE 2000 border management programme (budget € 18 million) covered further development of training, communications systems and strengthening of mobility and surveillance capacity of the border control services. Further support in this area is anticipated under future PHARE programmes for Romania.

(2002/C 172 E/017) **WRITTEN QUESTION E-2855/01**

by Bertel Haarder (ELDR) to the Commission

(17 October 2001)

Subject: Zimbabwe

In the light of Parliament's resolution of 6 September 2001 on the situation in Zimbabwe (B5-0549, 554, 571, 581, 582 and 592/2001), will Commissioner Nielson:

— ensure that ZANU-PF activists do not misappropriate humanitarian assistance and food aid for their own use,

— halt all development cooperation assistance granted via the government of Zimbabwe and its agencies,

— initiate measures in relation to Zimbabwe under Article 96 of the Cotonou Agreement,

— identify and freeze assets held by President Mugabe, his family and named close associates in EU countries and closely associated countries,

— institute a ban on entry to EU countries and closely associated countries by President Mugabe, his family and named close associates?

Answer given by Mr Nielson on behalf of the Commission

(11 December 2001)

The General Affairs Council of 29 October 2001 decided, following a proposal from the Commission [1], to invite the Government of Zimbabwe to attend consultations in accordance with Article 96 of the Cotonou Agreement.

The Union expressed its concern about the deterioration of the situation in Zimbabwe, in particular in respect to political violence, the preparation and organisation of free and fair elections, protection of the freedom of the media, the independence of the judiciary and an end to the illegal occupation of properties. The Union will raise these concerns in the course of the up-coming consultations, and will seek from the Government of Zimbabwe undertakings to remedy the situation.

It would be premature to make a judgement on the outcome of the consultations with Zimbabwe before they actually take place, in particular in respect to any measures that might be taken.

The Commission is not at present providing any humanitarian assistance or food aid to Zimbabwe.

Its development co-operation assistance consists on projects on HIV/AIDS prevention and control, basic health and primary education for poorest kids. In its view, these types of projects should not be halted.

The possible application of 'smart sanctions' is not decided solely by a Member of the Commission, but by the Community as a whole. These measures fall outside the framework of the Cotonou Agreement. The Commission is now into Article 96 consultations within that Agreement, which does not envisage this type of sanctions.

(1) COM(2001) 623.

(2002/C 172 E/018) **WRITTEN QUESTION E-2875/01**

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

(22 October 2001)

Subject: New tax legislation in the Federal Republic of Germany

On 7 September 2001 the law to curb illegal activities in the construction sector entered into force in the Federal Republic of Germany. This law requires clients in the building sector to withhold 15 % of the gross contract sum from payments to the contractor and transfer it to the German tax authorities. The amount is intended as an advance payment in respect of any corporation tax, income tax and/or turnover tax payable in Germany.

However, the tax office in Kleve, which is responsible for implementing the legislation in the case of Dutch firms, has still not take any steps to ensure that the legislation can be implemented effectively. Not only are there are no implementing directives, but the Kleve office does not have the manpower or facilities to implement the regulations. It is unlikely that these problems can be resolved in the near future. Many Dutch exporting firms therefore face financial and administrative chaos.

1. Is the Commission aware of the situation?

2. Does the Commission share my view that the complex and unclear administrative obligations make it very difficult for Dutch firms to operate in Germany and are therefore distorting competition?

3. Does the Commission agree with me that unless clear implementing measures are forthcoming, enforcement of the legislation should be put on hold until the implementing directives are known?

Answer by Mr Bolkestein on behalf of the Commission

(21 December 2001)

1. The Commission is aware of the Law of 30 August 2001 (German Federal Government Gazette, Bundesgesetzblatt, Part I, p. 2267). At the Commission's request the new Law no longer treats domestic and foreign companies differently, in contrast to the earlier Law with similar objectives. The tax deduction is to be applied only to payments made after 31 December 2001 as set out in new Law's rewording of Section 48 of the Income Tax Law (Einkommensteuergesetz).

2. and 3. The Commission has received letters from foreign companies and is examining the facts they contain to see whether the actual application of this new Law leads to indirect discrimination against foreign companies. If necessary the Commission will take the necessary steps to eliminate measures that are incompatible with the EC Treaty.

(2002/C 172 E/019)

WRITTEN QUESTION E-2895/01

by Pere Esteve (ELDR) to the Commission

(22 October 2001)

Subject: Miscalculation of GDP in the Balearic Islands

Normally, the level of production of a given region is, to a great extent, reflected in the income level of local habitants, so that the GDP is habitually employed as an indicator of income. A study submitted to the Parlament de les Illes Balears by two professors from two different universities has highlighted permanent errors in the way the Balearic Islands' regional GDP is calculated; this means that in this instance, GDP and income do not correspond.

The study shows that GDP per head of population overestimates officially resident Balearic families' incomes.

There are basically four factors involved:

(a) transfers of income generated by work and by capital to the rest of Spain;

(b) use of the Spanish CPI instead of the CPI of the Autonomous Community;

(c) transfers of work and capital-generated income abroad;

(d) the under-registration of the population, which has grown very sharply in recent years.

The conclusion is that the deviation of the Balearic GDP is somewhere between 12 % and 15 %. For example, taking into account only the 'loss' of Balearic GDP which would arise from correcting mistake (a) above, the Balearic Islands would cease to occupy the 86th place amongst Europe's 206 regions and move to the 128th place as far as GDP classification is concerned. Once of the consequences of the miscalculation is that it may have put a brake on public investment in the region.

GDP is used as the indicator for the allocation of many EU funds. The Balearic Islands, as the most recent studies have shown, may be suffering from an over-estimated GDP. EU public investment in the area may and could have been adversely affected.

Given the situation:

— what is the Commission's view of these facts? Does the Commission believe that the mistakes in calculating GDP could have affected EU investment in the Balearic Islands?

— Secondly, given that the EU regularly uses GDP as the basis of its public investment, and taking the special case of the Balearic Islands into account, with their 'monodependency' on tourism which appears to be one of the causes of the miscalculation of GDP, does the Commission intend to use other means of calculating the region's wealth? If not, would the Commission agree to provide the Balearic Islands with economic compensation?

Answer given by Mr Solbes Mira on behalf of the Commission

(17 December 2001)

The Commission takes note of the various remarks made by the Honourable Member concerning the calculation of the regional gross domestic product (GDP) and would like to resume two methodological aspects referring to this calculation.

Firstly, regional GDP and regional income of local inhabitants are two different indicators, that are equivalent only in very special circumstances. While they may be the same at a national level, at a regional level they virtually never are. GDP is not synonymous with the income ultimately available to private households resident in a country or a region. This fact is explicitly mentioned in the methodological notes of Eurostat publications. Therefore, it cannot be concluded that if 'GDP and income do not correspond' that the GDP figure has been incorrectly calculated — because GDP and income are two different things.

Secondly, the Honourable Member recalls four explanation factors:

(a) transfers of income generated by work and by capital to the rest of Spain;

(b) use of the Spanish CPI instead of the CPI of the Autonomous Community;

(c) transfers of work and capital-generated income abroad;

(d) the under-registration of the population, which has grown very sharply in recent years.

In commenting on these points, it should be noted that none of the first three issues raised (a, b and c) are of relevance for regional GDP. While the fourth point could have a bearing on regional GDP per capita, it must be remembered that Eurostat carries out its duties within a network system, where the data collection is carried out by National Statistical Offices. In the calculation of regional GDP per capita, account was taken of regional population figures that were officially submitted to Eurostat by the National Statistical Office of Spain (INE). The Commission has no reason to have any doubt about these figures. Consequently, the impact that this 'GDP miscalculation' would have on the investments made in the Balearic Islands is null and void and the Commission will therefore not grant any economic compensation.

Concerning the implementation of other means of calculating the regional wealth, the Commission would like to point out that from 2002 onwards, data on regional primary income and regional disposable income at NUTS level 2 will be available for many Member States. Due to exemptions granted to some Member States, a complete set of these data will not be available before 2005. It is Eurostat's intention to provide estimations before that date but currently these data are not available.

(2002/C 172 E/020) **WRITTEN QUESTION E-2906/01**

by Markus Ferber (PPE-DE) to the Commission

(22 October 2001)

Subject: Alqueva artificial lake, Portugal

Is it correct that the European Union is contributing half of the EUR 1,25 billion required to finance Europe's largest dam project in the Alqueva region of Portugal?

Is it correct that the World Bank rejected an application for funding for this project because of economic misgivings as long ago as 1975?

Is this investment guaranteed to be economically and ecologically sustainable?

Is it true that more than a million trees have been felled for this artificial lake and that populations of many native species are endangered?

Answer given by Mr Barnier on behalf of the Commission

(14 December 2001)

The Alentejo region is one of the most disadvantaged in Portugal and in the European Union as a whole. It is an agricultural region subject to frequent droughts, resulting in a weak economic fabric and a population with a poor level of skills.

In order to support the sustainable development of this region, during the 1994-1999 and 2000-2006 programming periods the Structural Funds are part-financing both the Alqueva multi-purpose project and a whole series of measures designed to diversify the productive fabric and upgrade human resources, while minimising the impact on the environment. The specific integrated development programme for the Alqueva for 1994-1999 contains € 193 133 000 and the Alentejo regional Operational Programme for 2000-2006 € 1 088 000 for this purpose.

With regard to the Alqueva multi-purpose project, the dam on the Guadiana river aims to create a strategic reserve of drinking water for supply to the people of the Alentejo and to ensure energy production and irrigation in this region. Before the part-financing decision was taken, several studies were carried out to analyse this project from the economic and environmental points of view. These studies were carried out either at the request of the Portuguese authorities or at the request of the Commission or jointly and all agreed on the importance of this project for the development of the Alentejo.

These studies proposed a number of measures to minimise and offset the impact of the project on the environment. To this end, an environmental management plan was worked out which includes all these measures as well as those designed to reduce as far as possible the number of trees to be felled in the area to be flooded. Implementation of this plan, which is now in progress, is monitored by a committee on which non-governmental environmental organisations are represented.

At the time the part-financing decision was taken, the Commission ensured that this project, and in particular the measures listed above, complied with Community policy and law on the environment, and it is continuing to do so throughout the implementation process.

Lastly, the Commission would point out that it is not in a position to comment on the decisions of the World Bank.

(2002/C 172 E/021) **WRITTEN QUESTION E-2972/01**

by Samuli Pohjamo (ELDR) to the Commission

(26 October 2001)

Subject: EU subsidies to banks in candidate countries to compensate for bad debts

Small businesses in the candidate countries have access to the SME Facility. The European Bank for Reconstruction and Development (EBRD) has selected the banks in the candidate countries which may support small and medium-sized enterprises under the SME Facility programme. The EBRD funds these banks to the tune of EUR 125 million.

If the support takes the form of lending at the normal price, which requires the normal guarantees, it will be of little use. It will not help the firms which need support. Firms which are able to obtain a loan from banks under normal conditions do not need support. It is important that SMEs in the candidate countries should be supported, but if normal conditions are applied the take-up of such loans will probably remain small.

To enable the support to be more effective, it should include interest subsidies and periods of grace (for normal loans), loans without the requirement for guarantees or for significant loan deposits, and loan guarantees to other financial institutions.

Is the EU prepared to subsidise the selected banks in the candidate countries in the event of bad debts, and if so, which banks belong to the system and on what conditions do the banks in the candidate countries grant loans to businesses?

Answer given by Mr Verheugen on behalf of the Commission

(21 December 2001)

The small and medium-sized enterprise (SME) finance facility programme was launched to provide a response to the difficulty SMEs in the candidate countries encounter in raising finance. Banks are often reluctant to lend to them for a number of reasons: the difficulty of assessing the risk, lack of available collateral, the fact that the costs of administering small loans are proportionally much higher than for larger loans, and because the banking sector in most candidate countries has suffered very substantial losses in the past, which has resulted in a more cautious approach to lending.

Under this scheme, the Commission provides support to local banks in the form of grants together with credit lines from International Financial Intermediaries (IFIs).

The primary objective of the SME finance facility is not to provide interest subsidies, which could distort the market, but to increase the supply of, and facilitate access to, credit for small companies by inducing financial intermediaries in the candidate countries to expand their financing operations for SMEs and maintain them over the long term. For this reason, the specific loans to SMEs are offered by the local banks at market conditions.

All local participating banks receive various incentives in order to develop successful, sustainable credit operations with SMEs clients. In particular, all local banks selected by the European Bank for Reconstruction and Development (EBRD) under the facility receive the incentive of technical assistance financed from PHARE resources to strengthen their administrative, credit and management capacities so that they can more effectively address the SME sector's needs.

As regards subsidising bad debts, one of the incentives the Commission's support may cover is a partial guarantee of up to 40 % of the loss incurred on the SME loan portfolio of the local banks participating in the facility. However, all the incentives that are funded are the result of individual negotiations between the IFIs who are partners in this programme and the local participating banks.

The objective of the incentives, including the partial guarantee, is to ensure that the necessary conditions for successfully developing business with SME clients are met. As a result, SMEs in the candidate countries will enjoy easier access to credit through undistorted, more competitive and efficient financing circuits.

(2002/C 172 E/022) **WRITTEN QUESTION E-2985/01**

by Markus Ferber (PPE-DE) to the Commission

(29 October 2001)

Subject: Funding of correspondence courses from PHARE appropriations

In the late 1990s the Commission, acting via the European Training Foundation (ETF) in Turin, used PHARE appropriations to pay, in two instalments of EUR 20 m, the cost of setting up vocational training correspondence courses in the applicant countries. According to assessment reports, the majority of the appropriations were used to purchase PCs, some of which are still being stored, in their original packaging, in the cellars of the universities which received them.

Can the Commission state how many and which correspondence courses are now running?

How many students have registered for these courses and can be shown to be taking part in them?

How many participants have thus far completed the courses by passing public or university examinations?

How much has a completed training course thus far cost the European taxpayer?

What action, in terms of its operations and staff, does the Commission plan to take in response to this squandering of appropriations?

What role does the ETF still play in the current pre-accession strategy?

When can the Foundation be closed down?

Answer given by Mr Verheugen on behalf of the Commission

(14 December 2001)

The Commission assumes that the Honourable Member refers to two Multi-country Programmes for Distance Education in the candidate countries of Central and Eastern Europe and Albania, as well as a programme extension for Bosnia & Herzegovina and the former Yugoslav Republic of Macedonia. The

budget of all programmes, which were implemented by the European Training Foundation (ETF), amounted to a total of € 11 million during the years 1995-1997. The main purpose of the programmes was to promote awareness and application of modern open and distance learning methods.

The majority of appropriations were not used to purchase PCs. In the context of the creation of study centres, for 1995-1996 approximately 18 % (14,5 % for 1997) of the total budget has been spent on basic equipment (computers, networks, multi-media production facilities). This represents a lower proportion than is usual in PHARE projects on the development of vocational training. Problems raised in the programme assessment, carried out in July 1999, relating to the late delivery or installation of equipment provided were solved before the end of the programme in September 1999. Only in one case equipment was installed after the end of the programme.

The results of the programmes included enhanced institutional co-ordination for distance education in 11 countries and the establishment of 45 regional distance education study centres. In addition, 31 multi-country distance courses were developed. The average cost for these courses amounts to € 80 000 – € 100 000, from the course design to the final delivery. Over 1 000 participants took part. Moreover, the study centres themselves developed more than 200 distance learning courses. Overall, the 1999 programme assessment concluded that the programme was successfully implemented and contributed to the development of the countries' educational systems by improving modern, media supported teaching and learning. A further evaluation carried out in April 2001 confirmed these findings.

ETF undertook a survey on the sustainability of the programme's results (http://www.etf.eu.int/etfweb.nsf/pages/pharedown/$file/sustainability.doc) in September 2000, one year after the programme activities had been finalised. It shows that most of the study centres were continuing the delivery of courses. The number of courses is estimated at about 130. The programme requested the development of pilot courses for which no specific examination was required. However, some of the courses have been adopted as part of the national education and training systems and most of them have developed plans for future accreditation. Further updated information would require a more detailed survey. The Commission will ask the ETF to conduct this survey in September 2002.

Given the above information the Commission does not consider that appropriations have been squandered. Within the regular audit activities in PHARE, a closing audit of the programme will be conducted in 2002.

In the context of the pre-accession strategy, the Foundation's role and activities comprise their involvement in current policy developments of the Union and the contribution to their preparation for full participation at the time of accession. In this framework, the national observatories produce information and analysis concerning training and labour market developments and the ETF co-operates with the European Centre for the Development of Vocational Training (CEDEFOP). The ETF focuses on those countries that face particular problems with the modernisation of their training systems, namely Bulgaria, Romania and Turkey.

Decisions concerning Community Agencies are taken by the Council. It is understood that the Foundation's role in candidate countries will cease upon the date of accession. However, the ETF will continue to support (through policy guidance and project management) the reform of vocational education and management training in over 30 partner countries in the Mediterranean region, the Western Balkans, the New Independent States and Mongolia.

(2002/C 172 E/023) **WRITTEN QUESTION E-3028/01**

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

(30 October 2001)

Subject: Enlargement and the cattle sector

What is the current situation of the negotiations with the various candidate countries with regard to both the milk and beef cattle sectors, and what progress has been made? With regard to the milk sector, chapter I, what reference quantities are being used for the various countries, and what are the deadlines being worked on?

Answer given by Mr Verheugen on behalf of the Commission

(17 December 2001)

The accession negotiations on agriculture, including the animal products sector, were opened in June 2000 with Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia and in June 2001 with Latvia, Lithuania and Slovakia. The negotiation chapter on agriculture has not yet been opened with Bulgaria, Malta and Romania. Romania has not yet presented its negotiation position on agriculture.

The Community's negotiation Position on agriculture states that the reference quantity for milk must be determined taking account of historical production figures during a reference period to be defined and the need to avoid adding to Community market surpluses, having regard also to World Trade Organisation (WTO) constraints. As regards the beefmeat sector it is further stated that ceilings must be determined on the basis of the actual herd as well as slaughtering and live exports, specified in the relevant age groups and cattle categories, during a reference period to be defined.

The Union has not yet taken a final position with regard to the above issues but has requested more detailed information from the candidate countries for the period 1995-1999. The Commission's Enlargement Strategy Paper of November 2000 foresees that the agricultural issues that have a major impact on the Community budget, such as direct payments or quotas, should be addressed in the first half of 2002.

(2002/C 172 E/024) **WRITTEN QUESTION E-3031/01**

by Maurizio Turco (NI) to the Commission

(30 October 2001)

Subject: Clarification of the reply to Oral Question H-0751/01 concerning UNIDCP activities in Afghanistan

Further to the clarifications which it provided in its written reply of 2 October 2001 to Oral Question H-0751/01 [1], to the effect that it has funded projects in Afghanistan, would the Commission now state:

1. what the objectives are, how many projects are involved and how much they are costing;

2. who has organised and implemented them; and

3. under which budget heading they have been funded?

[1] Written answer of 2.10.2001.

Answer given by Mr Patten on behalf of the Commission

(11 January 2002)

The Community currently finances no project specifically related to the fight against drugs in Afghanistan. Moreover, the Community is financing actions in favour of uprooted people in this country, on the credits available under budget line B7-302, which can be of benefit to those populations suffering as result of the poppy ban.

These actions, their location, their costs, as well as the organisations which carry them out, are displayed in the table which is sent direct to the Honourable Member and to Parliament's Secretariat.

On the base of the adoption of the Regulation 2130/2001 of 29 October 2001 of the European Parliament and of the Council, on operations to aid uprooted people in Asian and Latin American

developing countries [1], new NGO projects in favour of the Afghan people totalling some € 20 million are in the process of being decided by the Commission, to be financed on the resources of the same budget line for 2001.

[1] OJ L 287, 31.10.2001.

(2002/C 172 E/025) **WRITTEN QUESTION E-3039/01**

by Anna Karamanou (PSE) to the Commission

(30 October 2001)

Subject: Appeal to end bombing and send humanitarian aid

The UN High Commissioner for Human Rights, Mary Robinson, has warned of a new tragedy in Afghanistan as a result of the constant bombing and the likelihood of mass slaughter in the feuding within the country. Mrs Robinson also appealed for an end to the bombing to enable humanitarian aid to be sent to the refugees on a massive scale.

What is the Commission's position in regard to the UN High Commissioner's warning and appeal?

Answer given by Mr Patten on behalf of the Commission

(19 December 2001)

The Union has noted the appeal for a bombing pause made by the United Nations High Commissioner for Human Rights.

After their meeting in Ghent on 19 October 2001, the Heads of Government of the Union and the President of the Commission issued a declaration which set out Union support for the international coalition's objective of the elimination of the Al Quaida terrorist organisation.

The process of achieving this objective by military means is now in progress, through the targeted elimination of Taliban and Al Quaida positions and assets. The Union believes that the international coalition makes every effort to ensure that the effects of military action on civilians are minimised.

The Commission shares the concern expressed by others union actors about the humanitarian situation inside Afghanistan and about the risk of food shortages in parts of the country as winter sets in. United Nations agencies and non-governmental organisations (NGOs), with the assistance of neighbouring states are making efforts to reach at risk groups in all parts of the country. Aid continues to be delivered through dedicated and competent local staff remained in the country with a remote control from expatriates re-located in neighbouring countries around Afghanistan. The Community through European Community's Humanitarian Aid Office (ECHO) has provided a further € 25 million for projects mainly inside the country as the massive exodus towards neighbouring countries has not materialised as yet. Most projects are directed to populations located in drought stricken areas as well as to Internally Displaced People which already totalled 700 000 prior to 11 September 2001. This allocation comes on top of the 23,3 million € allocated by ECHO prior to the events for 2001. The total Community contribution to Afghanistan through various budgetary lines comes to 100 million in 2001.

The Commission sees the provision of relief inside Afghanistan as the highest humanitarian priority in the region. Consequently, it is vital that access for aid to all areas of the country is maintained and that humanitarian assistance should be provided to crisis victims, wherever they are, on an impartial and neutral basis.

(2002/C 172 E/026)

WRITTEN QUESTION E-3079/01

by Ilda Figueiredo (GUE/NGL) to the Commission

(13 November 2001)

Subject: Trade package with Pakistan and its impact on the textile and clothing sector

On 16 October the Commission presented a trade package aimed at improving access for Pakistani exports to the EU market, making them eligible for the new arrangements under the special Generalised System of Preferences. The proposal aims to remove all customs duties on clothing and to increase quotas for Pakistani textiles and clothing by 15 %. In return the Commission reached agreement on a gradual reduction in duty to improve access for European exports. The EU already has a trade deficit of around EUR 1,9 billion in the textile and clothing sector and European exports to Pakistan are insignificant, accounting for barely EUR 23 m.

In this context can the Commission say whether it has assessed the socio-economic impact of this proposal for the European textile and clothing industry? If so, what conclusions did it reach, in particular as regards Portugal? Does it not consider that this proposal and the wave of bilateral trade agreements involving the sector are jeopardising the timetable for liberalisation laid down in the Agreement on Textiles and Clothing?

Answer given by Mr Lamy on behalf of the Commission

(21 December 2001)

The quota increase proposed for Pakistan in the Memorandum of Understanding, initialled on 16 October 2001, will give opportunities to Pakistan. However, in terms of the total EU imports of textiles and clothing of around € 70 billion/year, the amounts of the increased quotas (around 0,5 to 0,6 % of increased imports in practical terms over the period to 1 January 2005) are unlikely to have a major overall impact.

The duty reduction, by way of changes to the Community's generalised system of preferences for the period 2002/2004, applies to clothing and made-up products but not to textiles. In 2000, the share of imports from Pakistan amounted to approximately 2 % of total imports for these products. This holds for the 15 Member States as a whole as well as for imports to Portugal in particular. The reduction of duty is unlikely to be fully reflected in price reductions for Pakistan's exports in the near future because ancillary costs such as insurance have recently risen following the crisis in that country.

Given that the textiles and clothing industry is distributed throughout the Community, the Commission does not anticipate particular difficulties for Portugal with 4 % of Community production, and 12 % of employment in the sector.

In reaching bilateral agreements concerning market access in the sector — to date there are two, with Sri Lanka and now Pakistan — the Commission is working to fulfil the negotiating directives given by the Council on 9 November 2000, by obtaining market access concessions in the textiles and clothing sector from our trading partners (e.g. tariff reductions, binding in the World Trade Organisation (WTO) and commitments on non-tariff barriers) in return for which the Community can offer improvements in their quota regimes.

The Commission does not consider that these agreements will jeopardise the timetable for full liberalisation and the removal of all quotas, which will take place on 1 January 2005 pursuant to the WTO agreement on Textiles and Clothing. Indeed, the Commission considers that further agreements pursuant to the above mandate would benefit the European textiles and clothing industry and therefore contribute positively to full liberalisation in 36 months time. It does not, however, consider that the agreement with Pakistan serves as a model to be followed for other countries as further agreements will have to be negotiated on a case-by-case basis.

(2002/C 172 E/027)

WRITTEN QUESTION P-3099/01

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

(5 November 2001)

Subject: Steel industry, US state aid and import restrictions

Is the European Commission aware of a major import restriction, in the form of a special 30 % import duty, which the US intends to impose on steel imported into that country, and can the Commission state what adverse impact this import restriction will have on exports by the European steel industry to the US? What impact will this US import restriction have on imports of steel into the EU from third countries and what problems will this create for the European steel industry?

In a newspaper report of 23 October 2001 (US steel: EU expresses concern over US International Trade Commission findings) Commissioner Lamy stated the following:

> We disagree with the ITC's findings. We shall continue to watch this matter closely. As I have said before, if the US decides to close its market as a result of this investigation, it should be in no doubt that we will take this matter up in the WTO.

What protective measures does the European Commission plan to take in order to forestall or offset this undesirable situation, and what practical steps, apart from watching developments closely, does the Commission intend to take vis-à-vis the WTO?

What steps does the European Commission plan to take in the WTO or in other fora should the US authorities decide to make large volumes of state aid available to the US steel industry, with the distortion of competition that implies, and when does the Commission plan to take practical steps to deal with the problems threatening the European steel industry?

Answer given by Mr Lamy on behalf of the Commission

(6 December 2001)

On 23 October 2001, the United States (US)' International Trade Commission (ITC) issued the results of the first stage of its investigation in the US steel industry. Following this report, the ITC now has two months to make recommendations on remedies to the US President. Under US legislation, it is for the President to determine whether and what type of relief to provide. At this stage, it would therefore be premature to respond to suggestions of an import duty or any other restrictive measure. However, any restrictions could have a very significant impact on the Community industry, as Community trade covered by the ITC determination amounts to some $ 2,5 billion.

The Commission has already played an active role in defending Community interests in the context of this procedure. It will continue to set out the case against unfair US restrictions which would have a damaging effect on American steel consuming industries, shift the cost of American steel industry restructuring to the rest of the world and risk provoking a spiral of restrictive trade measures. Unless and until measures are taken, however, it is not possible to begin World Trade Organisation (WTO) action. However, as the Commission has made clear, it would have no hesitation in challenging WTO incompatible actions whether they concerned restrictions on steel imports or subsidies to the US industry. Indeed, the Community has already taken action using WTO dispute settlement procedures against several existing US restrictions on steel imports, some of which have already been completed successfully.

In addition to bilateral contacts with the US, the Commission is playing its full part in the meetings organised by the Organisation for Economic Cooperation and Development (OECD) to address the problems faced by the world steel industry.

At the meeting held on 17-18 September 2001, it was agreed that each country would analyse the situation of its industry and consider:

— the technology and economics of the steel sector;

— the response of the industry to the changed economic situation following the South Asian crisis;

— those facilities which are largely non-competitive;

— the principal issues that could impede closure of uneconomic capacity.

The results of these studies will be discussed at a further OECD meeting on 17-18 December 2001.

The Commission is also holding bilateral discussions with other leading steel producers, including the candidate countries, Japan, Korea, Russia, Ukraine and Kazakhstan with a view to addressing problems faced by the world steel industry.

(2002/C 172 E/028) **WRITTEN QUESTION E-3125/01**

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

(14 November 2001)

Subject: Eighty-five per cent funding of a new line for the Madrid underground

According to reports in the Spanish press, 85 % of the funding for work on a new line linking the Nuevos Ministerios and Mar de Cristal stations on the Madrid underground is to come from the Cohesion Fund. I have been told that hitherto no such funding has been requested.

Furthermore, residents' associations in the area along the route of the new underground line have complained that the President of the Community of Madrid opposes building another station on the line between Nuevos Ministerios and Mar de Cristal on the grounds that funding for work on the line cannot be obtained from the Cohesion Fund unless it can be shown that the line is to serve as a link between the city and Barajas airport.

Given that projects eligible for funding under the Cohesion Fund can be submitted at any stage, will the Commission say whether or not Spain or the Community of Madrid has presented a request for funding for work on the Nuevos Ministerios-Mar de Cristal line?

If not, could the work already undertaken possibly become eligible for funding from the Cohesion Fund upon submission of the relevant request? Or, on the contrary, would it be considered ineligible for funding?

Is it indeed the case that, pursuant to the criteria governing funding under the Cohesion Fund, funding for work on the line would not be forthcoming unless the line itself were to serve as an airport link?

According to the criteria established by the Commission and the Cohesion Fund Regulation, could building another station along the line prevent the latter from being considered overall as an airport link?

Answer given by Mr Barnier on behalf of the Commission

(14 December 2001)

The Commission has not yet received any request for part-financing from the Cohesion Fund for the extension of the underground railway line between 'Mar de Cristal' and 'Nuevos Ministerios' and so has no views about an intermediate station. Moreover, under the Cohesion Fund's rules on eligibility [1],

expenditure incurred before the Commission has received an application for aid cannot be taken into consideration for Community part-financing.

(1) Council Regulation (EC) No 1264/1999 of 21 June 1999 amending Regulation (EC) No 1164/94 establishing a Cohesion Fund, OJ L 161, 26.6.1999.

(2002/C 172 E/029) **WRITTEN QUESTION E-3195/01**

by James Provan (PPE-DE) to the Commission

(20 November 2001)

Subject: Funding for the European Federation of Journalists

Will the Commission state whether the European Federation of Journalists or the International Federation of Journalists receive funding or support in any way from the European Commission?

Answer given by Mr Prodi on behalf of the Commission

(18 December 2001)

Neither the European Federation of Journalists nor the International Federation of Journalists receive any general financial support from the Commission.

The International Federation of Journalists has, however, this year received support for two specific projects which will improve the information available to journalists who work in/or visit Brussels to cover European affairs.

(2002/C 172 E/030) **WRITTEN QUESTION E-3198/01**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(20 November 2001)

Subject: Completion of the road link between Patras, Athens and Thessaloniki (Greece)

Will the Commission say:

1. What was the original timetable for the completion of the road axis linking Patras with Athens and Thessaloniki and what is the current timetable for completion?

2. What was the original budget for the road axis linking Patras with Athens and Thessaloniki and what is the current timetable for completion?

Answer given by Mr Barnier on behalf of the Commission

(7 March 2002)

The Commission would draw the attention of the Honourable Member to the fact that, in accordance with the Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (1), the efficiency and correctness of management and implementation is the responsibility of the Greek authorities. Moreover, the operational programmes (OP) do not necessarily include specific operational timetables for projects co-financed under Structural Funds. In addition the responsibility for budget decisions for projects lies with the Member States' authorities.

As far as Community contributions are concerned, the completion of some 400 km of the motorway between Corinth and Thessaloniki was co-financed by both the European Regional Development Fund and the Cohesion Fund during the 1989-1993 and 1994-1999 programming periods, to a total of € 1 billion.

For the 2000-2006 programming period, a further 300 km in the PATHE axis from Patras to Thessaloniki is expected to be co-financed by the Structural Funds, including the Rio Antirio bridge and the Athens

ring. The OP for roads together with the Cohesion Fund provide for a total expenditure of € 4,6 billion. This global amount is broken down to € 1,3 billion of Community contributions, € 1,2 billion of national public subsidy and € 2,1 billion of private investment, in the framework of concession schemes. The Commission will be informed of the completion of the new sections through the reports that the Greek authorities are required to submit annually. The expenditure for these projects will be eligible until 31 December 2008.

The total cost of the PATHE axis will be known only when detailed studies, design and construction are completed for the entire project.

(1) OJ L 161, 26.6.1999.

(2002/C 172 E/031) **WRITTEN QUESTION E-3210/01**

by Erik Meijer (GUE/NGL) to the Commission

(22 November 2001)

Subject: Conflict between extending the port of Rotterdam with a second Maasvlakte in the North Sea and application of the bird directive

1. Is the Commission aware that, in the 1960s, on the south side of the mouth of the Rhine to the west of Rotterdam the natural dune coastline, including the De Beer nature reserve with its wealth of birds and the adjacent shallow area of the North Sea, were replaced by the Maasvlakte, which comprises a port and industrial area, given over to oil reservoirs, electricity production and container transhipment, and an adjoining depot for polluted port sludge?

2. Is the Commission aware that plans are now under way to construct a second Maasvlakte, measuring in the first instance 500 to 1 000 hectares, by depositing 450 million cubic metres of sea sand, in the sea to the west of the present Maasvlakte, to assist the further development of the Rotterdam main port?

3. What impact does the Commission expect the second Maasvlakte to have on the flora, fauna and landscape development of the adjoining nature reserve in the dunes of the former Voorne island and the courses of the outlets in the Voordelta running to the sea, and what changes may be expected because of this?

4. Are you aware that, not only have there been objections in recent years by nature protection organisations, economic interests are now also at stake because the Dutch fishermen's association has invoked the European bird directive as an argument against the second Maasvlakte?

5. Do you believe it is possible in this case to provide real compensation for the loss of natural assets along the sea coast in order to comply with the bird directive and, if so, what is required? Will demands for compensation be satisfied by the plan to establish a nature reserve that is completely different in character 30 km inland to the south of Rotterdam on the young marine clay land in the polders between the villages of Rhoon and Barendrecht?

6. How will it be decided whether the second Maasvlakte is contrary to or compatible with the bird directive and what impact will this have on the continuation of this project?

Source: Rotterdams Dagblad, 20 October 2001.

Answer given by Mrs Wallström on behalf of the Commission

(4 February 2002)

The Commission is aware that the Maasvlakte project, started in 1964, extended the harbour of Rotterdam into the sea by land reclamation of aproximately 2 000 hectares (ha) south of Hoek van Holland. The Commission notes that, at that time, no Community legislation on the protection of nature existed.

The Dutch authorities have notified the Commission that they have plans to construct a 'Maasvlakte 2' of approximately 1 000 hectares west of the present Maasvlakte, which is part of a major development scheme, called 'Project Mainport Rotterdam' (PMR), to enable further development of the Rotterdam port.

The Dutch authorities have informed the Commission that they intend to request an opinion in the sense of Article 6 (4) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1] and have also provided the Commission with a number of studies concerning the impact on Natura 2000 sites and compensation proposals for loss of natural values expected to occur by the building of the 'Maasvlakte 2'.

The Commission has received various documents and studies on potential loss of natural values which may result from the land reclamation component of PMR and on potential alternative nature development schemes to compensate for these losses from Dutch conservation non-governmental organisations (NGO's), academic sources and the national association of fishermen.

The Commission is currently examining the above mentioned scientific and technical documentation.

The Commission will take a position on this matter in the light of the available evidence.

[1] OJ L 206, 22.7.1992.

(2002/C 172 E/032) **WRITTEN QUESTION E-3262/01**

by Gary Titley (PSE) to the Commission

(23 November 2001)

Subject: Freedom of the media in Georgia

A year ago, the Republic of Georgia's television channel, 'Rustavi 2', broadcast a '60 Minutes' programme, which exposed widespread corruption in the country and pointed an accusing finger at President Shevardnadze. Since then, the television station claims that it has been subjected to a concerted campaign of intimidation by state officials, including a string of lawsuits and investigations into alleged financial irregularities.

Despite this pressure, 'Rustavi 2' has continued to broadcast and still enjoys a large viewing audience. Moreover, it has reiterated its determination to maintain its current broadcasting policy of total independence from the state.

Is the Commission aware of the current difficulties faced by the 'Rustavi 2' television channel? Has the Commission made any representations to the Georgian Government about the importance of free and independent media in a democratic society?

Answer given by Mr Patten on behalf of the Commission

(19 December 2001)

The Commission is fully aware of the situation regarding the Georgian television channel 'Rustavi 2', including the links between recent developments at 'Rustavi 2' and street demonstrations in Tbilisi that culminated in a major political crisis in Georgia on 1 November 2001.

The Commission has already expressed to the President of Georgia the need for the new Government to conduct reforms and to fight effectively against corruption.

Freedom of the press in Georgia was addressed at Ministerial level on the occasion of the Union-Georgia Cooperation Council that took place in Luxembourg on 30 October 2001.

The Commission will continue to support Georgia in its commitment to consolidate democratic institutions, the rule of law, the respect of human rights and the market economy. Freedom of the press remains at the very heart of such commitment.

(2002/C 172 E/033) **WRITTEN QUESTION E-3269/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(23 November 2001)

Subject: Controls on anthrax laboratories in Europe

In the United States Iowa State University has destroyed its stocks of anthrax. According to the World Federation for Culture Collections, a number of European countries apart from the UK, Germany, France and Italy possess anthrax, namely Turkey, the Czech Republic, Poland, Hungary and Switzerland.

In view of the above and bearing in mind the problems caused by the cases of anthrax that have occurred, will the Commission say:

1. Does it intend, in co-operation with the Member States, to register the laboratories (military, university, veterinary and pharmaceutical) on the territory of the 15 where bacteria of anthrax and other diseases, such as smallpox, plague, cholera, diphtheria, tuberculosis, typhus, leprosy, polio, etc. are kept?

2. What measures does it intend to take to restrict stocks of anthrax in these laboratories and establish strict controls to protect them?

3. Does it also intend to take the same measures in respect of the EU applicant countries?

Answer given by Mr Byrne on behalf of the Commission

(11 January 2002)

As indicated in its communication to the Council and to the Parliament [1] in response to the European Council request at Ghent on 19 October 2001, the Commission intends to create a Union-wide capability for the timely detection and identification of biological and chemical agents that might be used in attacks and for the rapid and reliable determination and diagnosis of relevant cases. A review of the capacity of laboratories in the Member States to respond to these challenges will be part of this action, which will be extended to the Union applicant countries in due course.

[1] COM(2001) 707 final.

(2002/C 172 E/034) **WRITTEN QUESTION E-3275/01**

by Michl Ebner (PPE-DE) to the Commission

(26 November 2001)

Subject: Taxation of used cars purchased within the Community

With reference to question P-0964/01 [1] and Commissioner Bolkestein's answer, it should be noted that there has been no reaction from the relevant authorities in the Italian Ministries of Finance and Transport, even though several reports on the subject have appeared in the Italian media, for example in 'Il Sole 24 Ore'.

The Ministry of the Economy has still not made a clear and definite statement on the subject. A huge number of second-hand cars are therefore still being imported without the appropriate VAT being paid.

Is the Commission aware of these facts, and if so, does it intend to take any action?

(1) OJ C 318 E, 13.11.2001, p. 164.

Answer given by Mr Bolkestein on behalf of the Commission

(22 January 2002)

In the reply to written question P-0964/01 (1) from the Honourable Member, the Commission outlined the VAT arrangements applicable to used cars. As these arrangements have been transposed into national law since 1995, the Commission does not find it unusual that there was limited reaction to its reply.

The control of Value Added Tax is a matter for Member States. Nevertheless, the Commission was conscious of the particular problems created in the control of transactions relating to used cars. In this context, a seminar was held under the Fiscalis programme (2) in 1999 for the purpose of examining these problems in detail. One of the conclusions from that seminar was that VAT control officials had experienced difficulty in establishing whether intra-Community supplies of used cars were made using the margin scheme or the normal VAT arrangements.

It was for this reason that the Commission, when making its proposal on simplifying, modernising and harmonising the conditions laid down for invoicing in respect of value added tax (3), proposed that one of the obligatory details to be mentioned on an invoice would be a reference to Article 26a of the Sixth VAT 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 (4) in cases where the margin scheme was applied. This proposal was retained by the Council, and it will therefore be obligatory from 1 January 2004 for taxable persons, where the margin scheme is applied, to make reference to Article 26a, to the corresponding national provisions, or to any other indication that the margin scheme has been applied.

(1) OJ C 318 E, 13.11.2001.
(2) Decision No 888/98/EC of the Parliament and the Council of 30 March 1998 establishing a programme of Community action to ameliorate the indirect taxation systems of the internal market (Fiscalis programme). OJ L 126, 28.4.1998.
(3) OJ C 96 E, 27.3.2001.
(4) OJ L 145, 13.6.1977, Directive as last amended by Council Directive 2001/44/EC of 19 January 2001 (OJ L 22, 24.1.2001).

(2002/C 172 E/035) **WRITTEN QUESTION E-3277/01**

by Hiltrud Breyer (Verts/ALE) to the Commission

(26 November 2001)

Subject: Nuclear power stations as potential targets for terrorist attacks

1. Is the Commission also of the opinion that nuclear power stations are in principle potential targets for terrorist attacks like those on the World Trade Center and the Pentagon in the USA?

2. In the event of a plane being deliberately crashed into a nuclear plant, the possibility cannot be ruled out that in unfavourable circumstances (full fuel tank, large plane, high speed, specific angle of impact) the reactor building would be damaged or pierced, even in the case of a modern nuclear power station. Has the Commission investigated the possible consequences of such an event for Europe?

3. The transport of nuclear material presents a particular security risk, as even the crash of a small plane or other forms of terrorist attacks could lead to large areas of Europe becoming contaminated by

radioactivity. How does the Commission intend to combat these security risks? Would it not be better to suspend the transport of nuclear material in Europe for the time being, that is for as long as the international security situation remains tense?

4. Can the Commission force European nuclear power station operators or the Member States in which nuclear power stations are located to revise their safety standards in view of these new forms of terrorist attacks and their inherent danger?

5. How does the Commission view the proposal to close down until further notice nuclear power plants which do not have appropriate safety standards?

Answer given by Mrs de Palacio on behalf of the Commission

(4 February 2002)

1. and 2. Nuclear power stations, like any other industrial installations such as chemical plants or other forms of power generation, are not risk-free.

However, particular concerns about non-proliferation and radiation protection have made the nuclear sector one of the industrial sectors with the most stringent safety and security standards.

An accidental plane crash into a nuclear power station falls in the risk category of external events associated with human activity, a type of accident taken into account in nuclear power station design. The national authorities are responsible for ensuring that practical action is taken at the design stage, though the situation varies according to the State and the generation of nuclear plant concerned.

According to the information available to the Commission, in most countries the relative risk of an air crash has been taken into consideration, with the probability of such an event generally estimated at one in 10 million (10-7).

The most recent nuclear power station designs feature a containment building strong enough to withstand an aircraft collision.

That does not mean, however, that power station containment buildings not specifically designed to withstand impact will yield under the force of such a collision.

3. and 4. Nuclear safety and security are still chiefly the preserve of the national authorities.

Nonetheless, after the terrorist attacks of 11 September, there is a need to review factors that make nuclear installations vulnerable. The Commission is liaising with the International Atomic Energy Agency (IAEA) in Vienna on the specific issue of nuclear installation safety. Discussions should indicate the value of action at Community and/or international level.

5. All power stations operating within the Union are subject to strict standards prescribed by the national safety authorities.

(2002/C 172 E/036) **WRITTEN QUESTION E-3295/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 November 2001)

Subject: Deregulation of seaports

The Commission has submitted a communication on improving the quality of services provided in seaports. Firms are to compete to load and unload ships, maintain docks and warehouses, and provide other dockside services. The trade unions are deeply concerned that deregulation will lead to wage

dumping. Since firms will be able to select their employees without restriction, it is possible that current agreements with the employers' organisation, Sveriges hamnar, will not be respected and that employees who accept lower wages than the present dock workers will be recruited. There is in fact fierce competition in the industry already, but it is between ports.

The deregulation proposal is based on the assumption that current stevedoring is inefficient. Many in the industry believe that to be wrong. The port of Gothenburg, for instance, competes with Hamburg and other major ports. However, that level of competition will be constrained if 10 to 15 firms are to share stevedoring between them, which will be the case in a port the size of Gothenburg if deregulation becomes a reality.

If an exception is made for cargo handling, then piloting, towing and passenger services will be left to open up to competition. According to the National Maritime Administration, piloting cannot be deregulated, towing is already open to competition and there is no monopoly on passenger services. Passenger services are in any case not extensive, amounting to no more than dockside boarding and disembarkation.

Does the Commission not agree that competition does take place between various ports within the Union at the present time and should that competition not be sufficient to ensure that stevedoring and other port services continue to operate efficiently?

Answer given by Mrs de Palacio on behalf of the Commission

(22 January 2002)

The purpose of the proposal submitted by the Commission is to establish a regulatory framework for operating ports in line with the principles of economic efficiency, transparency and non-discrimination.

The Commission appreciates, understands and shares the particular concern which the Honourable Member attaches to the social aspects of the proposal.

Generally, Article 15 proposes that Member States must take the necessary measures to ensure application of their social legislation. This therefore makes it clear that the proposal is not intended to weaken the existing social framework in the Member States; ports are and will remain subject to the social legislation applicable in their country.

Article 6 proposes empowering the competent authority to lay down clear criteria governing service providers' activities in each port. In line with the subsidiarity principle, these criteria can vary from one port to another, depending on local conditions. The criteria must be transparent, non-discriminatory, objective, relevant and proportional and, in particular, may relate to the provider's professional qualifications. In other words, the competent authority may decide the qualification requirements for workers at a given port and, therefore, bar anyone who fails to meet them from working there.

The fact that providers of port services would have the right to employ personnel of their own choice (Article 6(5)) creates no new rule on port workers' qualifications, since providers would be able to recruit only workers with the qualifications required by the port authority.

(2002/C 172 E/037) **WRITTEN QUESTION E-3300/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 November 2001)

Subject: Harmonisation of alcohol tax

There are significant differences between the Member States' taxes on alcohol. Sweden has one of the highest alcohol taxes, which is justified on the grounds that it takes account of public health.

According to the Swedish newspaper Dagens Nyheter (13 October 2001), the Commission is planning to submit proposals for common maximum and minimum levels of tax on alcohol within the Union.

Does the Commission thereby wish to establish a new principle, i.e. that alcohol tax in the Union should be gradually harmonised? If so, can individual Member States obtain an exemption from that principle on grounds of public health?

Answer given by Mr Bolkestein on behalf of the Commission

(15 January 2002)

Regarding excise duty rates, the Commission maintains its view that, in the longer term, the convergence of duty rates would be beneficial to the smooth working of the Internal Market. However, the present Community legislation only fixes minimum rates, and the determination of national excise rates on alcohol and tobacco products, above the Community minimum rates, remains a matter for Member States to decide.

Council Directive 92/84/EEC, of 19 October 1992, deals with the approximation of the rates of excise duty on alcohol and alcoholic beverages [1]. Under the provisions of this Directive, it is necessary for the rates laid down in the Directive to be reviewed periodically, on the basis of a Commission report taking into account all the appropriate factors. The Commission is at present in the process of producing such a report. It will take into consideration all aspects of the subject, including health issues.

[1] OJ L 316, 31.10.1992.

(2002/C 172 E/038) **WRITTEN QUESTION E-3305/01**
by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 November 2001)

Subject: Gambling monopoly in Sweden

Foreign gaming companies have long attempted to break into the Swedish gambling market. The London-based gaming company, SSP, has lost around ten cases in the Swedish courts. Ladbrokes, one of the biggest gaming companies in the world, is also trying to break into the Swedish market. The objective is to be established on the market by 2005. Swedish customers can in fact already place bets with SSP and Ladbrokes via the Internet, in which case the money goes directly to the UK.

Has the Commission examined the Swedish monopoly on gambling and is it considered to be consistent with the principle of freedom of movement on the internal market?

Answer given by Mr Bolkestein on behalf of the Commission

(12 April 2002)

The Honourable Member asks whether the Commission has examined the Swedish monopoly and whether it is considered to be consistent with the principle of free movement enshrined in the EC Treaty. The Commission has not had occasion to examine the workings of the Swedish monopoly in all its details and implications. In the context of its work on an Internal Market Strategy for services, a number of interested parties including Member States' lottery operators have indicated that legal clarity is required at the European level for gambling services. The Commission will be considering this issue in the context of its work on the Internal Market for services. In so doing, it will take due account of existing jurisprudence of the European Court of Justice which has indicated that Member States' restrictions to cross-border provision of certain forms of gambling services are compatible with the EC Treaty in the absence of a Community framework.

(2002/C 172 E/039) **WRITTEN QUESTION E-3308/01**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(28 November 2001)

Subject: Terrorist cells in the Balkans

According to a recent article in the Wall Street Journal, Osama bin Laden visited the Balkans three times between 1994 and 1996, and it has been widely reported by foreign news agencies that he holds a Bosnian passport issued in 1993 by the Bosnian Embassy in Vienna. Moreover, in 1997 the Bosnian government granted Bosnian nationality and a passport to Mehrez Amdouni, a close associate of bin Laden, who had fought in Bosnia at the beginning of the 1990s. Amdouni was arrested at Interpol's behest on charges of participating in terrorist activities.

According to a report that appeared in the Sunday Times (November 1998) bin Laden ran a terrorist network in Albania which carried out operations in Kosovo. Fatos Klosi, the head of the Albanian secret service, told the newspaper that the network was run by the Saudi citizen Osama bin Laden and that he sent units to fight in Kosovo. Allegations of bin Laden's ties with Albania were confirmed at the murder trial of Claude Kader who was a member of the bin Laden's Albanian network when Mr Kader revealed that bin Laden had visited Albania between 1996 and 1997.

According to a report in the Washington Times, bin Laden donated $ 7 million to the Kosovo Liberation Army (KLA), and many KLA members are supposed to have been trained in al-Qa'ida's terrorist camps. Furthermore, Jamal al-Fadl — an al-Qa'ida member accused of bombing the US embassies in East Africa — stated at his trial in February 2001 that tests were carried out with uranium in the occupied part of Cyprus in 1994 to make 'dirty bombs' which spread deadly radioactivity.

1. Does the Commission have any information to corroborate this information and if so, what is it?

2. What does it intend to do to shed light on this mass of information relating to the activities of terrorist cells in the Balkans which allegedly have close ties with al-Qa'ida?

Answer given by Mr Patten on behalf of the Commission

(22 January 2002)

Following the terrorist attacks on 11 September 2001 the alleged links between the former authorities in Bosnia and Herzegovina (BiH) and suspected terrorists from Islamic countries have been high on the agenda of both local and international media. In early 2000, the BiH Council of Ministers established the 'Commission for Revision of the Status of Naturalised BiH Citizens' to investigate cases of passports which may have been irregularly issued. The Commission has now finalised its screening for the war-time period 1992-1995, and as a result, the citizenship of 94 naturalised Bosnians has been revoked. A similar procedure is underway for the post-war period.

The findings of this Commission confirm the assurances of the BiH authorities that Osama bin Laden was never granted a BiH passport. Although it cannot be excluded that Osama bin Laden or any of his associates stayed in BiH during the war, so far no credible evidence has been produced to prove these allegations. Prior to 11 September 2001 the number of so-called 'Mujahedeen' in BiH was estimated at a couple of hundred.

On alleged activities in Kosovo, the Commission has no information and suggests that the question should be addressed to the United Nations Mission in Kosovo and the peacekeeping force in Kosovo (UNMiK and KFOR).

As regards Albania, the Commission has not the necessary elements to corroborate the information to which the Honourable Member refers. However, the Commission has been assured by the Albanian

authorities, on various occasions this year, that there is no terrorist or paramilitary activity on its territory. Moreover, following the tragic events of 11 September 2001, Albania has shown full commitment in the fight against terrorism, and has supported the United States and Union positions.

(2002/C 172 E/040) **WRITTEN QUESTION P-3319/01**

by Nirj Deva (PPE-DE) to the Commission

(22 November 2001)

Subject: Ian Stillman

Given the ongoing concerns about the case of Ian Stillman, a British charity worker who has been facing trial in Shilma, India, a trial that has been delayed on numerous occasions, what has the Commission done to apply pressure to the Indian Government so as to ensure this case is heard fairly and quickly? Particularly in the light of the fact that that Mr Stillman is profoundly deaf and is one-legged. He has recently been moved into a cell that is too small to fit his wheelchair.

Answer given by Mr Patten on behalf of the Commission

(11 December 2001)

The Commission is aware of the case of Mr Ian Stillman, a disabled charity worker who has been sentenced to ten years imprisonment in India. It fully shares the concerns of the honourable member over the circumstances of his arrest and his detention conditions.

Before Mr Stillman's appeal trial was due (on 24 September 2001), the Commission had, via its Delegation in New Delhi, written to the Indian National Human Rights Commission for an update on his health and detention conditions.

The Commission's Delegation was informed that Mr Stillman's case is being followed by M. S.C. Verma, Registrar, who has contacted the District Magistrate of Nahan, the district where Mr Stillman is being detained. A further update on his detention conditions is awaited.

The Commission has also discussed Mr Stillman's case with representatives from the organisation 'Fair Trials Abroad', who visited Brussels this September.

Now that the Indian authorities seem to have delayed the appeal, the Commission will contact the Indian Human Rights Commission again and will continue to closely follow the developments in this case.

(2002/C 172 E/041) **WRITTEN QUESTION E-3326/01**

by Nelly Maes (Verts/ALE) to the Commission

(30 November 2001)

Subject: European Commission proposals to downsize its Delegation in Trinidad and Tobago

The Government of Trinidad and Tobago has been informed that, following a review and reassessment of external representation, the European Commission proposes to downsize its representation in Port of Spain. The government is concerned and feels penalised.

The assessment carried out by the Commission severely underestimated the Delegation's workload, focussing as it did on the criterion of 'expenditure on national programmes' as a performance measure,

thereby overlooking to broaden responsibilities for programmes under the Regional Indicative Programme (CRIP). In the context of continued commitment to improve the utilisation of EDF resources, and as a means of advancing the excellent working partnership built up over the years between the office of its NAO and the Delegation, Trinidad and Tobago established, in March 2001, a Special EDF Unit within the Ministry of Integrated Planning and Development with a dedicated contracted staff. Their experience leads them to conclude that since then, the Delegation is to be an effective partner, its minimum staff requirements are one Ambassador and two Advisers. The maintenance of or increase in the Delegation's staff complement is even more necessary in view of the Commission's decision to decentralise and entrust its Delegation with enhanced decision-making responsibilities.

The following facts are pertinent to the assessment under the second criterion of 'political and economic significance'. Trinidad and Tobago is the largest Cariforum importer and its second largest exporter. It is a founder member of the ACS. It hosts some fourteen international organisations and eight regional organisations. Four EU Member States maintain resident missions in Port of Spain, while Trinidad and Tobago maintains three resident missions in Europe. Location in Trinidad and Tobago affords ease of communications, including air transport and telecommunications. Infrastructure and living conditions are excellent.

In the light of the above, is it wise to downsize the European Commission representation in Port of Spain?

Answer given by Mr Patten on behalf of the Commission

(11 February 2002)

The Commission decided on 3 July 2001 to further restructure its network of external representations by the end of 2002. As a consequence of that decision, and reflecting the severe budgetary pressures under which the External Service operates, the Delegation to Trinidad and Tobago will be headed by a non-resident Head of Delegation. This decision covers aspects of the evolution of the Commission's External Service and many Delegations throughout the world are affected. They follow on from the reforms begun in 1996 to rationalise the Commission's external representation while at the same time maintaining the broadest possible reach and ensuring the quality of its activities. Difficult decisions have had to taken to streamline some Delegations and to close others. In the present tight financial climate this was the only way for the Commission to respond to new pressures on its limited resources.

The Delegation to Trinidad and Tobago will remain in place manned by an official as chargé d'affaires with his own local staff. This will enable it to follow, as today, the important issues of development co-operation, political and economic matters, and trade. The Head of Delegation in Guyana will be also accredited as non-resident Head of Delegation to Trinidad and Tobago. The Delegation in Guyana already has a regional role with the capacity to deliver expertise within the region. Moreover the Delegation is to be reinforced in order to better cope with new responsibility for Trinidad and Tobago.

(2002/C 172 E/042) **WRITTEN QUESTION E-3327/01**

by Vitaliano Gemelli (PPE-DE) to the Commission

(30 November 2001)

Subject: Eligibility of recreational vessels for excise allowances

A Community recreational vessel departs from a Community port, refuels en route (either in a non-Community port or from a tanker vessel at sea) and then enters a Community port. In such a case, is the excise allowance referred to in Article 1 of Directive 83/182/EEC [1] still applicable?

[1] OJ L 105, 23.4.1983, p. 59.

Answer given by Mr Bolkestein on behalf of the Commission

(30 January 2002)

Council Directive 83/182/EEC [1] relates only to the means of transport itself. It does not contain any provisions relating to the conditions for exempting fuel in the tanks of means of transport. As far as value added tax is concerned, since 1 January 1993, this Directive has become redundant. Only the provisions applicable to possible registration or circulation taxes on means of transport are extant.

Directive 83/182/EEC does not contain provisions concerning taxation of mineral oils, which are covered by Council Directives 92/12/EEC [2], 92/81/EEC [3] and 92/82/EEC [4]. These directives do not provide any exemption for mineral oils supplied for use as fuel by private pleasure crafts, and therefore these mineral oils are as a rule taxed with the normal excise duty rate applied by the Member State concerned.

Concerning the fuel taken on board recreational vessels outside the Community territory (in a non-Community port, or from a tanker vessel outside Community territorial waters), no harmonised provisions exist concerning duty exemption for this fuel upon entry of the vessel into the Community. In principle, mineral oils will be subject to normal excise duties upon their entry into the territory of the Community (Articles 5 of Directive 92/12/EEC), on the basis of the relevant national provisions in force. According to Article 23 paragraph 5 of the same Directive, Member States may maintain their national provisions on stores for boats and aircraft until the Council has adopted Community provisions on the subject. The Member States are therefore entitled to levy excise duties on fuels imported in the tanks of recreational vessels.

Concerning customs duties, Article 139 of Council Regulation (EEC) No 918/83 [5] clearly states that stores of vessels are excluded from the Community system of reliefs. As a consequence, it is for individual Member States to determine whether or not such an exemption is granted, and to fix the conditions of its application.

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(1) Council Directive of 28 March 1983 on tax exemptions within the Community for certain means of transport temporarily imported into one Member State from another (83/182/EEC), OJ L 105, 23.4.1983, p. 59-63.
(2) Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products, OJ L 76, 23.3.1992, p. 1-7.
(3) Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils, OJ L 316, 31.10.1992, p. 12-15.
(4) Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils, OJ L 316, 31.10.1992, p. 19.
(5) Council Regulation (EEC) No 918/83 of 13 March 1983 setting up a Community system of reliefs from customs duty, OJ L 105, 23.4.1983, p. 1.

(2002/C 172 E/043) **WRITTEN QUESTION E-3329/01**

by Erik Meijer (GUE/NGL) to the Commission

(30 November 2001)

Subject: Increase in the cost of goods and services purchased as a result of tasks previously carried out by the authorities being replaced by a system of calling for tenders

1. Can the Commission confirm that more and more authorities at various levels in the Member States of the European Union are making increasing use of the invitation to tender procedure for purchasing and commissioning goods and services from companies, in other words that bids are invited from companies offering similar products or services and the cheapest bid chosen?

2. Can the Commission also confirm that not only the method of purchasing of goods and services referred to above but also the contracting out of tasks previously carried out by the authorities themselves are part of a policy being promoted by the Commission through relevant European legislation in a number of areas?

3. Is the Commission aware that, following recent investigations in particular by an office of the Amsterdam authorities, it has again been found that such systems of inviting tenders may lead to deals being agreed between companies concerning which of them is to tender the lowest price for a given contract, as a result of which the cheapest bid is still substantially higher than the real cost price adjusted by a normal profit and risk margin, with the over-payment by the authorities subsequently being divided up between the companies concerned?

4. Is the Commission also aware that part of the higher payments resulting in this way are used for the purpose of bribing officials in order to enable companies to obtain advance information on the calculations on the basis of which the invitation to tender is being issued by the authority concerned?

5. How — apart from via existing penalties if it can be proved that cooperation of this kind has taken place or insider knowledge has been obtained — does the Commission envisage ensuring that the system of calling for tenders leads in the near future to lower prices with adequate quality being maintained?

6. What alternative solutions does the Commission see to the system of calling for tenders if the objectives set out in question 5 cannot be achieved in a permanent way under such arrangements?

Answer given by Mr Bolkestein on behalf of the Commission

(21 January 2002)

1. The Commission confirms that more and more contracting authorities are applying the directives. This should be seen as the result of better compliance with the rules.

The Commission would also like to point out that application of the procurement directives does not mean that contracting authorities are obliged to choose the cheapest tender. As the purpose of the directives is to ensure an optimum price/quality ratio for the contracting authority, there is always the possibility of choosing a tender which is considered the most economically advantageous one.

2. The Commission would point out that the decision whether or not to carry out specific tasks or to contract out these tasks, is to be made by the contracting authority itself and is no policy of the Commission. The public procurement directives do not apply to processes whereby divisions or departments of contracting authorities are made autonomous or are being privatised. Policy on the decentralisation or privatisation of a contracting authority's departments is a matter for the contracting authority itself. If such newly created or privatised entity is to be regarded as a contracting authority itself, this authority has to, where appropriate, award its contracts in compliance with the procurement directives.

3. to 6. The Commission is aware of the fact that it has recently been established in the Netherlands that agreements are being made between tenderers for public works contracts with the result that the tender eventually selected offers a poorer price/quality ratio than would be the case under conditions of fair competition. Such behaviour could be in conflict with the Community rules on competition and proceedings could be initiated under these rules. The Commission has also heard that officials have been bribed to give companies prior knowledge of information on a tender. Fraud is a phenomenon in itself and is by no means the result of, nor is it assisted by, applying the directives on the award of public contracts. The prosecution of these criminal offences should therefore be conducted using the appropriate means. In this context, the Commission has heard that the national authorities have already opened (criminal) investigations into the matter.

On the basis of the above, the Commission is of the opinion that the proper application of the rules on procurement results in the achievement of an optimal price/quality ratio, which is one of the objectives of these directives. In this respect, there are numerous examples of local authorities which have themselves calculated the savings and higher quality of services they have achieved through open invitations to tender. This being so, the Commission does, in this respect, not envisage any alternatives to the current system.

(2002/C 172 E/044) **WRITTEN QUESTION E-3335/01**

by Graham Watson (ELDR) to the Commission

(30 November 2001)

Subject: The arrest of Mohamed Nasheed, MP, in the Maldives on 8 October 2001

Is the Commission aware of reports that Mohamed Nasheed, a Member of Parliament in Malé, Republic of Maldives, and a human rights activist, was arrested on 8 October 2001 without any clear reason being given.

Would the Commission consider asking the Maldives Government to indicate the exact reason for Mohamed Nasheed's arrest and the charges, if any, that have been brought against him?

Answer given by Mr Patten on behalf of the Commission

(21 December 2001)

The Commission is not aware of the circumstances of the arrest of Mr Nasheed and has requested its Head of Delegation in Colombo, who is accredited to the Republic of the Maldives, to make enquiries and to report back.

The Commission will inform the Honourable Member of the results of these enquiries.

(2002/C 172 E/045) **WRITTEN QUESTION P-3337/01**

by Olivier Dupuis (NI) to the Commission

(27 November 2001)

Subject: Nigeria

On 9 October 2001 an Islamic court in Sokoto State, in northern Nigeria, sentenced a pregnant woman to death by stoning after finding her guilty of having premarital sex. Safiya Hussaini Tungar Dudu, aged 30, is the first person to be sentenced to death since the introduction in 2000 of a strictly Islamic legal code. Judge Mohammed Bello Sanyinnawal, of the Gwadadawa Islamic Upper Court sentenced the woman to death after she had admitted having premarital sex. The court released the man she had identified as her lover on the grounds that it lacked sufficient evidence to prosecute him and gave her thirty days in which to appeal. On 25 October 2001 Safiya's lawyer appealed against the sentence, asking for a stay of execution pending the decision of the Sharia Court of Appeal. On 1 November the President of the Nigerian Senate, Anyim Pius Anyim, condemned the sentence passed by the Islamic Court albeit merely with regard to the discriminatory nature of the decisions to sentence the woman and release the man, while the Federal Government endorsed the appeal against the sentence.

There have been many other cases of the Sharia being applied to premarital sex since a dozen states in the Federation decided two years ago to adopt a rigorously Islamic legal court. In January 2001 a seventeen-year old girl, Bariya Mugazu, was subjected to 100 lashes in the state of Zamfara for premarital sex after the court had rejected her disturbing account of having been raped by three suspects whom she had taken to court and who were released owing to lack of evidence.

What urgent action has the Commission taken or does it intend to take or promote, on a bilateral or multilateral basis, to prevent the execution of Safiya Hussaini Tungar Dudu and to encourage the Nigerian authorities to abolish the Sharia and strengthen the rule of law in their country? How does the Commission intend to take up at international level the practice common in many Islamic countries of carrying out in public judicial executions and other sentences such as floggings, executions and punishments often inflicted for offences which do not involved violence, especially on women, in contravention of the standards laid down by international human rights conventions?

Answer given by Mr Nielson on behalf of the Commission

(8 January 2002)

As to the specific case of Safiya Hussaini Tungar Dudu, an appeal has been lodged by the defendant, and in the meantime the sentence has been suspended by the Islamic Appeal Court of Sokoto. According to local press reports the Attorney General of the Federation has already indicated that he will not accept confirmation or application of this sentence.

The Union is strongly opposed to the use of the death penalty. In June 1998, the Union decided, as an integral part of its human rights policy, to strengthen its international activities in opposition to the death penalty.

The Commission waits the outcome of the appeal.

Moreover, the Union will continue to encourage the Government of Nigeria to abolish the death penalty, to strengthen respect of human rights, and to raise people's awareness of their legal rights. A project is currently under implementation to strengthen civil society in Northern Nigeria, and promotion of human rights and civil society are themes identified in the Country Strategy Support.

The Commission acts in several ways to end the practice in certain Islamic countries of public and particularly cruel executions.

The Union Guidelines on policy towards third countries on torture and other cruel, inhuman or degrading treatment or punishment, which were adopted by the General Affairs Council on 9 April 2001, underline that corporal punishment is included within the scope of the references to 'ill-treatment'. The principles set out in the Guidelines with respect to Union actions (for example, with respect to political dialogue and general and individual démarches) therefore apply to punishments such as the floggings referred to in the question.

As concerns Union action within the United Nations it should be recalled that the Union at the 57th Session of the Commission on Human Rights referred to the situation in Nigeria. In the Union statement concerning the Violation of Human Rights and Fundamental Freedoms in any part of the world, the Union expressed concern regarding 'the sentences of severe corporal punishment passed down under the Sharia penal code introduced by certain states in northern Nigeria'.

Within the framework of Chapter B7-7 of the Community budget (the European Initiative for Democracy and Human Rights) funds to combat torture and other cruel, inhuman or degrading treatment in Nigeria and other third countries will continue to be available.

(2002/C 172 E/046) **WRITTEN QUESTION E-3348/01**
by Astrid Thors (ELDR) to the Commission

(3 December 2001)

Subject: Copyright in the information society

The directive on copyright in the information society is in the process of being introduced. In this connection, it is being argued that copyright protection levies should be introduced on products, such as PCs and video players, that can be used to store music, for example. Is the Commission aware of such plans? If so, how many Member States are considering them, and are they compatible with the objectives of the e-Europe action plan?

Answer given by Mr Bolkestein on behalf of the Commission

(26 March 2002)

Directive 2001/29/EC of the Parliament and of the Council of 22 May 2001, on copyright and related rights in the information society [1] is required to be implemented by Member States by 22 December 2002. The Directive allows Member States to provide an exception to the right of

reproduction for private use, on condition that the rightholders receive fair compensation. The Directive gives Member States certain flexibility in determining the form, detailed arrangements and level of fair compensation. Account should also be taken of the particular circumstances of each case. Fair compensation is a new concept introduced by the Directive. It is not identical with equitable remuneration schemes (the 'levies'). The Directive does not explicitly address such levy schemes. However, all Member States, with the exception of Ireland, Luxembourg and the United Kingdom currently have already in place remuneration schemes for private copying applying to blank recording media, equipment or both. Many of them are considering whether to rationalise or extend theses schemes in relation to the media or equipment to which they currently apply.

The Directive recognises that digital private copying (as opposed to analogue) is likely to be more widespread and have a greater economic impact. When applying the private copying exception, the Directive requires Member States to take account of the application or non-application of technical measures. The Directive introduces a comprehensive legal framework for the protection of technological measures which provides an incentive towards the use of such measures.

In the run up to implementation, the Commission has organised a series of informal meetings with the purpose of assisting Member States in transposing the Directive consistent with its aims. Thereafter, the Commission will examine the impact of the Directive on the functioning of the internal market on a variety of issues including private copying and the use of technological measures both in the context of the Contact Committee established by the Directive and also in accordance with the review procedure laid down by the Directive.

([1]) OJ L 167, 22.6.2001.

(2002/C 172 E/047) **WRITTEN QUESTION E-3359/01**

by Lucio Manisco (GUE/NGL)
and Giuseppe Di Lello Finuoli (GUE/NGL) to the Commission

(6 December 2001)

Subject: European arrest warrant and the extradition of suspected terrorists to the USA

We have gathered from press reports that the United States of America and the European Union are pursuing an agreement that would pave the way for the extradition of suspected terrorists to the USA under the new European arrest warrant by ensuring that the death penalty would not be applied in certain cases. We have also taken note of the global assurances given by the US Ambassador to the EU, Mr Rockwell Schnabel, that the death penalty would not be applied to suspected terrorists extradited from Europe; however, with regard to that matter, the US Ambassador emphasised the need for some countries 'to change things, including their constitutions' and added that 'there is agreement to pursue that'.

Bearing in mind that opposition to the death penalty is one of the fundamental principles of the EU, enshrined as it is in the constitutions and in the specific laws of many of its Member States, and that the new powers conferred on the President of the United States since 11 September 2001 (including entrusting military courts with jurisdiction, in summary proceedings, over foreigners suspected of terrorist activities) would nullify any assurances given by State or Federal authorities of the USA, would the Commission clarify the juridical nature and the scope of the negotiations with the USA going on in such a context and restate its determination not to enter any agreement which would compromise, limit or modify EU opposition to the death penalty under any circumstances, particularly those involving emergency extradition procedures?

Answer given by Mr Vitorino on behalf of the Commission

(19 February 2002)

Generally, although the differences of view between the United States and the Union on the death penalty are well known, the Union regularly recalls its opposition to this punishment and invites the United States to at least respect certain strict minimum standards for use of the death penalty, notably in relation to juveniles and mentally retarded. These standards have been set down in the guidelines to Union policy towards third countries on the death penalty. It goes without saying that the Commission will continue to actively convey this policy to American authorities.

Regarding the more specific issue of an agreement between the United States and the Union on extradition, under Articles 38 and 24 of the Treaty on European Union, for an agreement with a third state on matters of judicial cooperation in criminal questions to be concluded, the Council, acting unanimously, needs to authorise the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. Once the negotiations are finalised, the agreement is concluded by the Council acting unanimously on a recommendation from the Presidency.

The Council has not yet been seized formally to give such an authorisation to the Presidency, let alone taken a decision on it. No authorisation having been given yet, it has not been possible to start negotiations. Nevertheless, it is correct that the possibilities of an agreement under Articles 38 and 24 of the Treaty on European Union on judicial cooperation in criminal matters between the United States and the Union are currently being explored.

In any event, it would seem impossible to include the United States in the European arrest warrant system as such. Indeed the title of the initiative the Commission took in September 2001 is 'Council Framework Decision on the European arrest warrant and the surrender procedures between the Member States' ([1]). The European arrest warrant system is for Member States only, and it is not intended that persons could be transferred under this system from a Member State to a third country, such as the United States. If the above-mentioned agreement between the Union and the United States were to cover the field of extradition, it could thus be expected to contain provisions different from the ones in the European arrest warrant Framework Decision.

While it must be pointed out that under the rules of Articles 38 and 24 of the Treaty on European Union, it would not be for the Commission, but for the Union as such to enter into an agreement with a third country such as the United States, the Commission can clearly restate its determination that if and when it will exercise the role conferred upon it by the Treaties in this matter, it will do so in the strictest respect of Article 2 paragraph 2 of the Charter of Fundamental Rights of the European Union ([2]), which provides that 'No one shall be condemned to the death penalty, or executed', as well as Article 19 paragraph 2 of the Charter, reading 'No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment'.

([1]) COM(2001) 522 final.
([2]) OJ C 364, 18.12.2000.

(2002/C 172 E/048) **WRITTEN QUESTION P-3373/01**

by Maurizio Turco (NI) to the Commission

(28 November 2001)

Subject: Relations between the European Union and the Palestinian Authority

On 18 November the EU Troika — composed of Belgian Prime Minister Verhofstad, Commission President Prodi and High Representative for Foreign Policy Javier Solana — met the Israeli Prime Minister, Ariel Sharon.

According to international press reports, Prime Minister Sharon asked the European Union at that meeting to stop funding the Palestinian Authority directly 'because these funds are helping to buy arms which are

used against us (Israel)'. President Prodi is reported to have replied that the € 200 million paid by the EU to Arafat over a period of 14 months had served to meet the basic needs of the Palestinian people, thereby promoting a return to peace.

Can the Commission answer the following:

— What activities have actually been funded and why does the Commission finance the Palestinian Authority directly rather than contribute via third parties?

— Have quantitative and qualitative checks been carried out on the use made of the funds allocated to the Palestinian Authority? If so, what were the results?

— EU funding is conditional upon respect for the 'democracy clause'. Does the Commission consider that the Palestinian Authority is respecting the underlying principles of this clause?

Answer given by Mr Patten on behalf of the Commission

(15 January 2002)

The financial and technical co-operation granted by the Community to the Palestinian Authority is mainly covered by the following budget lines:

— B7-410: Meda (Supporting measures to the reforms of the economic and social structures in the Mediterranian third countries); and

— B7-420: Community actions connected with the peace agreement concluded between Israel and the Palestinian Liberation Organisation (PLO).

Concerning direct budgetary aid, community financial agreements are normally concluded with the national authorities of the beneficiary state. In the case of the Palestinians this is the Palestinian Authority (PA). The utilisation of third parties in this instance would not guarantee the proper monitoring and would not allow the attachment of fiscal and administrative conditions that exist in the present arrangement. The International Monetary Fund (IMF) however monitors and reports to the Commission on the PA's fiscal and budgetary situation and on the fulfilment of Community conditions on budget support.

The conditions attached to the Community's financial support consist of the reduction of PA expenditure through a spending plan, fiscal reform eliminating scope for any extra-budgetary spending (consolidation of accounts) and freeze of the pay-role. The Commission receives monthly reports from the IMF on the fulfilment of the Community conditions. Payments are subject to the PA's fulfilment of EU conditions.

The IMF closely reviews the monthly fiscal information communicated by the PA:

— revenue developments (domestic revenue, estimated clearance revenue collected and withheld by Israel),

— evolution of employment (wage bill),

— non-wage expenditures,

— debts and arrears.

The IMF has secured an every-day presence in the PA Ministry of Finance to monitor incoming requests by line ministries and corresponding approvals by the Ministry of Finance; verifies consolidated banking data and transactions on the single treasury account against these requests and approvals.

The IMF has confirmed that the Community conditions have been met by the PA and have achieved their purposes beyond the expectations of the monitoring party.

Regarding development projects, the Commission is fully involved in the programming, preparation, implementation and monitoring of assistance projects to the Palestinian Authority. Beneficiaries are required to send reports on regular basis and projects are audited by the Commission staff and outside evaluation.

(2002/C 172 E/049) **WRITTEN QUESTION E-3378/01**

by Nuala Ahern (Verts/ALE) to the Commission

(7 December 2001)

Subject: Safety at nuclear reprocessing plants

On 2 August 1996, in accordance with its obligations under Article 37 of the Euratom Treaty, the United Kingdom supplied the European Commission with data relating to the disposal of radioactive waste from the Sellafield MOX plant. On 25 February 1997, the Commission delivered its Opinion, which included the following:

> the distance between the plant and the nearest point on the territory of another Member State, Ireland, is 184 km; in the event of unplanned discharges of radioactive waste which may follow an accident on the scale considered in the general data, the doses likely to be received by the population in other Member States would not be significant from the health point of view.

In conclusion, the Commission said that it was of the view that the implementation of the plan for the disposal of radioactive wastes arising from the operation of the BNFL Sellafield mixed oxide fuel plant, both in normal operation and in the event of an accident of the type and magnitude considered in the general data, would be unlikely to result in radioactive contamination, significant from the point of view of health, of the water, soil or airspace of another Member State.

In the light of new information that has arisen since 11 September 2001 concerning the intentions of terrorists to take advantage of the vulnerabilities of nuclear facilities and attack them, will the Commission now review, as a matter of urgency, the security of Sellafield, the reliability of the UK assurances and its own conclusions as to the plant's prospective threats to neighbouring Member States?

Answer given by Mrs Wallström on behalf of the Commission

(15 March 2002)

The Commission would refer the Honourable Member to its reply to oral question H-0929/01 by M. De Rossa during question time at Parliament's December 2001 part-session [1]. In particular it would emphasise that, subsequent to its opinion on the Article 37 submission on the Sellafield MOX Plant, actual authorisation for operation of the plant and for the safety and security of the plant and other installations on the Sellafield site is a national competence.

The Commission would also refer the Honourable Member to its reply to written question E-3277/01 by Hiltrud Breyer [2] concerning possible terrorist attacks on nuclear plants. This points out that nuclear sector is one of the industrial sectors with the highest levels of safety and security.

As pointed out in the first above-mentioned reply, the Commission is nevertheless examining the compliance of the procedure for granting the authorisation for the Sellafield MOX Plant with all provisions of the Basic Safety Standards Directive, Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation [3] and with Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [4] as modified by Council Directive 97/11/EC of 3 March 1997 [5].

(1) Written reply, 11.12.2001.
(2) See page 32.
(3) OJ L 159, 29.6.1996.
(4) OJ L 175, 5.7.1985.
(5) OJ L 73, 14.3.1997.

(2002/C 172 E/050)

WRITTEN QUESTION E-3379/01

by Glenys Kinnock (PSE) to the Commission

(7 December 2001)

Subject: WTO waiver

Given the success in obtaining a waiver in respect of the Cotonou Agreement at the WTO Ministerial Meeting in Doha, Qatar, would the Commission confirm that ACP bananas will, like other products originating in ACP countries and in accordance with the Cotonou Agreement, continue to be entitled to duty-free access to the EU market until 2008?

Answer given by Mr Lamy on behalf of the Commission

(22 January 2002)

The waiver granted to the African, Caribbean and Pacific States (ACP) and the Community in respect of the Cotonou Agreement covers the non-reciprocal tariff preferences granted by the Community to all ACP imports until 2008.

Although the Cotonou Agreement provides for tariff preferences on bananas, and does not specifically address the issue of the exact level of the tariff for ACP imports, the Community has granted duty free access to ACP imports and has no intention to change this in the future.

(2002/C 172 E/051)

WRITTEN QUESTION E-3385/01

by Ioannis Marínos (PPE-DE) to the Commission

(7 December 2001)

Subject: 'Jihad levy'

According to reports in the European press, a system of collecting a 'jihad levy' allied to an illicit banking system is operating among illegal, semi-legal and legal Muslim immigrants in Europe (and especially in Germany). This 'banking system' is operating in western European countries and enables illegal immigrants (who cannot legally conduct business with the banks) to send money to their countries of origin.

This system is known as 'Hawala' and operates through 'agents' in the immigrants' country of residence who undertake to send the money, for a commission, to the countries of origin of legal and illegal immigrants. During this transaction, and with the full consent of those involved, a 'jihad levy' is withheld which is intended as financial support for the Taliban.

Is the Commission aware of this illicit banking system and what will it do to put an end to such financial support for terrorism in compliance with the decisions of the Council, Parliament and the UN?

Answer given by Mr Patten on behalf of the Commission

(28 January 2002)

The Commission has taken note of allegations that the Hawala system of money transfers has played a major role in the financing of activities of certain terrorist groups. It is aware that there are often no written records of transactions in this system, which is based on trust, and that it is therefore difficult to verify or substantiate the allegations which have been made.

In general terms, transfers of money between the Community and third countries benefit from the EC Treaty provisions on the free movements of capital and payments. However, the transfers referred to by the Honourable Member might fall foul of national banking laws (for example in Germany, where a banking licence is required for money transmission business), Community legislation to combat money

laundering (depending on the origin of the funds) or Community Regulations imposing financial sanctions (depending on the recipient or destination). The mere fact that these money transfer facilities would also be offered to illegal immigrants does not of itself render them illegal.

In view of the allegations concerning financing of terrorist activities, the Financial Action Task Force on Money Laundering (FATF/GAFI) recommended, on 30 October 2001, that, among other actions, those that provide a service for the transmission of money or value, including transmission through an informal money or value transfer system or network, should be licensed or registered, and that they should be subject to the laws and regulations aimed at preventing money laundering that apply to financial institutions. The FATF also agreed that persons or legal entities that carry out this service illegally should be subject to administrative, civil or criminal sanctions (Special Recommendation No VI).

If, as alleged, a specific sum is levied which is intended as financial support for the Taliban, the transfer of such financial support to the Taliban is likely to be in breach of Council Regulation (EC) No 467/2001 of 6 March 2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan [1]. However, the Commission does not have any evidence at its disposal that would show that one or more persons or entities in the Community or under its jurisdiction have engaged in a transfer of financial resources in breach of Council Regulation (EC) No 467/2001.

The Commission will keep the matter of financial transfers by means of the Hawala system under review and propose amendments to relevant Community instruments, where appropriate.

[1] OJ L 67, 9.3.2001.

(2002/C 172 E/052) **WRITTEN QUESTION E-3386/01**

by Daniel Hannan (PPE-DE) to the Commission

(7 December 2001)

Subject: UK Customs action on alcohol and tobacco

The UK Government has interpreted the guidelines laid down in Directive 92/12/EEC [1] on excise duties as allowing them to prevent the import of cigarettes and alcohol in any quantities greater than the minimum levels set out in that Directive, even where the cigarettes and/or alcohol are for private use. Not only have travellers had legal purchases of alcohol and tobacco impounded, they have even, on occasions, had their vehicles confiscated.

Given this outrageous behaviour, can the Commission indicate the scope and content of its inquiry? Will it say what the consequences will be if it is shown that the British authorities have acted disproportionately in this matter and without regard to the free movement of goods within the Union? What punitive measures are available to the Commission if it finds that the Customs and Excise Service has acted ultra vires?

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

Answer given by Mr Bolkestein on behalf of the Commission

(28 January 2002)

On 23 October 2001 the Commission decided to issue a letter of formal notice to the United Kingdom, thereby taking the first step in an infringement procedure under Article 226 (ex Article 169) of the EC Treaty. The Commission is seeking to determine whether British authorities apply the rules of Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty

and on the holding, movement and monitoring of such products properly when they establish whether private individuals entering the United Kingdom with excised goods purchased in other Member States are holding these goods for commercial purposes (in which case excise duties on the goods are due in the United Kingdom). The Commission is also concerned that the sanctions applied by the United Kingdom when individuals are deemed to be holding excised goods for commercial purposes in breach of national excise duty law may be contrary to the principle of proportionality, a general principle of Community law.

The Commission received a response to its letter of formal notice on 18 December 2001, which will be analyzed as quickly as possible. In the light of this analysis, the Commission will determine whether or not in its view, the United Kingdom is acting in conformity with Community law, and will decide whether it is appropriate to proceed to the second stage of the infringement procedure, which is a formal request for the United Kingdom to change its practices, in the form of a reasoned opinion. The Commission can refer a Member State to the Court of Justice for failure to apply Community law properly.

(2002/C 172 E/053) **WRITTEN QUESTION P-3390/01**

by Gerard Collins (UEN) to the Commission

(6 December 2001)

Subject: Outcome of the Commission visit to India and Bangladesh in November 2001

Will the Commission make a statement on the outcome of its recent visit to India and Bangladesh (20-24 November 2001), and will it outline, in particular, the future strategy that it believes should be pursued by the EU with regard to further developing trade and educational and cultural links?

Answer given by Mr Lamy on behalf of the Commission

(11 January 2002)

The Commission will be pleased to report and to exchange views with the Parliament on Commissioner Lamy's recent visits to both Bangladesh and India (20-24 November 2001) concurrently with President Prodi's visit to India in the context of the EU-India Summit (22-23 November 2001), if the Parliament so wishes.

Commissioner Lamy visited Dhaka on 20 and 21 November 2001 in order to attend a seminar organised by the Government of Bangladesh on the 'Everything but Arms (EBA)' initiative which allows duty-free and quota-free access to the EU market for all products originating in the 49 poorest countries including Bangladesh. The visit coincided with the First Joint Commission Meeting under the EC-Bangladesh Partnership and Co-operation Agreement. It was complemented by a wide range of governmental and industry contacts. The focus of the visit was on the need for a diversification of Bangladesh's exports in order to allow the country to fully use the possibilities offered by EBA and overcome its exclusive dependence on exports of ready-made garments. The EU will provide trade-related technical assistance for this purpose.

The EU-India Summit (23 November) provided a good demonstration of EU's and India's full commitment to fight terrorism, in particular through a Joint Declaration against international terrorism. It allowed both sides to take stock of important progress since the first Summit in Lisbon: signature of an Agreement on Science and Technology, an Information Technology vision statement, the acknowledgement of great progress in bringing together our civil societies (Round Table and Think Tanks network), start of negotiations on a customs agreement and of maritime transports talks and other substantial results. The progress made on the economic front were especially visible at the closure of the Business Summit which submitted a set of recommendations to enhance trade and investment in four sectors (food processing, engineering, telecommunications, information technology) to the Leaders. There was a clear call on both sides to support a rapid expansion of the trade and investment between both markets. Both sides also noted with satisfaction the results of the WTO Ministerial in Doha.

In the margin of the Summit during two days in New Delhi and one day in Hyderabad, Commissioner Lamy had an intense round of contacts with representatives from the Government, Parliament, States Authorities, NGO's, media, and think-tanks to discuss how to take forward the Doha Development Agenda and to ensure that developing countries such as India will benefit. Apart from the possibilities to enhance EU-India co-operation in the WTO, discussions also covered prospects for solving bilateral trade irritants.

President Prodi's visit to Mumbai on the 22 November 2001 was brief, but intense and fruitful. President Prodi had the opportunity to meet with a large spectrum of Mumbai society: businessmen, industry and finance representatives, Port operators, journalists and the Governor of the Central Bank as well as the Governor of Maharashtra.

(2002/C 172 E/054)

WRITTEN QUESTION E-3392/01

by Cristiana Muscardini (UEN), Sergio Berlato (UEN), Antonio Mussa (UEN), Mauro Nobilia (UEN) and Franz Turchi (UEN) to the Commission

(7 December 2001)

Subject: Obliteration of Israel

The website of the Palestinian National Authority's International Press Centre (http://www.ipc.gov.ps/ipc_a/ipc_a-1/a map/palcit-e.html) contains a map showing Lebanon, Syria, Jordan and Egypt but not Israel. Instead, the territory enclosed within that country's current borders is labelled 'Palestine'. The map also fails to show entire cities, such as Tel Aviv.

In view of this example of virtual computer 'mystification', would the Commission answer the following questions:

1. Is it aware of the contents of this official website?

2. Does it not consider that the deletion of a country and its population from an official Palestinian National Authority document constitutes not only a worrying and dangerous attempt to undermine the Middle East peace process but also an official endorsement of the extreme terrorist views of those (Bin Laden included) who, in recent years, have worked — and continue to work — for the destruction of Israel and the triumph of fundamentalist pan-Arabism?

3. What immediate action does it intend to take vis-à-vis the Palestinian National Authority in order to ensure that the website is modified so as to reflect the actual political and geographical situation, with a view to preventing the virtual obliteration of Israel (in the eyes of site users) from heralding actual annihilation?

4. Does it not consider that investigations should be launched immediately into the use of the funding made available by the EU to the Palestinian National Authority in order to enable books to be purchased and schooling to be provided, so as to ascertain whether or not what children are taught in school is based on the false information presented on the website? If it is, should payment of the funding not be suspended?

Answer given by Mr Patten on behalf of the Commission

(28 January 2002)

The Commission is aware of the Palestinian Authority's International Press Centre web-site. The web-site mentioned in the question is currently not accessible. Maps are available on other Palestinian Authority web-sites such as the Palestinian Central Bureau of Statistics (PCBS).

The Commission notes that while not naming Israel explicitly on the maps, a clear distinction is made between Israel and the Palestinian territories. The explanatory text attached to the maps explicitly refers to the Palestinian territories in the West Bank and the Gaza Strip.

In this context, the Commission recalls the explicit recognition of Israel by the Palestinian Liberation Organization (PLO) in 1993, and would point out that the boundaries between Israel and the future Palestinian state will be determined in future final status negotiations.

The Commission regrets that official maps of several countries in the region, including Syria (showing parts of Turkey as Syrian territory), Lebanon (in respect of the Sheba'a farms) and Israel (showing the Golan and East Jerusalem as Israeli territory and referring to the West Bank as Judea and Samaria) are inconsistent with international law and United Nations (UN) Security Council resolutions.

The Commission will continue to monitor the situation.

The Palestinian Authority is in the process of re-writing its education curriculum and is being aided by the United Nations Educational, Scientific and Cultural Organization (Unesco) and several Member States. The Commission does not provide funding to the Palestinian Authority for the purchase of books.

(2002/C 172 E/055) **WRITTEN QUESTION P-3393/01**

by Fernando Fernández Martín (PPE-DE) to the Commission

(6 December 2001)

Subject: ACP countries' access to the information society

At the Third ACP-EU Joint Parliamentary Assembly of October 2001 the Commission and the European Parliament gave a commitment to organise conferences and seminars aimed at enabling ACP countries to gain access to the information society.

These conferences should provide a forum for discussions and initiatives with a view to promoting realistic projects, whilst taking account of the information society summits which are to be held in Geneva in 2003 and in Tunis in 2005.

Bearing in mind the emphasis placed on ensuring that ACP countries have access to the information society, has the Commission drawn up a calendar of conferences and seminars aimed at achieving this vital goal?

What initiatives does the Commission propose in order to facilitate ACP countries' access to the information society?

Answer given by Mr Nielson on behalf of the Commission

(17 January 2002)

The African, Caribbean and Pacific States and the Union's (ACP-EU) Joint Parliamentary Assembly's Resolution 3228 'on the means of access to global communication for ACP countries as a contribution to sustainable development, and the need for such access', adopted on 1 November 2001, invites, in its paragraph 60 the Commission and the Parliament, to organise preparatory meetings prior to the World Summit on Information Society-(WSIS). The same resolution, in its paragraph 64, invites the Joint Assembly to organise a workshop at its next session in South Africa.

With regard to the WSIS, the preparatory process is currently being finalised. There will be three Preparatory conferences (PrepCom), respectively in the summer of 2002, in the spring of 2003 and in the autumn of 2003. Moreover, there will be regional conferences. The one for Africa will probably be led by the United Nations Economic Commission for Africa.

The Community intends, in view of its many competences on the subject, to participate as full member and play an active role in the preparation of the Summit, be it in the PrepCom or the regional conferences. However, rather than planning additional events, the Commission will provide its input in the many events already foreseen.

The workshop planned at the occasion of the next Joint Parliamentary Assembly is an initiative of the Assembly, not a Commission one. The Commission is ready to assist it in its preparation as needed.

There are several programmes with information and communication technology (ICT) components in the ACP region but no major one specifically devoted to information society. Such a programme is being currently appraised for the Indian Ocean countries and discussions are ongoing with the Caribbean region for them to join, with European Development Fund (EDF) funds, the @LIS programme covering Latin America. Within the existing policy and financing frameworks, similar programmes for the African region may be considered in the context of the 9th EDF programming exercise.

(2002/C 172 E/056) **WRITTEN QUESTION E-3399/01**

by Nelly Maes (Verts/ALE) to the Commission

(21 December 2001)

Subject: Exploitation of patent on breast cancer gene

Around seven years ago, the American firm Miread deciphered the genetic code of a breast cancer gene, and thereby acquired the right to patent the gene which it had found. Belgian genetics centres do not dispute this right, but they do object to the shameless way in which the firm intends to exploit the patent. It intends to enforce its monopoly very strictly. Everyone except Miread is to be compelled to stop testing for the breast cancer gene. This will give the firm the exclusive right to screen women for mutations in breast cancer genes, in return for hefty payments of course. This will constitute an enormous deterioration in the level of service to patients, as DNA testing forms an integral part of a clinical diagnosis. The European Parliament does not consider methods of diagnosis to be patentable. Moreover, the firm uses a computerised test which, according to a spokesman for the Marie Curie Institute in France, detects only 10 to 20 % of mutations in genes.

Ought not freedom of testing to be guaranteed? Should not the public benefits available from medical screening always be paramount, so that it is not right to subordinate this aspect to commercial considerations?

If the Commission does not agree with these points, then does it approve of the high costs arising from the use of patented information, which are an obstacle to diagnostic and therapeutic testing?

Will not the result be a monopolistic system for exploitation of the gene?

If this is true, what measures will the Commission take against this precedent?

Answer given by Mr Bolkestein on behalf of the Commission

(27 March 2002)

The Honourable Member has drawn the Commission's attention to a patent granted by the European Patent Office on a test for the screening of female breast cancer.

It should, first of all, be noted that as a result of the appeals lodged against this patent by third parties, it is for the Opposition Division and Boards of Appeal of the European Patent Organisation to decide on the validity of the patent awarded and on the scope of protection to be granted.

The Commission would like to stress that Directive 98/44 is not intended to call into question the general principle of exemption for research which exists in the legislation of the Member States of the European Community. In view of the information at the Commission's disposal and in accordance with this principle, acts done privately and for non-commercial purposes, as well as acts done for experimental purposes relating to the subject-matter of the patented invention do not constitute acts of infringement. Directive 98/44 on the legal protection of biotechnological inventions [1] did not deviate from this principle and points out that the Directive does not seek to monitor research and the use or

commercialisation of its results, since national, European or international law in this field continues to apply. Similarly, the draft regulation on the Community patent [2] embraces the concept of the freedom of research.

In any event, if research results are commercialised and these results use a technique which has already been patented, a sub-licence should be obtained from the holder of the patent. If the latter refuses to grant this licence on reasonable grounds, a compulsory licence could be granted in accordance with the applicable national provisions in the Member States' legislation.

In addition, it should be pointed out that the national legislation in most of the Member States of the European Community contains the principle of exempting prior use, which allows any person who had already used the invention in the European Community, or had made effective and serious preparations for such use, before the patent was filed [3] to continue such use or to use the invention as envisaged in the preparations. Once again, the draft regulation on the Community patent includes this principle in its entirety.

Finally, the Commission intends to conduct a detailed study into the issue of the scope of protection for inventions relating to genetic sequences and will send its observations to the Council and to the Parliament in the reports provided for under Directive 98/44.

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[1] OJ L 213, 30.7.1998, p. 13.
[2] COM(2000) 412 final.
[3] Or, where priority has been claimed, before the priority date of the application on the basis of which the patent is granted.

(2002/C 172 E/057) **WRITTEN QUESTION P-3404/01**

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

(5 December 2001)

Subject: Official languages within the EU institutions

On 10 July 2001 the Commission published in Official Journal S 130 a call for tenders (ref. D1/ASS/2001/0053) for the provision of assistance and technical support for the tasks relating to the actions in the LIFE environment programme which are funded in the 15 EU Member States and certain applicant countries.

Paragraph 1.6(c) of the Technical Annex to the call for tenders is concerned with the selection criteria and the required composition of the team is clearly stated:

> The team-leader and the deputy team leader as well as other staff with co-ordination responsibilities vis-à-vis the Commission should, in addition to an active knowledge of English and/or French, have at least a passive knowledge of the other language. These two languages will be the official languages for all contacts with the Commission.

Pursuant to Articles 314 and 290 of the Treaty (which lay down the rules relating to language use within the EU institutions and which are enacted by means of Article 6 of Council Regulation No 1), there are eleven official languages through the medium of which the EU institutions are required to work, communicate, establish contact and divulge their activities, decisions, documents and legal acts.

Is the statement contained in the call for tenders to the effect that English and French 'will be the official languages for all contacts with the Commission' in accordance with what is laid down in the Treaties? Upon what legal basis was the call for tenders published in those specific terms?

Does the Commission not consider that it has introduced an element of linguistic discrimination into the call for tenders and thereby caused a distortion of the market?

Will the Commission supply the details and the results of the assessment carried out of all those who responded to call for tenders D1/ASS/2001/0053 in accordance with the selection criteria laid down in the Technical Annex to the call?

(2002/C 172 E/058) **WRITTEN QUESTION P-3405/01**

by Luigi Cocilovo (PPE-DE) to the Commission

(5 December 2001)

Subject: Call for tenders D1/ASS/2001/0053

On 10 July 2001 the Commission published in Official Journal S 130 an open call for tenders (ref. D1/ASS/2001/0053) for the provision of assistance and technical support for the tasks relating to the actions in the LIFE environment programme which are funded in the 15 EU Member States and certain applicant countries. Paragraph 1.6(c) of the Technical Annex to the call for tenders is concerned with the selection criteria and the required composition of the team is clearly stated: The team-leader and the deputy team leader as well as other staff … should, in addition to an active knowledge of English and/or French, have at least a passive knowledge of the other language. These two languages will be the official languages for all contacts with the Commission.

Pursuant to Articles 314 and 290 of the Treaty (which lay down the rules relating to language use within the EU institutions and which are enacted by means of Article 6 of Council Regulation No 1), there are eleven official languages through the medium of which the EU institutions are required to work, communicate, establish contact and divulge their activities, decisions, documents and legal acts.

Can the Commission indicate the legal basis (and thereby demonstrate that the Treaties and the relevant legislation have been complied with) for stipulating in the call for tenders that English and French are the sole 'official languages' for all contacts with the Commission?

Does such a stipulation not constitute linguistic discrimination against certain tenderers, or at least a distortion of the internal market?

Will the Commission supply the details and the results of the assessment carried out of all those who responded to call for tenders D1/ASS/2001/0053 in accordance with the selection criteria laid down in the Technical Annex to the call?

(2002/C 172 E/059) **WRITTEN QUESTION P-3446/01**

by Marianne Thyssen (PPE-DE) to the Commission

(6 December 2001)

Subject: Official languages within the EU institutions

On 10 July 2001 the Commission published in Official Journal S 130 a call for tenders (D1/ASS/2001/0053) for the provision of assistance and technical support for the tasks relating to the actions in the LIFE environment programme which are funded in the 15 EU Member States and certain applicant countries.

Paragraph 1.6(c) of the Technical Annex to the call for tenders is concerned with the selection criteria and the required composition of the team and it is clearly stated.

'The team-leader and the deputy team leader as well as other staff with co-ordination responsibilities vis-à-vis the Commission should, in addition to an active knowledge of English and/or French, have at least a passive knowledge of the other language. These two languages will be the official languages for all contacts with the Commission'.

Under Articles 21 and 290 of the Treaty, which lay down the rules relating to language use within the EU institutions and are enacted by means of Article 2 of Council Regulation No 1/58 [1], there are 11 official languages through the medium of which the EU institutions are required to work, communicate, establish contact and divulge their activities, decisions, documents and acts.

What is the legal basis for the stipulation that English and French are the official languages of the European Union for all contacts with the Commission in this tender and is this not contrary to the Treaty and Regulation No 1/58?

Does not the Commission think that it has introduced linguistic discrimination into this call for tenders and is thus guilty of distortion of competition?

Can the Commission supply precise details and results relating to all those who responded to this call for tenders in accordance with the selection criteria laid down in the Technical Annex?

(1) OJ 17, 6.10.1958, p. 385; OJ English special edition: Series-I (52-58) p. 59.

(2002/C 172 E/060) **WRITTEN QUESTION P-3447/01**

by Karla Peijs (PPE-DE) to the Commission

(6 December 2001)

Subject: Official languages within the EU institutions

On 10 July 2001 the Commission published in Official Journal S 130 a call for tenders (D1/ASS/2001/0053) for the provision of assistance and technical support for the tasks relating to the actions in the LIFE environment programme which are funded in the 15 EU Member States and certain applicant countries.

Paragraph 1.6(c) of the Technical Annex to the call for tenders is concerned with the selection criteria and the required composition of the team and it is clearly stated:

'The team-leader and the deputy team leader as well as other staff with co-ordination responsibilities vis-à-vis the Commission should, in addition to an active knowledge of English and/or French, have at least a passive knowledge of the other language. These two languages will be the official languages for all contacts with the Commission.'

Under Articles 21 and 290 of the Treaty, which lay down the rules relating to language use within the EU institutions and are enacted by means of Article 2 of Council Regulation No 1/58 (1), there are 11 official languages through the medium of which the EU institutions are required to work, communicate, establish contact and divulge their activities, decisions, documents and acts.

What is the legal basis for the stipulation that English and French are the official languages of the European Union for all contacts with the Commission in this tender — is this not in fact contrary to the Treaty and Regulation No 1/58 and does not the Commission think that there should first be a public debate and decision?

Does not the Commission think that it has introduced linguistic discrimination into this call for tenders and is thus guilty of distortion of competition?

Can the Commission supply precise details and results relating to all those who responded to this call for tenders in accordance with the selection criteria laid down in the Technical Annex?

(1) OJ 17, 6.10.1958, p. 385; OJ English special edition: Series-I (52-58) p. 59.

Joint answer
to Written Questions P-3404/01, P-3405/01, P-3446/01 and P-3447/01
given by Mrs Wallström on behalf of the Commission

(26 March 2002)

The LIFE Regulation (Regulation (EC) No 1655/2000 (1) of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment) provides that 5 % of the available appropriations are to be allocated to accompanying measures, in particular to evaluate, monitor and promote the actions undertaken under LIFE.

Under this provision of the Regulation, the Directorate-General for the Environment published call for tenders ENV.D1/ASS/2001/0053 for the provision of assistance for tasks relating to actions under the LIFE-environment programme.

The technical annex to the call requires that the selected team cover all EU languages so that it can maintain contacts with the beneficiaries in all Member States and monitor the projects they receive in all EU languages.

For practical reasons, and to facilitate communication between all team members and with the Commission, the working and communication languages are limited to two (English and French). The team leader and staff responsible for coordination with the Commission should, in addition to an active knowledge of English and/or French, have a passive knowledge of the other language. These are the working languages which are used by the staff of the LIFE programme management unit and in the working documents of that unit.

As it is contained in a specific technical assistance contract, this language requirement does not call into question the rules governing languages in the EU.

Such a requirement is not a distortion of the market. The aim is to ensure the quality and coherence of the team's work and thereby its efficiency.

Out of the five tenders received, three complied with the linguistic selection criteria.

The results of the evaluation of the selection criteria for all tenders received are being sent directly to the Honourable Members and to the Secretariat-General of the Parliament.

(1) OJ L 192, 28.7.2000.

(2002/C 172 E/061) **WRITTEN QUESTION E-3423/01**

by Glyn Ford (PSE) to the Commission

(21 December 2001)

Subject: World Cup 2002 — Commission cooperation with the Japanese and Korean authorities

Is the Commission planning to coordinate the provision of information to the Japanese and Korean authorities regarding European Union citizens who have been convicted of football-related offences in a Member State or deported from a Member State, so that the Japanese and Korean authorities may control entry to the World Cup matches in June 2002.

If it is planning to assist in the provision of this information, how will it ensure that the individuals are informed that they may be refused entry?

Answer given by Mr Vitorino on behalf of the Commission

(19 February 2002)

The Commission is not planning to coordinate the provision of information related to Union citizens to the Japanese and Korean authorities in the context of the World Cup matches in 2202 and has no competence to do so.

In addition, since the next World Championship will be held in Asia, the Commission has no specific information regarding the organisation of the tournament.

The Commission is aware however that some Member States are in contact with the organising countries — Korea and Japan — as regards the possible supply of information on their national supporters so as to enable the organising countries to better prepare their security measures. The extent to which Union citizens will be informed that their personal data is being transmitted to the Japanese and Korean authorities depends on the law of their Member State.

As the Honourable Member knows, there has been a successful development of the co-operation between law enforcement services of the Member States on public order and security during sporting events organised inside the Union over the past few years.

Some examples that can be mentioned are:

— the possibility for Member States to send police officers to the Member State where an international competition is played, with the task of tracking supporters and, where authorised, co-operate with local authorities;

— the development of common standards for Member States hosting international sporting events;

— adoption by the Council of recommendations as regards the prevention and control of disorder at football matches.

(2002/C 172 E/062) **WRITTEN QUESTION E-3426/01**

by María Sornosa Martínez (PSE) to the Commission

(21 December 2001)

Subject: Gypsum quarry in Moralet (Alicante — Spain)

A gypsum quarry has been operating illegally in the district of Amoladoras (Moralet) since 1998. On several occasions neighbours have complained about it to various public authorities because of the health hazards, respiratory problems (caused by too much dust) and noise affecting the local population. At first the protests — supported by the ombudsman of Valencia — led the city council to promote a 'report' on environmental impact as a pre-condition for the possible granting of a licence. However, although the report approved the installation it did not take account of the existence of neighbouring settlements — situated only 20, 40 and 80 metres from the quarry — nor did it propose measures to reduce the impact that running the quarry might have on the surroundings and on the health of neighbours.

Although it does not meet the minimum environmental and public health requirements, the quarry is still operating without a municipal licence.

Since, because of its characteristics, the Moralet quarry:

— comes within the scope of Directive 85/337/EEC [1] and subsequent amendments (environmental impact) as an 'extractive industry' within the meaning of Annex II;

— comes within the field of application of Directive 90/313/EEC [2] (information on the environment), pending the entry into force of the amended version), according to Article 2(b), which mentions 'activities … which give rise to nuisances'.

What steps will the Commission take to guarantee compliance with the provisions of Directive 85/337/EEC in this case, in order to ensure that a proper environmental impact assessment is carried out?

How does the Commission intend to guarantee the local population's right to accurate information on the possible risks inherent in the quarry, in accordance with the provisions of Directive 90/313/EEC?

Can the Commission ensure that the gypsum quarry at Moralet does not infringe Community legislation as regards the overall category of noise prevention, especially noise caused by machinery?

[1] OJ L 175, 5.7.1985, p. 40.
[2] OJ L 158, 23.6.1990, p. 56.

Answer given by Mrs Wallström on behalf of the Commission

(7 March 2002)

Council Directive 85/337/EEC of 27 June 1985 [1], as amended by Council Directive 97/11/EC of 3 March 1997 [2], on the assessment of the effects of certain public and private projects on the environment could

be applicable in this case, since Annex I includes quarries and open-cast mining where the surface of the site exceeds 25 hectares and Annex II covers projects of this class not included in Annex I.

Under Article 2 of the Directive projects likely to have significant effects on the environment by virtue of their nature, size or location must be made subject to an assessment with regard to their effects before consent is given.

Projects of the classes listed in Annex I must be made subject to an assessment in accordance with Articles 5 to 10. For Annex II projects, the Member States must determine through a case-by-case examination or thresholds or criteria set by the Member State, whether the project should be made subject to an assessment in accordance with Articles 5 to 10. For a case-by-case examination or when laying down thresholds or criteria, the Member State must take into account the relevant selection criteria set out in Annex III. The decision taken by the competent authorities must be made available to the public.

Directive 85/337/EEC was amended by Directive 97/11/EC. However, under Article 3(2) of Directive 97/11/EC, if a request for authorisation was submitted before 14 March 1999 the provisions of Directive 85/337/EEC prior to the amendments shall apply.

Under Article 3 of Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment [3] public authorities are required to make available information relating to the environment to any natural or legal person at his request and without his having to prove an interest.

Paragraph 4 of that Article stipulates that the public authority must respond to a person requesting information as soon as possible and at the latest within two months. The reasons for refusing to provide the information requested must be given and based on one of the exceptions laid down in Article 3(2) and (3).

In addition, Article 4 of Directive 90/313/EEC provides that a person who considers that his request for information has been unreasonably refused or ignored, or has been inadequately answered by a public authority, may seek a judicial or administrative review of the decision in accordance with the relevant national legal system.

Solely on the basis of the information provided by the Honourable Member the Commission is unable to establish whether the Spanish authorities received a request for access to information from the local population relating to the dangers of the quarry, to which they may have reacted in a way that contravened the provisions of the Directive.

Should the authority which received a request for access have refused it in breach of the provisions of the Directive, it would be for the person who made the request to seek a review as provided for both in Article 4 of the Directive and in the Spanish transposing legislation.

At present there is no Community legislation limiting noise emissions caused by the use of machinery on sites such as quarries. However, under Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors [4], from 3 January 2002 the Member States must ensure that certain types of equipment used outdoors meet certain noise emission requirements before they are placed on the market or put into service. In particular, Article 12 of the Directive lays down noise emission limits for various items of equipment, including certain types of compaction machine, excavator-loaders and dumpers.

At any event, the Commission will contact the Spanish authorities to ask for their comments on the situation reported by the Honourable Member, in order to ensure that Community law is observed in this case.

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[1] OJ L 175, 5.7.1985.
[2] OJ L 73, 14.3.1997.
[3] OJ L 158, 23.6.1990.
[4] OJ L 162, 3.7.2000.

(2002/C 172 E/063) **WRITTEN QUESTION E-3429/01**

by Armando Cossutta (GUE/NGL) to the Commission

(21 December 2001)

Subject: The Berlaymont issue and statements by Commissioner Kinnock

In his answer to Question E-0993/01 [1] Commissioner Kinnock was very convincing as regards the procedure followed. Mr Kinnock is in any case known to be an honourable man. However, it is not clear what induced the most senior officials in the Directorate-General for Administration — Director-General Horst Reinchenbach and the Director responsible for the issue, Spike Browerad — to approach the Commissioner directly to refute officially the note which the Commissioner's department had drawn up. In their note they state that they were extremely disturbed to learn that he seemed to believe that his department had not supplied adequate information. The Commissioner's note referred to repeated failures to communicate detailed information to the Commissioner himnself and his office in good time.

All Union citizens will welcome the fact that, as in this case, the administration's operational methods have allowed the Commissioner to state the truth regarding the fraud involved in the rebuilding of the Berlaymont.

1. Does Mr Kinnock not consider it serious that important and confidential services under his authority are unaware of the truth and can lead him to make false statements to the budgetary authority?

2. Does the Commission not consider that it is also significantly worrying that the Commissioner responsible for the reform of the Commission has not managed to recruit suitable staff?

[1] OJ C 340 E, 4.12.2001, p. 141.

Answer given by Mr Kinnock on behalf of the Commission

(18 February 2002)

Contrary to the interference in the Honourable Member's question I have not been 'led' to 'make false statements to the budgetary authority' at any time, and I have not made any false statements.

As I said in my very full answer to the written question E-0993/01 [1] of the Honourable Member, a misunderstanding about the preliminary draft text for my statement to the Committee on Budgetary Control (Cocobu) on 26 February 2001, which I compiled on 22 February 2001, led to the note written by Mr Reichenbach and Mr Brouwer. The misunderstanding was easily and quickly cleared up at a meeting which took place on the morning of 26 February 2001. As I told Cocobu, and repeated in my answer to question E-0993/01, I had 'ensured that the information flow relevant to this issue has been intensified' and 'obtained full information of all significant developments over recent months'. That, naturally, has continued in the period since.

Accidental misinterpretations occur in all organisations which require the work of human beings. The staff working with me are excellent but they are, thankfully, human beings. Like me — and conceivably the Honourable Member — they are therefore capable of periodically, if rarely, misinterpreting information.

Whilst the 'worry' which the Honourable Member registers in his answer is, doubtlessly, evidence of genuine compassion — I am happy to reassure him that it is misplaced.

The Honourable Member may be interested to know that the report which I requested from the Internal Audit Service concerning potential problems relating to the management of the Berlaymont project has very recently been submitted to me. It will therefore be communicated to Parliament through transmission to the President of Cocobu in due course. In addition, as I have reported to Parliament on previous occasions, on 17 November 2000, OLAF was informed of my concern relating to a potential incidence of fraud in some activities connected with the Berlaymont building renovation. As a result of that OLAF opened an investigation. The results of that investigation are not yet known.

[1] OJ C 340 E, 4.12.2001, p. 141.

(2002/C 172 E/064)

WRITTEN QUESTION E-3430/01

by Erik Meijer (GUE/NGL) to the Commission

(21 December 2001)

Subject: Unsolicited provision by Microsoft of 'smart tags' linking to Internet sites with information collected and controlled by Microsoft

1. Is the Commission aware that Microsoft, which controls 92 % of personal computers in the world, began on 31 May 2001 to offer its customers a new, automatic unsolicited service designated 'smart tags', involving Internet sites and office documents, which, by means of on-screen icons, provides 'relevant links' to, initially, only Microsoft-related websites selected and edited in a manner beyond any third-party influence?

2. How does the Commission view the possibility that Microsoft is using its dominant position in the field of Internet browsers and operating systems to tie consumers to information it controls by foisting 'smart tags' on consumers and firms (and their employees) in so far as they are a feature of Office XP, Internet Explorer 6 and Windows XP?

3. Can the Commission confirm that it is difficult, costly and time-consuming for all concerned to replace Microsoft 'smart tags' by a different feature, if desired, in so far as any such feature is available from competitors, as publishers must first develop files, at great cost, an HTML code must be attached to all pages on an Internet site and consumers must download and install the files?

4. Does the Commission regard it as satisfactory that, as a result of a host of complaints from various countries, Microsoft decided on a six-month deferral on using 'smart tags' within Windows XP, launched on 25 October 2001, while keeping open the option of re-enabling the feature when the time is ripe, making it possible still to acquire total domination over the Internet?

5. What action does the Commission propose to take to bring about greater freedom and diversity of information and, at least for users in Europe, increase the scope for ensuring that they are not confronted with unsolicited Microsoft 'smart tags', e.g. by introducing an opt-in requirement under which users would have to give prior express consent allowing their information material to be influenced by 'smart tags' and would be able immediately to dispense with them at any time?

Answer given by Mr Monti on behalf of the Commission

(18 February 2002)

1. The Commission has received information on this subject from a variety of sources. The 'smart tags' referred to by the Honourable Member were a proposed feature of Windows XP that would have allowed Microsoft and its partners to insert their own links into any Web page viewed through its Internet Explorer browser. As implicitly expressed in question 4, Microsoft has meanwhile abandoned this feature in Windows XP.

2. The ongoing Commission investigation on Microsoft which led to the issue of Statements of Objections against Microsoft Corporation on 3 August 2000 and 29 August 2001 respectively, focuses on the allegation that Microsoft has abused its dominant position in the market for personal computer operating system software by leveraging this power into the market for server software. The Commission believes that Microsoft may have withheld from vendors of alternative server software key interoperability information that they need to enable their products to talk with Microsoft's dominant PC and server products.

In its second Statement of objections, the Commission also alleges that Microsoft is illegally tying its Media Player product with the dominant Windows operating system.

For the time being, and in the absence of any formal complaint, there is however no open case on Microsoft's Office XP, Internet Explorer 6 or Windows XP products as referred to by the Honourable Member, although the Commission is carefully monitoring all developments with respect to these products.

3. The Commission does not have at its disposal any information on how difficult, costly and time-consuming it is to replace Microsoft 'smart tags' by a different feature, nor on whether, files must be developed and installed, and HTML code attached to all pages on an Internet site which consumers must download.

Nevertheless, in the ongoing proceedings, the Commission is examining to what extent Microsoft has taken active steps — as alleged by its competitors — to make it technically difficult for their customers to remove certain Microsoft products and to replace them with alternative solutions which may better fit customers' purposes.

4. The Commission does not have at its disposal a formal confirmation from Microsoft or any other source that the company has deferred the exposure of 'smart tags' for a period of six months. If an allegation of a concrete infringement of Community competition law were brought to our attention, the Commission would investigate it and take the necessary steps.

5. The Honourable Member will understand that — as the Commission has not yet concluded its investigation on Microsoft — it would be premature to speculate at this point what the outcome will be. The main priority for the Commission in the ongoing proceedings is to preserve the possibility of consumer choice and of innovation for all players in the relevant markets.

(2002/C 172 E/065) **WRITTEN QUESTION E-3437/01**

by Paolo Bartolozzi (PPE-DE) to the Commission

(21 December 2001)

Subject: Customs barriers and related problems in the European textile sector

European textile industries are faced with customs problems which prevent them from being fully competitive on the market. Certain countries outside Europe impose heavy import duties: India 40 %, Pakistan 30 %, Argentina 30 %, China 24 %, Brazil 20,5 %, Russia 25 %, Australia 25 %, Korea 13 % and the United States between 7 and 28,3 %.

In view of this, what steps does the Commission intend to take to improve access to third-country markets for Community products. Furthermore, what measures will it introduce to restore a balance in non-reciprocal import duties, on the basis of relations between the fifteen EU countries and the non-EU countries, by re-establishing a substantial and formal principle of fair competition?

Can the Commission also say what steps it will take, in view of the outcome of the WTO negotiations in Qatar and the earlier Seattle Round, to help solve the enormous problems of social dumping and related environmental and health problems, which are jeopardising the textile sector, undermining the global trade system and having repercussions on the social fabric of non-European countries (child labour and exploitation of the environment contrary to the principles of sustainable development).

Finally, and still in the context of global trade, can the Commission say what measures it intends to take to safeguard the trademarks and intellectual property of European firms in terms of the fight against fraud and falsification, in the light of the influx of counterfeit products onto the European market?

Answer given by Mr Lamy on behalf of the Commission

(18 February 2002)

As the Honourable Member is aware, all restrictions on imports of textiles and clothing into the Community are going to lapse by the end of 2004 as a result of the World Trade Organisation (WTO) Agreement on Textiles and Clothing (ATC) of 1995. The Community is abiding by this outcome of the

Uruguay round and will respect the commitments under the ATC. At the same time, however, the Commission is fully aware of existing barriers to Community industry's efforts to penetrate certain third countries' markets. Keeping Community industry's export interests in mind, the Commission has obtained authorisation from the Council to negotiate improved market access to the textile and clothing markets of WTO countries subject to quantitative restrictions in exchange for an accelerated dismantling of those restrictions, as compared to the obligations under the ATC. The exact scope of concessions which may be offered will be determined in the light of concrete and tangible improvements in tariff and non-tariff areas in access to the markets of third countries of interest to the Community textiles and clothing industry. Agreements have been concluded notably with Sri Lanka and Pakistan and exploratory talks are underway with a number of other exporting countries.

With respect to the link between trade and social development, the Commission's communication of 18 July 2001 ([1]), set out a comprehensive strategy for the promotion of core labour standards and the improvement in social governance in the context of globalisation. In this communication, the Commission suggested action in a number of policy areas — trade, development, external relations and social policy — at European and international levels. As regards trade, the Communication has already brought concrete results by the adoption on 10 December 2001 by Council of the new generalised system of preferences (GSP) Regulation, Council Regulation (EC) No 2501/2001 of 10 December 2001 applying a scheme of generalised tariff preferences for the period from 1 January 2002 to 31 December 2004 ([2]), which significantly strengthens the social incentive scheme and the links with the social governance system. Indeed, the governance aspect is central to the strategy, and the Commission continues to pursue the objective of an international dialogue — with the participation of WTO and International Labour Organisation (ILO), as well as development organisations, governments, civil society and social partners — as a means to further social development in the context of globalisation.

As regards the environment, textiles are covered by the Community's ecolabel system. The ecolabel provides an incentive for producers everywhere to adopt environmentally preferable production methods so that they can reap the benefits of the growing consumer preference for goods produced in this manner. The Community identified labelling as one of the three key trade and environment issues to be addressed in a new round and succeeded in getting the subject into the Ministerial Declaration adopted by the 4th WTO Ministerial in Doha in November 2001.

The Commission is aware of the problems that counterfeiting poses for European textile firms.

Crucial to preventing them entering the European market is Council Regulation (EC) No 3295/94 of 22 December 1994 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods ([3]) (as amended by Council Regulation (EC) No 241/1999 of 25 January 1999 ([4])) which enables customs authorities to impose stricter checks and allows rights holders to lodge an 'application for action' with customs. The figures for 2000, with almost 68 million items intercepted, are 168 % up on 1999 and demonstrate how seriously customs takes the task of protecting intellectual property rights. The statistics published by the Commission for 2000 show that 49 % of these operations at the Community's external frontiers related to garments and clothing accessories.

On the internal front, on 30 November 2000 the Commission adopted an ambitious plan to step up action against counterfeiting and piracy in the single market ([5]). Among the measures envisaged are a proposal for a directive to harmonise the Member States' laws on enforcement of intellectual property rights, to be presented by the Commission in 2002.

To tackle the problem at source the Commission regularly raises counterfeiting issues with its trading partners and backs the WTO's Agreement on Trade Related Intellectual Property Rights (TRIPS), which lays

down minimum standards of protection and means of enforcement. TRIPS is a crucial to helping exporters defend their interests.

(1) COM(2001) 416 final.
(2) OJ L 346, 31.12.2001.
(3) OJ L 341, 30.12.1994.
(4) OJ L 27, 2.2.1999.
(5) COM(2000) 789 final.

(2002/C 172 E/066) **WRITTEN QUESTION E-3438/01**

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

(21 December 2001)

Subject: Compliance with?essential requirements' with regard to packaging

One of the few 'essential requirements' laid down in the Packaging Directive stipulates that the use of heavy metals in packaging materials must be restricted to the minimum adequate amount. However, in the Netherlands, the Environmental Hygiene Inspectorate does not monitor compliance with that requirement, which is not seen as a priority. The upshot is that packaging materials with an excessively high chromium content are on the market in the Netherlands.

Is the Commission aware of this state of affairs? If so, will it call the Netherlands Government to account over its failure to ensure compliance with the 'essential requirements'?

Answer given by Mrs Wallström on behalf of the Commission

(6 February 2002)

Article 9 of Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (1) requires Member States to ensure that from 31 December 1997, packaging may be placed only on the market if it complies with all essential requirements defined by the Directive, including Annex II. One of these requirements is for packaging to be manufactured in such a way that the presence of noxious and other hazardous substances and materials as constituents of the packaging material or of any of the packaging components is minimised with regard to their presence in emissions, ash or leachate when packaging or residues from management operations or packaging waste are incinerated or landfilled. In addition, Article 11 of the Directive places an obligation on Member States to ensure that the sum of concentration levels of lead, cadmium, mercury and hexavalent chromium present in packaging or packaging components does not exceed 100ppm (from 30 June 2001).

The Commission is currently not aware of cases of non-compliance to these requirements. However, the Commission will question the Dutch authorities regarding their obligations under Articles 9 and 11 of Directive 94/62/EC.

(1) OJ L 365, 31.12.1994.

(2002/C 172 E/067) **WRITTEN QUESTION E-3458/01**

by Rosa Díez González (PSE)
and Luis Berenguer Fuster (PSE) to the Commission

(4 January 2002)

Subject: SMEs and credit cards

The conflict between businesses and the banks issuing credit cards has flared up in Spain once again, because of the high levels of commission charged by the banks,

In these circumstances Commissioners Monti and Solbes have taken steps to remedy abuse in this sector, which affects a number of countries, but above all Spain, where commission averages 3,5 %, the highest level among the EU Member States.

What steps will the Commission consider taking to put an end to the wrongful practices of banks issuing credit cards?

Answer given by Mr Monti on behalf of the Commission

(4 February 2002)

The Commission is currently dealing with a complaint introduced under the European competition rules by EuroCommerce, a European confederation of retailers' organisations, against the existence of interchange fees in various payment card systems. Interchange fees are wholesale payments between the two banks involved in the processing of a payment card transaction, which have repercussions on the fees charged by banks to retailers for card acceptance. The complaint concerns interchange fees for both cross-border payments and domestic payments within Member States.

The Commission is considering in the first instance interchange fees for cross-border card payments, as these clearly have an appreciable effect on trade between Member States. In the absence of an appreciable effect on inter-state trade, national competition authorities are competent to examine alleged restrictions of competition under national competition law. Moreover, the Commission also had, before the introduction of the complaint, notifications from international payment card organisations of their international interchange fees.

The first such case is the notification from Visa International of its 'intra-regional' interchange fee, which applies to cross-border Visa card payments within the Visa European zone. On this interchange fee the Commission addressed a Statement of Objections to Visa International in October 2000. However, following proposals by Visa for reforms to its method for setting the level of its intra-regional interchange fee, the Commission published a Notice in the Official Journal on 11 August 2001 [1], indicating its provisional intention to adopt a favourable position concerning the revised intra-regional interchange fee of Visa. In parallel, the complainant EuroCommerce was informed of the Commission's provisional intention to reject its complaint as concerns the intra-regional interchange fee of Visa, and was given the opportunity to reply. A number of comments in reply to the Official Journal Notice, and a submission from the complainant, were received. The Commission is considering these carefully, following which it will proceed to a final decision on the intra-regional interchange fee of Visa International.

Subsequently, the Commission will consider other cross-border interchange fees of other international card payment organisations, then it will consider the complaint against domestic interchange fees, including that in Spain. However, for domestic card payments the Commission will first have to determine, in consultation with the national competition authorities as appropriate, whether such domestic fees affect trade between Member States.

[1] OJ C 226, 11.8.2001.

(2002/C 172 E/068) **WRITTEN QUESTION E-3459/01**

by Charles Tannock (PPE-DE)
and Theresa Villiers (PPE-DE) to the Commission

(4 January 2002)

Subject: The application of the Growth and Stability Pact

In Paragraph 1 of the Report on the Commission document 'The EU Economy 1999 Review' (A5-0041/2000) the Parliament 'Calls upon the Council, in setting the broad Economic Guidelines, to

formulate policies, including microeconomic policies, designed to achieve full employment which are consistent with stable prices and a balanced budget over the whole economic cycle'.

Does the Commission believe that it is these objectives which underlie the Growth and Stability pact and which Member States does the Commission believe are furthest from achieving them?

Can the Commission explain the rationale behind the rule which prevents receipts from privatisations being deducted from budgetary deficits given not only the boost to economic activity and efficiency that such privatisations can generate but also the fact that the sale of public assets result in real and not illusory benefits to national exchequers and appear to be consistent with the economic objectives outlined above?

Answer given by Mr Solbes Mira on behalf of the Commission

(25 January 2002)

The primary aim of the Stability and Growth Pact is to safeguard sound public finances as a means to ensure strong sustainable growth conducive to employment creation. In this way, national budgetary policies will support a stability-oriented monetary policy and ensure that Member States can deal with normal cyclical fluctuations without incurring excessive deficits.

Under this framework, budgetary positions in the euro area has continued to be consolidated in recent years. In 1997, the reference year for the Economic and Monetary Union (EMU) qualification among the first wave, the average budget deficit in the euro area was 2,6 % of gross domestic product (GDP) while in 2000 it had been reduced to 0,8 % of GDP. The majority of Member States have now achieved underlying budgetary positions that are 'close to balance or in surplus', in line with the requirements of the Stability and Growth Pact. However, in a few Member States (Germany, France, Italy and Portugal), budget positions still show deficits. This implies that further consolidation efforts will be necessary in the medium-term, as is also planned in the respective stability programmes.

On the issue of the neutrality of privatisation receipts to the government net lending in the European System of National and Regional Accounts in the Community (ESA), the efficiency and rationale of privatisations is in no way questioned by this recording. It should be recognised that in an economic accounting system like ESA, differently to the practice in cash based public accounts, a distinction is made between financial and non-financial transactions as well as financial and non-financial assets. The privatisation of a public corporation, that is, the sale of a financial asset (the shares in the corporation) against cash (also a financial asset) constitutes a typical financial transaction that neither has any impact on government net wealth nor implies any distribution of income between economic sectors. However, of course, when the economic efficiency gains materialise these will, amongst other things, show in the growth of tax bases and government revenues. Furthermore, it should be noted that privatisation receipts do contribute to reduce Maastricht gross debt.

(2002/C 172 E/069) **WRITTEN QUESTION E-3464/01**

by Mario Borghezio (NI) to the Commission

(4 January 2002)

Subject: Takeover of MAA Assicurazioni (Italy) — infringement of the principle of competition

The events before and during the takeover of all the insurance business of MAA Assicurazioni by SAI — Società Assicuratrice Industriale Spa — for a token price of Lit 1 000, showed a number of anomalies.

In actual fact a more favourable offer had been made on 19 May 1995 by Toro Assicurazioni Spa, envisaging the acquisition of all the insurance activities of MAA Spa and entailing recognition in favour of the transferor — and hence its shareholders — of a value to be agreed with the special commissioner for the MAA. However, the proposed agreement with Toro was turned down by the commissioner, to the obvious detriment of the MAA shareholders, without any intervention on the part of the ISVAP watchdog body, which in fact subsequently authorised the takeover by SAI.

Under the terms of the takeover, the 'preferred risks' premium portfolio was indicated as representing 8 % of the total value, whereas according to the market evaluation in the civil courts it turned out to be worth 80 %.

Furthermore, it emerges that the commissioner placed an unjustified additional burden of around Lit 120 billion on the MAA reserves, as confirmed by Prof. Gianluca Ottaviani in the ISVAP report of 12 December 1995, thereby favouring SAI Spa in the acquisition negotiations.

Does the Commission not consider that the shortcomings of the ISVAP in effect promoted a takeover which constitutes a distortion of the principle of free competition?

Answer given by Mr Bolkestein on behalf of the Commission

(25 February 2002)

The Commission thanks the Honourable Member for his question concerning the role of ISVAP in the take-over of all the insurance business of MAA Assicurazioni by SAI.

At the current time the Commission is unaware of the details referred to by the Member and is therefore undertaking some preliminary enquiries before responding more fully to the Honourable Member's question.

The Commission has no direct role in the supervision of individual insurance undertakings in Member States. In fact, neither the EC Treaty nor Community Insurance directives confer specific supervisory powers upon the Commission, nor does the Commission authorise and supervise undertakings wishing to write insurance business. It falls under the responsibility of each Member State to organise and effect this national supervisory responsibility (see e.g. Article 9 of Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive [1]), as regards transfers of portfolios Article 12, and as regards qualified holdings on an insurance undertaking Article 15 of Directive 92/49/EEC). The prudential supervision of MAA is therefore primarily a matter for the Italian authorities. Moreover, decisions taken by Member States in respect of an insurance undertaking under laws, regulations and administrative provisions adopted in accordance with this Directive may be subject to the right to apply to the courts (Article 56 of Directive 92/49/EEC).

Where an aggrieved party considers that national supervisory authorities have not properly respected the requirements of the relevant Community Directives, redress may be sought by application to national courts. In fact, national courts are competent to analyse whether a national supervisory authority when carrying on its supervisory functions has complied with the supervisory law. They can also take appropriate measures in order to ensure the respect of the law. The task of the Commission is to ensure that, in exercising these supervisory powers, Member States respect their obligations under the relevant Community directives and do not hinder the proper functioning of the internal market.

[1] OJ L 228, 11.8.1992.

(2002/C 172 E/070) **WRITTEN QUESTION E-3465/01**

by Amalia Sartori (PPE-DE), Renato Brunetta (PPE-DE), Giorgio Lisi (PPE-DE) and Giacomo Santini (PPE-DE) to the Commission

(4 January 2002)

Subject: Small and medium-sized enterprises (SMEs) and the Decopaint study on the potential for reducing emissions of volatile organic compounds (VOCs) due to the use of paints and varnishes

The Decopaint study on the potential for reducing emissions of volatile organic compounds (VOCs) due to the use of paints and varnishes, published by the Commission in July 2001, envisages the possibility of regulating the percentage of solvents in decorative paints and varnishes and the use of solvent-based paints. In view of the importance of paint-producing SMEs for the European economy, the potentially extremely negative impact of a legislative proposal on employment in the sector must be seriously assessed.

Does the European Commission intend to carry out a cost/benefit analysis of the impact of the proposed rules on SMEs?

Will the Commission take due account of the needs of SMEs and the effects on the SME paint sector when it assesses the regulatory options in this area?

Answer given by Mr Wallström on behalf of the Commission

(6 February 2002)

The Commission will consider the impact of any proposal to reduce the content of volatile organic compounds (e.g. decorative paints) in products on all affected sectors including small and medium-sized enterprises (SME's). In this context, the Decopaint study is one of the elements that will be taken into consideration to prepare a proposal.

As is normal practice any draft proposal will be the subject of consultation with all stakeholders including representatives from the SME sector where they are affected.

In the context of the recent discussions leading to the adoption of the Directive 2001/81/EC of the Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants [1], reducing the solvent content of certain categories was stated to be a cost-effective route to reducing emissions that lead to the formation of tropospheric ozone.

The preliminary analysis appears to confirm this. However when finalising a proposal the Commission will endeavour to find ways to allow the industrial sectors affected to adapt to whatever new requirements may evolve.

[1] OJ L 309, 27.11.2001.

(2002/C 172 E/071) **WRITTEN QUESTION E-3470/01**

by Daniela Raschhofer (NI) to the Commission

(4 January 2002)

Subject: Uniform safety standards for nuclear power plants

The Commission points out time and time again that, in the field of nuclear safety, the European Union has no powers to adopt Union-wide standards. However, the Commission is very much entitled, and duty-bound, to submit proposals on problems with European relevance in order, in so doing, to encourage thought to be given to them in discussion processes.

With regard to nuclear safety, accordingly, the Council in its resolution of 18 June 1992 [1]:

> Requests the Member States to continue — with an active contribution from the Commission — to ensure greater concerted effort between the national safety authorities in the Community on safety criteria and requirements and on the incorporation of the conclusions reached into the practice followed in the Member States, in order to arrive at a system of safety criteria and requirements recognised throughout the Community.

In connection with this call on the Commission to show initiative in this field:

1. Does the Commission propose to act on the Council's call? If so, what changes are already being planned? When does the Commission intend to make those changes? If not, what are the Commission's grounds for such a decision despite the fact that that is what the Council called for in its resolution of 18 June 1992?

2. How does the Commission propose to make its contribution in this field in future?

3. Are tangible initiatives and groundwork in this connection already being planned?

4. Are the conclusions reached being collated and assessed by the Commission? If so, what are the Commission's own conclusions from them? If not, what grounds does the Commission have for its decision despite the fact that the Council resolution of 18 June 1992 refers to 'an active contribution from the Commission'?

[1] OJ C 172, 8.7.1992, p. 2.

Answer given by Mrs de Palacio on behalf of the Commission

(25 February 2002)

From the formulation of her written question, the Commission deduces that the Honourable Member is referring not to security, but to nuclear safety.

For the most part, the safety of nuclear power plants is the responsibility of nuclear operators under the supervision of their national authorities. This area is not one in fact which is explicitly covered by the Treaty establishing the European Atomic Energy Community. As the nuclear industry developed, however, convergence at Community level began to appear necessary to support the Member States in their efforts to harmonise safety practices. Thus, a Council Resolution of 22 July 1975 on the technological problems of nuclear safety acknowledged that it was up to the Commission to act as a catalyser for initiatives taken internationally in the area of nuclear safety.

With this Resolution in mind, the Commission set up several groups of experts dealing with nuclear safety questions. These groups, whose members include representatives of the safety authorities of the Member States, have actively contributed to harmonising practices in the area of nuclear safety. Following the Council Resolution of 18 June 1992, participation in these expert groups was extended to representatives of the central and eastern European countries and of the republics of the former Soviet Union.

Apart from this harmonisation work, in accordance with the conclusions of the Cologne European Council, the Commission has also taken an active part, with the Council, in drawing up a methodology intended to evaluate the safety of nuclear power plants in the accession countries. This methodology made possible a European outlook on European safety. The evaluation performed on the basis of this methodology in the first half of 2001 led to recommendations being sent to the candidate countries. When these have been implemented, they will permit the nuclear power plants of these countries to reach a high level of nuclear safety, equivalent to that of the Member States. The carrying out of these recommendations has been the subject of monitoring, in which the Commission has participated, since the beginning of January 2002.

It must also be pointed out that the Commission played a mediating role in order to facilitate dialogue between the Czech and Austrian authorities over the Temelin nuclear power plant, which led to an agreement on 29 November 2001.

The work pursued under the auspices of the Commission to harmonise safety practices has made a very significant contribution, not only to the quality of the safety of the Union's nuclear power plants, but also to the emergence of a European outlook approved by the Member States.

Finally, it must be pointed out that, in the conclusions of the Laeken Summit, the European Council undertook to maintain a high level of nuclear safety in the Union. In particular, it stressed the need to monitor the security and the safety of nuclear power plants. The Commission intends to participate actively in this process inside the Union, in the same way that it participates in the evaluation of the safety of nuclear power plants in the candidate countries.

(2002/C 172 E/072) **WRITTEN QUESTION E-3474/01**

by Charles Tannock (PPE-DE) to the Commission

(8 January 2002)

Subject: The application of Competition Policy with regard to collective sale of broadcasting rights to football matches

Does the Commission believe that the collective sale of broadcasting rights to football matches or any other sport is in principle or potentially anti-competitive, and what conclusions has it reached following its decision to launch a preliminary investigation into last year's sale of £1,65 billion sale of the television rights to England's top-division football matches?

Does the Commission believe that FIFA's collective sale of broadcasting rights to the football World Cup Competition in Japan and Korea in 2002 to the Kirch Media Group is consistent with European Union Competition Policy?

Answer given by Mr Monti on behalf of the Commission

(18 February 2002)

Joint selling of media rights by sports associations may restrict competition in the sense of Article 81 of the EC Treaty when trade between Member State is appreciably affected. In analysing the restrictive effect of joint selling of media rights, the Commission will examine whether the conditions for an exemption are possible. The Commission, which is very conscious about the potential benefits of economic solidarity in sport, wishes to ensure that the very important media rights to football tournaments are not sold in a way that harms competition on media markets and which, as a consequence, harms viewers. In this regard, Premier League matches are of particular importance on the United Kingdom (UK) media markets: if there are any anti-competitive aspects to the way in which the media rights are sold, their effects would be especially harmful. The Commission is proceeding with an in-depth factual examination of the media arrangements of the Football Associations Premier League (FAPL) and has been in contact with the FAPL and third parties to this end.

The FAPL has not yet notified its media arrangements to the Commission. This does not prevent the Commission from examining the case on its own initiative and such an examination is underway. The duration is likely to depend on the degree of co-operation the Commission receives and the extent of third party interest and comment.

The Commission is mindful that if action needs to be taken, it should be taken as quickly as possible.

The Commission has discussed the sale of the TV broadcasting rights of the World Cup Competition in Japan and Korea in 2002 to the Kirch Media Group with the International Federation of Football Association (FIFA).

The transaction has not been notified to the Commission and no complaints have been received.

(2002/C 172 E/073) **WRITTEN QUESTION E-3481/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(8 January 2002)

Subject: Taxation of computers in Internet cafés on the same basis as gaming machines

Under Greek Law No 2954/2001, computers in Internet cafés are to be taxed at a special rate on the same basis as gaming machines. Many Internet cafés will go bankrupt as result.

Greece in fact has the lowest use of computers in Europe and such businesses help to familiarise the public in general and young people in particular with new technology and the Internet. Is the Commission aware of any similar system of taxation operating in other Member States? Does the Commission consider that putting computers on a par with gaming machines encourages young people to access and familiarise themselves with the Internet?

What results have been obtained to date from the multiannual action plan promoting the safer use of the Internet in regard to filtering and rating systems, self-regulation mechanisms, and the encouragement of awareness measures?

Answer given by Mr Liikanen on behalf of the Commission

(28 February 2002)

The Commission has followed the developments in Greece related to law No 2954/2001 and the taxation measures on 'Internet café' enterprises.

In accordance to instructions issued by the Greek Ministry of Finance and clarifications that were given to the Commission services law No 2954/2001 and the meaning that it provides, for taxation purposes, to the notion of 'gaming machine' does not include computers that are operating in the premises of 'Internet café' enterprises solely for the purpose of providing Internet access.

Hence, 'Internet café' enterprises are directly excluded from the application of the particular provision, to the extent that the computers which are situated within the premises of 'Internet café' enterprises are used solely for the purpose of providing Internet access, use of the Internet and of the different Internet-related services and similar office-related work.

However, if these computers are used to provide Internet access as an excuse, but in reality they are used partly of fully for gaming purposes, then all the provisions under the legislation on gaming and gambling would be applicable.

The Commission considers positive that in this way it is clarified that the above mentioned law and the relevant taxation measures do not directly relate to or burden the operation of 'Internet café' enterprises in Greece.

The instructions of the Greek Ministry of Finance explicitly exempt from the application of the law only 'Internet café' enterprises. More particularly, the instructions mention that 'in the notion of'gaming machine'are included all computers which are situated or operate, for economic gain, in places accessible to the public in general (hotels, cafeterias, associations halls of any kind and any publicly accessible place)'.

The Commission believes that this point merits further clarification, as there is the danger that the above mentioned taxation measures would function as countermeasures in the development of information society services and the expansion of publicly available Internet access points.

The Commission is not aware of any similar measures in other Member States.

As regards the Safer Internet Action Plan, altogether nearly 130 different partners in 17 countries are involved in projects funded by the action plan. 9 awareness projects are running or have been completed aimed at the various target audiences (children, parents, teachers).

The selfregulation.info project which started recently will be a one-stop clearing house for selfregulatroy information, models and research. 13 projects dealing with content rating and filtering are running or have been completed. Further information is available at http://www.saferinternet.org.

(2002/C 172 E/074) **WRITTEN QUESTION E-3485/01**

by Christopher Heaton-Harris (PPE-DE) to the Commission

(8 January 2002)

Subject: Berlaymont

What are the current (up to date) costs of the renovation and refurbishment of the Berlaymont?

How much of this cost will be taken on by the Commission?

What, at the beginning, was the total estimated cost of the project?

What is now the predicted total cost of the project?

What files have been handed over the the OLAF?

Has OLAF reported back on these files?

Have or will any prosecutions take place because of problems in the Berlaymont project?

Who has the ultimate responsibility for this project?

When will the Berlaymont actually be ready for occupation?

Will the Commission definitely return to the Berlaymont?

Answer given by Mr Kinnock on behalf of the Commission

(18 February 2002)

Renovation of the Berlaymont building is being managed by SA Berlaymont 2000 (B-2000) a company set up under Belgian law with a capital of € 250 372 (BEF 10 100 000) and 70 % owned by the Belgian Government's Building Authority and 30 % owned by two banks, BACOB (now Artesia Bank) and ASLK/CGER (now Fortis Bank).

In its annual report for 2000 (published on 1 June 2001), Berlaymont 2000 estimated that costs incurred for the renovation of the Berlaymont would amount to € 395 588 500 (BEF 15,958 billion) by March 2002.

The Commission has continually emphasised that it will only bear the costs that it considers should legitimately be met. That specifically excludes the financial consequences of any faults or management errors that can be ascribed to the project company, and it specifically excludes any financial consequences of possible fraud.

In the Protocole d'Accord signed by the Belgian Government and the European Commission on 8 July 1997 the cost of renovating the Berlaymont was estimated at € 324 million (BEF 13,1 billion) and that estimate was based on the assumption that the building would be reoccupied on 30 June 2000.

The latest estimate of the final cost of renovation of the Berlaymont — made by Berlaymont 2000 SA in its Annual Report for the year 2000 — is € 500 million (BEF 20,2 billion), assuming reoccupation by 31 December 2003.

On 21 November 2000, the European Anti-Fraud Office (OLAF) received a note from the responsible Commission services informing the Office about serious misgivings which the Commission's consultants, Ernst & Young, had about a particular financial claim made by a major contractor to B-2000. The note was sent with my full knowledge and endorsement, and OLAF was provided with a report on the project prepared by the consultancy firm. After evaluation, the Director of OLAF decided on 5 December 2000 to open an investigation concerning B-2000 and its management of the site. On the basis of matters arising in the course of the investigation, a decision to open an internal investigation concerning the Commission was made in June 2001. OLAF has received numerous files from the Commission and elsewhere and continues to do so as it pursues the investigation.

The OLAF investigations are ongoing. The Commission is informed that the Office expects to finalise its reports before July 2002. A team of three investigators is currently working on this case, and they are assisted by a magistrate from the Magistrates and Legal Advice Unit within OLAF.

Until investigations are concluded it is clearly not possible to say whether or not any prosecutions will be undertaken.

The ultimate responsibility for the modernisation project lies with SA Berlaymont 2000.

The accumulated delays in work mean that SA Berlaymont 2000 now anticipates that the building will be ready for occupation by 31 December 2003.

The 'Protocole d'Accord' of 1997 included a provision that the Commission and the Belgian government would, in due course, negotiate a contract concerning the purchase of the building by the Commission. Those negotiations have been underway since January 2001.

If they lead to a mutually satisfactory conclusion on all outstanding legal, financial and technical issues, and if the work is of an acceptable quality ('une bonne fin' under the terms of the Protocol) the Commission intends to return to the Berlaymont.

(2002/C 172 E/075) **WRITTEN QUESTION E-3495/01**

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

(8 January 2002)

Subject: Construction of a marina in the Vigo ria (Spain)

The Voces polo literal de Teis association has expressed its concern regarding the plans for a marina in the A Lagoa area, which would do yet more environmental damage to the Vigo ria (Galicia, Spain). Its complaints are based on a report by the Vigo Ria Environmental Monitoring Centre and on documents published by the Maritime Research Institute.

The Commission has already been alerted to the pollution of the beach at Samil and the plans for a waste dump in the San Simón inlet — these being just two of the projects which seriously threaten Galicia's coastline. The marina will have a 235-metre long breakwater and building it will cause major alterations to the area's eco-system and also the loss of the beach at A Lagoa.

In what way can the Commission intervene vis-à-vis the relevant authorities in order to ensure compliance with Community environment law, particularly Directive 85/337/EEC [1] on environmental impact assessment?

Will the Commission say whether or not Community funding has been requested for the purpose of carrying out the project?

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

Answer given by Mrs Wallström on behalf of the Commission

(1 March 2002)

Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1], as amended by Council Directive 97/11/EC of 3 March 1997 [2], could apply in the case in question as marinas are covered by Annex II (point 12(b)).

It should be noted that Article 2 of the Directive provides that projects likely to have significant effects on the environment by virtue of their nature, size or location must be assessed with regard to their effects before authorisation is granted.

For the projects listed in Annex II, the Member States must determine, on the basis of a case-by-case examination or thresholds or criteria laid down by the Member State concerned, whether the project has to undergo an assessment in accordance with Articles 5 to 10. For the case-by-case examination or when

laying down thresholds or criteria, the Member State has to take account of the relevant selection criteria laid down in Annex III. The decision taken by the authority must be made available to the public.

The Commission cannot ascertain how the Spanish authorities have decided to apply the Directive solely on the basis of the information provided by the Honourable Member.

However, in accordance with Article 3(2) of Directive 97/11/EC, if a request for development consent was submitted before 14 March 1999, the provisions of Directive 85/337/EEC prior to the amendments continue to apply.

Furthermore, in accordance with Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [3], the selection of individual projects cofinanced within each programme under the Structural Funds is the sole responsibility of the Member States.

At all events, the Commission will be contacting the Spanish authorities to ask them for their comments on the facts referred to by the Honourable Member in order to ensure that the relevant Community law is complied with in the case in question.

[1] OJ L 175, 5.7.1985.
[2] OJ L 73, 14.3.1997.
[3] OJ L 161, 26.6.1999.

(2002/C 172 E/076)

WRITTEN QUESTION E-3500/01

by Erik Meijer (GUE/NGL) to the Commission

(8 January 2002)

Subject: Longer journey times and fare rises for rail passengers due to the introduction of an inflexible ticketing system for high-speed trains

1. Is the Commission aware that long-distance rail services in Europe have traditionally enabled passengers to decide at the very last moment to travel on the next train, as tickets may be used at different times within their period of validity on trains travelling at different speeds and sometimes even on different routes?

2. Is the Commission also aware that, traditionally, it has also been possible to pay the conductor any surcharges for express services and any reservation charges after boarding the train, if necessary, and that only reservations for seats, beds or couchettes lapse without any right to a refund if they are not used at the appointed time?

3. Can the Commission confirm that a quite different rail ticketing system is developing, particularly for high-speed train services, similar to that which applies to flying, so that passengers no longer have the option of choosing to travel on the next train but must instead always take measures in advance in order to gain access to the train legitimately, and that once purchased, tickets are valid only on a predetermined train?

4. How can passengers whose departure time depends when they complete their business be protected against unnecessary delays arising from the need to book in advance, against denial of access to a departing train and against the imposition of fines for failure to obtain in advance a ticket valid at a particular time?

5. What will the Commission do to ensure that, at least in the case of frequent rail services (those departing every two hours or more frequently) on routes of up to 750 km, it remains possible to decide immediately before the departure time to take a particular train, so that travelling by train remains almost as flexible as the use of a private car and so as to avoid unnecessary prolongation of journeys after the introduction of high-speed train services?

Answer given by Mrs de Palacio on behalf of the Commission

(20 February 2002)

1. and 2. Yes. The Commission is aware of the terms and conditions applicable to international train services.

3. The Commission has recently launched a study on the 'Competitiveness of International Rail Passenger Services to other modes of Transport throughout the European Union'. One of the first results of this study indeed shows the emergence of new ticketing systems applied on e.g. the Eurostar or the Thalys link, which make use of yield management. This ticketing system does not mean that rail passengers have less choice as they have the possibility to buy a ticket or to change their reservation shortly before the scheduled departure of the train, depending on seat availability and the type of ticket they initially purchased. According to Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways [1], Railway Undertakings have to operate as much as possible as normal, commercial, undertakings. The introduction of yield management techniques, similar to those used by airlines, has therefore increased the possibilities of railway undertakings to increase revenues and thereby improving the economic value and attractiveness of rail passenger transport.

4. and 5. In its White Paper on 'European transport policy for 2010 [2]: time to decide', the Commission has announced that it will table proposals in 2002 to safeguard the quality of rail services and users' rights. It will notably contain proposals on passenger rights, such as compensation in the event of delays of international trains. It will also contain a request to the railway undertakings to come forward with voluntary service quality commitments for international passengers services.

Specific measures as suggested in the question of the Honourable Member can not be envisaged as the Commission does not have the necessary competences. Within the framework of the Regulation (EEC) No 1191/69 of the Council of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway [3] however, Member States can conclude contracts with Railway Undertakings in which provisions can be included on e.g. the accessibility, frequency and price of (international) rail services.

[1] OJ L 237, 24.8.1991.
[2] COM(2001) 370 final.
[3] OJ L 156, 28.6.1969.

(2002/C 172 E/077) **WRITTEN QUESTION E-3502/01**

by Erik Meijer (GUE/NGL) to the Commission

(8 January 2002)

Subject: Attribution of the Kyoto obligations of importing states to producing states in the field of electricity production

1. What view does the Commission take of the fact that the Netherlands is seeking to comply with its CO_2 obligations under the Kyoto Protocol on Climate Change (emissions to be reduced by 6 % from the 1990 level by 2010, as against the current 7 % excess over that level) by importing increasing amounts of electricity from neighbouring countries, so that the production of greenhouse gases arising from electricity generation is no longer attributed to the Netherlands but to Germany, France, Belgium or other EU Member States?

2. How does the Commission aim to strike the intended balance between supply and demand to which it refers in its reply to my question E-0959/01 [1] and to use the annual monitoring and a European infrastructure plan for this purpose?

3. Will the Commission seek the introduction of a ceiling on imports of electricity by Member States in order to align the attribution of Kyoto obligations with those of the individual Member States?

(1) OJ C 318 E, 13.11.2001, p. 162.

Answer given by Mrs de Palacio on behalf of the Commission

(21 February 2002)

1. The Commission realises that importing a substantial part of its electrictiy requirements from neighbouring countries can help the Netherlands to achieve its Kyoto targets. In as far as the rules under the Kyoto Protocol and the requirements of the EC Treaty are respected, Member States are free to decide how they achieve the Kyoto targets. However, the Commission would like to stress that it is not sure that these electricity imports can be maintained in the future, since, this will depend on market developments. The Commission welcomes the fact that the Netherlands is taking structural measures to be able to comply independently with its Kyoto commitments, for example through the substantial investments undertaken in wind generation capacity and the promotion of investments in renewable generation through the exemption of the regulatory energy tax for renewable sourced electricity.

2. The Commission will report, on the basis of the reports by the national authorities, on the demand/supply balance in the Community and in the different Member States. It is up to the national authorities to ensure that the demand/supply balance is not disrupted, to avoid power shortages. However, the Commission is convinced of the need for in this respect of demand-side management measures to help maintain or achieve a balance between demand and supply. For this reason the Commission envisages to propose a Directive on Demand Side Management in the energy sector. In the infrastructure Communication (1) the Commisison points out some of the weaknesses in the European gas and electricity grids, and identifies actions to be undertaken to relieve these bottlenecks, among others more rational and transparent use of the interconnectors and, in some cases, additional capacity to grant Member States the possibility to fully benefit from the internal market.

3. The Commission is not seeking the introduction of a ceiling on 'imports' of electricity by Member States. The Community and the Member States intend to ratify the Kyoto Protocol by 1 June 2002 and will thus be bound to reaching the obligations it entails once the Protocol has entered into force. However, they have to do so in accordance with the requirements of the internal market and therefore refusing imports is a measure that is, in general, not acceptable.

(1) COM(2001) 775.

(2002/C 172 E/078) **WRITTEN QUESTION E-3504/01**

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

(8 January 2002)

Subject: Statements by the Commissioner responsible for the budget concerning the level of Union budgets after 2007 and the future of the Structural Funds for the current Objective 1 regions

In statements made to a Spanish newspaper, the Commissioner responsible for the budget, Michaele Schreyer, underlined her position regarding the point at which decisions should be taken on the appropriations to be allocated to the current Objective 1 regions, including my own region, Galicia, by saying that it is too early to make any forecasts on the future economic situation in Andalusia. However, the Commissioner did not display the same reticence in defining the upper limits for the Community budget in the coming years, even going so far as to claim, looking ahead to the end of the current programming period, which runs until 2006, that she could say very clearly that, even after enlargement, the budget would remain below the maximum ceiling of 1,27 % of Union GDP. What is the significance of

the Commissioner's remarks? How can she venture to make such a budget forecast when her mandate will end with the current parliamentary term in 2004? Why is she so cautious when it comes to defining the Structural Funds for the end of this programming period but so determined on the subject of the level of a Union budget which has yet to be debated by society and the European institutions and which will definitely have to be increased in order to guarantee the very existence of a political and social Europe?

Answer given by Mr Barnier on behalf of the Commission

(28 February 2002)

The budget Commissioner's interview with the Spanish daily El País on 30 November 2001 refers to decisions taken by the Heads of State or Government at the Berlin European Council on 24 and 25 March 1999. The 2000-2006 financial perspective adopted at that Council allows scope for admitting six new Member States in 2002 by creating a specific heading with annual appropriations rising from € 6,45 billion in 2002 to € 16,78 billion in 2006.

The recent Laeken European Council on 14 and 15 December 2001 confirmed that ten applicant countries will be able to join in 2004, provided that the current pace of negotiations and of reforms in those countries is maintained. On 30 January 2002 the Commission adopted a financial framework for enlargement which will fall within the limits set in Berlin for the new Member States until 2006.

In accordance with the provisions adopted in Berlin, the current Community budget — which includes the specific heading for the new Member States — does not use up the limit of 1,27 % of Community gross domestic product.

The Commission proposal for the financial perspective after 2006 will be presented in time for the necessary decisions to be taken sufficiently in advance of the end of the current financial perspective.

(2002/C 172 E/079) **WRITTEN QUESTION E-3518/01**

by Struan Stevenson (PPE-DE) to the Commission

(8 January 2002)

Subject: Export of live cattle to third countries

What amount was paid out in 2000 in the form of refunds on the export from the Community to third countries of live cattle (a) for slaughter and (b) for breeding?

Answer given by Mr Fischler on behalf of the Commission

(11 February 2002)

The export refunds paid in 2000 for live bovine animals amounted to € 110 769 million. Unfortunately, no detail is available in the accounts on the ventilation of these payments between slaughter or breeding purposes.

However, based on the export certificates issued during the period concerned, it can be estimated that a little more than 30 % was paid out for animals exported for breeding purposes and about 70 % of the amount was paid out for animals to be slaughtered.

(2002/C 172 E/080) **WRITTEN QUESTION P-3524/01**

by Wilhelm Piecyk (PSE) to the Commission

(20 December 2001)

Subject: EU/Kaliningrad transport links following enlargement to the east

At the end of October 2001, the Scandinavian airline SAS closed its Kaliningrad-Copenhagen route. The discontinuation of the only scheduled air service from Kaliningrad to Scandinavia, and hence to Germany and western Europe, will have substantial adverse effects on economic activity and tourism, which are just beginning to develop. Not only are transport links between the Kaliningrad region and the European Union, especially the countries around the Baltic, essential for the region's economic development, for they are also an urgent requirement as far as the political development of the region, which is part of Russian territory, is concerned. After its forthcoming enlargement to the east, the European Union will have external borders with Kaliningrad.

Has the Commission already examined the special situation of Kaliningrad, which is surrounded geographically by two candidate countries, Poland and Lithuania, and how does it assess that situation in terms of links to the European Union?

How does it propose to ensure that the Kaliningrad region has transport links to the European Union?

Answer given by Mr Patten on behalf of the Commission

(29 January 2002)

The Commission's analysis of the specific situation of Kaliningrad is presented in the Communication on 'The European Union and Kaliningrad' of January 2001 [1]. This was prepared to provide a basis for discussions within the Union as well as with Russia, and those candidate countries for accession that are most interested, in particular Poland and Lithuania.

Transport issues have been recognised in the Communication and appropriate technical assistance is provided to Poland and Lithuania as well as to Russia for making the transit of goods to and from Kaliningrad faster and more efficient.

Two of the Pan-European Transport Corridors link Kaliningrad with Poland and Lithuania. Both are multi-modal transport links for road and rail. The Commission attaches particular importance to the relevant sections of the Corridors and provides assistance for their completion.

The provision of air transport links between Kaliningrad and destinations in the Union is a matter for the operators, whose decisions will be taken on the basis of economic considerations. The Commission does not subsidise air links with third countries.

[1] COM(2001) 26 final.

(2002/C 172 E/081) **WRITTEN QUESTION E-3532/01**

by Christos Folias (PPE-DE) to the Commission

(8 January 2002)

Subject: Tobacco premiums for 2005

Commission proposal [1] fixes tobacco premiums for 2002, 2003 and 2004. In view of the fact that tobacco growers need to know what the premium for their product will be at least one marketing year in advance, when does the Commission intend to submit its new proposal for the arrangements which will apply to the harvest in 2005 and thereafter?

[1] COM(2001) 684, 21.11.2001.

Answer given by Mr Fischler on behalf of the Commission

(30 January 2002)

As part of its systematic assessment of the agriculture measures the Commission has launched an assessment study of the common market organisation for raw tobacco that will review the impact of the Community rules. Its conclusions are expected by the end of 2002.

On that basis the Commission will present a reform proposal for the tobacco CMO in the first quarter of 2003.

(2002/C 172 E/082) **WRITTEN QUESTION E-3538/01**

by Concepció Ferrer (PPE-DE) to the Commission

(8 January 2002)

Subject: Complementarity between EU and Member States' development policies

It would appear that a meeting called by the Director-General of the Directorate-General for Development, at which the Directorate-General for External Relations, the Cooperation Office and their counterparts in the Member States were present, was held on 1 June 2001 to discuss complementarity and related issues.

Will the Commission say what decisions were taken during that meeting?

Answer given by Mr Nielson on behalf of the Commission

(20 February 2002)

In the interests of coordination and building mutual trust between it and the Member States, the Commission organises meetings of the directors general for development to bring together directors general from the Member States and the DGs for Development, External Relations and the EuropeAid Cooperation Office.

The meetings are strictly informal — there is no agenda and no decisions are taken. They provide a forum for the exchange of information.

The main topics covered in the last two meetings (September 2001 and January 2002) were the situation in Afghanistan, the Monterrey Conference on development financing and the Maastricht Treaty principles of coordination, complementarity and coherence, with particular regard to the 'Country Strategy Paper' (CSP), the new programming instrument which is prepared with the participation of Member States, thereby ensuring that complementarity and coordination are significantly enhanced.

(2002/C 172 E/083) **WRITTEN QUESTION E-3546/01**

by Erik Meijer (GUE/NGL) to the Commission

(8 January 2002)

Subject: Monitoring of the use of double nets to reduce effective mesh sizes and increase catches of fish

1. Is the Commission aware that some fishermen reduce the mesh size of their trawls to less than 80 mm by attaching a second trawl, the 'inner trawl', inside the bottom of the first in such a way that the meshes of the two nets cross each other, considerably reducing the effective mesh size, so that smaller fish are also caught and the sea can be cleared of the last remnants of its fish stocks?

2. Is it true that, so far, inner trawls have only been detected by means of inspection vessels visiting fishing boats while they are operating at sea with the aim of catching fishermen using such trawls red-handed, and not by means of preventive action before fishing boats leave port?

3. What is there to prevent checks for inner trawls being carried out before fishing boats leave port? Is it prevented by European legislation or by differing rules imposed by Member States?

4. What will the Commission do to ensure that inspections are not confined to the use of inner trawls at sea but begin at the preparatory stage in port to combat the use of inner trawls?

Source: 'Rotterdams Dagblad', 30 November 2001

Answer given by Mr Fischler on behalf of the Commission

(13 February 2002)

The Commission is aware of the use of mesh size obstructing devices. Such as blinders (Dutch translation 'binnenkuil') occurring notably in certain fisheries such as the sole fishery. This problem is mentioned in the report on the monitoring of the implementation of the Common Fisheries Policy (CFP) ([1]).

However mesh size obstructing devices such as blinders have not only been detected at sea. The competent authorities in the Netherlands have operated over the past an inspection programme where vessels suspected for using blinders were searched in ports. After initial inspection results, the persons responsible for the operation of those vessels adapted to this inspection practice. Indeed, blinders were no longer detectable when suspected vessels were searched in ports. Inspectors observed that masters used other methods to restrict the legal mesh size. Codends were notably bound together with ropes snapping when the gear is hauled. Such practices can only be checked when inspecting at sea.

In accordance with Community rules, the responsibility of controlling the application of Community legislation lies with Member States.

In accordance with Community legislation the use of any devices restricting mesh size other than those defined in Commission Regulation (EEC) No 3440/84 of 6 December 1984 on the attachment of devices to trawls, Danish seines and similar nets ([2]), are prohibited.

In accordance with Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ([3]), inspection applies to all activities in the fisheries sector at sea as well as on land. Member States shall take the appropriate measures including the allocation of budget and means of inspection, in order to ensure that the rules of the Common Fisheries Policy, and in particular the legal mesh size and minimum fish sizes, are complied with. Furthermore, in accordance with the said regulation, the level of sanctions adopted as follow-up of infringement must effectively deter non compliance with applicable measures. The protection of juvenile fish is essential for the reproduction of fish stocks. Irresponsible fishing conduct such as the use of blinders to restrict legal mesh is, therefore, condemned by the main stakeholders. Against this background, the Commission urges Member States to combat the above practices including by inspections both at sea and on land.

([1]) COM(2001) 526 final.
([2]) OJ L 318, 7.12.1984.
([3]) OJ L 261, 20.10.1993.

(2002/C 172 E/084) **WRITTEN QUESTION E-3548/01**

by Erik Meijer (GUE/NGL) to the Commission

(8 January 2002)

Subject: Obstruction of international rail journeys due to extremely high fares designed to cover a levy by the State of the Netherlands on a concessionaire

1. Is the Commission aware that, through a public auction in May 2001, a partnership comprising the rail company NS and the airline KLM acquired for 15 years from 1 October 2006 the exclusive right to operate domestic and international rail services on the new high-speed line Amsterdam-Rotterdam-Breda which is being linked to the existing Brussels-Paris line by means of a tunnel under the city of Antwerp in Belgium?

2. Is the Commission aware, furthermore, that NS/KLM are to pay EUR 148 million per annum for this, whereas competitors such as the German rail company DB and the British bus company Arriva offered less than EUR 100 m?

3. Bearing in mind that, until recently, the impression had been given that the fares charged to passengers on the new line would be of a normal level, with the possible addition of an express-service surcharge such as is also customary in other countries, does the Commission consider it to be normal, and an example worthy of emulation elsewhere, for the enormous payment to the State of the Netherlands to be financed by charging future passengers fares which will exceed the current normal level by an average of 50 %, and in the rush hour by as such as 100 %?

4. What view does the Commission take of the fact that this line is an 'additional' facility for domestic traffic in the Netherlands, whose use may be restricted to a small, affluent category of travellers who are able and willing to pay large amounts for a parallel express service, whereas the justification for constructing this line was that it would provide a 'replacement' for long-distance international services to and from Belgium and France?

5. After 2006, will the nearby parallel hourly service on the main line between the Netherlands and Belgium from Amsterdam to Brussels via Roosendaal and Antwerp be retained, with normal fares, in addition to this international service which will be extremely expensive for passengers, so as to avoid the creation of a monopoly accompanied by disproportionately high fares which in practice would constitute an inescapable new tax on international travel between two EU Member States?

Source: 'De Volkskrant', 5 December 2001

Answer given by Mrs de Palacio on behalf of the Commission

(20 February 2002)

1. and 2. The Commission has been informed about the tendering procedure organised by the Dutch authorities for train services to be operated on the HogeSnelheidslijn (HSL)-Zuid [1] section in the Netherlands, for which the Commission provided funding within the framework of the Trans-European Transport Networks. The Commission has also been informed that the proposal submitted by a Consortium consisting of the Dutch operator Nederlandse spoorwegen (NS) and Royal Dutch Airlines KLM has been selected by the Dutch authorities as providing the best value for money. The Commission has not been informed or notified about the content of the other bids.

3. The tariff structure on the future high-speed link will be determined, amongst others, by a pre-defined service level (such as the availability of enough seats), which requires adaptation of the price level of the tickets. It will also be determined by infrastructure charges as provided for by Directive 2001/14/EC of the Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification [2], which main purpose is to set a framework to charge users for the costs of construction, maintenance and use of the rail infrastructure. Further to Regulation (EEC) No 1191/69 of the Council of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by

rail, road and inland waterway [3], the Dutch authorities could include in its contract with the Railway Undertaking (i.e. NS/KLM) tariff reductions for specific groups, such as students or persons with reduced mobility, or even all passengers.

4. The Commission takes note of this fact, but can not express a view on it, on the basis of the information currently available.

5. The Commission does not have information on the future of the current services between Amsterdam and Brussels over Roosendaal and Antwerp. In principle, this is a matter of the Railway Undertakings, which operate services on this link. This service could be made subject to a Public Service contract to be concluded between Belgium and the Netherlands on the one hand and Railway Undertakings on the other. In its White Paper on 'European transport policy for 2010: time to decide' [4], the Commission has set as objective to maintain the modal share of rail transport in 2010 at the level of 1998, notably to manage the expected increase in transport demand. It notes that international services are frequently inadequate in volume, quality and reliability in comparison with national services. The White Paper also announces that the Commission will table proposals to safeguard the quality of rail services and users' rights, and it will develop those and other proposals in close co-operation with the main actors and stakeholders involved.

(1) HSL Zuid: High Speed Link South: the section from the Dutch/Belgian border to Amsterdam of the Paris-Brussels-Amsterdam High Speed Link.
(2) OJ L 75, 15.3.2001.
(3) OJ L 156, 28.6.1969.
(4) COM(2001) 370 final.

(2002/C 172 E/085) **WRITTEN QUESTION P-3551/01**

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

(20 December 2001)

Subject: Situation of the European shipbuilding industry

On 5 December the Council of Industry Ministers failed to agree a common position on the temporary aid to be granted to the European shipbuilding industry in order to enable it to withstand the unfair competition being practised by South Korea. Such competition has a detrimental effect on the industry, which, unless the situation changes, is likely to see many of its constituent companies go out of business.

Will the Commission say why it has not complained (and, apparently, is not going to complain) to the World Trade Organisation (WTO) about South Korea's unfair practices? Will the Commission provide information regarding its latest plans (following the rejection of temporary aid by the Council of Ministers) to tackle the situation in which the European shipbuilding industry currently finds itself, since that industry cannot continue passively accepting the damage done to it by unfair South Korean competition?

Answer given by Mr Lamy on behalf of the Commission

(31 January 2002)

The Commission took note that the Council of 5 December 2001 was not ready to endorse the Commission's proposal for a temporary defence mechanism. On the other hand, as the Honourable Member certainly knows, the Commission has received and accepted an industry request to update the Trade Barriers Regulation (TBR) investigation to cover the period from December 2000 to November 2001. An update of the report is currently being prepared by the Commission.

Any complaint to the World Trade Organisation (WTO) must await the outcome of the further investigation. The updating of the injury part of the TBR report indeed appears appropriate; it would allow the Commission to rely on more recent and accurate injury data at the time of WTO action.

In conclusion, the Commission will consider the situation in particular in the light both of the results of its further TBR investigation and of its twin-track strategy. The Commission has no intention to change its strategy vis-à-vis Korea, as set out in its reply to written question E-2142/01 [1].

[1] OJ C 93 E, 18.4.2002, p. 68.

(2002/C 172 E/086) **WRITTEN QUESTION E-3553/01**

by Eurig Wyn (Verts/ALE) to the Commission

(8 January 2002)

Subject: Revision of the 1976 EC Bathing Water Directive

There are millions of water users who use Europe's coastal and inland waters each year. Would the Commission agree that a number of changes to the legislation should be made in order that these water users get the protection they deserve?

Will the Commission ensure that when this directive is revised, the following will be incorporated:

1. a broadening of the concept of 'bathing waters' to take into account those waters heavily used by citizens participating in water contact recreation;

2. acknowledgement of the year round nature of water use at certain locations;

3. the development of a standard and methodology that will give the best possible health protection;

4. accessible, up to date information to enable the public to make an informed choice about which waters they use, and when.

Will the Commission take into account that the above proposals will not only benefit the water user but also the tourism and leisure industry?

Answer given by Mrs Wallström on behalf of the Commission

(25 February 2002)

In order to protect the health of numerous bathers the Commission currently revises the Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water [1] hereafter the '1976' Directive. When preparing this revision, the Commission published in December 2000 a Communication [2] to the Parliament and the Council and has organised a wide public and stakeholder consultation.

1. From this consultation it is apparent that the scope of the 1976 Directive should be reviewed in the light of modern recreational practices. In fact, nowadays water activities are not just 'bathing and swimming' but encompass several water sports.

2. The bathing season may vary according to geographical and regional conditions. However, during the consultation no consensus could be reached to formally extend bathing seasons throughout the year, because at most locations the number of bathers would be very limited during the 'colder' months. As a consequence, the revised Bathing Water Directive will not foresee bacteriological monitoring of beaches throughout the entire year. The general water quality of inland and coastal waters is however subject to the Urban Wastewater Directive [3], the Nitrates Directive [4], the Water Framework Directive [5] and the relating monitoring schemes. Moreover, the Water Framework Directive foresees the concept of 'Good Ecological Status' for all European waters.

3. The revised directive will foresee a standard for monitoring and analysis. Scientific research indicates that stringent bacteriological parameter thresholds are only meaningful in conjunction with a standard testing methodology.

4. One of the weak points of the 1976 Directive was communication with the public. The revised Directive will take into account the new state of the art in (electronic) communication and will plan better and faster information. This communication will take place on two levels. First, a messaging system on the beaches will show beach and water status. Secondly, a wider information system (for example on the Internet) will exist, allowing the public to be aware of bathing water quality before reaching the beach. Both systems will deliver frequently updated information.

The Commission believes that the revision of the Bathing Water Directive will not only have a positive effect on public health. It will also be beneficial for the tourism and leisure industry in terms of improved public information provisions on beach and water status which will provide good publicity.

(1) OJ L 31, 5.2.1976.
(2) COM(2000) 860 final (http://www.europa.eu.int/water/water-bathing/index_en.html).
(3) OJ L 135, 30.5.1991 and OJ L 67, 7.3.1998.
(4) OJ L 375, 31.12.1991.
(5) OJ L 327, 22.12.2000.

(2002/C 172 E/087) **WRITTEN QUESTION E-3554/01**

by Antonios Trakatellis (PPE-DE), Ioannis Marínos (PPE-DE) and Christos Folias (PPE-DE) to the Commission

(8 January 2002)

Subject: Community Tobacco Fund: unused appropriations and further undue deductions from tobacco premiums

At a time when Greek tobacco processing organisations are complaining that the Community tobacco fund (1) has not spent a single euro of the 60 million euro in accumulated deductions over the three-year period 1999-2001 on agronomic research programmes to improve tobacco quality or alternative crop programmes, the Commission is attempting to impose a further unacceptable increase in the deductions from tobacco-producers' premiums used to finance the Community fund's research and information activities in the tobacco sector, thereby cutting their incomes.

With reference to the proposal for a Council Regulation (2) fixing the premiums and guarantee thresholds for leaf tobacco by variety group and Member State for the 2002, 2003 and 2004 harvests and amending Regulation (EEC) No 2075/92 (3):

1. Why is the Commission seeking unduly to impose a deduction for financing the Community tobacco fund of 2 % of the premium for the 2002 harvest, 3 % for 2003 and 5 % for 2004 onwards (Article 3, paragraph 1) when there are unused appropriations remaining in the fund, and why is it seeking to abolish agronomic research in respect of this product?

2. What is the total amount of appropriations to have accumulated in the Community tobacco fund since 1992, the year in which it was established, and what amounts of appropriations have been spent per year since 1992 on the development of agronomic research into the production of less harmful tobacco, and carrying out health awareness campaigns?

3. What becomes of the unused appropriations from the Community tobacco fund, given that in 1999 only 128 308,76 euro of the 3 000 000 euro available were taken up? What amount of appropriations from the 6 000 000 euro available in 2000 and the 15 000 000 euro available in 2001 have been taken up?

4. Is it true that for the three-year period between 1999 and 2001 alone, over 60 million euro remain unused? If so, why is the deduction from tobacco-producers' premiums being increased to 5 % when the fund contains leftover appropriations?

5. Why has no finance been forthcoming to date for research into alternative crops? Can the Commission explain why only two invitations to submit projects have been issued since the inception of the fund, from which a total of nine agronomic research projects (totalling 12 441 220 euro) and 18 health awareness projects (totalling 7 898 079 euro) have received funding?

(1) Regulation (EC) No 1648/2000, OJ L 189, 27.7.2000, p. 9.
(2) COM(2001) 684.
(3) OJ L 215, 30.7.1992, p. 70, as last amended by Regulation (EC) No 1336/2000 (OJ L 154, 27.6.2000, p. 2).

Answer given by Mr Fischler on behalf of the Commission

(1 March 2002)

The Commission wishes to provide the Honourable Members with the following information:

— The Community tobacco fund was originally set up to promote agronomic research into production which is less harmful and more compatible with the environment, and to conduct information campaigns on the harmful effects of tobacco products. Experience showed that, with regard to agronomic research, the Community dimension did not contribute sufficient added value to justify and offset the complexity of managing such activities at Community level.

— Accordingly, and in view of the new guidelines contained in the Commission communication 'A sustainable Europe for a better world: a European Union strategy for sustainable development' (1), the Commission decided to propose recasting the fund on a new basis by ceasing to finance agronomic research and by creating scope for financing specific conversion measures. The aim was to give producers wishing to move out of the sector the opportunity to switch to other crops and economic activities.

— In keeping with that new priority, it was deemed necessary to increase the amount withheld in order to make more budgetary resources available for the fund.

— The Commission considers that increasing the amount withheld will make it possible to launch representative conversion experiments which will provide valuable lessons on the real scope for converting tobacco production areas.

Regarding the questions about appropriations:

— It should be noted that the fund is not a real one into which the yield from the amounts withheld is paid annually. The Commission launches initiatives which are financed under the ad hoc heading 'Community fund for research and information' (B1-175). The appropriations under that heading correspond to the estimated costs actually incurred during the financial year in question.

— The fund was set up pursuant to Article 13 of Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco and Commission Regulation (EEC) No 2427/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 with regard to the Community fund for tobacco research and information (2). The first invitation to tender was issued in 1994 and the second in 1996.

The contract for the first research project (94/T/12) was signed in 1996 and the projects' duration is 4-5 years.

Payments by the fund are made following on-site inspection, and are based on evaluation of progress with scheduled work and on relevant supporting documents.

In the light of previous information and an extensive administration procedure, the appropriations utilised from 1996 onwards are set out below.

For the information component

(Payments in €)

1996	–
1997	–
1998	1 393 467,15
1999	128 308,78
2000	1 108 067,10
2001	5 861,01
Total	2 635 704,04

For the research component

(Payments in €)

1996	2 216 999,37
1997	1 349 741,00
1998	749 727,00
1999	302 170,00
2000	1 382 868,00
2001	161 266,00
Total	6 162 771,37

It should be noted that, for 2001, € 7 492 233,88 have been committed to the information component and € 1 699 329 to the research component. The corresponding payments not yet made will be automatically carried forward for use in 2002.

Under the information component, on 13 June 2001 the Commission issued an invitation to tender for a three-year information campaign on preventing tobacco addiction among adolescents in the 15 Member States.

Unused budget appropriations are cancelled.

Studies on the possibilities for raw tobacco producers to switch to other crops or activities (as provided for in Article 1(1)(b) of Commission Regulation (EC) No 1648/2000 of 25 July 2000 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 with regard to the Community tobacco fund and repealing Regulation (EEC) No 2427/93) must take careful account of the local conditions with which those opportunities have to be compatible.

Under the new conversion measures proposed by the Commission, it would be possible to carry out studies at the appropriate regional or local level to form the basis for implementing operational measures.

(1) COM(2001) 264 final.
(2) OJ L 223, 2.9.1993.

(2002/C 172 E/088) **WRITTEN QUESTION E-3555/01**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(8 January 2002)

Subject: Failure of Greece to comply fully with the judgment of the Court of Justice concerning used cars

In reply to my Question No E-0574/01 ([1]), the Commission informed me that it had addressed a reasoned opinion to the Greek administration under Article 228 (ex-Article 171) of the EC Treaty for incomplete application of the Court of Justice judgment in Case C-375/95, Commission v. Hellenic Republic, concerning the taxation of motor vehicles.

Can the Commission say what developments have taken place in the above matter?

([1]) OJ C 318 E, 13.11.2001, p. 75.

Answer given by Mr Bolkestein on behalf of the Commission

(5 February 2002)

Greece has replied to the reasoned opinion mentioned in the Commission's reply to the honourable Member's previous written question E-574/01. In addition, the European Court of Justice has issued its decision in case C-393/98 (Gomez-Valente), which has aspects in common with the present case. The resultant legal position has been examined, and the Commission will decide in the near future how to proceed further.

(2002/C 172 E/089) **WRITTEN QUESTION P-3557/01**

by Alexander Radwan (PPE-DE) to the Commission

(4 January 2002)

Subject: Withholding of tax in connection with building work

Income tax law in the Federal Republic of Germany provides that tax must be withheld in connection with building work as from 1 January 2002.

Customers will be required to withhold 15 % of the invoiced amount and pay it over to the tax office responsible for the building firm concerned. All payments to building firms or construction trade businesses inside and outside the country are subject to this.

If, for instance, the owner of a large house containing several flats rented to private individuals has the bathrooms renovated, he must declare and pay over 15 % of the amount invoiced by the plumbers to his tax office. If he has his own house renovated, mandatory withholding also applies, since, as a landlord, he is operating a business.

Customers are liable in respect of the withholding of tax, i.e. they must, in addition, pay over 15 % of the invoiced amount to their tax office if they have made payments in full to builders without an exemption certificate. They may also be liable to a fine of up to € 25 000.

Is this statutory provision compatible with the internal market?

Answer given by Mr Bolkestein on behalf of the Commission

(21 January 2002)

The Commission would refer the Honourable Member to its answer to written E-2875/01 by Mrs Plooij-Van Gorsel ([1]).

([1]) See page 17.

(2002/C 172 E/090)

WRITTEN QUESTION E-3566/01

by Bob van den Bos (ELDR) to the Commission

(8 January 2002)

Subject: Human rights situation in Bangladesh

Since the general parliamentary elections in Bangladesh on 1 October 2001, the situation of minorities and especially Hindus has continued to deteriorate. There have been many new reports of widespread violence against minority communities and destruction of their property. The major political parties are blaming each other for these abuses, and the government is not taking concrete action to stop violence.

What possible consequences might this have for the implementation of the EC-Bangladesh Cooperation Agreement?

What steps is the Commission considering in order to change the situation described above?

Answer given by Mr Patten on behalf of the Commission

(31 January 2002)

The Commission is aware that in the weeks following the general elections on 1 October 2001, Bangladesh witnessed an outburst of violence against the losing Awami League's (AL) voters, party workers and particularly against the Hindu community both as a minority group and presumed traditional supporters of the Awami League.

Attacks on Hindus in Bangladesh are not a recent phenomenon. The Hindu minority suffered under the governments of both the Awami League and the Bangladesh National Party. Moreover, post election violence is, to some extent, a continuation of an ever present violence in Bangladesh society. However, in the aftermath of the national elections on 1 October 2001, its unprecedented extent, brutality and duration is particularly worrying.

For this reason, the Commission, through its Delegation in Dhaka, has monitored very closely the post election situation and the political developments in Bangladesh and has played an active role, together with Member States' and other diplomatic missions on the spot, non-governmental organisations (NGOs), Human Rights organisations and the media in denouncing the negative developments.

Shortly after the elections the Head of the Commission's Delegation to Bangladesh, together with the Union's Presidency in Dhaka and the ambassadors of the so-called 'Tuesday Group' (United States, Canada, Australia, Japan, Norway, Switzerland, Denmark, Germany, France, Italy, the Netherlands, Sweden, the United Kingdom and the Resident Representative of United Nations Development Programme (UNDP)) made a public statement expressing deep concern about the increasing acts of violence against minorities in Bangladesh.

On 1 November 2001, the Member States' and the Commission's Delegation Heads of Mission met the Home Minister to express their concern about the continuing attacks on minority groups in Bangladesh, and urged the Minister to restore law and order and full respect for human rights. The Member States' Heads of Mission pressed for an immediate establishment of the long proposed Human Rights Commission.

A similar diplomatic action was undertaken with the senior leadership of the Awami League urging the party leaders to exercise restraint and to avoid an escalation of violence by abstaining from any revenge activities.

During the first Community − Bangladesh Joint Commission meeting under the new Community-Bangladesh Cooperation Agreement on Partnership and Development, held in Dhaka on 20 November 2001, the chairman of the delegation of the Commission, referring to the human rights clause of the Agreement (Article 1), clearly expressed the Union's concern over the post-election spate of seemingly

politically-motivated violence and asked the Government of Bangladesh to make all necessary efforts to address this issue. Similar demarches were made in meetings of the Member States' and the Commission's Delegation Heads of Mission with the Minister of Foreign Affairs.

The Bangladesh printed media and domestic non-governmental organisations (NGOs) also voiced their concern about the attacks and violence against minorities in the country, urging the Government of Bangladesh to take action against the perpetrators. On 27 November 2001, the High Court, in response to a petition filed by a rights organisation, ordered the Government of Bangladesh to investigate the incidents and submit a report by 15 January 2002. It issued a notice to the government as to why it was not undertaking to bring to justice those responsible for the attacks on minorities. Already on 24 November 2001, the High Court had ordered the Government of Bangladesh to explain why it had not taken steps to stop post-election attacks and harassment of minorities.

Although the present situation still appears tense, reported violence against and intimidation of minorities has decreased. It is also to be noted that the Government of Bangladesh has recently taken steps which indicate a determination to stop any violence against minorities in Bangladesh and to bring the perpetrators to justice. An inquiry committee headed by the Principal Secretary of the Prime Minister, has been set up, arrests have been made including a notorious villain who was elected as BNP Member of Parliament, and a legislative proposal for the establishment of an independent Human Rights Commission has been brought on its legislative way.

In the light of these developments, the Commission instructed its Delegation in Dhaka to continue to monitor closely the Human Rights situation in the country, to actively participate in all diplomatic initiatives in close co-ordination with the Union Presidency representative and Member States' diplomatic missions in Bangladesh, and to raise this issue with the Government of Bangladesh as and when appropriate.

(2002/C 172 E/091) **WRITTEN QUESTION E-3567/01**

by Mihail Papayannakis (GUE/NGL) to the Commission

(8 January 2002)

Subject: Leader+

On 4 December 2001, the Commission approved the Leader+ programme for Greece with a budget of € 392,6 million. Can the Commission provide details of the implementation of the previous Leader programmes in Greece, comparing their results with those obtained in other Member States where the corresponding programmes were carried out?

Answer given by Mr Fischler on behalf of the Commission

(1 March 2002)

Briefly comparing the results and impact achieved in Greece under the Leader I programme, which was implemented mainly during the period 1990-1993, with the 12 EU Member States as a whole shows that:

— of 215 local action groups (LAGs) in total, Structural Funds aid final beneficiaries set up 25 LAGs in Greece (11,6 % of the total);

— of € 417 million in total committed and used from the Structural Funds, the Greek programme's share amounted to € 52 million (12,5 % of the total); it should be pointed out that, in terms of financial implementation, Greece was among the top five Member States (along with Germany, France, Ireland and Portugal) in which more than 60 % of LAGs attained over 95 % of their objectives within the period stipulated;

— of 22 000 projects and operations in total, 1 730 (8 % of the total) were carried out in Greece; of 25 000 new full-time equivalent jobs in the 12 Member States, 1 990 (8 % of the total) were created in Greece;

— over half the LAGs in Greece focused mainly on developing rural tourism, a marked trend in all the regions of southern Europe.

The above bears out the view that, overall, implementation of Leader I in Greece produced satisfactory results comparable to those in all the Member States and particularly close to those in the regions of southern Europe. Greece applied the principles specific to Leader — regional approach, local partnership, bottom-up method, multisectoral and integrated LAG plans, innovation, networking, decentralised financing — easily as well as other Member States.

For further information on the results and impact of Leader I, the Honourable Member may find it helpful to consult the ex post evaluation report for the Community as a whole at http:/europa.eu.int/comm/agriculture/eval/index_en.htm.

The Commission has received and is currently examining a number of national and regional Leader II ex post evaluation reports, including that for Greece. Once it has received all the reports, the Commission will publish an invitation to tender in order to select an external expert to conduct the ex post evaluation of Leader II for the EU as a whole. In addition, the final reports on the programmes' implementation are expected towards the end of the first half of 2002, accompanying the final declarations of expenditure which must be submitted to the Commission for financial closure of the programmes. It is therefore too soon to draw any — even tentative — conclusions regarding the implementation, results and impact of Leader II, either in Greece or in other Member States; and it is certainly too soon to make comparisons between them.

At this stage, the Commission is merely able to confirm that for Leader II in Greece € 167,65 million from the Structural Funds were committed in their entirety up to 31 December 1999 and that expenditure and payments continued to be incurred until 31 December 2001. Greece must submit the final declaration of expenditure and the final report on implementation of the programme during the first half of 2002. In Greece, 56 local development organisations (49 LAGs and seven other collective agencies) have received support under Leader II.

(2002/C 172 E/092)

WRITTEN QUESTION E-3568/01

by Glenys Kinnock (PSE) to the Commission

(8 January 2002)

Subject: 1956 Hungarian uprising

Would the Commission indicate whether the issue of impunity after the 1956 uprisings to the present day is a matter of concern in the pre-accession deliberations taking place between the EU and Hungary?

Is the Commission aware that the statutes of limitation in Hungary, effectively, procrastinated the bringing to trial of the perpetrators involved in the 1956 uprisings, and enabled many of them to go unpunished in Hungary?

Would the Commission agree that the length of sentence delivered in the Mosonmagyaróvár case, in June of this year, in effect gave pardon to the accused, Mr Dudás, through invoking Act No 39 of 1990 on General Amnesty?

Answer given by Mr Verheugen on behalf of the Commission

(8 February 2002)

In the framework of the pre-accession strategy, the Commission is closely following the political developments of candidate countries. In fact, in its Regular Reports it assesses on an annual basis whether the political criteria for accession are met, as laid down by the Copenhagen European Council in June 1993. In line with these criteria, the candidate countries must have achieved stability of institutions

guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. The latest Regular Report was issued in November 2001.

According to this Report, Hungary fulfils the Copenhagen political criteria.

However, as a matter of principle, the Commission does not qualify isolated decisions taken by a competent Hungarian Court. In addition, in the current case of Mr Dudás, a final decision by the Hungarian Supreme Court is still outstanding — following the introduction of an appeal by Mr Dudás to the decision of the first instance Court.

(2002/C 172 E/093) **WRITTEN QUESTION E-3569/01**

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

(8 January 2002)

Subject: Consequences of the attacks of 11 September for the aviation and tourism sector

There is no doubt that one of the sectors most badly affected by the terrorist attacks on New York and Washington is the air transport sector.

It is also true that the crisis affecting airlines preceded that date, but growing public fear of air travel and the increased cost of insurance have placed fresh burdens on the companies concerned.

At the time, the Commission authorised the granting of aid in a series of specific cases for a set period in order to cover the losses incurred for the time during which aircraft were grounded. Since 11 September, the United States has approved a series of subsidies which place European airlines in a situation of unfair competition.

Can the Commission say what developments have taken place regarding this US aid in the months since 11 September?

Is the Commission aware of the publicity campaign 'Get America travelling again' and the Travel America Now Act of 2001 adjusting the tax system in order to provide relief for the air industry?

Can the Commission say whether the Airport Security Bill has now been approved and what effects this legislation will have for European citizens and airlines?

Answer given by Mrs de Palacio on behalf of the Commission

(26 February 2002)

The Commission has been monitoring the assistance given by the American government to the air transport industry. American air carriers were affected to a much greater extent by the events of September 2001 and it was appropriate for them to receive assistance. However, the scale of the assistance offered gave some cause for concern in case it placed American air carriers in a stronger position than their European counterparts. In November 2001, the Vice-President of the Commission responsible for Transports and Energy wrote to her counterpart, Mr Mineta, the Secretary of Transportation, to express this concern.

Subsequently the Commission has proposed to the United States greater transatlantic cooperation and information exchange on the granting and monitoring of State aid. However, the United States are cautious about formal cooperation and the Union is limited in its approach by the refusal of the Council to agree a mandate for full Community-level negotiations with the United States in the air transport field. Contacts will therefore continue on an ad-hoc basis.

The Commission has noted the existence of a publicity campaign to encourage tourism to the United States, which has been funded by contributions from American industry. On a legislative level, the Commission understands that various proposals were made last year to adjust the tax system in order to encourage American citizens to travel, but that none were passed into law by the end of the last Congressional session.

As one of the implementing provisions of the Aviation and Transportation Security Act, which was signed on 19 November 2001, the United States' Customs Service has issued on 31 December 2001 an Interim Rule requiring that each air carrier, foreign and domestic, operating a passenger flight in foreign air transportation to the United States shall transmit to the United States' customs prior to arrival a passenger and crew manifest. These measures need to be implemented in conformity with the requirements of Directive 95/46/EC of the Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data [1].

[1] OJ L 281, 23.11.1995.

(2002/C 172 E/094) **WRITTEN QUESTION E-3573/01**

by Bart Staes (Verts/ALE) to the Commission

(8 January 2002)

Subject: Political prisoners in Uzbekistan

Towards the end of November, a European delegation under the leadership of the Commission's Directorate-General for External Relations and of the head of the Unit for Relations with the Caucasus and Central Asia, Mr Cornelis Wittebrood, visited Uzbekistan. The delegation discussed not only economic but also social and political relations between the Union and Uzbekistan, and it was agreed that relations in these fields should be improved.

On 28 November 2001, the Uzbek democratic opposition leader Muhammed Salih (ERK) was detained at Prague airport on the basis of an international arrest warrant issued by the Uzbek authorities. A few days previously Salih, who was recognised as a political refugee in Norway, had been my guest at the European Parliament. The Government of Uzbekistan accuses Salih of responsibility for bombings directed against the Uzbek authorities. No proof of his involvement has ever been provided. Salih managed to escape, but according to Amnesty International and Human Rights Watch there are still between 7 000 and 8 000 political prisoners in his country. AI and HRW have been denouncing this situation. As Tashkent is seen as an ally in the battle against terrorism, however, the regime has a free hand in Uzbekistan.

1. Is the Commission aware that there are thousands of political prisoners in Uzbekistan? Did the European delegation raise this problem during its visit to the country? If so, what response did it receive from the Uzbek authorities? If not, why not?

2. Has the Commission obtained any information from the Czech Republic — a candidate for accession — as to the circumstances in which Mr Muhammed Salih was detained? If not, does it intend to do so?

3. Has the Commission contacted the Uzbek authorities in connection with the arrest of democratic opposition leader Salih? If so, what was Tashkent's response? If not, does the Commission intend to do so?

4. Does the Commission intend to continue to support and promote trade relations between Uzbekistan and the EU if Uzbekistan does not change its attitude towards the democratic political opposition?

5. Will the Commission inform potential European investors about the human rights situation in Uzbekistan? If not, why not?

Answer given by Mr Patten on behalf of the Commission

(18 February 2002)

The Commission closely followed the recent events concerning Mr Mohammed Salih during his stay in the Czech Republic. The Commission Delegation in Prague was immediately informed of Mr Salih's arrest and of the position of human rights organisations. It raised the issue at a meeting of EU ambassadors in Prague. Contacts were also made with the Norwegian Ambassador in Prague, who confirmed his government's support for Mr Salih and the fact that he was in touch with the Czech authorities on the matter. The Delegation was also informed of the close attention President Havel was personally giving to the case. In agreement with the EU presidency it was decided only to make representations to the Czech authorities if the initiatives already under way failed. The successful outcome of the matter was welcomed by the Commission.

The Commission is fully aware of the human rights situation in Uzbekistan. The issue was raised at the last Cooperation Committee meeting in Tashkent on 23 November 2001. In accordance with the Commission's undertaking, the subject is addressed whenever the Commission has contact with the Uzbek authorities. On the November 2001 visit to Brussels of the Uzbek troika, led by Uzbekistan's Foreign Affairs Minister, Abdulaziz Kamilov (who also met Parliament's Committee on Foreign Affairs), the Commission again broached the subject of human rights and the democratisation process in Uzbekistan. Until recently the Uzbek authorities' response had changed little from that given to the Parliament delegation at the June 2001 Tashkent meeting of the Parliamentary Committee set up by the partnership and cooperation agreement.

At the Cooperation Council meeting held in Brussels on 29 January the matter was once again raised both by the Council Presidency and by the Commission. Progress became apparent: for the first time Mr Kamilov did not react with irritation to mention of the subject. He said that his government actively wished to improve the situation, but that democratic transition was slow since Uzbekistan was emerging from 70 years of Soviet domination and culture. The Uzbek authorities have already taken specific measures. Mr Kamilov welcomed the agreement with the International Red Cross on prison visiting. He said that the government wished to extend the scope of the agreement to all places of detention. He also referred to the Ombudsman's increasingly active role in dealing with human rights in Uzbekistan.

The Commission assures the Honourable Member that the points raised in his parliamentary question are regularly addressed by the Commission in meetings with the community of European investors held in Uzbekistan. Particular attention is given to respect for the rule of law (of major importance for private economic operators) by the Uzbek authorities, in particular the judicial authorities.

(2002/C 172 E/095) **WRITTEN QUESTION E-3582/01**

by Ulla Sandbæk (EDD) to the Commission

(8 January 2002)

Subject: MTBE

Can the Commission state what progress has been made on the risk reduction strategy for the petrol additive MTBE? What does the strategy consist of, and is MTBE to be banned?

Answer given by Mrs Wallström on behalf of the Commission

(1 March 2002)

The substance tert-butyl methyl ether (MTBE) is a high production volume chemical mainly used as a fuel additive in petrol. Other uses are in the chemical and pharmaceutical industries and laboratories.

Within the framework of Council Regulation (EEC) 793/93 of 23 March 1993 [1] on the evaluation and control of the risks of existing substances, MTBE was put on a priority list of chemicals for evaluation of the risks to man and the environment (cf. Commission Regulation (EC) No 143/97 [2]).

Commission Recommendation 2001/838/EC of 7 November 2001 [3] adopted at Community level the results of the risk evaluation and the risk reduction strategies for the substance MTBE.

The main concerns identified were:

— repeated dose local skin effects as a consequence of exposure arising from maintenance operations and automotive repair;

— the potability of drinking water in respect of taste and odour as a consequence of exposure arising from leaking underground storage tanks and spillage from overfilling of the storage tanks.

The recommended measures include:

— for workers: to investigate how to improve the design of fuel filter position in cars and fuel pumps so to facilitate maintenance and repair work while aiming at minimum skin exposure to petrol;

— for humans exposed via the environment: it is considered that measures, aiming at protection of groundwater will contribute to preventing the contamination of drinking water;

— for the environment: it is recommended that monitoring programmes be undertaken, where appropriate, in order to permit the early detection of groundwater contaminated by MTBE.

It is further recommended that the best available techniques be widely applied for the construction and operation of petrol underground storage and distribution facilities at service stations. In this regard Member States should consider mandatory requirements especially for all service stations in groundwater recharge areas. Furthermore, it is recommended that harmonised technical standards for the construction and operation of the storage tanks be developed at a European level by the European Committee for Standardisation (CEN). Potential past release sites, located on critical areas, should be investigated and, where necessary, remediated.

Furthermore, exchange of information on these programmes and their results should be promoted.

It is also recommended that MTBE containing bottom waters of above-ground storage tanks be controlled by plant permits [4] or national rules. To facilitate the permitting (as well as any fixing of national rules) these issues are included in the ongoing work to develop guidance on 'Best Available Techniques' (BAT) [5]. It is recommended that Member States carefully monitor the implementation of BAT in this respect and report any important developments in BAT to the Commission in the framework of the exchange of information on BAT.

On the basis of existing data and scientific knowledge, there are insufficient grounds to propose that MTBE be banned.

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(1) OJ L 84, 5.4.1993.
(2) OJ L 25, 28.1.1997.
(3) OJ L 319, 4.12.2001.
(4) Plant permits issued under Council Directive 96/61/EC concerning integrated pollution prevention and control (OJ L 257, 10.10.1996) or under national legislation.
(5) Work currently underway at Community level in the framework of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (OJ L 257, 10.10.1996) in developing BAT Reference Documents (BREFs) that cover MTBE production and handling, including design and management of storage modes.

(2002/C 172 E/096)

WRITTEN QUESTION E-3590/01

by Bert Doorn (PPE-DE) to the Commission

(8 January 2002)

Subject: Obligation for the Netherlands government to carry out an environmental impact assessment as a consequence of the Commission's reasoned opinion of 18 July

The Commission recently decided to take action against the Netherlands on the grounds of infringement of the European directive on the assessment of the effects of certain public and private projects on the environment. In its reasoned opinion of 18 July, the Commission stated that the Kingdom of the Netherlands had not fulfilled the obligations deriving from Articles 2(1) and 4(2) of the directive as regards a number of dyke projects in the district of Sliedrecht not yet carried out (dyke sections 10-15).

In a letter of 11 October replying to the reasoned opinion, the Netherlands government stated that it could not accept the Commission's position that it had failed to fulfil its obligations pursuant to the EIA directive with regard to dyke sections 10-15 in the district of Sliedrecht. It was also unable to agree with the Commission's opinion that there was still scope for alternatives or even a study of alternatives.

1. Does the Commission consider that the interests of the environment and quality of life, which are the basis of the EIA directive, must be safeguarded at all times?

2. Does the Commission consider that, in this matter, the Netherlands government has to date taken inadequate account of these interests?

3. Does the Commission stand by its opinion that an EIA requirement exists with regard to this project, and that an EIA must therefore at all events be carried out?

4. If so, what means does the Commission envisage using in order to force the Netherlands government to carry out an EIA of this project?

Answer given by Mrs Wallström on behalf of the Commission

(20 February 2002)

Community Law is meant to be applied in practice by the authorities of the Member States. It is the duty of the Commission, pursuant to Article 211 of the EC Treaty to ensure that Member States comply with the obligations lying upon them under EC Law. In this context, compliance with the provisions of Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (hereinafter referred to as 'the Directive') [1] can not be an exception. It is worth noting that the Directive aims at both preventing/minimising damage to the environment and at giving the public adequate information on the likely effects of the projects on the environment and the possibility to participate in environmental decision making.

Since dykes belong to one of the types of projects listed in Annex II of the Directive [2], the authorities of the Netherlands should have considered whether or not the Sliedrecht dykes were likely to have a significant effect on the environment, by virtue, inter alia, of their nature, size or location with a view to make them eventually subject to an environmental assessment with all the guarantees set out in Articles 5 to 10 of the Directive (including public consultation).

In the light of the information available the Commission is of the opinion that the authorities of the Netherlands have not complied with the above provisions of the Directive in the case of the Sliedrecht dykes.

In order to ensure compliance in this case with the provisions of the Directive, the Commission initiated an infringement proceeding pursuant to Article 226 of the EEC Treaty in the framework of which a reasoned opinion has already been issued.

The reply of the Government of the Netherlands to this reasoned opinion is currently under assessment.

If the ongoing assessment confirms that the Netherlands has not taken the measures necessary to comply with the reasoned opinion issued by the Commission, the latter will consider whether this case should be brought before the Court of Justice.

(1) OJ L 216, 3.8.1991.
(2) Point 10(e) of Annex II to Council Directive 85/337/EEC.

(2002/C 172 E/097) **WRITTEN QUESTION E-3602/01**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(8 January 2002)

Subject: Funding for water-treatment plants in more than 200 Andalusian villages

Around 200 villages in Andalusia, Spain, representing around 30 % of Andalusia's total population, are seeing the 2005 deadline for waste water treatment approach without work having been started on the necessary facilities.

Work on these facilities has been blocked until now by the lack of funds available to local councils, and little is being done at regional level other than seeking formulae which might make it possible to meet the 2005 commitment laid down by the EU.

Can the Commission offer any ideas regarding schemes used in other parts of the Community in order to tackle the issue of funding for water treatment plants, with a view to removing the obstacles affecting Andalusian councils in general and speeding up the construction of the installations required in line with the Community commitment?

Answer given by Mrs Wallström on behalf of the Commission

(28 February 2002)

Possibilities for financing water-treatment plants vary from one Member State to another as they depend on whether or not the regions concerned are eligible for objective 1 of the Structural Funds or whether or not the Member State is a member of the Cohesion Fund.

Furthermore, the Commission has provided for a Community framework for State aid for protection of the environment (1). This 'public-private partnership' (PPP) enables private undertakings to receive public concessions for both the construction and the operation of water-treatment plants.

Andalusia is able to benefit both from a PPP and from co-funding under the Structural Funds and the Cohesion Fund. For both these funds, the Commission would point out that the choice of individual projects is always at the discretion of the regional and national authorities.

For the Structural Funds, cofunding can be requested under the third priority 'Environment, natural surroundings and water resources' of the Community support framework for Spain during the programming period 2000-2006. About 15 % of projects currently being cofinanced for Spain concern this measure.

With regard to the Cohesion Fund, waste-water treatment, water supply and waste treatment are priorities currently being undertaken. However, this does not ensure that the proposed investments will completely fill all current gaps and deficiencies in this area. In this context it has to be mentioned that gaps still exist in Spain regarding waste-water treatment facilities for large agglomerations. As deadlines for these agglomerations (in sensitive areas with more than 10 000 population equivalent (p.e.) and in normal areas with more than 15 000 p.e.) have already expired, it is at present a major priority to support these projects, rather than projects for agglomerations with less 10 000 p.e., which will have to set up a treatment plant by 2005.

(1) OJ C 37, 3.2.2001.

(2002/C 172 E/098) **WRITTEN QUESTION E-3604/01**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(8 January 2002)

Subject: Integration of settlement systems

Financial experts have criticised the inefficiency of European clearing and settlement systems, although they have recommended that the initiative to modernise the systems be left to the markets.

Nevertheless, the time appears to have come to put an end to the fragmentation of a structure which is essential in order to integrate financial markets, given that it provides the framework for confirming the terms of a transaction, defining the obligations of each party to the operation, transferring the subject of the transaction to the purchaser and transferring the payment to the seller.

When, in the Commission's view, should the corresponding initiative be taken, which is currently necessary in order to remove the fiscal and regulatory barriers hindering the consolidation of the sector on the basis of three or four clearing systems?

Answer given by Mr Bolkestein on behalf of the Commission

(25 February 2002)

The Commission shares the view that without efficient, cost-effective clearing and settlement systems in Europe, the full benefit of an integrated financial market in Europe cannot be realised. In line with the conclusions of the Report of the Committee of Wise Men on the Regulation of Securities Markets, the Commission believes that the market should have the main role in shaping the outcome.

However, the Commission will produce a Communication on the subject of clearing and settlement in the next few months. This paper will set out Commission policy with respect to these important systems. It will take the form of a consultation document and will seek input from interested parties into the process of deciding whether and if so how the public authorities can most usefully intervene to assist in the establishment of a more efficient clearing and settlement landscape in the Community in the future.

The Giovannini Group of financial market experts will also be producing a further report on this subject later in the year.

(2002/C 172 E/099) **WRITTEN QUESTION E-3611/01**

by Jannis Sakellariou (PSE) to the Commission

(8 January 2002)

Subject: Lloyd's of London

The European Parliament's Committee on Petitions is currently considering several petitions relating to the Lloyd's case.

1. Can the Commission indicate the date on which, as Commissioner Bolkestein promised in the summer of 2001, it will take a decision in this connection on the conformity of British legislation with Directive 73/239/EEC [1]? If it has already taken that decision, to what conclusion did the Commission come?

2. Can the Commission further indicate whether members of the Committee on Petitions will have unrestricted access to the answers to the questionnaire addressed to the British Government?

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[1] OJ L 228, 16.8.1973, p. 3.

Answer given by Mr Bolkestein on behalf of the Commission

(15 February 2002)

As the Honourable Member is now probably aware, the Commission decided on 20th December 2001 to request the United Kingdom to provide additional information concerning the regulation and supervision of the Lloyd's insurance market. The request is the first stage of the infringement procedure under Article 226 (ex Article 169) of the EC Treaty. Based on the information currently available, the Commission has concerns about the supervision and regulation of Lloyd's with respect to the requirements of the first non-life insurance Directive, first Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance. The Commission is examining the compatibility of the current regulatory and supervisory arrangements for Lloyd's, and on the basis of the information received from the United Kingdom, the Commission will decide whether or not it considers there is a violation of Community law. The Member of the Commission responsible for the Internal Market has written to the President of the Petitions Committee to inform the Committee of this decision. The Commission has also sent separately a copy of the Commission press release to the Petitions Committee secretariat.

With regard to access of Members of the Petitions Committee to the preceding questionnaire addressed to the British authorities by the Commission, the Honourable Member will no doubt recall that the Vice President of the Commission in charge of the relations with Parliament provided a copy of this questionnaire to the President of the Petitions Committee by letter dated 27 February 2001. However, in accordance with Article 3(2) of Annex III to the Framework Agreement between the Commission and the Parliament, this document was provided on an exclusive confidential basis to Members of the Petitions Committee only.

As the Commission has already explained at some length, both through the personal response of the Member of the Commission responsible for the Internal Market to the Petitions Committee in June 2001 as well as through responses to a number of letters received from Honourable Members, under the Framework Agreement, the Commission is not at liberty to disclose a copy of the response of the British authorities, unless the British authorities waive their rights to confidentiality.

In response to a formal request from the Petitions Committee of the Parliament, the Commission has written to the British authorities asking them to waive these rights. The British authorities have now replied by letter dated 3 December 2001 that they do not wish to waive confidentiality in light of the Commission's on-going investigation. The Commission is therefore unable to provide access to the answers to the questionnaire addressed to the British authorities. The Vice President of the Commission in charge of the relations with Parliament and the Member of the Commission responsible for the Internal Market have written to the President of the Petitions Committee to relay this decision.

(2002/C 172 E/100) **WRITTEN QUESTION E-3622/01**

by Gianfranco Dell'Alba (NI) to the Commission

(8 January 2002)

Subject: Decision to discontinue medals for twenty years' service

It is extremely irritating for a Member of Parliament to be faced with a situation where the Commission hardly ever replies to questions submitted to it in accordance with a right defined in the Treaties. In the case of my Written Question E-2056/01 [1], the Commission's arrogance is particularly unacceptable and, quite frankly, confirms even the worst criticisms made about it.

- Will the Commission explain the underlying reasons for the utter contempt it is showing for Parliament's role by sending replies such as the one to the above question, which was presumably written by a stagiaire?
- Why does it avoid replying to questions as simple as that regarding medals for twenty years' service?
- Will it answer the three questions contained in Written Question E-2056/01?

[1] OJ C 93 E, 18.4.2002, p. 54.

Answer given by Mr Kinnock on behalf of the Commission

(8 February 2002)

In response to Question E-3622/01 the Commission feels that the public and parliamentary interest in accurate and comprehensive record is best served by repeating the Honourable Member's Question E-2056/01 and the answer given by the Commission on 22 November 2001.

In Question E-2056/01 the Honourable Member asked:

> The Commission would appear to have decided to put an end to the practice of awarding medals to officials after twenty years' service and to replace it with a European civil servant's 'diploma', to be awarded after twenty-five years' service. The decision was apparently taken in response to a report produced by the Peer Group, which deemed the awarding of medals after twenty years' service in the European institutions to be a 'negative priority'.
>
> 1. Would the Commission state exactly why, in spite of the fact that in its current staff reform proposals it continues to claim that European civil servants are the life blood of the European institutions, it intends to do away with this traditional means of acknowledging the work carried out by officials in these institutions, on the grounds that it is a 'negative priority'?
>
> 2. Would it not agree that the European civil service could do without another small but significant gesture of this kind, which is clearly unhelpful and quite frankly incomprehensible?
>
> 3. Would it not agree that it would be wise for it to reverse the decision?

The Commission replied on 22 November 2001:

> The award of medals for 20 years of service was originally introduced to mark the first 20 years of the European Institutions and subsequently adopted as a way of recognising the contribution made by officials working in the Institutions.
>
> This year, the Commission will be following its usual custom of awarding 20-year service medals. The awards will be made at Directorates General and services and a reception in honour of all recipients will take place at each Commission location. In Brussels the President of the Commission will attend the occasion.
>
> The Commission recognises the significance of acknowledging good service and has recently proposed a number of measures which will reflect that, not only near the time of retirement, but also during the career of a civil servant.
>
> These proposed measures are currently being discussed with the Staff Representatives in the joint committees for social issues and they will be implemented as soon as a final decision has been reached in 2002.

The answer shows very clearly:

1. That active consideration is being given to Awards policy through the appropriate representative channels; that the assumption on which question E-2056/01 was based signified an apparent lack of awareness of that fact; that by providing such accurate and up-to-date report on policy consideration the Commission gave a complete answer to the Honourable Member's question 1 and, therefore, to his questions 2 and 3.

2. That the Commission manifestly did not show 'utter contempt' or disrespect of any sort in the tone or the content of its reply to the Honourable Member.

3. That the Commission has certainly not 'avoided' replying to the Honourable Member's question or shown 'arrogance' in any form whatsoever.

When all of this is self evident, the Commission is puzzled by the uncharacteristically intemperate tone of the Honourable Member's question and feels that he may be acting on the basis of inaccurate or misleading information.

The Honourable Member claims that 'the Commission hardly ever replies to questions submitted to it' (by MEP's). The Commission would be obliged if the Honourable Member would either provide evidence to support that claim or withdraw it forthwith.

As he will understand, the claim infers that the Commission consciously and repeatedly transgresses against Article 197 (ex Article 140) of the Treaty, and that is demonstrably not the truth.

(2002/C 172 E/101) **WRITTEN QUESTION E-3625/01**

by Christopher Huhne (ELDR) to the Commission

(11 January 2002)

Subject: Compensation for French ban on British beef

Following the decision of the Court of Justice in Case C-1/00, will the Commission state what means of redress and compensation are now available to British farmers whose livelihoods were affected by the illegal French government decision?

Is the Commission satisfied with the procedures for compensation and redress in such cases, and will it bring forward proposals to improve the present situation?

Answer given by Mr Byrne on behalf of the Commission

(10 April 2002)

In accordance with the case-law of the European Court of Justice established notably in Francovich & Bonifaci v Italy [1], Brasserie du Pêcheur S.A. v Federal Republic of Germany [2] and The Queen v Secretary of State for Transport ex parte: Factortame Ltd and others Community law incorporates a general principle to the effect that a Member State is obliged to make good the damage to individuals caused by a breach of Community law for which it was responsible.

In principle therefore British cattle farmers, suffering losses arising out the infringement of Community law which the Court of Justice found had been committed in Case C-1/00, could initiate an action for damages against France in the competent national court.

To be successful in such an action the claimants would have to satisfy the conditions referred to in the relevant case-law.

The Commission is satisfied that the case-law referred to above does establish in a clear manner general principles governing the responsibilities of Member States to individuals in relation to breaches of Community law by the latter. The Commission has not therefore up to the present time presented any proposals in relation to the matter. The Court has, however, recognised that in the absence of relevant Community provisions for determining the extent of reparation it is for the domestic legal system of each Member State to determine the criteria governing that aspect. The Court has, nevertheless, underlined that those criteria must not be less favourable than those applying to similar cases based on domestic law and must not be such as in practice to make it impossible or excessively difficult to obtain reparation.

[1] Joined cases C-6/90 and 9/90 [1991] ECR I-5357.
[2] Joined cases C-46/93 and C-48/93 [1996] ECR I-1029.

(2002/C 172 E/102) **WRITTEN QUESTION P-3629/01**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(8 January 2002)

Subject: List of ESF-related cases of fraud and irregularities in Spain in the 1994-1999 period

In accordance with the framework agreement of 29 June 2000 on relations between Parliament and the Commission, can the Commission, in liaison with OLAF, forward a list specifying the bodies involved in the 137 irregularities concerning non-eligible expenditure relating to the ESF during the 1994-1999 programming period which have been notified by Spain?

Answer given by Ms Schreyer on behalf of the Commission

(28 January 2002)

The Commission would refer the Honourable Member to the answer it gave to his Written Question P-3135/01 ([1]).

It notes that Article 10 of 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 ([2]) provides that 'the names of natural or legal persons may be disclosed to another Member State or Community institution only where this is necessary in order to prevent or prosecute an irregularity or to establish whether an alleged irregularity has taken place'.

Accordingly, in the absence of specific grounds, the Commission is not planning to forward the list of names referred to by the Honourable Member.

([1]) OJ C 147 E, 20.6.2002, p. 111.
([2]) OJ L 178, 12.7.1994.

(2002/C 172 E/103) **WRITTEN QUESTION E-3638/01**

by Stefano Zappalà (PPE-DE) and Antonio Tajani (PPE-DE) to the Commission

(11 January 2002)

Subject: Monte Porzio Catone wine cooperative

Arsial, the regional agency for agricultural development and technical innovation in Lazio, Italy, intends, under Regional Law No 2/95 of 10 January 1995 (assenting opinion given by the Commission on 13 June 1997, reference SG-97-D/4471), to give incentives for share capital subscription for equipment for agricultural products. This is to be done under the conditions set out in the operational programme 1994-1999 for Lazio, approved by Decision (EC) 2602/96 of 3 October 1996 implementing Regulation (EC) 951/97 ([1]) and the criteria set by the EU in Decision 94/173/EC ([2]).

The above-mentioned wine cooperative has requested funding for a measure of this type.

Arsial has also included the immovable property to be decommissioned in the evaluation, thus reducing the amount for which aid is to be given.

On 15 February 2001 the cooperative applied to the Lazio regional administrative court, which annulled Arsial's decision.

The Lazio region wrote to the Commission's Agriculture Directorate-General, on 30 December 1999, reference 13304, asking it to give an opinion on the matter.

In view of the above can the Commission say whether it intends to reply to the Lazio region, and if so, when?

Does the Commission not consider that financial aid should be granted in the amount requested, as held by the administrative court, with a view to helping regional agricultural development to become a genuine reality?

(1) OJ L 142, 2.6.1997, p. 22.
(2) OJ L 79, 23.3.1994, p. 29.

Answer given by Mr Fischler on behalf of the Commission

(15 February 2002)

The Honourable Members' question relates to the activity of Arsial, the regional agency for agricultural development and innovation in Lazio (Agenzia Regionale per lo Sviluppo e l'Innovazione nell'Agricoltura del Lazio) and the way it applies Council Regulation (EC) No 951/97 of 20 May 1997 on improving the processing and marketing conditions for agricultural products (1) and the selection criteria for investments for improving the processing and marketing conditions for agricultural and forestry products set out by the Commission in Decision 94/173/EC of 22 March 1994 (2).

The Monte Porzio Catone wine cooperative applied for public financing under those provisions.

When assessing the application, Arsial deducted the value of a decommissioned production building from the overall financing.

On 15 February 2001 the wine cooperative brought the matter before the Lazio regional administrative court, which annulled Arsial's decision.

The letter of 30 December 1999 (reference 13304) which the Honourable Members claim Arsial sent the Commission has never been received by the latter.

It should be stressed that the way aid part-financed by the Community is used for the abovementioned programmes is the responsibility of the Italian regional and local authorities.

As a consequence, any appeals against administrative decisions concerning the management of part-financed aid must be brought before the courts in the Member State.

In cases as provided for in Article 234 of the EC Treaty, the Italian court concerned could request a ruling from the Court of Justice, which is the only institution competent to interpret the provisions of Community law.

In the light of the documents in the Commission's possession, Arsial appears to have taken the right decision with a view to sound financial management when it reduced the amount on which aid was to be granted by including the building to be decommissioned in the assessment.

(1) OJ L 142, 2.6.1997.
(2) OJ L 79, 23.3.1994.

(2002/C 172 E/104) **WRITTEN QUESTION P-3646/01**

by Fernando Fernández Martín (PPE-DE) to the Commission

(8 January 2002)

Subject: Budget line B7-6000

On 18 January 2000 the Commission adopted a discussion paper entitled 'The Commission and non-governmental organisations: building a stronger partnership'. The document outlined various ways of providing a Commission-wide framework for cooperation more coherent than that previously organised on a sector-by-sector basis.

However, the working document 'Draft guidelines for implementation of NGO co-financed projects carried out in developing countries under budget line B7-6000 in 2002' seeks to limit still further NGO autonomy and their scope for initiative in submitting co-funding projects.

Given that the funds allocated to budget line B7-6000, which is specifically for NGOs, represent barely 3 % of the total aid earmarked for cooperation with third countries:

— Will the Commission explain why it is seeking to restrict NGO autonomy still further, given their already limited sphere of action?

— Does the Commission want to continue curbing the scope for NGOs to take initiatives in submitting co-funding projects under budget line B7-6000?

Could these attempts to curb and restrict initiatives by NGOs not be seen as contrary to the provisions on encouraging participation by civil society contained in the Cotonou Agreement?

Answer given by Mr Nielson on behalf of the Commission

(15 February 2002)

The Commission has indeed undertaken to explore ways of improving the framework for cooperation with non-governmental organisations (NGOs). Development is one of the areas in which cooperation between the Commission and the NGOs is particularly well established and forms the subject of regular, in-depth discussions.

The guidelines for implementing projects cofinanced with the NGOs and carried out in the developing countries under budget heading B7-6000 for 2002 and 2003 were recently adopted by the Commission after it had consulted the Member States. The guidelines are based on respect for the NGOs' right of initiative and recognition of their specific role among the disadvantaged and marginalised sectors of the population in the developing countries.

The Commission does not therefore share the point of view that the Commission is restricting NGO autonomy and their scope for initiative. It is worth pointing out that the Commission's support for the NGOs is not confined to budget heading B7-6000, but is provided through a number of other financial instruments, such as the budget headings for human rights, humanitarian aid, rehabilitation etc.: consequently, cooperation involving the NGOs greatly exceeds the percentage mentioned by the Honourable Member.

In the case of cooperation with the African, Caribbean and Pacific States (ACP), the new guidelines for the budget heading not only tie in fully with the Cotonou Agreement, but are also particularly tailored to supporting the strengthening of civil society in the partner countries, one of the key points of the Agreement.

(2002/C 172 E/105) **WRITTEN QUESTION P-3647/01**

by Alexandros Alavanos (GUE/NGL) to the Commission

(9 January 2002)

Subject: Boosting research into laparoscopic surgery in the European Union

It has become apparent within the medical sphere in recent years that laparoscopic surgery and minimally invasive surgery are especially important, both for diagnosis and treatment; they have great benefits for patients and reduced treatment costs. Considerable but mainly uncoordinated work is being done in these fields in various EU countries.

Is the Commission planning to include within the Research Programme initiatives to create a European network for laparoscopic medicine, and to encourage cooperation and coordination between specialists, scientific training, the dissemination of know-how and the use of telemedicine?

Answer given by Mr Busquin on behalf of the Commission

(1 February 2002)

As also discussed in Parliament on the 6th Framework Programme (2002-2006) (FP6), the strategic objectives of theme 1.1.1 'Advance genomics and its application for health' are to better focus, better exploit genomes knowledge and in some areas (cancer) to develop improved strategies for prevention and management of human diseases. Laparoscopic surgery and minimally invasive surgery are, as the Honourable Member points out, established procedures but not widely available.

From a research and development point of view, the Commission has supported research in this field over the last three Framework Programmes. This has resulted in the development of Minimum Standard Terminology for Endoscopy, which at present is approved all over the world.

The minimally invasive surgery and computer-assisted surgery represent both a significant change to the habits of the surgeon, a tremendous improvement to the quality of life of the patient, and an enormous worldwide market. The information technologies necessary for these applications are the core of the business, and additional research in this area will be supported during the FP6 as a part of the Information Society programme. In addition, it is the Commission's intention to encourage coordination of research activities across Member States (the 3rd axis of Commission's proposal [1]: reinforcing the basis of the European Research Area).

[1] OJ C 180 E, 26.6.2001.

(2002/C 172 E/106) **WRITTEN QUESTION E-3652/01**

by Sebastiano Musumeci (UEN) to the Commission

(15 January 2002)

Subject: Multifunctionality of European agriculture

Given that various non-Community countries have criticised the system of Community subsidies for agricultural exports and in view of the current discussions on recognising the multifunctionality of European agriculture and reducing import tariffs, would the Commission state:

— what its position is on the issue of multifunctionality?

— whether it considers that it would be appropriate to cut tariffs and, at the same time, to review the tariff system so as to strike a fairer balance between European products, which are currently over-protected, and Mediterranean products (for example, customs duty on tomatoes currently stands at 8 %, on butter at 68 % and on sugar at 68 %)?

Answer given by Mr Fischler on behalf of the Commission

(26 February 2002)

A multifunctional role for agriculture is an essential element of the Community's general negotiating position. Agriculture is not and cannot be treated as an industrial sector. It has a production function (agricultural goods) in both developed and developing countries but also contributes to sustainable development, the vitality of rural areas, protection of the environment and the fight against poverty.

A number of members of the World Trade Organisation (South Korea, Japan, Mauritius, Norway etc.) have joined the Community in defending a tempered view of agricultural policies and trade. As it did at Doha, the Commission will continue in the WTO negotiating fora to defend resolutely its vision of the European agricultural model.

On the question of tariff rebalancing between 'European' and 'Mediterranean' products, the Commission will take its stand on the Community's general negotiating position of supporting a formula for reducing bound tariffs of the same type as was used in the Uruguay Round. It also points out that in addition to tariff protection a specific entry price provision, applies to tomatoes.

(2002/C 172 E/107) **WRITTEN QUESTION E-3658/01**

by Elisa Damião (PSE) to the Commission

(15 January 2002)

Subject: State support for ship-building

The specialised press has reported that the German Government is willing to subsidise sea transport and the ship-building industry, and has submitted a proposal to this effect to Parliament.

In view of the distortion of competition this may cause and the fact that it is an example of a Member State directly or indirectly protecting the ship-building and maritime transport sectors, can the Commission supply information about the context of these practices and assess the consequences for the industries of other Member States?

Answer given by Mrs de Palacio on behalf of the Commission

(20 February 2002)

The Commission is not aware of the proposal by the German Government to grant aid to sea transport and the shipbuilding industry to which the Honourable Member refers.

In any case, Article 88(3) of the EC Treaty obliges Member States to inform the Commission, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid.

If, in accordance with this obligation, Germany notifies the Commission of a plan to grant aid to these sectors, this will be examined in the light of the Guidelines on State aid to maritime transport [1] and Council Regulation (EC) No 1540/98 of 29 June 1998 on aid to shipbuilding [2].

[1] OJ C 205, 5.7.1997.
[2] OJ L 202, 18.7.1998.

(2002/C 172 E/108) **WRITTEN QUESTION P-3659/01**

by Helle Thorning-Schmidt (PSE) to the Commission

(9 January 2002)

Subject: Directives on public supply and service contracts

Under:

— Council Directive 93/36/EEC [1] of 14 June 1993 (as subsequently amended) coordinating procedures for the award of public supply contracts, and

— Council Directive 92/50/EEC [2] of 18 June 1992 (as subsequently amended) relating to the coordination of procedures for the award of public service contracts,

Member States are required to forward annual reports to the Commission on the service contracts and public supply contracts which they have concluded.

The purpose is to enable the Commission to assess the results of the application of the directives.

Has the Commission carried out such assessments in the light of these reports?

Is it also possible for the public to obtain access to those reports?

(1) OJ L 199, 9.8.1993, p. 1.
(2) OJ L 209, 24.7.1992, p. 1.

Answer given by Mr Bolkestein on behalf of the Commission

(22 February 2002)

The Commission regularly carries out an evaluation of application and effectiveness of the public procurement directives, on the basis of the statistical reports from Member States, published notices in the Official Journal Supplement S, and other available statistics.

The results of these evaluations have contributed to the Commission's reports on the functioning of Community product and capital Markets (1) and, as structural indicators to the Contribution of the Commission to the Spring European Council, Stockholm 23-24th March 2001 (2).

Access to the statistical reports from Member States is governed by the guidelines laid down in Regulation (EC) No 1049/2001 (3). Before replying to requests for access to reports submitted before the date of application of this Regulation (3 December 2001), the Member States concerned will be consulted for their prior authorisation. For reports submitted after 3 December 2001 access will be granted unless there are grounds for exception under Article 4 of the Regulation.

(1) COM(2001) 736.
(2) COM(2001) 79 final.
(3) Regulation (EC) No 1049/2001 of the Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001.

(2002/C 172 E/109) **WRITTEN QUESTION E-3666/01**

by Charles Tannock (PPE-DE) to the Commission

(15 January 2002)

Subject: The re-employment of scientists who worked in Soviet biotechnology weapons laboratories

On Wednesday 21 November The Wall Street Journal Europe published an article (Turning the Bad Into Good) detailing the nature of the recent partnership agreement between Diversa Corp. a San Diego based genomics company and the State Centre for Applied Microbiology in Obelinsk Russia. The idea is to convert the former weapons plant, which used to produce large quantities of weapons-grade anthrax into a factory for the production of peaceful technologies such as microbe-detection devices, antifungal enzymes and antibiotics and to provide work for at least some of the many thousands of highly-qualified Soviet scientists who are currently unemployed or working in dead-end jobs and who are prime targets for rogue states or terrorist organisations such as Al-Quaeda.

Does the Commission commend the initiative of companies such as Diversa Corp. and has it done anything to encourage similarly imaginative initiatives by European companies? Does it also believe that the programme of the International Science and Technology Center, the multinational consortium sponsored by the U.S., the European Union, Japan and Russia which awarded grants of about $62 million in 2000, including one project that enabled former designers of computerised missile-guidance systems to create computer-based analytical models of leukaemia prognosis, needs to be considerably expanded if the skills of all these former Soviet scientists are to be harnessed to peaceful and productive purposes for the general benefit of mankind?

Answer given by Mr Busquin on behalf of the Commission

(26 February 2002)

The Commission is doing everything within its power to give active support to efforts to prevent or limit the spread of knowledge on weapons of mass destruction, including biological weapons banned by the 1972 Convention on the prohibition of biological weapons of 10 April 1972.

It was in this general context that the European Union together with other international partners and the Russian Federation set up the International Science and Technology Centre (ISTC) in Moscow in 1994. The ISTC seeks to support projects in Russia and the newly independent states (NISs) aimed at redirecting scientists involved in research into weapons of mass destruction towards research for civil purposes. The EU is thus financing 28 % of ISTC projects, behind the United States (38 %) but ahead of Japan (12 %). The EU is funding projects of the State Research Centre for Applied Microbiology in Obolensk (GosNIIPM), referred to by the Honourable Member, while the Commission is currently evaluating a project on the treatment of leukaemia proposed by this research centre.

Since 1994, from an overall budget allocation of some € 441 million ($401 million), the Commission has put more than € 120 million into funding ISTC projects through the TACIS budget. In particular the Commission has financed numerous biology-related projects for a total of € 15 million. The United States, by comparison, has committed some € 165 million to funding ISTC projects, including € 31 million for biology projects. GosNIIPM is thus receiving investment funds totalling € 8,4 million for 52 ISTC projects.

Beside the lavish support being offered by ISTC members, additional ISTC projects are being financed in partnership with industrialists and institutional players. This is the background to the agreement between Diversa Corporation and GosNIIPM. 'Partner projects' today represent 21 % (in value terms) of projects financed by the ISTC and are backing up the ISTC's non-proliferation efforts. The Commission encourages and supports partnerships with European industry and has on several occasions stressed the advantages of such funding to European research bodies. The ISTC currently has 23 European partners who alone are financing 47 partner projects.

The ISTC is therefore a multilateral instrument without parallel for converting the Russian and NIS research apparatus, and the Commission attaches commensurate importance to it. The Commission currently allocates an annual budget of € 21 million to the ISTC, and is represented at the ISTC's Moscow secretariat by a European executive director. In the foreseeable future the Commission intends to pursue this human and financial commitment to developing ISTC activities in the framework of the current TACIS programme.

(2002/C 172 E/110) **WRITTEN QUESTION E-3667/01**

by María Sornosa Martínez (PSE) to the Commission

(15 January 2002)

Subject: Canalisation of the Poyo, Torrent, Chiva and Pozalet ravines (Valencia — Spain)

A resolution by Spain's department for hydraulic works and water quality was published in the country's official journal 291 of 5 December 2001, containing an invitation to tender for the project to enhance and adapt the beds of the Poyo, Torrente, Chiva and Pozalet ravines.

As the Commission is aware, following my Written Questions E-1059/00 [1] andP-2534/01 [2], as well as the complaints lodged by Agro-Environmental Action and the Spanish Ornithological Society (SEO) (99/4430 and 99/4494), these canalisation works will have an impact on the La Albufera nature park. In addition, a detailed study of the new draft of the project shows that the work involved will penetrate some two kilometres inside the boundaries of the nature park.

The Commission must also be aware that the new environmental impact assessments requested have not so far been carried out.

What measures will the Commission take in response to the approach adopted by the Spanish Ministry of the Environment?

(1) OJ C 46 E, 13.2.2001, p. 114.
(2) OJ C 81 E, 4.4.2002, p. 188.

Answer given by Mrs Wallström on behalf of the Commission

(26 February 2002)

After reading the second impact statement issued on the project, the Commission understands that the canalisation project is suspended between kilometre points 0 and 3,9, an area which corresponds to the special bird protection area, so long as no additional environmental and hydrological impact assessments have been carried out for this area.

On the basis of this second impact statement, the Commission has contacted the Spanish authorities to ascertain whether the additional studies will be carried out and whether the corrective and protective measures referred to in the statement will be taken. The Commission also asked to be sent the studies, once completed.

As soon as it has received this information, the Commission will examine it to ensure that Community legislation on the environment is complied with in this case.

(2002/C 172 E/111) **WRITTEN QUESTION E-3668/01**

by María Sornosa Martínez (PSE) to the Commission

(15 January 2002)

Subject: New data concerning the Júcar-Vinalopó case

In its answer to a Written Question (P-1231/01 (1)) on the Júcar-Vinalopó water diversion project, tabled in March 2001 by the same questioner, the Commission said that it had no knowledge of the reports by the Spanish Ornithological Society and the Hydrographical Confederation of Júcar which, inter alia, show that the current water diversion plan is not being carried out in accordance with Community legislation on environmental impact reports and on the protection of birds and habitats.

The environmental organisation ADENE — which lodged a complaint which is currently being dealt with — forwarded the report drawn up by the Spanish Ornithological Society in an e-mail dated 14 June 2001.

In view of the new data available can the Commission say:

— what steps it intends to take to stop — as revealed in the above-mentioned report — the three sites of international interest for birds located in the area from being affected by the transfer of water resources from the Júcar to the Vinalopó?

— what reply it has received to date from the Spanish authorities concerning the Júcar-Vinalopó case;

— what actual stage has been reached in dealing with the complaint lodged by ADENE?

References: Written Questions E-0819/00, E-2650/00 and P-4071/00.

Reference of the complaint: 2000/4266, SG (2000), A(3835).

(1) OJ C 318 E, 13.11.2001, p. 229.

Answer given by Mrs Wallström on behalf of the Commission

(7 March 2002)

As the Honourable Member was informed in the answer to his written questions E-0819/00 [1] and E-2650/00 [2], P-4071/00 [3] and P-1231/01 [4], the Commission has received a complaint regarding the Júcar-Vinalopó diversion project indicating that Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain private and public projects on the environment [5], Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [6], and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna [7] may not have been properly applied.

The Commission has indeed received the report from the Ornithological Society referred to by the Honourable Member. In the light of the latest information from the complainant and the Honourable Member, the Commission again contacted the Spanish authorities.

The Spanish authorities have sent the Commission their comments on this case. The project in question was subjected to an environmental impact assessment. The procedure concluded with the environmental impact statement which was adopted by Decision of 21 December 2000 of the Secretariat-General for the Environment of the Ministry of the Environment. The environmental impact statement was published in Spanish Official Gazette No 14 of 16 January 2001.

The Spanish authorities point out that the project was slightly modified in the light of the comments received during the public consultation period so as to avoid any environmental impact. They have studied three alternatives and have selected the one considered to be least harmful to the environment. It emerges that the project will not affect any site proposed for integration of the Natura 2000 network. It will have only a minor impact on a small area in the extreme north of an area of Community importance for birds (IBA No 158). Corrective measures to minimise this impact are however planned. It should be noted that the project will not have any impact on the Albufera Nature Reserve.

After examination of the case, the Commission has concluded that there has not been any infringement of Community law. The conclusions have been forwarded to the complainant.

[1] OJ C 53 E, 20.2.2001.
[2] OJ C 136 E, 8.5.2001.
[3] OJ C 187 E, 3.7.2001.
[4] OJ C 318 E, 13.11.2001.
[5] OJ L 175, 5.7.1985.
[6] OJ L 103, 25.4.1979.
[7] OJ L 206, 22.7.1992.

(2002/C 172 E/112) **WRITTEN QUESTION E-3669/01**

by María Sornosa Martínez (PSE) to the Commission

(15 January 2002)

Subject: New environmental threat to the protected marshland area of Pego-Oliva (Spain)

The Pego-Oliva marshes are one of the most important wetlands in Spain and are considered a protected area both by the authorities of the autonomous community and under European law (an SPA and in receipt of LIFE funding), but they continue to be subject to serious problems of environmental deterioration. These problems have already been highlighted in Written Questions E-1526/99 [1], E-0349/99 [2], E-3006/98 [3], E-3831/97 [4], E-2834/97 [5], E-1387/96 [6] and E-2897/01 [7] and have led to the Commission approaching the Spanish authorities to investigate the situation. No news has been provided of the most recent details of the investigation, nor of the Commission's final decision.

The deterioration of this nature reserve, however, continues apace. In particular, the inhabitants of Revolta in the municipal area of Oliva have recently complained about an illegal drying kiln for oranges which is contaminating the waters of the Pego-Oliva nature park. According to local inhabitants, the liquid from the orange putrefaction process is spilling directly into the water table. As a result, as can be seen from a visit

to the affected area, dead animals are to be found in the vicinity of the drying kiln. Although the drying kiln does not have a municipal licence and its owner has previously been convicted of environmental offences, the spillage is continuing to pose a serious threat to the protected habitats and species in the park.

The drying kiln in Revolta is one more threat to the park's environment, which is already subject to severe pressures. One half of the bird species nesting in the park have disappeared, while numerous other species, including fish, are under threat from intensive farming, including the dumping of pesticides.

What steps will the Commission take vis-à-vis the Spanish authorities to end the threats to the Pego-Oliva marshland and ensure adequate protection of this nature zone?

(1) OJ C 27 E, 29.1.2000, p. 109.
(2) OJ C 341, 29.11.1999, p. 97.
(3) OJ C 142, 21.5.1999, p. 68.
(4) OJ C 187, 16.6.1998, p. 64.
(5) OJ C 134, 30.4.1998, p. 23.
(6) OJ C 356, 25.11.1996, p. 33.
(7) OJ C 134 E, 6.6.2002.

Answer given by Mrs Wallström on behalf of the Commission

(4 March 2002)

The Commission would refer the Honourable Member to its answer to written question E-2897/01 (1) on the action it has taken to prevent the deterioration of the Pego-Oliva marshes in Spain.

The Commission would point out that it has examined the problem of the deterioration of these marshes several times. During the investigation, questions were put to the Spanish authorities to check whether Community law was being correctly applied. The replies were carefully examined and there was no reason to conclude that the implementing legislation had been infringed.

The new information provided by the Honourable Member in her written question does not show that the activities concerned will have a significant negative effect on this protected area. Therefore, in the absence of more detailed information indicating that the Spanish authorities have failed to fulfil their obligations under Community law, the Commission is unable to intervene again in this case.

(1) OJ C 134 E, 6.6.2002.

(2002/C 172 E/113) **WRITTEN QUESTION E-3672/01**

by Daniela Raschhofer (NI) to the Commission

(17 January 2002)

Subject: Development of administrative structures in the Czech Republic

In its 2001 report on the Czech Republic's progress towards accession the Commission considered that the necessary structures and administrative capacity for utilising the structural funds needed to be set up and developed. It was of decisive importance that the capacity of the administrative bodies be improved, in order to enable the Czech Republic to manage Structural Fund aid without difficulty. The Commission also ascertained that corruption is causing serious concern, especially in State administration.

The Frankfurter Allgemeine newspaper was even more negative about the development of administrative capacity for the receipt of funding from the Structural Funds and the Cohesion Fund in its report No 287 of December 2001, in which it stated that a start had not even been made.

1. How large is the actual deficit with regard to the development of administrative structures?

2. What period of time does the Commission estimate necessary for the completion of national structures?

3. Is it likely that the structures will be effectively completed before 2004?

4. If not, how would the Commission propose finding a solution for the proper utilisation of funding in the Czech Republic?

5. How does the Commission intend to combat corruption in State administration independently from OLAF, whose work is dependent on reports from Member States?

Answer given by Mr Verheugen on behalf of the Commission

(18 February 2002)

1. The administrative structures relevant to the management of the Structural Funds are not yet fully operational in all candidate countries, including the Czech Republic. The Commission is fully aware of this situation, and has consistently encouraged the Czech authorities to define its implementation structures and proceed quickly with the nomination of the managing and paying authorities for the future Community Support Framework. The need to reinforce staff where necessary has also been acknowledged. In addition, the Commission has particularly stressed the need for the Czech Republic to develop an appropriate pipeline of projects, which could be eligible for financing under the Structural and Cohesion Funds. To that end, support has been allocated from the PHARE programme to increase the country's absorption capacity. Within the context of the negotiations under Chapter 21 — Regional Policy — the Commission will closely monitor the development of an adequate administrative capacity and will assist the Czech authorities in identifying the specific areas that need further targeted support through the pre-accession instruments at its disposal.

2. The years 2002 and 2003 will be crucial in that regard. It is especially important that the appointment of the managing and paying authorities is supported by an adequate allocation of resources both in terms of financial means and human resources to make these administrative structures fully operational by the time of accession. Several twinning projects will be financed by the Commission to help in this effort, and are already bringing the elements together to encourage concerted moves towards tighter co-ordination and management.

3. The Commission is aware that the completion of the preparations in terms of administrative structures before 2004 represents a significant amount of work. However, a lot of progress has been achieved in recent years with the creation of the regions and the territorial reorganisation, the establishment of the Ministry of Regional Development, while the experience gained from the pre-accession instruments (PHARE, ISPA, Sapard) has been also extremely valuable. Therefore, the Czech Republic should be able to complete the structures by 2004 if it continues and deepens its efforts.

4. If the administrative structures required for the operation of the Structural Funds according to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1] do not ensure the proper use of Community funds the Czech Republic will then be treated like any other Member State. This means that the Czech Republic would not then be able to fully benefit from the Community funds it could be eligible for. The Commission is currently concentrating its efforts at monitoring and assistance to precisely prevent such a situation from arising.

5. The Commission is concerned with the problem of corruption in the Candidate Countries, including the Czech Republic. However, the Czech authorities have introduced significant legislative and administrative steps to intensify the fight against corruption and economic crime. In relation to the use of Community funds, the Supreme Audit Office, a state body of the Czech Republic, has been more assertive in its controlling activities, and has developed a working relationship with the European Anti-Fraud Office (OLAF). The Commission has consistently encouraged the Czech Government to introduce a Civil Service Act, which would strengthen the professionalism and independence of civil servants and act as an effective deterrent.

[1] OJ L 161, 26.6.1999.

(2002/C 172 E/114) **WRITTEN QUESTION E-3679/01**

by Astrid Thors (ELDR) to the Commission

(17 January 2002)

Subject: The needs of blind people when travelling

A Finnish citizen, Lotta Lamminen, participated in an event organised in connection with the October session of the European Parliament in Strasbourg.

As a blind person, Ms Lamminen is normally entitled to bring her guide dog with her into the cabin of the plane and keep it with her throughout the flight. However, this time the ground staff of Air France in Strasbourg refused to accept this arrangement. It was only after lengthy discussions with the staff of the flight company and a conversation with the manager of the airport that Ms Lamminen was entitled to bring her dog along with her.

The experience of travelling in a box in cargo would most probably have been frightening for the dog and prevented it from helping Ms Lamminen according to its normal capacities for several days.

Has the Commission taken any measures to ensure that blind people's needs when travelling are taken into due consideration by flight companies?

Answer given by Mrs de Palacio on behalf of the Commission

(20 February 2002)

The Commission attaches great importance to ensuring that disabled people, including blind people, can travel like any other citizen …

It has pushed Community airlines to prepare and adopt a voluntary commitment on service to passengers, which includes meeting the needs of disabled people. Under this schemes airlines commit themselves, among other things, to carry certified guide dogs in the cabin free of charge, subject to importation and other regulation. Air France is among the companies that have signed the commitment and will begin implementation in February 2002.

Valuable as such commitments are, the Commission believes that the rights of disabled people are so basic that they must be guaranteed by law. It intends later this year to present proposals for legislation on airlines' contracts with passengers that, among other things, would create rights for disabled people. This paper will discuss, among other things, how best to meet the needs of blind and other disabled people. Before proposing this legislation, the Commission will consult interested parties by means of a consultation paper, that will naturally be made available to the Parliament

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(2002/C 172 E/115) **WRITTEN QUESTION E-3680/01**

by Jorge Moreira Da Silva (PPE-DE), Chris Davies (ELDR), Alexander de Roo (Verts/ALE) and Ria Oomen-Ruijten (PPE-DE) to the Commission

(17 January 2002)

Subject: Importation of dolphins

The import of cetacean species (known as whales, dolphins and porpoises) into the European Union for primarily commercial purposes is banned by European Council Regulation (EC) 338/97 [1] of 9 December 1996. However, importation of live specimens of cetaceans, especially of bottlenose dolphins (Tursiops truncatus) has continued in recent years.

We, Members of the European Parliament, are concerned about current applications by dolphinariums for the importation of bottlenose dolphins originating from Cuba and Guinea-Bissau into Portugal for captive display. To our knowledge no abundance estimates for the Cuban and/or Guinea Bissau bottlenose dolphin population are currently available. Referring to the fact that the bottlenose dolphin (Tursiops truncatus) is listed in Annex II of the so-called SPAW-Protocol (Specially Protected Areas and Wildlife (SPAW) Protocol of the Cartagena Convention of the Wider Caribbean Region) for which 'the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) or commercial trade in such species, their eggs, parts or products' is prohibited, and to which Cuba is a Party, we are concerned that granting an import permit would not only violate existing EU law, but may also be in violation of existing regional treaties in other parts of the world.

Therefore we would like the Commission to clarify the following aspects:

1. What are the detailed criteria, under Council Regulation (EC) 338/97, which have to be met by an institution applying for an import of Annex A animals, for the CITES authority of a Member State to be able grant an import permit for such specimens for the purpose of education, breeding and scientific research?

2. What kind of evaluation process exists to ensure that such criteria are being consistently met by the institutions that have previously imported live cetaceans into the European Union under such an import permit?

3. What criteria exist to evaluate whether a zoo, amusement park or other such facility displaying wild animals is classified as 'primarily commercial' or not?

4. What steps can be taken by the Commission if it is proven that a national CITES authority has granted an import permit for a CITES-listed species without being in a position to prove that such introduction into the Community 'would not have a harmful effect on the conservation status of the species or on the extent of the territory occupied by the relevant population of the species' (Council Regulation (EC) 338/97, Art.4)?

(1) OJ L 61, 3.3.1997, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(26 February 2002)

The detailed conservation criteria that must be complied with before a Member State issues an import permit for live dolphins are set out in Article 4.1 of Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (1).

Requests to import dolphins need to be addressed on a case-by-case basis by the Management and Scientific Authorities of the Member State of destination. However, in order to help ensure that the criteria are being applied consistently, the Scientific Review Group, established under Article 17 of Regulation (EC) No 338/97, has adopted guidelines detailing the factors that national scientific authorities will consider when providing their advice under Article 4.1(a). At a meeting of the Scientific Review Group on 29 November 2001 the Commission specifically reminded Member States' scientific authorities to apply these provisions thoroughly in relation to any proposed import of dolphins.

The term 'primarily commercial purposes' is defined in Article 2 (m) of Council Regulation (EC) No 338/97. The judgement about whether a specimen to be imported will be used for primarily commercial purposes or not, rests with the Management Authority of the Member State of import — each case being taken on its individual merits.

Under the terms of Council Regulation (EC) No 338/97 the Commission is required to draw the attention of any Member State to matters whose investigation it considers necessary. The Commission, in consultation with a Member State may deem an import permit void if it has been established that it was issued on the false pretence that the conditions for its issuance were met.

(1) OJ L 61, 3.3.1997.

(2002/C 172 E/116) **WRITTEN QUESTION E-3684/01**

by Nicholas Clegg (ELDR) to the Commission

(17 January 2002)

Subject: Animal testing

Is the Commission taking steps to introduce new non-animal tests into Annex V of the Dangerous Substances Directive in preparation for implementation of the chemicals policy?

What steps are being taken to ensure that the current process of validation and acceptance of new non-animal tests is speeded up so that existing animal tests can be replaced in time for implementation of the chemicals policy?

Answer given by Mrs Wallström on behalf of the Commission

(28 February 2002)

The Commission supports the development and validation of non-animal tests, in particular through the work of the European Centre for Validation of Alternative Methods (ECVAM), a part of the Joint Research Centre. Once such methods have been validated, they are then included into Annex V 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]. This effort will continue both during the preparation of the new chemicals legislation and after it comes into force. Work is also continuing on the revision of existing animal test methods in Annex V to reduce, where possible, the number of animals used.

The progress on the validation of new non-animal test methods is under review, in order to establish which methods will be available on the timescales referred to in the White Paper on a 'Strategy for a future Chemicals Policy' [2].

[1] OJ P 196, 16.8.1967.
[2] COM(2001) 88 final.

(2002/C 172 E/117) **WRITTEN QUESTION E-3686/01**

by Nicholas Clegg (ELDR) to the Commission

(17 January 2002)

Subject: Toxicological tests

Has the Commission ever carried out or funded any toxicological testing to ascertain the safety of the silicofluorides used in artificial water fluoridation schemes? If so, when were they carried out and what are the results of the tests?

Answer given by Mrs Wallström on behalf of the Commission

(5 March 2002)

The Commission has not carried out or funded toxicological testing on silicofluorides.

Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption [1] has fixed a maximum level for fluoride at 1,5 miligramm per liter; this level has been established in line with the World Health Organisation (WHO) guidelines to protect human health.

[1] OJ L 330, 5.12.1998.

(2002/C 172 E/118) **WRITTEN QUESTION E-3689/01**

by María Sornosa Martínez (PSE) to the Commission

(17 January 2002)

Subject: Destruction of the European cultural heritage: the case of Manises (Valencia, Spain)

The mayor of Manises (Valencia province, Spain) has, without supplying any rational planning grounds, recently ordered the pulling-down of the wall which surrounds the local youth and cultural centre. This wall is part of the historic complex of the Convent of the Carmelites, built in 1925. This proposal has been the subject of complaints from associations and political parties, whose campaign is supported by local residents. The citizens of Manises believe that the disappearance of this wall would be an act of 'negation of our history and destruction of our past and our heritage'. This is not the first act of vandalism spearheaded by the mayor in recent months: in August 2000 he ordered the destruction of the perimeter fence around Los Filtros, a gas filtering complex of interest to industrial archaeologists, and, shortly after, authorised the levelling of a garden which had provided a 'green buffer' against airport noise but is now the site of a residential development.

Although a number of Community instruments exist for the preservation of the historic, artistic and cultural heritage — including Article 151 of the Treaty and Recommendation 75/65/EEC [1] — the management aspect remains almost exclusively the preserve of the Member States. This means that whether or not a piece of our Community cultural heritage is preserved varies at random with the attitudes of whoever happens to be in power. In the case of Manises, the present authorities are by no means always in favour of the preservation of cultural objects that define the European identity.

The Commission has admitted to the author of this question (see answers to questions E-2416/00, E-2417/00, E-2418/00 [2] and E-3846/00 [3], on the subject of the destruction of historic buildings in the Cabanyal-Canyamelar quarter of Valencia city) that all actions or schemes affecting the cultural heritage fall within the scope of Directive 97/11/EC [4], and that the local authorities concerned are therefore obliged to carry out an 'impact assessment' (responsibility for implementing the above directive lies with the Member States).

Can the Commission state in what way it can, as guarantor of the Treaties, intervene to ensure that national, local and regional governments take due account of the public's concerns over the preservation of the cultural heritage — as in the case of Manises and other cases reported in different parts of the Community — and that Article 151 of the Treaty and Recommendation 75/65/EEC are complied with?

What action does the Commission intend to take to ensure that the Spanish state insists that its local authorities operate a correct implementation of the impact directive with regard to the cultural heritage?

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[1] OJ L 21, 28.1.1975, p. 22.
[2] OJ C 136 E, 8.5.2001, p. 31.
[3] OJ C 187 E, 3.7.2001, p. 61.
[4] OJ L 73, 14.3.1997, p. 5.

Answer given by Mrs Reding on behalf of the Commission

(4 April 2002)

The provisions of Article 151 of the EC Treaty together with the Commission Recommendation 76/65/EEC of 20 December 1974 to Member States concerning the protection of the architectural and natural heritage [1] prevent the Commission from acting in the manner mentioned by the Honourable Member.

Furthermore, with regard to the environmental impact study, the Commission wishes to remind the Honourable Member that this was explained in the reply to her question E-3846/00 [2]. In this case, the decision on whether to carry out an environmental 'impact assessment' or not remains with Member States, which may apply thresholds or criteria or take a decision on a case by case basis, but in all cases will apply the criteria laid down in Annex III to Council Directive 97/11/EC of 3 March 1997 [3], which amends Directive 85/337/EEC.

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[1] OJ L 21, 28.1.1975.
[2] OJ C 187 E, 3.7.2001.
[3] OJ L 73, 14.3.1997.

(2002/C 172 E/119) **WRITTEN QUESTION E-3690/01**

by María Sornosa Martínez (PSE) to the Commission

(17 January 2002)

Subject: Illegal residues in the Palancia river (Valencia, Spain)

The Hydrographic Confederation for the Júcar valley (CJH) has recently lodged a complaint with the municipal authorities of Sagunto (Valencia region, Spain) over the presence of illegal residues in the Palancia river, originating in the Montiver industrial complex. These residues are mainly waste water, but it is suspected that residues of toxic oils could also be present. Their origin lies in agreements made by those running the Montiver complex with companies before the zone was properly developed: the zone is not linked up to the municipal sewer network.

The Sagunto municipal council has said in reply that it is working on an integrated action plan to deal with all of the problems related to the Montiver complex, which was created over thirty years ago. However, for some unknown reason the proposals of this plan have still not been made public, while no economic assessment of the costs of development of the zone is as yet available to the council.

These residues have been seriously affecting the Palancia river for too long.

Does the Commission intend to open an investigation to determine whether the authorities concerned are in this case in breach of Directive 76/464/EEC [1] on pollution caused by certain dangerous substances discharged into the aquatic environment?

Does the Commission not consider the fact that the Montiver complex has operated for over thirty years without being linked up to the sewer network of Sagunto to be an obvious breach of Directive 91/271/EEC [2] on urban waste-water treatment, given that the Commission itself set the end of 2000 as the deadline for installation by the Member States of collection and treatment systems in urban areas of more than 15 000 inhabitants?

[1] OJ L 129, 18.5.1976, p. 23.
[2] OJ L 135, 30.5.1991, p. 40.

Answer given by Mrs Wallström on behalf of the Commission

(5 March 2002)

The Commission was not aware of the circumstances of the site Montiver raised by the Honourable Member.

With regard to industrial discharges, Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment [1] foresees in principle two possibilities:

- in case of discharges of industrial waste water into a collecting system and an urban waste water treatment plant, the discharges have to be subject to prior regulations and/or specific authorisations by the competent authorities or appropriate body;

- in case of direct discharges of industrial waste water into a receiving water-body, Directive 91/271/EEC lays down provisions for several industry branches (listed in Annex III of the directive) producing biodegradable waste-water and representing more than 4 000 population equivalents (p.e.).

In principle, there is no binding obligation to connect the industrial area to the public treatment plant of Sagunto; the industrial area could have an individual waste-water treatment on its own. For this reason no compelling connection of compliance of the waste-water treatment of the industrial area and the waste water treatment of Sagunto must be given. If the agglomeration of Sagunto is in compliance with the deadline of 31 December 2000 is currently under assessment.

In case of other industry branches than the above Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the

Community ([2]) has to be applied. In principle, there are a number of regulations for List I substances which require a specific authorisation based on the European emission limit values or national emission standards where the sector is not explicitly covered by the respective Community directives (in particular Council Directives 82/176/EEC ([3]), 83/513/EEC ([4]), 84/156/EEC ([5]), 84/491/EEC ([6]), 86/280/EEC ([7])). However, based on the provided information that 'only' toxic oils are discharged, these directives would not apply. These pollutants would fall under the category of list II substances. According to Article 7 of Directive 76/464/EEC, Member States shall establish pollution reduction programmes for those substances having a 'deleterious effect on the aquatic environment' including the prior authorisation of discharges containing these list II substances.

For an assessment how far an infringement of Directive 91/271/EEC and/or 76/464/EEC is given in the above industry area, it is necessary to receive additional information on:

— the size (in terms of p.e.) of the industrial area;

— the type of waste water produced;

— specific authorisations/regulations status for the discharges;

— foreseen treatment of the waste water produced by that area;

— the chemical substances contained in the discharge.

The Commission has sent a letter to the Spanish authorities asking for the information on the above and requesting their observations with regard to the application of Directives 91/271/EEC and 76/464/EEC in this case. The Commission will not hesitate to undertake all the necessary steps, to ensure full compliance with European Community legislation.

([1]) OJ L 135, 30.5.1991.
([2]) OJ L 129, 18.5.1976.
([3]) Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry, OJ L 81, 27.3.1982.
([4]) Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges OJ L 291, 24.10.1983.
([5]) Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry, OJ L 74, 17.3.1984.
([6]) Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachlorocyclohexane, OJ L 274, 17.10.1984.
([7]) Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I the Annex to Directive 76/464/EEC OJ L 181, 4.7.1986 amended OJ L 221, 7.8.1986; OJ L 158, 25.6.1988.

(2002/C 172 E/120)

WRITTEN QUESTION E-3691/01

by María Sornosa Martínez (PSE) to the Commission

(17 January 2002)

Subject: Extension of the port of Sagunto (Valencia region, Spain)

The port authority of Valencia is currently considering a scheme for extending the facilities of the port of Sagunto with the objective, inter alia, of siting a regasification plant and other maritime commerce installations at the new wharf. In respect of this scheme, an environmental impact assessment has been published (OJ 194, 14.8.2001), setting out a number of conditions for ensuring the stability of the coastline and preventing adverse effects on the site of Community interest and special bird protection zone known as the 'Marjal dels Moros'.

Nonetheless, numerous complaints against this scheme have been lodged by environmental organisations, trade unions and political parties, on grounds including the following:

— the impact assessment does not take account of the alteration being produced in the shoreline, now worsened by the severe storms of 11 November 2001 (erosion may have a serious impact on the site of Community interest and special bird protection zone); extension of the port would compound these problems;

— the new unloading zone which would be part of the extension could bring about the deterioration of the underwater meadows where the Posidonia oceanica seagrass grows;

— the installation of a thermal power station for the Unión Fenosa company will increase the ozone emissions of the existing port, which, according to a report by the regional environment ministry, over 1995-2000 exceeded, on 268 occasions, the WHO's health protection threshold for such emissions;

— the impact assessment is based exclusively on the data supplied by the CEDEX institute, and takes no account of the opinion produced by the Faculty of Geography of the University of Valencia and specialists from the Polytechnic University concerning the negative impact of the port extension on the protected natural area.

Can the Commission guarantee that the scheme for extension of the port of Sagunto, if implemented in its present form, will not have adverse effects on the site of Community interest and special bird protection zone known as the 'Marjal dels Moros'?

Does the Commission consider that, given the complaints lodged by members of the public, the environmental impact assessment has been carried out in compliance with the Community rules?

Answer given by Mrs Wallström on behalf of the Commission

(1 March 2002)

The project has gone through an Environmental Impact Assessment (EIA) and the Final decision was published in the Spanish Official Gazette on 14 of August 2001. It can be logically deduced that this assessment has not considered the last storms, which happened in November 2001.

The EIA has taken into consideration the proximity of the Special Protection Area (SPA) and proposal Site of Community interest (pSCi) Marjal del Moro, even though the Dirección General de Planificación y Gestión del Medio on behalf of the Regional Ministry of Environment certifies that it is unlikely that the project would have a significant effect on the aforementioned site. Nevertheless, the EIA has established some preventive measures to control the coastal erosion. For this purpose, a specific monitoring programme will be established.

In relation to the Posidonia beds, the EIA establishes that all dredging activities will be done up to the 10 meter isobath. Also, in the case of dumping using a marine diffusion outlet pipeline, this has to be located at least 3,5 and 4,5 kilometres from the posidonia beds.

According to available information, the Spanish authorities have gone through an environmental assessment procedure, as Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment [1] requires for this type of project. This procedure has included a public participation procedure.

In case the Commission receives new information that might prove that there is an infringement case, the Commission will not hesitate to take all the necessary steps to ensure full compliance with this legislation.

[1] OJ L 73, 14.3.1997.

(2002/C 172 E/121) **WRITTEN QUESTION E-3696/01**

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

(17 January 2002)

Subject: Disposal of contaminated mud in sandfill pits ('omputten') and the Birds Directive

The province of Gelderland has earmarked the following seven nature reserves as 'likely' sites for deep sand extraction followed by dumping of contaminated mud in the pits thus created (known in Dutch as 'omputten'): Heesseltsche Waarden (municipality of Neerijnen), Lobberdensche Waard (municipality of

Rijnwaarden), Koppenwaard (municipality of Angerlo), Havikerwaard (municipality of Rheden), Dreumelsche Waard (municipality of West Maas en Waal), Ochtense Buitenpolder (municipality of Kesteren) and Oosterhoutse Waarden (municipality of Over-Betuwe). The nature reserves in question lie entirely or for the most part within the Special Protection Areas of 'Kil van Hurwenen', 'Gelderse Poort', 'IJssel' and 'Waal' designated by the State in 2000 on the basis of the Nature Protection Law of 1998 and the EC Birds Directive.

The 1992 EC Habitats Directive and the habitat assessment framework also apply to the special protection areas, whereby any alteration to the natural characteristics of these areas is only permitted where there is no alternative and compelling reasons of major public importance are in play.

On what compelling grounds of major public importance does the province of Gelderland believe it can ignore its legal obligation to protect these nature reserves and the birds living in them?

Does the Commission agree with me that deep sand extraction and depositing of (contaminated) dredgings in these areas would have a harmful effect on their natural characteristics and on the birds living in them, and thus violate the abovementioned legal provisions?

How do these plans tie in with the designation of these nature reserves as 'A rural areas' and 'meadow bird areas' and even as 'strategic action areas' in the 1996 Gelderland regional plan, and with the nature development plans of the Department of Waterways and Public Works?

Is it correct that the designation of areas as 'likely' for sand extraction and dumping is based mainly on the support of the local authorities in question and not on its compatibility with the relevant European directives and other legislation?

Answer given by Mrs Wallström on behalf of the Commission

(26 February 2002)

The Commission has not received any information from the Province of Gelderland nor from the Dutch government about 'likely' plans for sand extraction and subsequent dredging sludge disposal in the Special Protection Areas (SPA) mentioned by the Honourable Member.

The Commission holds the opinion that the likely effects of deep sand extraction and disposal of sludge on the conservation status of the birds for which the SPA were designated and the compatibility of such a project with Community nature protection provisions should be tested by means of an appropriate assessment of the proposed undertaking in the sense of Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1].

The Commission has no powers to give an opinion about the designation of natural reserves as 'rural areas A', 'meadow bird areas' or as 'strategic action areas' in regional plans or nature development plans of the Department of Waterways and Public Works, as such designations are not covered by definitions under Community law but under the national law of the Netherlands.

The Commission is not aware of a hierarchical order in the criteria for the designation of areas as 'likely' for sand extraction and sludge disposal that are mentioned by the Honourable Member.

The Commission is currently investigating facts similar to those raised by the Honourable Member under complaint procedure 2000/5179, regarding a water body named 'Kaliwaal' which forms part of the SPA No NL2000011 'Waal'.

[1] OJ L 206, 22.7.1992.

(2002/C 172 E/122)

WRITTEN QUESTION E-3702/01

by Jonas Sjöstedt (GUE/NGL) to the Commission

(17 January 2002)

Subject: State aid to airlines in the form of insurance guarantees

In early December 2001, the Commission advocated that Member States' temporary right to grant state aid to airlines in the form of insurance guarantees should be extended. However, some Member States, including Sweden, favoured ending such aid as soon as possible. Both Asia and Latin America have functioning insurance markets in this branch. Sweden has argued that Europe would have one, too, if the European Union were bold enough to allow it to operate.

The Commission's job is to create a smooth functioning internal market and it is therefore its job, according to Swedish Minister of Finance Ringholm, to ensure that state aid is not paid out, so that there is free competition.

What action does the Commission propose taking in the future? Will it continue to advocate that support to the airlines be extended, or will it work to develop alternatives?

Answer given by Mrs de Palacio on behalf of the Commission

(28 February 2002)

Whilst a few Member States have ended State guaranteed insurance coverage at the end of last year, most other Member States, in particular those with large airlines requesting higher cover, judge that it is not realistic to force companies back to the market at this stage, especially given the conditions offered and the very limited insurance capacity actually available. The lack of available coverage at present is further undermined by the absence of American, Japanese and most Asian airlines, who are all covered by government schemes. The American and Japanese government schemes will last until late March 2002. It seems unlikely that the market will return to more normal conditions before all these airlines are negotiating once again with their insurers. A return to the commercial insurance market, although considered desirable by the Commission as well as Member States, at present seems not possible for all carriers and an extension of public guarantee schemes until 31 March 2002 therefore seems to be acceptable. The Commission has however not yet given its formal opinion on specific cases of prolongations.

The Commission in its assessment regarding the State measures offering public guarantees to remedy the lack of a commercial offer with public intervention considers that the provisions of Article 87(2)(b) of the EC Treaty are applicable to the problems currently facing the airlines. It is of the opinion that, given their unforeseeable nature, the number of victims and the impact on the world economy, the events of 11 September 2001 were exceptional occurrences within the meaning of this article. However, the Commission needs to verify that the temporary measures taken by Member States to support airlines should not result in over-compensation for the damage suffered.

In view of the above, the Commission considers that the damage caused by the exceptional circumstances is still present. The Commission's intention is to allow public guarantees to be offered until 31 March 2002. It has imposed a strict requirement in relation to the payment of premiums, which are being adapted in the light of market developments.

(2002/C 172 E/123) **WRITTEN QUESTION E-3708/01**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(17 January 2002)

Subject: Proposals which distort competition

In early November 2001, Swedish Minister of Finance Ringholm presented a proposal at his party's congress aimed at cutting and scrapping payroll tax for municipalities and county councils. It was proposed that payroll tax be reduced by 1 % in respect of all municipal undertakings during 2002 and that it be waived in its entirety when new staff are recruited to work in municipal undertakings.

Private contractors criticised the proposal. If their contracts expire, it could be nearly 40 % cheaper for municipalities to provide the services concerned themselves again.

Mr Ringholm's proposal was criticised for distorting competition in the internal market. A Swedish expert took the view, for instance, that the tax regime introduced would be discriminatory if the same services were taxed differently according to who operates them.

The Finance Minister subsequently withdrew his proposal.

What view does the Commission take of the aforementioned proposal? Does it consider that such a proposal may be implemented if the Swedish Riksdag so wishes, or does it distort competition in the internal market?

Answer given by Mr Monti on behalf of the Commission

(26 February 2002)

Article 87(1) of the EC Treaty provides that aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the common market.

The notion of State resources covers not only monies paid out by State bodies, but also income foregone by the State through tax concessions. Tax concessions which are granted selectively only to certain types of undertakings, and which are not justified by the nature and logic of the tax system, are liable to distort competition and affect trade between Member States. Such measures must therefore be notified in advance to the Commission, in accordance with Article 88(3) of the EC Treaty, and may be approved by the Commission only if they qualify for one of the derogations from the principle of the incompatibility of aid listed in Article 87(2) or 87(3).

(2002/C 172 E/124) **WRITTEN QUESTION E-0002/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(17 January 2002)

Subject: Airport taxes at Athens airport

In my previous question, No E-0331/01 ([1]) of 13 February 2001, I raised the issue of a possible lack of competitiveness at Eleftherios Venizelos airport, due to increased airport taxes.

On 20 December 2001, the Athens International Airport company decided to reduce aircraft landing and parking fees by between 15 and 23 %. In order to make these reductions, the Athens airport management has agreed to levy 90 % of the airport modernisation tax, instead of the 75 % it currently levies.

Can the Commission look into the nature of the subsidy resulting from the increase in the airport modernisation tax?

What will the impact be on the modernisation of Greece's remaining airports?

(1) OJ C 261 E, 18.9.2001, p. 93.

Answer given by Mrs de Palacio on behalf of the Commission

(26 February 2002)

Decisions on the construction, improvement or further development of airport infrastructure as well as the allocation of public funds among airports of a Member State, fall under the responsibility of the authorities of that Member State. The Commission may however examine the issue in view of possible distortions of competition in case this is requested by the specific situation. As already indicated in reply to the previous question mentioned by the Honourable Member, decisions on the level and structure of airport charges fall under the responsibility of the local and national authorities concerned.

However, the general principles of Community law apply to measures in this field and require, in particular, that charges are set in a non-discriminatory manner.

On the basis of the available information, the Commission is not in the position to assess the implication of the arrangements regarding the airport Eleftherios Venizelos for their possible distortive effect in relation to other Greek airports. No complaint has been addressed to the Commission in this respect. However, if the Commission would at any given time come to the conclusion that it would be necessary to take up the issue with the Greek authorities, it will not hesitate to do so.

(2002/C 172 E/125) **WRITTEN QUESTION E-0005/02**

by Chris Davies (ELDR) to the Commission

(17 January 2002)

Subject: Interpretation of EC Regulation No 2037/2000 on substances that deplete the ozone layer

With regard to EC Regulation No 2037/2000 (1) 'Substances that deplete the ozone layer', the British Minister for Environment, Michael Meacher MP, stated in the House of Commons on 11 December 2001 that the interpretation of the extraction of chlorofluorocarbons from cooling equipment and foam in refrigerators was queried by the British Government to the Commission before October 2000, and that they 'did not receive an answer for 18 months, until June 2001', therefore necessary action was not put in place in the UK until this time.

Will the Commission state what, in its view, communication took place with the UK Government regarding this matter from the time of its first drafting to its final approval?

(1) OJ L 244, 29.9.2000, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(7 March 2002)

Regulation (EC) No 2037/00 of the Parliament and of the Council of 29 June 2000 on substances that deplete the ozone Layer entered into force on 1 October 2000. Article 16(1) required controlled substances such as chlorofluorocarbons (CFCs) to be recovered for destruction from domestic refrigerators and

freezers from 1 January 2002. As CFCs are very destructive to the ozone layer, and since the foam contains approximately 75 % of the CFCs and the cooling system only 25 %, Article 16(3) required CFCs to be recovered from products such as foam if practicable from 1 October 2000.

The United Kingdom questioned, very soon after the regulation came into force, the practicality of extracting CFCs from foam insulation in refrigeration as the answer influenced the United Kingdom's implementation of this regulation in two key areas. If recovery of CFCs from foam was considered practical, the United Kingdom would be required to not only establish recycling and recovery facilities from 1 January 2002 but also to ban the considerable United Kingdom export trade, from 1 October 2000, of used refrigerators containing CFCs in the foam. Article 11 specifically bans exports from the Community of products containing CFCs as the Montreal Protocol, an international treaty on ozone layer protection, strongly discourages exports that would increase the dependency of developing countries on old technology.

The subject of recovery of CFCs from refrigeration equipment was discussed at the Management Committee Meeting on 4 October 2000, meeting for the first time under Article 18 of the regulation just 4 days after Regulation (EC) No 2037/2000 came into force. The Management Committee was chaired by the Commission. The Minutes of the Meeting, approved by all the Member States including the United Kingdom, recorded that the Committee agreed that foam-containing CFC was classified as a 'product' and therefore Article 16(3) was applicable. Article 16(3) calls for recovery of CFC from foam, if practicable. Several Member State representatives stated that recovery from foam had been practicable for many years and cited commercial recycling facilities in operation where the United Kingdom could ship used refrigerators for recycling if necessary.

The Commission held a further meeting with the United Kingdom and other Member States, at the request of a representative of the United Kingdom government, on 24 January 2001 in Brussels to discuss the ban on the export of refrigerators containing CFCs. At this meeting, the United Kingdom continued to question the practicality of recovering CFCs from the foam of used refrigerators, despite continued assurances from other Member States that they had commercial facilities in place. The Commission therefore agreed to undertake a survey of Member States to determine Community commercial, refrigerator recycling activities. The survey results reported to Member State representatives at the next Management Committee Meeting on 13-14 March 2001 confirmed commercial recycling activities for recovery of CFCs from foam and cooling systems were operating in a number of Member States including Italy, Germany, Denmark and Sweden.

The United Kingdom government was therefore first informed on 4 October 2000 that it was practical to recover CFCs from both the cooling system and foam in used refrigerators. The Commission notes that the United Kingdom government has recently put in place procedures to promote compliance with this aspect of the regulation.

(2002/C 172 E/126) **WRITTEN QUESTION E-0008/02**

by Monica Frassoni (Verts/ALE) to the Commission

(17 January 2002)

Subject: Mine prospecting permits in Sardinia and environmental impact assessments

On 15 November 2001 the Sardinia Autonomous Region issued yet another permit (see my previous question of 19 March 2001) for mine prospecting activities (bentonite) covering an area of 670 ha. in the area of special archaeological value of Is Bangius (Gonnesa commune, Cagliari) to the Argilliti srl company.

This prospecting permit was issued without an environmental impact assessment having been carried out, as required under Annex I, point 19 of Directive 97/11/EC [1] and the resulting Italian legislation (Article 1(1)(u) of the Presidential Decree of 11 February 1998), and this case, like so many previous cases,

was reported to the national, Community and regional authorities by the environmental organisations Friends of the Earth and the Legal Intervention Group.

The Commission:

— Is it aware of the above?

— Will it check whether environmental impact assessment requirements have been respected in the above case?

— Is it prepared to take the necessary measures in this respect?

— Is Community funding to be granted to the above mining activities?

(1) OJ L 73, 14.3.1997, p. 5.

Answer given by Mrs Wallström on behalf of the Commission

(28 February 2002)

Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (1), establishes that projects which are likely to have significant effects on the environment by virtue of their nature, size or location, are made subject to an assessment of their effects (environmental impact assessment — EIA). Classes of projects covered by the directive are listed in the two annexes. Projects listed in Annex I require an EIA procedure. Under Article 4(2), projects of the classes listed in Annex II are made subject to an EIA, where Member States consider that their characteristics so require.

Pursuant to Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (2), for projects listed in Annex II, Member States are obliged to determine through a case-by-case examination or on the basis of thresholds or criteria set by the Member States whether the project is to be made subject to an EIA. However, projects where requests for development consent were submitted to an authority before 14 March 1999 are governed by the provisions of Directive 85/337/EEC prior to the amendments.

On the basis of the information given by the Honourable Member, the work to which the question refers could fall either under the scope of paragraph 2 (extractive industry) of Annex II to Directive 85/337/EEC prior to the amendments, paragraph 19 (Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares) of Annex I to Directive 85/337/EEC, as amended by Directive 97/11/EC, or paragraph 2 (extractive industry) of Annex II to Directive 85/337/EEC, as amended by Directive 97/11/EC.

In the specific case, as it is not aware of the situation described by the Honourable Member, the Commission will take the appropriate steps in order to gather detailed information about it and to ensure, within the limits conferred on it by the Treaty, compliance with Community law.

Should the Commission receive information that Community law is being breached in the specific case, it will not hesitate, as the guardian of the Treaty, to take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure compliance with the relevant Community law.

According to the information received from the Italian authorities, the mine prospecting referred to by the Honourable Member does not benefit from Community funding but from national funds granted under Italian law No 752/82.

(1) OJ L 175, 5.7.1985.
(2) OJ L 73, 14.3.1997.

(2002/C 172 E/127) **WRITTEN QUESTION E-0013/02**

by Brigitte Wenzel-Perillo (PPE-DE) to the Commission

(21 January 2002)

Subject: Implementation of the Community initiative Interreg III, strand A

What is causing the delay in the approval of the 50 to 60 Community initiative programmes under Interreg III A since the start of the new financing period on 1 January 2000? In particular, until when can the amount allocated for Interreg III A funding in the indicative financial plans be paid to those carrying out projects in the areas covered by the programmes? Does the Commission see any risk that it might not be possible for the Interreg III A funds earmarked in the indicative financial plans to be paid to the recipient regions in full, and that the ERDF contribution to the Interreg III A programmes might be reduced accordingly pursuant to Article 31(2)(2) of the General Regulation governing the Structural Funds? How many programme complements have there been so far in respect of Interreg III A Community initiative programmes already approved?

Answer given by Mr Barnier on behalf of the Commission

(1 March 2002)

On 13 October 1999 the Commission published a draft communication laying down guidelines for the Interreg III Community Initiative [1], to which Parliament proposed amendments in its resolution adopted on 15 February 2000 [2].

In accordance with point 55 of that Commission communication, adopted on 28 April 2000 [3], almost all the programmes were submitted before the deadline of 22 November 2000.

By the end of 2001, the Commission had adopted 44 of the 53 programmes provided for under strand A of this Community Initiative. The budget appropriations carried over from 2001 will be used for the two programmes which were ready to be adopted on 31 December 2001.

The seven programmes not adopted at this stage have not yet been submitted to the Commission or are still being negotiated. The appropriations for those programmes will not be lost and can be committed in 2002 and subsequent financial years.

Nevertheless, it should be noted that, because the Interreg programmes involve several Member States, both the submission to the Commission and its examination require more time than in the case of monoregional programmes.

Expenditure under these programmes is eligible until 31 December 2008.

Provided the programmes are implemented by the management authorities efficiently way and by the deadlines laid down, they should not be affected by the 'n+2' rule in the second subparagraph of Article 31(2) of Council Regulation (EC) No 1260/1999 laying down general provisions on the Structural Funds [4].

By 1 February 2002, eleven programme complements had been submitted to the Commission and two approved.

(1) COM(1999) 479 final.
(2) A5-0028/2000.
(3) OJ C 143, 23.5.2000.
(4) OJ L 161, 26.6.1999.

(2002/C 172 E/128)

WRITTEN QUESTION E-0017/02

by Marie Isler Béguin (Verts/ALE) to the Commission

(21 January 2002)

Subject: Mandate of the Turkish-Armenian Reconciliation Commission

In his speech to the European Parliament on Turkey, on 24 October 2001, Mr Verheugen, Commissioner on enlargement, announced that 'the Commission welcomes the very recent initiative by the civil society in the two countries [Armenia and Turkey] to bring the two nations closer together and, with the help of independent historians, to reappraise the tragic events of the past'.

In its fourth report on Turkey's progress towards accession, published on 13 November 2001, the Commission also mentions the fact that 'an unofficial'Turkish-Armenian Reconciliation Commission'has been set up with a view to promoting dialogue and mutual understanding in the field of economy, tourism, culture, education, research, environment as well as media'.

Are these two statements referring to the Turkish-Armenian Reconciliation Commission whose establishment was officially announced in July 2001?

Which of the above two definitions, setting out radically different objectives, is to be considered as correct? Is the Reconciliation Commission to focus on historical issues?

Would the Commission agree that this must be specified, especially in the context of relations between the European Union and its partners?

Does the Commission plan to explain exactly what its position is so that the matter may be cleared up?

Answer given by Mr Verheugen on behalf of the Commission

(18 February 2002)

The Commission supports any civil society initiative aiming at fostering dialogue and mutual understanding between Armenia and Turkey.

This was precisely the meaning of the speech by the Member of the Commission in charge of Enlargement before the Parliament on 24 October 2001 when it was said that recent initiatives taken by civil society to bring people of both countries together are very much welcome. It is in that context that the Turkish Armenian Reconciliation Commission was mentioned. It was then added that this should lead to further reconciliation and mutual confidence.

This position was reiterated in the Commission's Regular Report on Turkey of 13 November 2001 [1] which mentioned the setting up of a Turkish-Armenian Reconciliation Commission. Again, particular reference was made to promoting dialogue and mutual understanding in the field of economy, tourism, culture, education, research, environment as well as media.

The Commission would draw to the attention of the Honourable Member the fact that the Turkish-Armenia Reconciliation Commission has now de facto ceased to function with the withdrawal of the Armenian representatives on 12 December 2001.

[1] COM(2001) 700 final.

(2002/C 172 E/129) **WRITTEN QUESTION P-0018/02**

by Luciano Caveri (ELDR) to the Commission

(14 January 2002)

Subject: Communication on cable-cars, ski lifts and similar apparatus

The Commission has been dealing with the issue of State aids for companies operating cable-cars etc., as emerges, inter alia, from the 2000 Report on competition policy. The Commission has been made aware in every possible way of the delicate nature of this issue, in the interests of preventing damage due to measures not properly assessed in a sector vital to the mountain economy of Europe. For example, a seminar was held by the European Parliament on 8 November 2000, in which experts and operators in the sector from all over Europe took part. In the meantime Parliament expressed its views on mountain-related issues in its resolution of 6 September 2001, dealing with the above subject in paragraphs 23 and 24. The points made are totally consistent with what was written about mountain tourism in the Second Report on Economic and Social Cohesion, adopted by the Commission on 31 January 2001. There is now talk of a proposal for a communication, about which neither the relevant organisations nor the European Federation of Cable-car Operators have been officially informed.

Can the Commission say whether there is a proposal for a communication on State aids for cable-cars etc, what it contains, what form of consultation there will be, in particular with the representatives of the sector, and what timetable is envisaged for its adoption?

Answer given by Mr Monti on behalf of the Commission

(4 March 2002)

At the moment the Commission does not envisage adopting an own Communication on State aid to cableways.

It might be added that aid to the sector of cableway installations was the object of a Commission decision to initiate the formal investigation procedure in respect of State aid to cableway installations in the Province of Bolzano, Italy (Case C 42/2000).

An invitation to all interested parties to submit comments pursuant to Article 88(2) of the EC Treaty was published in the Official Journal [1].

Several comments were received including those of associations of operators of the sector and will be taken into consideration in the adoption of a final decision on this case.

[1] OJ C 27, 27.1.2001.

(2002/C 172 E/130) **WRITTEN QUESTION E-0022/02**

by Elizabeth Lynne (ELDR) to the Commission

(21 January 2002)

Subject: Funding for muscular diseases

What level of funding, if any, is awarded in each of the Member States for: spinal muscular atrophy (SMA), muscular dystrophy (MD or DMD), neuromuscular diseases?

More specifically, what level of funding is targeted for: research, support or general purposes?

What type of research is financed? (i.e. management research, therapy research, cure research)

What is the level of funding, if any, for the European Alliance of Muscular Dystrophy Associations (EAMDA)?

Answer given by Mr Busquin on behalf of the Commission

(27 February 2002)

The Commission has no data available on the level of funding in individual Member States for spinal muscular atrophy (SMA), muscular dystrophy (MD/DMD) or neuromuscular diseases.

Three projects on muscular diseases, two concerning mainly diagnostic and therapeutic research and one concerning research management, have been selected for funding within the 'Quality of Life and Management of Living Resources' programme of the 5th Framework Programme for Research and Technological Development (RTD):

— QLRT-1999-00870, 'Genetic resolution of myopathies: European cluster', project funding: € 2,4 million;

— QLG2-1999-00660, 'A funtional genomics study of lysyl-tRNA synthesis as a target for the diagnosis and treatment of microbial infections and mitochndrial myopathies', project funding: € 1,4 million;

— QLK3-2000-01038, 'Disease insights from single cell signalling', project funding: € 907,312.

Several such projects have been funded in the past, under the third and fourth Framework Programmes. More detailed information on all projects can be found through search on the Cordis website http://www.cordis.lu/en/home.html.

In addition, in 2000, DG Health and Consumer Protection, granted one recent (year 2000) project entitled 'Muscle diseases for a prototype of rare and disabling disorders: creation of a European information network' (Project No 2000/RD:10003) with € 128,000. More detailed information on this project can be found on the website: http://europa.eu.int/comm/health/ph/programmes/rare/proj1_en.pdf.

EAMDA did not receive any contribution from the Commission for the last three years.

(2002/C 172 E/131) **WRITTEN QUESTION P-0026/02**

by Maurizio Turco (NI) to the Commission

(15 January 2002)

Subject: Clarification regarding the answer to Written Question P-2886/01 on North-South cooperation schemes in the campaign against drug abuse

In its 1997 General Report the Commission maintained that in Regulation (EC) No 2046/97 [1] of 13 October 1997 the Council had provided a legal basis for budget line B7-6210 concerning North-South cooperation for the campaign against drug abuse.

Article 11(1) of the Regulation states 'At the end of each budget year, the Commission shall present a report to Parliament and the Council summarising the operations financed in the course of that year and evaluating the implementation of this Regulation over that period. The summary shall in particular contain information about those with whom contracts have been concluded'.

Article 12 of the Regulation envisaged 'an overall assessment of operations financed by the Community (…) together with suggestions regarding the future of this Regulation and, where necessary, proposals for amending or terminating it' by 24 October 2000, but the Commission — which claims to have launched the assessment in 1999 and that it was actually started in January 2000 — had not received it by 20 December 2001 because of difficulties encountered by the chosen contractor, but that it should reach the Commission by the end of the year.

In its answer of 21 December 2001 to Written Question P-2886/01 [2] the Commission said that the budget line now has a legal basis.

Can the Commission say:

— what contractors took part in the selection procedure, whether any and, if so, what assessments had already been carried out within the European institutions, who the chosen contractor is, whether it has been told that it has failed to fulfil the contract and, if not, why?

— what the terms of the annual reports referred to in Article 11(1) are?

— what legal basis budget heading B7-6210 has?

[1] OJ L 287, 21.10.1997, p. 1.
[2] OJ C 147 E, 20.6.2002, p. 61.

Answer given by Mr Patten on behalf of the Commission

(18 February 2002)

In accordance with Article 12 of Council Regulation (EC) No 2046/97 of 13 October 1997 on north-south cooperation in the campaign against drugs and drug addiction [1], the Commission launched the procedure for selecting and recruiting a consortium to conduct the assessment provided for by the Regulation. Ten consortia responded, seven were shortlisted and six put in a bid. From a technical and financial point of view the Sorgem Company (F) submitted the best bid and was therefore selected. The assessment got under way in January 2000. The company had already been selected in the past for other invitations to tender launched by the Commission.

After the phase 1 'Documentary analysis' report was submitted in June 2000 (within the agreed time limits), internal problems among the consortium partners led to long delays and the phase 2 'Evaluation in situ' report was not ready until July 2001. In these circumstances the Commission considered the option of terminating the contract with the consortium and launching a new invitation to tender. However, in view of the work already accomplished and the time needed to recruit a new firm, the Commission decided to carry on with the same consortium. Nevertheless, despite a series of letters, including a registered letter and several communications from the Commission, there were further delays in the presentation of the phase 3 report ('Synthesis, conclusions and recommendations'). Following a final letter of formal notice from the Commission, the consortium undertook to complete the assessment by the end of 2001.

Unfortunately, the Sorgem Company was unable to submit the phase 3 report.

Eventually, on 27 December 2001 the Commission received a letter from the consortium asking to be released from its contractual obligations in respect of the dossier. The case is currently being examined to see what steps should be taken vis-à-vis the contractor.

The Commission is also seeking an expert who can take over all the work that has already been done so that the report containing the synthesis, conclusions and recommendations can be drafted as soon as possible.

The legal basis for budget heading B7-6310 remains Council Regulation (EC) No 2046/97 on north-south cooperation in the campaign against drugs and drug addiction, which has no expiry date.

(1) OJ L 287, 21.10.1997.

(2002/C 172 E/132) **WRITTEN QUESTION P-0028/02**

by Joost Lagendijk (Verts/ALE) to the Commission

(15 January 2002)

Subject: Comments by Commissioner Bolkestein on tax harmonisation

In a television interview on Sunday, 6 January 2002, Commissioner Bolkestein let fall the remark that he saw little prospect of harmonisation of tax rates being achieved within the European Union. Mr Bolkestein emphasised that he strongly advocated reducing differences in excise duties and VAT rates to a minimum. However, he anticipated that attempts to do so would fail in the face of the requirement for decisions to be taken unanimously. With 15 Member States, it would be difficult to reach agreement; with perhaps 25 Member States he expected that it would be almost impossible.

The Commissioner is perhaps failing to fully recognise the possibilities offered by the instrument of enhanced cooperation. This solution undeniably has its weak points. For example, it will be a less attractive alternative for Member States taking part, given the apparent freedom which the arrangements would mean for countries not taking part. However, provided that the group not included in the arrangements is very small, such a solution can nonetheless be expected to bring satisfactory results, an argument which is being put forward by a number of Member States in support of using the instrument of enhanced cooperation for decisions on the eco tax.

The Commission:

— Has it finally abandoned its plan to reduce the various differences in taxes between EU Member States to a minimum in the interests of making the operation of the internal market more effective?

— Has it considered opting to pursue the alternative approach whereby decisions would be taken using the instrument of enhanced cooperation by a group of Member States willing to take the lead (as many have advocated in connection with the introduction of the eco tax)? If not, why not?

— Does it have other alternatives for reaching a decision on reducing tax differences between European Member States to a minimum, and, if so, what are those alternatives?

Answer given by Mr Bolkestein on behalf of the Commission

(8 February 2002)

The Commission's Communication, 'Tax Policy in the European Union — Priorities for the years ahead' (1), adopted 28 May 2001, sets out its policy with respect to the areas where further tax harmonisation is necessary, and also on the use of enhanced cooperation and non-legislative instruments as a means of achieving Community tax policy objectives.

With regard to enhanced cooperation, the Communication states the following:

> The possibilities introduced by the Amsterdam Treaty and developed by the Nice Treaty for closer co-operation between sub-groups of like-minded Member States could also be envisaged in certain cases. In particular, this could be used in tax policy areas where, even in the long term, decisions in the Council are taken by unanimity. These must be self-contained policy areas so that Member States cannot pick and choose between policies as best suits them. The decision at Nice will enable the Commission to propose to the Council that as small a group as eight Member States may co-operate

more closely, after approval within the Council by qualified majority. However, in line with the principles agreed at Nice, this approach must not, among other things, undermine the Internal Market, constitute a barrier to or a discrimination of trade, distort the conditions of competition, or affect the competences, rights and obligations of the non-participating Member States […].

As regards indirect taxation, the possibility of enhanced co-operation could provide a way forward in the area of environmental and energy taxation. A majority of Member States have indicated their strong desire to make progress in this area.

(1) OJ C 284, 10.10.2001.

(2002/C 172 E/133) **WRITTEN QUESTION P-0029/02**

by Véronique De Keyser (PSE) to the Commission

(15 January 2002)

Subject: Damage caused by Israeli bombing

The whole of December 2001 was marked by bombing and reprisals by the Israeli army in Palestine. In addition to the civilian casualties and serious environmental damage the bombing affected infrastructure subsidised by the European institutions.

The question refers to this damage and consists of three parts:

— Has a study been carried out on the damage showing that buildings classified as 'European' have actually been affected? If so, it is important that the study be made public, since many Europeans involved in humanitarian aid work in Palestine fear that these buildings are being systematically destroyed.

— If this is the case, has the Commission's Legal Service considered the possibility of suing the State of Israel for damages and interest, in order to recover the sums invested in civilian buildings deliberately destroyed by the Israeli army?

— If, on the contrary, there has been no study as yet, does the Commission intend to carry one out in the near future and publish the results?

Answer given by Mr Patten on behalf of the Commission

(26 February 2002)

At the request of Member States, the Commission is currently co-ordinating the compilation of a list of Community-funded (Commission and Member States) projects which have been either destroyed or damaged by Israeli military forces.

The exercise is limited to those cases where the physical damage is a result of Israeli Defence Forces (not settler) activities. The damage assessment is limited to the replacement costs of physical infrastructure (construction and equipment), excluding indirect losses such as project delays or suspensions.

Regarding possible claims for compensation this will be considered in the appropriate way by the Member States, together with the Commission, once the list is completed (the preliminary list is sent direct to the Honourable Member and to the Parliament's Secretariat).

(2002/C 172 E/134) **WRITTEN QUESTION E-0035/02**

by Bart Staes (Verts/ALE) to the Commission

(23 January 2002)

Subject: Construction of a landfill facility in Novellara (Reggio Emilia)

In March 2001 an agreement on the relocation to Novellara of a category 2, type B landfill facility (excluding hazardous waste) was signed by the Reggio Emilia provincial council, the Novellara local council and the Unieco, Sabar and Agac companies.

This decision has been opposed by local residents and various environmental groups, including Legambiente, which has taken the matter to the regional administrative court, asking for the agreement to be set aside.

Can the Commission establish whether the relocation and construction of the above facility in Novellara complies with all the relevant European environmental and public health laws?

Answer given by Mrs Wallström on behalf of the Commission

(7 March 2002)

The Commission has the task of ensuring the correct application of Community law, in the light of the powers conferred on it by the EC Treaty. As the guardian of the EC Treaty, it does not hesitate to take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure the observance of Community law.

In the specific situations pointed out by the Honourable Member, the Directive on environmental impact assessment, Council Directive 85/337/EEC of 27 June 1985, on the assessment of the effects of certain public and private projects on the environment [1] whether before or after being amended by Council Directive 97/11/EC of 3 March 1997 [2] constitutes the possibly relevant Community law.

However, on the basis of the information given by the Honourable Member, due to a lack of grounds of complaint on the application of Community law, no breach of it can be identified at present. Should the Honourable Member provide detailed information enabling the Commission to assess the issues in relation to the above mentioned directive, the Commission would also be able to investigate this matter.

[1] OJ L 175, 5.7.1985.
[2] OJ L 73, 14.3.1997.

(2002/C 172 E/135) **WRITTEN QUESTION E-0036/02**

by Luciano Caveri (ELDR) to the Commission

(23 January 2002)

Subject: Use of the term 'mountain' for agricultural products

Article 15 of Italian Law No 97 of 31 December 1994 laying down new provisions for mountain areas set out a series of measures to enable the designation 'Italian mountain product' to be used for foodstuffs. This law was subsequently repealed at the Commission's behest, on the grounds that it ran counter to the PDO and PGI systems established under Community law.

More recently, under Decree No 2000-1231 of 15 December 2000 France laid down rules governing the use of the term 'mountain' for foodstuffs, subject to authorisation by the Commission.

Given the above, would the Commission state:

— whether these two pieces of legislation differ from one another, and if so, in what way?

— what changes Italy would need to make to Law No 97 of 13 December 1994 in order for it to be acceptable to the Community authorities?

Answer given by Mr Fischler on behalf of the Commission

(21 February 2002)

In its judgement in the Pistre case of 07.5.1997 (joined cases C-321/94 and C-324/94), the Court of Justice stated that French point of law at issue in this case, namely that the use of the designation 'montagne' be restricted exclusively to products manufactured within France from raw materials of French origin, constituted an infringement of Article 28 of the EC treaty. The Court of Justice upheld the de jure and de facto entitlement of other Member States to use this designation for all their agricultural products and food that meet the pre-defined quality standards.

To comply with this judgment, the French authorities notified the Commission, under the procedure instituted by Directive 98/34/EC ([1]), of their intention to issue a draft decree that would allow all Community products located in a mountain area as defined in Article 18 of Council Regulation (EC) No 1257/1999 ([2]) to use the designation 'montagne'. However, since the first draft of this decree established a prior authorisation procedure that in practice proved to be unworkable for products originating from other Member States, the French authorities, in response to formal objections raised by the Commission, amended Article 1 of the decree so as to restrict this authorisation procedure exclusively to products originating in France. The definitive version of the decree was the one that was issued on 15.12.2000, as referred to by the Honourable Member. The Italian authorities, for their part, had passed legislation under which the designation 'Italian mountain product' would apply solely to products originating in Italian mountain areas and benefiting from a protected designation of origin or a protected geographical indication within the meaning of Council Regulation (EEC) No 2081/92 of 14 July 1992 ([3]).

The Commission however was of the opinion that the desire to provide protection for the products in question could not justify the unilateral creation of such a narrowly restricted designation. If, as seems highly unlikely, the Italian authorities had also requested that the designation 'Italian mountain product' be registered under Regulation (EEC) No 2081/92, the restrictive provisions of that Regulation's Article 2 — which require a direct link between the quality or the characteristics of a product and its specific geographical origin — could not in any event have applied to different categories of products which, moreover, originate from a loosely defined geographical area. This much was pointed out by the Court of Justice in paragraphs 35 and following of the grounds to its judgment in the Pistre case (see above), applicable mutatis mutandis.

([1]) Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations — OJ L 204, 21.7.1998.

([2]) 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 — OJ L 160, 26.6.1999.

([3]) Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs — OJ L 208, 24.7.1992.

(2002/C 172 E/136) **WRITTEN QUESTION P-0047/02**

by Miquel Mayol i Raynal (Verts/ALE) to the Commission

(16 January 2002)

Subject: National markings on vehicle number plates

The new EU-format number plate is meeting resistance from some of the inhabitants of Catalonia and the Basque Country, who refuse to have the State symbol (E or F) imposed on them. Several cultural movements in these countries have produced stickers on which the E or the F is replaced by CAT (Catalunya) or EUS (Euskadi).

A number of incidents have occurred at the Franco-Spanish border in Perthus. Drivers of vehicles registered in France but displaying the CAT sticker on their number plates have been ordered to remove it by the Spanish police. Those refusing to do so have either been obliged to spend long hours in detention or have been advised to turn back or be detained. This is equivalent to being refused entry.

Does the Commission consider such measures taken by the police to be compatible with the free movement of goods and persons between the Member States — a freedom which is enshrined in the Treaties?

Answer given by Mrs de Palacio on behalf of the Commission

(7 February 2002)

A Member State is authorised to require that every motor vehicle registered in another Member State and circulating in its territory display a distinguishing sign of the State of registration, pursuant to two equivalent provisions: the 1968 Convention on Road Traffic [1] (sign in an ellipse which is separate from the registration plate) and the Community legislation [2] (sign on the extreme left of the registration plate together with a representation of the European flag). In the latter case, the distinguishing sign is an integral part of the vehicle's registration plate.

The police authorities of a Member State may legitimately ask for the entire registration plate to be visible and, in particular, for the distinguishing sign of the State of registration not to be obscured.

[1] Convention drawn up in Vienna on 8 November 1968 under the auspices of the United Nations Economic Commission for Europe (Article 37 and Annex 3).

[2] 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 (OJ L 299, 10.11.1998).

(2002/C 172 E/137) **WRITTEN QUESTION E-0048/02**
by Jens Okking (EDD) to the Commission

(24 January 2002)

Subject: Biomedical Primate Research Centre (BPRC)

I have received several letters from citizens in Denmark voicing concern over the Dutch Biomedical Primate Research Centre (BPRC), which receives EU support.

The Centre houses 1 500 primates in shocking and disgraceful conditions. Many of the monkeys are totally isolated in steel cages with no opportunity of displaying natural behaviour and in conditions that would not even be offered a monkey in a zoo.

Is the Commission aware of conditions at the Centre and can it explain how the EU gives money to ECVAM (European Centre for the Validation of Alternative Methods (to animal experiments)) with one hand and, with the other, provides support for a major centre for experiments on animals?

Answer given by Mr Busquin on behalf of the Commission

(4 March 2002)

The Biomedical Primate Research Centre (BPRC) in Rijswijk, the Netherlands, is participating in several three-year research projects under the Fifth Framework Programme for Research and Technological Development (1998-2002). These projects cover research areas such as vaccine and drug development for human immunodeficiency virus (HIV), tuberculosis, malaria and hepatitis C. This research requires the use of animals with an immune system similar to humans. Unfortunately, at the moment, no realistic alternatives with similar predictive values exist other than non-human primates.

The Commission is fully aware that the use of non-human primates in research, and in particular great apes, is a sensitive matter, which raises concerns for all citizens. All efforts are therefore made by the Commission to reduce, replace and refine the use of animals in research.

Firstly, in the annex of the Decision No 182/1999/EC of the Parliament and of the Council of 22 December 1998 concerning the fifth framework programme of the Community for research, technological development and demonstration activities (1998 to 2002) [1], concerning the Quality of Life Programme, it is specified that research involving animals is restricted under this programme with regard to animal experiments and tests on animals, which should, when ever possible, be replaced with in vitro or other alternative methods. An obligation is placed on all applicants, including the BPRC to describe the procedures adopted to respect the principles of the 3Rs (replacement, reduction and refinement) and to protect the welfare of animals.

Secondly, an ethical review has been implemented systematically under the Quality of Life programme for proposals dealing with sensitive issues such as the use of non-human primates. The ethical review ensures among others that all research involving animals are conducted in accordance with Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes [2]. Furthermore, participants in research projects must seek the approval of the relevant national authorising bodies prior to the start of the research activities. The Biomedical Research Primate Centre (BPRC), which is situated in the Union but independent of the Community, has engaged itself contractually to fulfil all national legal and ethical requirements. The BPRC has in July 2001 confirmed to the Commission that it has the permission at local level to conduct biomedical research with non-human primates. It has also confirmed that several improvements have been made, for instance, building of outdoor facilities, which support the social housing of macaques. Plans for rehousing of the chimpanzees' colony of the BPRC is currently under preparation.

Thirdly, the Commission is currently supporting more than 20 research projects aiming at developing in vitro alternatives to animal experiments. Furthermore, the Commission created in 1991 the European Centre for Validation of Alternative Methods (ECVAM). The main task of ECVAM is the validation of alternative methods, including in vitro methods. Such methods can then be made available by the Commission for regulatory purposes.

[1] OJ L 26, 1.2.1999.
[2] OJ L 358, 18.12.1986.

(2002/C 172 E/138) **WRITTEN QUESTION E-0050/02**

by Ria Oomen-Ruijten (PPE-DE), Alexander de Roo (Verts/ALE) and Dorette Corbey (PSE) to the Commission

(24 January 2002)

Subject: Objections to the opening of a civilian airport

The Düsseldorf Bezirksregierung (district authority) in Germany has granted permission to the company Flughafen Niederrhein GmbH to convert the former Laarbruch military airfield, situated two kilometres from the Netherlands-German border in Germany, for use as a civilian airport. A number of communities living in nearby border areas of the Netherlands and Germany have lodged objections to the decision.

1. Can the Commission confirm that the granting of the aforementioned authorisation does not contravene European legislation on environmental impact assessment applying in this area, the birds and habitat directives and designated quiet areas?

2. What steps does the Commission intend to take if the authorisation in fact contravenes European legislation in force?

Answer given by Mrs Wallström on behalf of the Commission

(5 March 2002)

The Commission would refer the Honourable Member to its answer to Written Question E-2499/01 by Mr Meijer [1].

The Commission is currently investigating whether Community law has been complied with in this case. The German Government has been asked to provide information about the procedure applied in this case with a view to the potential transboundary effects of the project and to take a position on the charges. The answer of the German authorities will provide the information needed to come to conclusions with regard to the compliance with applicable Community law in this case.

The Commission will take the appropriate steps in order to ensure the observance of Community law.

[1] OJ C 147 E, 20.6.2002, p. 21.

(2002/C 172 E/139) **WRITTEN QUESTION E-0058/02**

by Monica Frassoni (Verts/ALE) to the Commission

(24 January 2002)

Subject: Palalvo area plan and Caorle lagoon

A major threat is currently hanging over a part of the eastern Veneto coastline which is of exceptional environmental importance, with particular reference to Caorle lagoon and the Foce Tagliamento biotope in the municipalities of Caorle and S. Michele al Tagliamento in the Province of Venice.

The Veneto Regional Council is currently in the process of adopting the Palalvo area plan (area plan for the eastern Veneto lagoons and coastline). This is claimed to be an environmental plan aimed at safeguarding and ensuring sustainable management of the lagoon areas, but in fact involves the construction of a huge complex of tourist ports (with around 7 000 new moorings) and buildings (around 4 million square metres of floorspace).

The work on the ports and buildings is governed by 'master plans' and 'executive plans'. The former are not directly applicable but must first be incorporated into the overall development plans of the municipalities concerned, which are, however, obliged to comply with them. The executive plans are directly applicable with Palalvo approval, without any changes needing to be made to overall development plans. No environmental impact assessments of the SCI and SPA sites affected have yet been carried out.

The plan runs counter to Community Directives 92/43/EEC [1] (habitats) and 79/409/EEC [2] (wild birds) in that the Caorle lagoon area has been designated a site of Community importance (SCI) and a special protection area (SPA) within the meaning of these directives (SCI IT 3250009 Laguna di Caorle; SCI IT 3250014 Foce del Tagliamento and Valli Arginate di Bibione; and SPA IT 3250020 Valle Vecchia di Caorle).

Given the above, would the Commission state:

— whether it is aware of this situation;

— how it intends to protect the SCI and SPA sites affected by the tourist development plans;

— and whether Community legislation on environmental impact assessments (97/11/EC [3]) has been complied with in this instance?

[1] OJ L 206, 22.7.1992, p. 7.
[2] OJ L 103, 25.4.1979, p. 1.
[3] OJ L 73, 14.3.1997, p. 5.

Answer given by Mrs Wallström on behalf of the Commission

(12 March 2002)

The Commission is aware of the ongoing process for the approval of the Palalvo area plan, which covers an area that includes Sites of Community Importance (SCIs) proposed by Italy under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, and a Special Protection Area (SPA) designated under Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds.

Article 6 of Directive 92/43/EEC 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 SCIs when, on the basis of the list of proposed Sites of Community Importance (pSCIs), they are adopted in accordance with the procedure laid down in Article 4 paragraph 2. At present, Special Conservation Areas have not yet been designated and the list of the SCIs 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 are advised to at least abstain from all activities that may cause a proposed site to deteriorate.

Concerning the Special Protection Areas (SPA) designated under Directive 79/409/EEC, and according to Article 7 of Directive 92/43/EEC, Article 6 (2), (3) and (4) of Directive 92/43/EEC already applies.

According to the information provided by the Honourable Member, the Palalvo area plan has not been approved yet. The Italian authorities are responsible for ensuring compliance with Community law and, therefore, for ensuring that an appropriate assessment of the impact of the plan on the SPA Valle Vecchia di Caorle is done before it is approved, and that the conservation objectives of the pSCIs Laguna di Caorle and Foce del Tagliamento e Valli Arginate di Bibione are not compromised by the area plan.

Should the Commission be informed that there is a breach of Community law, it will, as guardian of the EC Treaty, take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure compliance with the relevant Community legislation.

Concerning the application of Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, this Directive concerns only projects, not plans, and the area plan under consideration does not, therefore, have to be the subject of an Environmental Impact Assessment.

(2002/C 172 E/140) **WRITTEN QUESTION E-0059/02**

by Esko Seppänen (GUE/NGL) to the Commission

(24 January 2002)

Subject: School milk subsidies

On 30 August 2001 I tabled a written question to the Council (E-2478/01) [1] concerning school milk subsidies. The Council did not reply to the following questions: 'What is done to ensure that the funds are used only for school milk and not for other purposes? How are the funds distributed among the Member States? If some countries do not use the subsidy, might it be appropriate to increase the shares of those countries which do use it by the amount available to countries which decline to do so?' In its reply of 10 December 2001, it said that the sole power of decision on this matter rested with the Commission. What is the Commission's answer to the above questions?

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[1] OJ C 93 E, 18.4.2002, p. 139.

Answer given by Mr Fischler on behalf of the Commission

(18 February 2002)

The budget appropriations for school milk in a given budget year are based on the estimated expenditure for that scheme taking account of the quantities of dairy products distributed in previous years and, eventually, of developments in the aid level. It concerns a global amount for the Community as a whole, without any specification of budgetary envelopes per individual Member State. Actual expenditure on the scheme depends upon the quantities effectively distributed in each Member State. The budgetary framework therefore does not allow for the type of compensatory allocations suggested by the Honourable Member.

Moreover, the aid amount per unit of product distributed to schoolchildren should be known at the moment of distribution with a view to setting the net selling price. For this reason, the Community legislation provides for a fixed amount of subsidy for the different products distributed.

(2002/C 172 E/141) **WRITTEN QUESTION E-0075/02**

by Maurizio Turco (NI) to the Commission

(25 January 2002)

Subject: JICS (Joint Interpreting and Conference Service) working group for the use of the 'international language' — Esperanto

The European Commission, through Vice-President Neil Kinnock, asked the JICS (Joint Interpreting and Conference Service) to set up a working group to examine projects on the teaching of Esperanto and consider to what extent it could be used as an intermediary language for interpretation.

In the light of the above:

— On what date was this request submitted to the JICS? Has the working group been activated? If so, when? Who are its members and what are their qualifications? On the basis of what criteria were they selected?

— Has the group met yet? If so, when? Are there minutes and/or recordings of its meetings? If so, are these public? What publications and studies has the group taken into consideration (e.g. the study published by the Italian Ministry of Education in 1995)?

— What conclusions, if any, has the working group reached? If it has not yet reached any conclusions, when and how does it intend to do so?

Answer given by Mr Kinnock on behalf of the Commission

(12 March 2002)

The Honourable Member refers to the consideration to be given by the Joint Interpreting and Conference Service (SCIC) to the possibility of learning and using 'Esperanto' as a relay language for conference interpretation. SCIC has indeed examined this question internally and with a number of its external partners in university and academic circles.

However, whilst the use of Esperanto as a relay language for interpretation may appear to be attractive at first sight, closer examination has revealed that there are serious practical, financial and technical difficulties.

The Commission is strongly committed to multilingualism in order to facilitate communication among delegates at meetings in the framework of Community activity. Accordingly, it has always sought to provide interpretation from and into as many languages as are needed in a particular meeting, subject to budgetary considerations and the availability of interpreters. The use of various relay languages gives the Commission the necessary flexibility in this respect without having recourse to languages that will not be used by any of the delegates.

As far as SCIC is aware, there are no professionally qualified Esperanto interpreters and educational institutions in Member States, on which SCIC relies for the provision of courses in interpretation, are unlikely to include Esperanto among the languages they provide. For logistical and financial reasons SCIC itself is not in a position to launch a training programme in Esperanto for existing and future interpreters. Training an interpreter to the required standard in an official language for passive use takes three to four years of part-time study and costs about € 70 000.

An additional consideration is that about half of the interpretation provided by the Commission is supplied by freelance interpreters. It would clearly be difficult, if not impossible, to ensure that they learnt Esperanto, especially as it would be of little practical value for them elsewhere.

Furthermore, there is no evidence that using Esperanto as a relay language would lead to an improvement in the overall quality of interpretation. On the contrary, recourse to a language that is not used in everyday life would run the risk of not being able to convey the full range of messages and ideas communicated during meetings.

There is a shortage of interpreters in many existing and future Community languages. In line with Commission policy of concentrating resources on core activities, SCIC's immediate priority is to ensure that an adequate number of interpreters is available in these languages, particularly those of the candidate countries and has initiated a series of action plans committed to achieving this goal.

This position does not of course detract from the interest Esperanto may represent for purposes other than interpretation.

(2002/C 172 E/142) **WRITTEN QUESTION E-0076/02**

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

(25 January 2002)

Subject: Statements by the Commission President in Madrid

The Spanish newspapers have recently published such headlines as 'Prodi defends Aznar's right to deny the regions representation in Europe' and 'Prodi supports the Government and says the regions will not be represented in the EU', in the wake of President Prodi's reported position on the current controversy within the Spanish state, where the central government, with the Prime Minister at the forefront, is refusing the regions the right to be represented at meetings of the Council of Ministers, even though this right is laid down in the Treaty of Amsterdam and is recognised in practice by other Member States.

Has Mr Prodi taken such a position in reality? If so, on what grounds is he entering a controversy in which the nationalities and regions of the Spanish state are simply defending their constitutional rights — rights which are in any case validated by the EU Treaties?

Answer given by Mr Prodi on behalf of the Commission

(26 February 2002)

The Commission recalls that the President of the Commission committed himself to involve more the regional and local level, in EU policy shaping and implementation, as stated in the White Paper on Governance [1]. Furthermore, the President underlined that the participation of Members of the Committee of Regions in the Convention will allow them to contribute to the debate on the future of Europe.

Finally, the Commission recalls that Article 203 of the EC Treaty states that the Council shall consist of a representative of each Member State at ministerial level, authorised to commit the Government of that Member State. Subject to this provision, it is for each Member State to decide on its representation at Council meetings, which differs from one Member State to another and on which the Community can not intervene.

(1) OJ C 287, 12.10.2001.

(2002/C 172 E/143) **WRITTEN QUESTION E-0078/02**

by Ulrich Stockmann (PSE) to the Commission

(25 January 2002)

Subject: Possible closure of the Ammendorf/Halle (Saale) railway carriage factory

On 12 November 2001 the Canadian rail vehicle manufacturer Bombardier announced the closure of the Ammendorf railway carriage factory in Halle (Saale) in Saxon-Anhalt, threatening the loss of almost 1000 jobs.

The background is that after German reunification the successor to 'Treuhand', BVS, after various unsuccessful attempts at privatisation, sold 'Deutsche Waggonbau AG' which included the Ammendorf works, to a US investment company, which two years later sold Deutsche Waggonbau AG to the Canadian rail vehicle company Bombardier.

Was any state aid approved for the Ammendorf works, and if so, how much?

Did the Ammendorf works receive financial support from European (aid) programmes, and if so, how much?

If the works are closed down, do any subsidies have to be repaid?

Answer given by Mr Monti on behalf of the Commission

(22 February 2002)

On the basis of information presently available, the Commission can not determine whether state aid has been awarded to the Ammendorf railway carriage factory in Halle (Saale) in Saxon-Anhalt. It can, however, not be excluded that state aid has been awarded under the special Treuhand aid schemes in the context of the privatisation process of companies in the New Bundesländer or under regional aid schemes approved by the Commission. If aid to the company was granted in accordance with the criteria laid down in the Commission's decisions to approve these schemes, no individual notification for aid measures to the Ammendorf works was required.

State aid awarded outside the scope of approved aid schemes has to be notified individually by the Member State to the Commission as ad-hoc aid. In the New Länder ad-hoc aid measures frequently had the form of rescue and restructuring aid for companies in difficulty. The German authorities have never notified such measures for the Ammendorf works.

As the Commission is not aware whether any aid has been granted to the company and under which conditions, it cannot comment on the question whether any subsidies have to be repaid if the works are to be closed down.

In the light of the questions submitted the Commission has requested, in accordance with the EC Treaty provisions on state aid, the German authorities to provide full information on financial support, including support from European programmes, awarded to this company. This information should enable the Commission to determine whether Community rules have been fully observed.

(2002/C 172 E/144)

WRITTEN QUESTION E-0080/02

by Alexandros Alavanos (GUE/NGL) to the Commission

(25 January 2002)

Subject: Cancellation of flights owing to bad weather at Eleftherios Venizelos airport

One of the effects of the recent bad weather in Greece at the beginning of January was to cause severe disruption at the new airport, Eleftherios Venizelos. Most scheduled services were cancelled, some passengers spent hours in aircraft on the runway and hundreds of travellers suffered an ordeal lasting several days. Inquiries by journalists have revealed that the airport administration had not procured the necessary equipment to de-ice the aircraft or the runways.

Given that passengers are entitled to claim compensation from the airline in the event of cancellation or delay of flights, will the Commission investigate whether the allegations that the airport was not prepared to deal with such weather conditions are true and, in the event that they are, decide whether the airline or the airport administration is liable to pay compensation?

Answer given by Mrs de Palacio on behalf of the Commission

(12 March 2002)

The question posed is whether airlines or the managing body of Athens airport are liable for damages caused by delays or cancellations of flights as a result of the storms at the beginning of January 2002.

At present Community law does not regulate liability for damages resulting from the delay or cancellation of flights. At the moment, international flights are covered by the Warsaw Convention, which makes carriers liable for damage from delays, including those caused by cancellations. The convention also states that carriers are not liable if they prove that they took all necessary measures to avoid the damages or that it was impossible to take them. An action for damages must be brought before a court and the convention specifies which court can judge such cases. It would be for the court to decide whether a carrier was liable. The Commission, therefore, cannot comment further on the case mentioned in the question.

A new agreement, the Montreal Convention, was signed in 1999 and will progressively replace the existing Warsaw Convention as it is ratified by signatory states, so that in time the Warsaw Convention will only cover the carriers of third countries that have not ratified the Montreal Convention (and also carriers of countries that have ratified, when operating flights to or from a country that has not yet done so).

The Community is expected soon to adopt a regulation amending Regulation (EC) 2027/97 on the liability of air carriers, primarily to align it on the Montreal Convention. The new regulation will, among other things, render Community carriers liable for damage caused by delays, including those resulting from the cancellation of flights. Carriers, however, will not be liable if they prove that they took all measures that could reasonably be required to avoid the damage or that it was impossible for them to do so. Also, the regulation will set a financial limit to liability of around € 5 800.

An essential feature of the new regulation is that, like Regulation (EC) 2027/97, it will apply to Community carriers, without distinction as to the origin or destination of the flight. This means that it will treat in the same way flights within a Member State, between two Member States and between a Member State and a third country. In this it will complement the Warsaw and Montreal Conventions that only cover international flights.

The new regulation will apply once the Montreal Convention comes into force for the Community. The Council has recommended in conclusions that the Community and the Member States deposit their instruments of ratification simultaneously and by the end of this year at the latest. The regulation should therefore apply from the beginning of 2003 onwards.

(2002/C 172 E/145) **WRITTEN QUESTION E-0081/02**

by Mihail Papayannakis (GUE/NGL) to the Commission

(25 January 2002)

Subject: Drugs in prisons

According to a recent report by the European Monitoring Centre for Drugs and Drug Addiction, more than 50 % of prison inmates in the EU take drugs. The report reveals wide differences between the Member States. For example, Portugal and Spain have the highest levels of consumption, Austria the lowest.

Given that the fight against drugs is a top EU priority, will the Commission say what measures it has taken to date to combat this particular aspect of the problem and with what results? Does its action plan on drugs (2000-2004) include practical measures to combat drug trafficking in prisons?

Answer given by Mr Vitorino on behalf of the Commission

(21 February 2002)

The annual report of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) states that 'problem drug users and/or intravenous drug users … may represent up to 50 % of the prison population in some areas'. As the Honourable Member points out, the percentages for drug use among prison inmates vary considerably from one Member State to another.

Prison policy is a matter for the Member States. In its Drugs Strategy for 2000-2004, the Union stresses the importance of developing preventive measures applicable to the prison environment, alternatives to imprisonment and special facilities for addicted prisoners.

Furthermore, on the basis of a Commission proposal, the Feira European Council on 19 and 20 June 2000 approved the Action Plan on Drugs (2000-2004) [1], in which Member States are encouraged to intensify their efforts to provide drug prevention and treatment services and, where appropriate, measures to reduce health related damage for inmates while in prison and on their release.

On the basis of contributions from the Member States, the Commission will carry out an evaluation of the entire action plan on drugs at mid-term (end-2002) and at the end of the period concerned (end-2004). It will give careful attention to the prison policy aspect and will, where appropriate, consider any initiatives that might be taken in this field.

[1] COM(2001) 301, 8.6.2001.

(2002/C 172 E/146) **WRITTEN QUESTION E-0084/02**

by Chris Davies (ELDR) to the Commission

(25 January 2002)

Subject: Mahogany trade

What action is the Commission taking to curb the importation into the EU of mahogany cut by loggers without regard to the sustainability of the source?

What action is being taken to encourage the development of sustainable tropical hardwood resources?

What efforts are made to ensure that Member States subject to rigorous scrutiny importers' claims that mahogany and other hardwoods come from sustainable sources?

Answer given by Mrs Wallström on behalf of the Commission

(12 March 2002)

The Community aims at promoting sustainable forest management and at promoting trade in forest products originating from sustainably managed forests.

More specifically, the Commission has amended Annex C to Council Regulation (EC) No 338/97 [1] following the listing of Swietenia macrophylla (big-leaf mahogany) by certain range states on Annex III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This means that Bolivia, Brazil, Costa Rica, Mexico and Peru have to issue export permits when exporting logs, sawn woods and veneer sheets and given that Costa Rica has requested the listing of all populations of big-leaf mahogany in the Americas, other range states have to issue certificates of origin. For introduction into the Community an import notification is also required.

The Commission is promoting the development of sustainable use of tropical forest wood resources in the frame of its environment and forest development co-operation programmes. A considerable number of actions funded under both the 'bilateral' co-operation instruments (government to government) and the so called 'thematic' budget lines (where civil society organisations play a greater role) support efforts recently undertaken in developing countries to introduce sustainable forest management systems and certification of timber products. Among the most significant actions that the Commission has been supporting it is worthwhile mentioning the Group of seven most industrialised countries Pilot Program to Conserve the Brazilian Rain Forest, a comprehensive programme which includes, in addition to a specific sustainable forest management component, support at policy level and capacity building in the area of monitoring of land use, with particular emphasis on illegal deforestation. Another significant programme is the Community-Indonesia Forest Programme, started in 1992, which contains projects on forest inventory, fire prevention and control, sustainable forest management, and two large integrated projects, for conservation and sustainable forest management respectively.

[1] Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, OJ L 61, 3.3.1997.

(2002/C 172 E/147) **WRITTEN QUESTION E-0085/02**

by Chris Davies (ELDR) to the Commission

(25 January 2002)

Subject: Public access to Europe's wild areas

Is it the intention of the Commission to promote legislation to extend or protect the public's right of access to Europe's wild areas, and particularly to special areas of conservation within the Natura 2000 programme (where this is possible without risk or damage to species requiring protection)?

Is the Commission aware of any non-legislative initiatives being taken jointly by Member States to promote this objective?

Answer given by Mrs Wallström on behalf of the Commission

(1 March 2002)

The Commission has no intention to promote legislation that would extend public rights of access to the countryside across the Community. There are no relevant articles of the EC Treaty which provide for Community competence in this area. The Commission is, nevertheless, keen to promote public awareness and enjoyment of Natura 2000 sites, provided that this is managed to prevent disturbance of the nature conservation value. Many of the projects that have been funded under the LIFE-Nature programme have included significant elements related to visitor facilities and management, i.e. visitor centres, nature trails and walkways and visitor information and education material.

In the framework of this year's 'Green Week', the Commission is promoting, in association with Eurosite, the pan-European association of nature site management organisations, a programme of 'green days' under which Natura 2000 site managers are being encouraged to organise events on their sites aimed at the general public, the objective being to raise public awareness of the importance of individual sites and the Natura 2000 network as a whole. Depending on the outcome of this year, the Commission will consider making this an annual event.

(2002/C 172 E/148) **WRITTEN QUESTION E-0102/02**

by Christopher Huhne (ELDR) to the Commission

(29 January 2002)

Subject: Answer to Written Question E-1393/01

Further to the Commission's answer to Written Question E-1393/01 [1], will the Commission please specify for each separate Member State in a table:

1. the discount rate normally applied in the cost-benefit analyses;

2. the hourly rate attributed to time savings (with more than one if that is the case);

3. the savings attributed to reductions in fatalities?

[1] OJ C 364 E, 20.12.2001, p. 99.

Answer given by Mrs de Palacio on behalf of the Commission

(6 March 2002)

Discount rates, hourly rate attributed to time saving, and savings attributed to reductions in fatalities used for infrastructure project assessment are established by Member States. The project 'Socio-economic and spatial impacts of transport' 4th Framework Transport Research Programme reviewed these values in 1997. A table from the report providing the raw values for the main categories is sent direct to the Honourable Member and to Parliament's Secretariat.

The Commission draws the attention of the Honourable Member to the fact that definitions and measurements vary considerably among Member States. No direct comparison can therefore be made. The above mentioned project has proposed harmonised definitions and measurements and results can be found in the final report available from the Commission website [1].

[1] http://europa.eu.int/comm/transport/extra/reports.htmlEUNET/SASI final report socio-economics and spatial impacts of transport, contract ST-96-SC037 (found under the headline Strategic).

(2002/C 172 E/149) **WRITTEN QUESTION P-0107/02**

by Christopher Heaton-Harris (PPE-DE) to the Commission

(21 January 2002)

Subject: Subsidy to Railtrack

On 29 November 2001, the UK Government asked for subsidy exemption for financial support to Railtrack in administration.

To what value has this subsidy exemption been agreed and for what declaration is this exemption allowed?

Answer given by Mrs de Palacio on behalf of the Commission

(22 February 2002)

Railtrack Plc was, as the Honourable Member may know, put into Administration on 7 October 2001. Following the Administration Order the British Government notified to the Commission that it had put in place funding arrangements to ensure that the railway continues to run safely and normally until the transfer of Railtrack's licensed rail activities out of Administration as a going concern.

These arrangements, which purpose it is to rescue Railtrack's business pending the outcome of the Administration procedure, has been examined by the Commission in the light of the Community Guidelines on state aid for rescuing and restructuring firms in difficulty. In its decision of 13 February 2002, the Commission concluded that the UK Government's arrangements for rescuing Railtrack plc in Administration fulfills the criteria laid down in these Guidelines and decided to authorise the aid made available for an initial period of 6 months. In addition, and due to the exceptional circumstances in this particular case, the Commission also decided to authorise an extension of the initial period with 6 further months. Accordingly, the Commission authorised the UK Government to make available an amount of up to € 8,78 billion for the period 7 October 2001-30 September 2002 in the form of loans and or guarantees.

(2002/C 172 E/150) **WRITTEN QUESTION P-0117/02**

by Jillian Evans (Verts/ALE) to the Commission

(23 January 2002)

Subject: Transport of radioactive material within EU Member States

Can the Commission list incidents in which trains in the Member States carrying radioactive material have been involved in (a) accidents (b) safety-related incidents in each of the last five years, indicating the date and the location of each incident, what EU guidelines there are to follow should an accident involving the transportation of radioactive material occur, and what information a Member State is expected to give the Commission and the public were any such incidents to occur on its railways?

Answer given by Mrs de Palacio on behalf of the Commission

(21 February 2002)

Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency [1] and Council Directive 89/618/Euratom of 27 November 1989, on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency [2] are of application for the transport of radioactive material both for the information of the Commission and of the public.

The Commission has not received during the last five years any information on accident or safety related incident during transport by train of radioactive material, from which a significant release of radioactive material has occurred.

Council Directive 96/29/Euratom of 13 May 1996, laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation [3] sets the EU guidelines to follow when an accident involving the transportation of radioactive material occur.

According to this Directive, each Member State shall also make provision for the immediate notification to its competent authority by the undertaking responsible for the practices involved of any radiological emergency occurring in its territory. The Member State shall establish relations to obtain co-operation with any other Member State or third country, which may be involved. Each Member State shall ensure that the provision is made for intervention related to reduce or stop the radiation and emission of radionuclides, to reduce the exposure and transfer of radioactive substances to individuals and to organise the treatment of victims.

[1] OJ L 371, 30.12.1987.
[2] OJ L 357, 7.12.1989.
[3] OJ L 159, 29.6.1996.

(2002/C 172 E/151) **WRITTEN QUESTION E-0122/02**

by Eluned Morgan (PSE) to the Commission

(29 January 2002)

Subject: Foot and mouth disease

Can the Commission give an indication of how much money will be paid to the British government in compensation for foot and mouth disease? What is the percentage of the compensation that the EU will be expected to pay, and what control mechanisms are in place to ensure fraud will not occur?

Answer given by Mr Byrne on behalf of the Commission

(26 March 2002)

Council Decision 90/424/EEC of 26 June 1990, on expenditure in the veterinary field [1] states in its Article 11 that under certain conditions, the Member State concerned shall obtain a financial contribution from the Community equal to 60 % of the costs incurred by the Member State in:

(a) compensating owners for the slaughter and destruction of animals, the destruction of milk, the cleaning and disinfecting of holdings, the destruction of contaminated feeding stuffs and, where it cannot be disinfected, the destruction of contaminated equipment;

(b) the transport of carcasses to processing plants;

(c) any other measures which are essential for the eradication of the outbreak of the disease (if defined by the Commission).

Under Commission Decision 2001/654 of 16 August 2001 concerning a financial contribution towards the eradication of foot-and-mouth disease (FMD) in the United Kingdom in 2001 [2], the United Kingdom may obtain financial assistance for the adequate compensation of owners for the compulsory slaughter of their animals relating to the outbreak which occurred until 30 June 2001. In that Decision, 'adequate compensation' is defined as the value the animals had immediately before they became affected. This decision also mentions that, pending completion of checks by the Commission, a first advance of € 355 million could be paid.

The total amount of the Community financial contribution will depend inter alia on the supporting documentation submitted by the United Kingdom, and the results of the controls and inspections carried out by the Commission.

The verification of the eligibility of the declared expenditure by the United Kingdom is currently ongoing. In this context, three control missions have already taken place, the last one in the week of 28 January 2002. Additional missions will be scheduled in the next months. The final eligible amount for Community compensation will be fixed in the light of the results of the control missions.

Furthermore, in addition to the Commission controls, Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agriculture policy [3] states that the Member States shall take the measures necessary to:

(a) satisfy themselves that transactions financed by the Fund are actually carried out and executed correctly;

(b) prevent and deal with irregularities;

(c) recover sums lost as a result of irregularities or negligence (Article 8).

Finally, the Court of Auditors is also conducting a formal enquiry into the management and financing of the FMD crisis and the European Parliament has also established a Temporary Committee on FMD.

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[1] OJ L 224, 18.8.1990.
[2] OJ L 230, 28.8.2001.
[3] OJ L 160, 26.6.1999.

(2002/C 172 E/152) **WRITTEN QUESTION E-0124/02**

by Roberta Angelilli (UEN) to the Commission

(29 January 2002)

Subject: Licence to drive a bus or coach

In Italy, when bus or coach drivers reach the age of sixty-five their licence to drive a bus or coach is automatically revoked. This does not seem to happen in other countries of the European Union, where no such restriction exists and drivers keep their licence to drive a bus or coach even after the age of sixty-five as long as they are judged to be mentally and physically fit.

This means that a German citizen of over sixty-five is for example perfectly free to drive a bus or coach in Italy although an Italian of the same age is precluded from doing so.

This leads to a disparity to the disadvantage of small and very small Italian family undertakings in that sector.

In view of the above facts, can the Commission answer the following questions:

1. Do any European Union directives exist on this subject?

2. What is the situation in the other Member States?

3. What are its views on this matter?

Answer given by Mrs de Palacio on behalf of the Commission

(12 March 2002)

1. Council Directive 91/439/EEC of 29 July 1991 on driving licences [1], which was adopted on 29 July 1991, entered into force on 1 July 1996. It provides for the mutual recognition of all driving licences issued in the Member States. However, each Member State retains full responsibility for determining the period of validity of its national licences (Article 1(3) of the Directive).

2. The situation is complex and differs considerably from one Member State to another. Moreover, the period of validity of a licence is not always linked to the regular medical examinations which the Member States have to make drivers of heavy goods vehicles and buses or coaches undergo in order to assess their physical fitness to drive [2].

There are three Member States apart from Italy in which a licence to drive a bus or coach may not be renewed once the driver has reached a certain age: Portugal for drivers over 65, Finland for drivers over 70 and Luxembourg for drivers over 75. Full information about the other Member States is being sent directly to the Honourable Member and to the Secretariat-General of Parliament.

3. In view of the complexity of the subject, which has been recognised by the Court of Justice [3], driving licences have to be harmonised gradually.

Even if the period of validity of licences is not yet harmonised, it should be pointed out that paragraph 4 of Annex III to the abovementioned Directive 91/439/EEC already provides for regular medical examinations of drivers of heavy goods vehicles, buses and coaches. In a general manner, these examinations to a certain extent limit the period of validity of licences for these groups of drivers.

The Commission is currently considering the advisability of a proposal for a Directive amending Directive 91/439/EEC to include the introduction of a harmonised period of validity for all categories of driving licence, in accordance with the principle of subsidiarity, in the framework of its future action programme on road safety.

[1] OJ L 237, 24.8.1991.
[2] Pursuant to Annex III, paragraph 4, of Directive 91/439/EEC.
[3] Case C-193/94 Skanavi, [1996] ECR I-00929, at paragraph 27.

(2002/C 172 E/153) **WRITTEN QUESTION E-0125/02**

by Dorette Corbey (PSE), Albert Maat (PPE-DE) and Jan Mulder (ELDR) to the Commission

(29 January 2002)

Subject: Trade barriers introduced in response to the BSE crisis, particularly in the applicant countries

Since the outbreak of the BSE crisis, many non-member countries, including the applicant states, have introduced trade barriers, for example against the import of breeding cattle and embryos.

1. How many of these trade barriers still exist?

The European Commission's classification of the geographical risks of BSE in the applicant states shows that usually the risk is significant and comparable to that in the EU itself. Cases of BSE have already occurred in the Czech Republic, Slovakia and Slovenia. These countries and Hungary have since started to implement BSE prevention measures, while the other applicant countries are also preparing to take over this part of the Community acquis.

2. Does the Commission not share the view that, in the light of this, the countries that want to join the Union in the near future should remove the trade barriers concerned?

3. If so, what does the Commission intend to do about this situation?

Answer given by Mr Byrne on behalf of the Commission

(27 March 2002)

1. The restrictions imposed by third countries in late 2000 and early 2001 due the bovine spongiform encephalopathy (BSE) crisis in the Union remain largely intact. In general, these restrictions consist of complete bans for imports from the Union of live cattle, beef and several other products of bovine origin. In many cases, imports of bovine embryos are also banned. The import policies of the applicant countries largely follow a similar line.

2. The Commission is of the opinion that the applicant countries, together with other third countries, should only apply scientifically justified BSE import regimes in line with the World Trade Organisation/ Sanitary and Phytosanitary Standards (WTO/SPS) Agreement. In any case the applicant countries will have to fully comply with the relevant Community legislation by latest on accession.

3. The Commission has frequently addressed the overly restrictive BSE import regimes of third countries, including the applicant countries, during bilateral and multilateral contacts — such as in the SPS Committee — with the relevant countries, insisting that import restrictions must be science-based and comply with international standards. The Commission will continue to address this issue in future contacts with these countries. In the context of the enlargement negotiations the applicant countries have to commit themselves to align their import requirements with the Community legislation by accession at the latest.

(2002/C 172 E/154) **WRITTEN QUESTION E-0128/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(1 February 2002)

Subject: Withholding of EAGGF subsidies

Producers in Greece have no option but to collect their EAGGF subsidies from the Agricultural Bank of Greece (ATE). The bank asks producers for authorisation to withhold part of their subsidies to cover any amounts that may be due to the bank or the farming cooperatives.

Although it appears that the aid is withheld with the consent of the beneficiaries, producers and their trade unions have both made numerous complaints that consent is obtained essentially through coercion owing to the beneficiaries' financial dependence on the ATE and the farming cooperatives.

Both the Commission and the Court of Auditors have in fact decided on numerous occasions that no amount of EAGGF aid may be withheld.

The Commission:

1. Does it consider that such indirect withholding of aid from producers by the ATE is consistent with its decisions concerning payment in full of that aid? What action will it taken on this matter?

2. Are producers within their rights to refuse to sign the authorisation to withhold aid against current and/or future debts?

Answer given by Mr Fischler on behalf of the Commission

(14 March 2002)

1. In respect of deductions of the European Agricultural Guidance and Guarantee Fund (EAGGF) subsidies operated by the Agricultural Bank of Greece (ATE) to cover amounts due to the bank it should be borne in mind that in case C-132/95 [1] the Court of Justice maintained the view that although it is true that under Article 15(3) of Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops [2], the compensatory payments referred to therein are to be paid over to the beneficiaries in their entirety, set-off between compensatory payment made under the above-mentioned Regulation and outstanding debts payable to a Member State does not have the effect of reducing the amount of the aid.

As regards deductions of EAGGF subsidies operated by the ATE to cover amounts due to the farming cooperatives, the Commission is of the view that if Greek producers are not coerced by the Greek public authorities into consenting that part of the EAGGF subsidies are withheld by the ATE for the purpose mentioned, there is no conflict with Community law. In this connection it should be noted that the Commission was informed by the Greek authorities that the deductions are made by the producer organisations to their members following a decision of their general assemblies i.e. the deductions result from a private relationship.

Moreover, in an EAGGF audit report of 12 November 2001 (Enquiry number: FA/20a/GR) following a mission to Greece from 5 to 8 November 2001 it is stated that a Joint Ministerial Circular of 22 October 2001 requires that beneficiaries are to receive full payment in their bank account. For 2001 campaigns/harvests beneficiaries were asked to provide their bank account details. The mission team was informed that from 1 January 2002 claims were not to be accepted unless they included a bank account number. Assurances were given that beneficiaries could freely choose their bank. Further EAGGF missions to follow up this and other matters are planned.

2. The answer to the second question posed by the Honourable Member must be in the affirmative.

(1) Bent Jensen and Korn- og Foderstofkompagniet A/S v. landbrugsministeriet — EF — Direktoraded. Case C-132/95 ECR 1998 page I-2975.
(2) OJ L 181, 1.7.1992.

(2002/C 172 E/155) **WRITTEN QUESTION E-0129/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(1 February 2002)

Subject: Ethnological Museum of Thrace

In Alexandropoulis, a number of private individuals involved in researching, recording and collecting material related to the traditional way of life in Thrace are endeavouring to set up an Ethnological Museum to promote the study and status of traditional local culture.

Although most organisational problems have been overcome, such as the restoration of a traditional building to house the museum, the collection of more than 2000 objects dating back to 1681 and the development of integrated material using modern techniques of recording and presentation (video etc), there are financial difficulties involved in completing the entire project and in digitalising a new study tracing 18 000 refugees in the region from the early 20th century who were dispersed over more than 1 000 different locations in Thrace.

Is this kind of research eligible for funding and, if so, under which programmes? In what way could the Commission assist in completing this project so that the museum can operate properly for the benefit of local population and visitors to Thrace?

Answer given by Ms Reding on behalf of the Commission

(22 March 2002)

The Commission supports initiatives in the area of culture, including the protection, preservation and development of the cultural heritage within the framework, and according to the selection criteria, of the 'Culture 2000' programme, which is the Union's only financing and planning instrument in the area of cultural cooperation. The Honourable Member will find further information at the following site: http://europa.eu.int/comm/culture/index_en.html.

The Commission would point out to the Honourable Member that a call for proposals for projects to be organised in 2003 will be published in the Official Journal in the first half of 2002. Consequently, cultural operators will be free to submit their projects so that they can be considered for funding.

Moreover, the Structural Funds may provide a financial contribution to the cultural projects of this region under the Culture and East Macedonia-Thrace operational programmes (OPs).

The Culture OP of the Community Support Framework for Greece in the 2000-2006 programming period has a total budget of € 605 million. It is designed to encourage the protection and promotion of the cultural heritage of Greece and the development of modern Greek culture. Measure 2,8 — 'Infrastructure for culture' — of the regional OP for East Macedonia-Thrace for this period has a budget of € 17,6 million

and may co-finance projects for the protection and promotion of archaeological sites, historical monuments and other infrastructure of cultural interest to the region, as well as measures to protect and develop local cultural traditions and heritage.

As far as the granting of this Community assistance is concerned, the Commission would remind the Honourable Member that, in accordance with the principle of subsidiarity, both the selection of projects and the implementation and management of programmes co-financed under the Structural Funds are the responsibility of the Member States. Additional information may be obtained from either the Greek Ministry of Culture (help.desk@ma.culture.gr) or the authorities that manage the regional operational programme (nikobomb@mou.gr).

(2002/C 172 E/156) **WRITTEN QUESTION E-0133/02**

by Carlos Carnero González (PSE) to the Commission

(4 February 2002)

Subject: Statements on nuclear power by Commissioner de Palacio

The statements in support of nuclear power in Europe made yesterday in Madrid by Commissioner Loyola de Palacio have been widely reported in the Spanish media.

Bearing in mind that public opinion in Europe is highly sensitive to the question of the future of nuclear power, and given the valid differences of opinion on this matter and the forceful nature of Mrs de Palacio's remarks, it is vital that the Commission provide some explanations.

Are these statements Mrs Palacio's own opinions or do they reflect the position of the Commission? Does the Commission not think that the Commissioner responsible for energy should exercise greater caution when discussing such matters, not least to avoid confusion between personal opinions and Commission policy? Does it not think that these remarks could jeopardise the debate on the Green Paper on energy?

(2002/C 172 E/157) **WRITTEN QUESTION E-0187/02**

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

(6 February 2002)

Subject: Commission statements in favour of nuclear power

Of the 15 European Union Member States, seven at present have no nuclear power stations. In some cases (e.g. Italy) this is the result of a referendum. Other Member States, such as Sweden, have also consulted their voters and intend to phase out their nuclear power stations. A similar situation applies in Germany, where, after complex negotiations, the government and the electricity companies have agreed on a timetable for the closure of all nuclear power stations. No reactor is currently being constructed in any EU Member State, while Spain shut down its last operating uranium mine in 2000. For some years now it has been clear from all opinion polls that public opinion in the EU is strongly opposed to nuclear power.

In the light of the above what are the Commission's reasons for its statements in favour of nuclear power?

Does the Commission consider it a reasonable policy to reaffirm support for an energy source which is rejected by European public opinion and by a considerable number of governments in the Union?

Joint answer
to Written Questions E-0133/02 and E-0187/02
given by Mrs de Palacio on behalf of the Commission

(2 April 2002)

The Commission's position on nuclear energy is outlined in the Green Paper on energy supply [1] from November 2000. The declarations referred to by the Honourable Members — as those of any other Member of the Commission — are made in this context.

[1] COM(2000) 769 final.

(2002/C 172 E/158) **WRITTEN QUESTION E-0136/02**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(1 February 2002)

Subject: Campaign to publicise rural tourism in Andalusia

The rural tourism sector in Andalusia has expanded appreciably in recent years in terms of the number of accommodation units and beds available.

According to data from the Spanish national statistical office, however, nine out of every ten tourists using the rural tourism network in Andalusia are Spanish, with very few foreign visitors.

As tourist development is one of the most important instruments for boosting development of the countryside, does the Commission think that EAGGF resources could be used for publicity campaigns on rural tourism in Andalusia, so as to attract tourists from other EU countries and increase the rate of occupancy of this type of accommodation, which is little known in the Community tourism sector as a whole, or what proposals could it put forward for securing Community funds to finance an information campaign of this kind?

Answer given by Mr Fischler on behalf of the Commission

(26 February 2002)

The Commission was unaware of the facts brought to its attention by the Honourable Member.

Resolution of this type of difficulty does not fall within the Community's sphere of responsibility but is a matter for national and/or regional authorities, in this case the Autonomous Community of Andalusia.

Through the Structural Funds the Commission contributes to various regional development programmes in Spain. For Andalusia a number of agricultural and rural development programmes receive Community financing.

Under the 'action and information plan' of the Operational Programme for Andalusia for the period 2000-2006 certain measures have been adopted that may help relieve the Honourable Member's concern. Rural development policy aims at creating a coherent and sustainable framework that will guarantee the future of rural areas by promoting diversification of agricultural activities and inter alia expansion of rural tourism.

These programmes are managed at Member State level and hence by national and/or regional authorities and not by the Commission.

(2002/C 172 E/159)

WRITTEN QUESTION E-0137/02

by Jorge Hernández Mollar (PPE-DE) to the Commission

(1 February 2002)

Subject: Package of Community proposals for the common European immigration policy

It should become clear during the first half of the current year that the main foreign policy objective is to harmonise the different laws on asylum and refugees of the fifteen Member States.

This is a complex task which should provide the foundation for the launch of the future common European immigration policy, which the Member States agreed on at the Laeken (Belgium) summit in December.

Will the Commission say what initiatives it plans to achieve the harmonisation of the different laws of the Fifteen on asylum and refugees as a basis for a European frontiers policy which will pave the way for a future common policy to control immigration?

Answer given by Mr Vitorino on behalf of the Commission

(21 February 2002)

The Commission welcomes the conclusions adopted by the Laeken European Council (14-15 December 2001) and in particular, its endorsement of the political guidelines and objectives set out at Tampere. It also supports the fresh impetus and drive in the areas of immigration and asylum in order to catch up on the targets set in its scoreboard for the review of progress made towards the establishment of an area of freedom, security and justice in the European Union. The Commission places high hopes in the Spanish Presidency to infuse the process with a new dynamism and achieve further results during the first half of 2002.

The Commission would recall that the main proposals necessary for the implementation of Article 63 of the EC Treaty and the Tampere conclusions had already been presented within the deadlines set. First and foremost therefore, it is for the Council, as the Heads of State or Government did in fact request, to speed up work. Here, at the wishes of the European Council, special attention should be paid to the proposals for directives on minimum standards governing the reception of asylum seekers and the conditions to be met by third country nationals and stateless persons in order to enable them to claim refugee status or the status of persons who, for other reasons, require international protection linked to that status. Parliament's initiative to increase the appropriations allocated to the European Refugee Fund by € 10 million will certainly help to meet the European Council's request for account to be taken of the need to provide aid for asylum seekers.

Nonetheless, the Commission will continue to encourage the completion of this work. It is pleased that, on the basis of its November 2001 communication on a common policy on illegal immigrants, the Council speedily adopted an action plan in this area. As promised, the Commission intends to take action as soon as possible and publish the appropriate measures in a Green Paper on which wide-ranging consultations will take place and in a forthcoming communication it will propose a common strategy on external border controls.

Moreover, as it has been asked, the Commission intends, before the end of April 2002, to present amended proposals relating to asylum procedures and family reunification in the hope of making it easier to compromise on particularly sensitive issues. It attaches great importance to the speedy conclusion of the work on its proposal for a regulation to replace the Dublin Convention, a recurring priority of the European Council. The Commission will also take steps to ensure that the European system based on the comparison of fingerprints of asylum seekers (Eurodac) will enter into operation as soon as possible in the hope that the Member States will adopt all the necessary provisions without delay.

Moreover, the Commission approves the willingness expressed at Laeken to integrate policy on migratory flows more fully into the Union's external policy. It is in favour of any endeavour to reshape the work of the High Level Group on Immigration and Asylum set up by the Council in 1999 whose mandate would certainly benefit from being reviewed and up-dated. Before the end of the year, the Commission intends to present to the Council and Parliament a proposal for a programme involving cooperation with third countries based on the experience gained from the implementation of the new budgetary instrument established at Parliament's initiative. The Commission is also concerned that a genuine common policy on readmission be introduced. It will step up its efforts to negotiate the agreements which it has already been authorised to conclude and it will draft the necessary proposals to broaden this approach in a consistent manner.

Following its communications advocating the introduction of methods to ensure open cooperation in the areas of immigration and asylum, the Commission will shortly take the initiative to establish a European system for the exchange of information on asylum, migration and countries of origin requested by the European Council. This will include a proposal for a new statistical action plan called for by the Council in May 2001 as well as the gradual development of a virtual migration monitoring centre and the resumption of the activities of the Centre for information and exchange on asylum (CIREA) which the Permanent Representatives Committee recently decided to abolish. In addition, the Commission will look into the possibility of supplementing the instruments already adopted as part of the fight against discrimination and racism with specific new measures on the integration of migrants

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(2002/C 172 E/160) **WRITTEN QUESTION E-0140/02**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(1 February 2002)

Subject: Commission's position on the Galileo satellite localisation project

Since its inception, the Galileo project, which is vital for navigation and the development of third generation UMTS, has encountered serious problems within and outside the EU which may jeopardise its future.

The recent European Council in Laeken instructed the Council of Transport Ministers to take a final decision by March 2002 on funding the development phase of the project, which will require EUR 1 100 million.

Will the Commission say what financial commitment is needed by the Union and the Member States to develop this important European satellite localisation project, which may be of vital importance in ensuring Europe's independence in the sector covered by Galileo and in the development of a vital navigation network and third generation UMTS?

Answer given by Ms de Palacio on behalf of the Commission

(13 March 2002)

The total cost of the Galileo satellite positioning programme is estimated at between EUR 3,2 and EUR 3,4 billion. It comprises three phases.

The development and validation phase will last from 2001 to 2005. It will include both developing the satellites and the ground components, and validating the system 'in orbit'. It will cost EUR 1,1 billion, shared equally between the EU and the European Space Agency. Budget provisions have already been made in the current Community financial perspective for the EU's contribution of EUR 550 million provided from the trans-European networks appropriations. For its part, the European Space Agency decided to approve its contribution of EUR 550 million at its meeting in Edinburgh on 15 November 2001.

The deployment phase (2006-2007) will include the construction and launch of the satellites, and the installation of the complete ground segment. Total costs are estimated at between EUR 2 and EUR 2,1 billion, including both private and public sector contributions. To finance this phase, the Commission will make appropriate proposals under future financial perspectives in order to make the necessary

appropriations available in the framework of the appropriations assigned to trans-European networks and research. Moreover, the Sixth Framework Programme for Research and Technological Development (RTD) makes space a priority area. These proposals will be based on public and private sector funding. Each sector's contribution will be determined on the basis of the proposals to be made by the joint undertaking depending on the results of the tender competitions it launches for selecting the Galileo operator or operators. As for all such infrastructure projects, it is not possible at this stage to give more precise figures.

The commercial operation phase will start in 2008. The most recent studies anticipate gradually decreasing public funding until 2015. It should be pointed out that EU contributions during the operation phase are in fact compensation for services provided by the operator. The effects of this on public expenditure could be offset by the yield from possible charges or taxes on the receivers.

In conclusion, except for the development phase funded by the European Space Agency, national budgets will not bear any of the public funding costs for the various phases of the Galileo programme.

(2002/C 172 E/161) **WRITTEN QUESTION E-0141/02**

by Eurig Wyn (Verts/ALE) to the Commission

(1 February 2002)

Subject: The 1976 EC Bathing Water Directive

There are millions of water users who use Europe's coastal and inland waters each year. Would the Commission agree that a number of changes to the legislation should be made in order that these water users get the protection they deserve?

Will the Commission ensure when Directive 76/160/EEC [1] is revised that the following will be taken into account?

Recent independent medical research has shown that there is an increased risk of gastro-intestinal illnesses when faecal streptococci levels exceed just 35 per 100 ml. However, levels of faecal streptococci have been found at 10 000 per 100 ml of water off the Anglesey (North Wales) coast.

Additional tertiary treatment processes using ultra violet light or microfiltration can reduce faecal bacteria to just 35 per 100 ml, a 285-fold improvement over the levels permissible under the mandatory standard and a near 60-fold improvement over the guideline standard.

Will the Commission therefore agree that present regulatory standards are woefully inadequate and the introduction of far stricter standards that oblige water companies to build all new treatment plants to 'full' treatment standards is necessary?

The EC Bathing Water Directive states that 'in order to protect the environment and public health, it is necessary to reduce the pollution of bathing water and to protect such water against further deterioration'. Does the Commission agree that present standards fail to do this?

[1] OJ L 31, 5.2.1976, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(18 March 2002)

The Commission agrees that the bathing water Directive [1] should be revised. Full reasons for this were explained in the Communication from the Commission to the Parliament and Council developing a new bathing water policy [2].

The Commission bases this revision upon epidemiological research done by the World Health Organisation (WHO) ([3]), confirmed by further epidemiological studies. The WHO report states how gastro-intestinal risk levels relate to concentrations of Intestinal Enterococci (Faecal Streptococci (FS)) in bathing water. According to the WHO, the value of 35 colony-forming units (cfu) faecal streptococci mentioned by the Honourable Member is below the NOAEL (no observed adverse effect level). The Commission agrees however that 10 000 cfu FS per 100 ml is a very high concentration and would be pleased to receive more detailed information on how and on which site this result was obtained.

The general water quality of inland and coastal waters is subject to the urban wastewater Directive (Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment ([4]) as amended by Directive 98/15/EC of 27 February 1998 ([5])), the Nitrates Directive (Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ([6])), the Water Framework Directive (Directive 2000/60/EC of the Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ([7])) and the relating monitoring schemes. Following the urban wastewater Directive, secondary treatment is a rule, but Member States must provide higher standards in order to comply with all Council Directives. The new and revised bathing water Directive will, when adopted, oblige Member States to make their bathing waters comply with new parameters and thresholds.

Under the influence of the current directive, European bathing water quality has improved considerably. From 1993 up to the year 2000, coastal bathing water quality has increased every year, as the compliance rate has moved upwards from 74 % to almost 97 %. For freshwater zones, compliance rate has also increased every year, and has now reached 94 % (30 % only in 1993).

Taking into account public health, the revised directive aims at a further improvement of bathing water quality.

([1]) Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water.
([2]) COM(2000) 860 final.
([3]) See http://www.who.int/water_sanitation_health/Recreational_water/wsh01-2.pdf.
([4]) OJ L 135, 30.5.1991.
([5]) OJ L 67, 7.3.1998.
([6]) OJ L 375, 31.12.1991.
([7]) OJ L 327, 22.12.2000.

(2002/C 172 E/162) **WRITTEN QUESTION E-0146/02**

by Sebastiano Musumeci (UEN) to the Commission

(1 February 2002)

Subject: Establishment of a European Civil Protection Agency

In Europe, civil protection in relation to natural disasters comes under the responsibility of the Member States. In some of these countries the lack of provision and awareness in this area is quite alarming.

The Commission:

1. Does it not consider that it should set up a European Civil Protection Agency, to be responsible for risk detection and prevention and management of emergencies, including work carried out on a voluntary basis?

2. What measures does it intend to promote to harmonise the laws of EU member States in the field of civil protection?

3. Would it agree that appropriations should be entered in the budget — along the same lines as the successful experience of the US Federal Emergency Management Agency — with a view not only to repairing the damage caused by natural disasters, but above all to funding preventive action to eradicate or reduce wherever possible the causes of disasters?

Answer given by Mrs Wallström on behalf of the Commission

(12 March 2002)

Irrespective of the possibility of setting up a European Civil Protection Agency, the Commission wishes to draw the Honourable Member's attention to Council Decision 1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection [1]. The programme states, among other things, that action to prevent risks and damage and to provide information and prepare those responsible for and involved in civil protection in the Member States is important and increases the degree of preparedness for accidents.

With regard to the uniformity of Member States' legislation in this area, the Commission wishes to remind the honourable Member that, in accordance with the principle of subsidiarity, Community cooperation supports and supplements the national civil protection policies in order to make them more effective. The pooling of experience and mutual assistance will help to reduce losses of human life, physical and material damage, economic losses and environmental damage throughout the Community by making the aims of social cohesion and solidarity more tangible. However, the above programme excludes any measures aimed at the harmonisation of the laws and regulations of the Member States or the way in which their national preparedness is organised.

Going beyond the implementation and development of the above Decision, the Commission wishes to inform the Honourable Member that it has planned to give consideration to an integrated strategy on prevention, preparedness and response to natural and other hazards in its 2002 work programme.

During the 2000-2006 programming period, funding is available from the Structural Funds for action to prevent natural or technological disasters, under both regional programmes and trans-frontier and trans-national cooperation programmes. Some regional programmes include preventive measures for natural risks (strengthening of river embankments; equipment for centres to combat forest fires; erosion protection, etc.). There is also provision for preventive action as part of trans-frontier and trans-national cooperation, e.g. alerts relating to flooding and technological disasters; establishment of pluri-national centres to combat forest fires; cooperation relating to the safety of popular mountain areas, etc.

The Structural Funds can also finance some reconstruction work after natural or technological disasters (except of dwellings) as part of the regional programmes and in the normally eligible zones.

[1] OJ L 327, 21.12.1999.

(2002/C 172 E/163) **WRITTEN QUESTION E-0147/02**

by Adriana Poli Bortone (UEN) to the Commission

(1 February 2002)

Subject: Beet-growers in southern Italy

Does the Commission intend to take action to support beet-growers in southern Italy by providing a regional contribution to cover part of the depreciation costs of irrigation systems, given the following:

1. the fact that the EU has approved, under the Regional Operational Programme for Sardinia, Article 4.9/N — (Reg. EC 1257/99 [1]) 'sugar beet growing',

2. the fact that installations set up for more than five years may be considered as forms of structural intervention,

3. the need for maximum rationalisation of water resources in southern Italy.

[1] OJ L 160, 26.6.1999, p. 80.

Answer given by Mr Fischler on behalf of the Commission

(4 March 2002)

Since the support in question appears to be operating aid, the Commission is afraid that the kind of Community support suggested by the Honourable Member cannot be granted. 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] does not foresee financing for such expenses. Also the granting of national aid for such purposes would not seem possible, since operating aid would normally be considered to be incompatible with the EC Treaty.

[1] OJ L 160, 26.6.1999.

(2002/C 172 E/164) **WRITTEN QUESTION E-0151/02**

by Jan Andersson (PSE) and Hans Karlsson (PSE) to the Commission

(1 February 2002)

Subject: Closure and structural aid — Gislaved, Sweden

Continental has decided to stop tyre manufacturing at Gislaved in Sweden. This decision will result in the loss of about 800 jobs, and will also directly affect a number of persons performing tasks for the factory, such as carriers of its products. Closure will also indirectly affect trade and other commercial and public services in the local community, thus causing a further loss of jobs. It is claimed that the factory is being closed because of the opportunity of obtaining EU aid to move production to Portugal, and that this aid would make it commercially profitable to do so, which would not be the case without that aid.

1. Is it permissible to use EU structural aid to move output and jobs from one Member State to another?

2. If it is, is the Commission prepared to initiate a review of the rules in question?

Answer given by Mr Barnier on behalf of the Commission

(1 March 2002)

The Honourable Members are requested to refer to the answers given by the Commission to Oral Questions H-0009/02, H-0031/02 and H-0040/02 by Mr Sjöstedt, Mr Gahrton and Mr Schmidt respectively at the Question Time of the first February 2002 [1] part-session of Parliament.

[1] Written answer of 5 February 2002.

(2002/C 172 E/165) **WRITTEN QUESTION E-0159/02**

by Cristiana Muscardini (UEN) to the Commission

(4 February 2002)

Subject: Protection of the environment in the Po Delta

The creation of a regional park in the Po Delta should, it was hoped, have ensured preservation of the delicate equilibrium of a wetzone which is one of the largest in Europe and where over 300 bird species — including flamingos, cormorants, falcons, buzzards, black swans and mallards — find their natural habitat among the salt canals and the sandbanks of the estuary.

The area has already been declared a Special Protection Area (SPA) and a Site of Community Interest (SIC), as well as a primary reproduction area for the heron community. Nonetheless, the fear continues to exist that environmental degradation could result from urban or industrial development schemes, waste disposal projects or the failure to convert a currently oil-based electric power station to methane.

In view of the above risks:

1. Can the Commission state whether it considers it necessary to monitor the situation closely and ensure that the Community environmental legislation is properly applied?

2. Will the Commission remind the local authorities that the fact that this area has been granted the status of Special Protection Area and Site of Community Interest entails obligations and duties as regards the conservation of a resource which belongs to all the citizens of the Union?

Answer given by Mrs Wallström on behalf of the Commission

(12 March 2002)

The Commission's powers are limited to those conferred on it by the EC Treaty. In particular, it is responsible for ensuring that Community law is properly applied within all Member States. On the basis of Article 211 of the EC Treaty, 'in order to ensure the proper functioning and development of the common market, the Commission shall ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied'. As the guardian of the EC Treaty, it does not hesitate to take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure the observance of Community law.

In the Po Delta there are several Special Protection Areas (SPAs) designated under Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [1] and Sites of Community Importance (SCI) proposed by Italy under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [2]. Article 6 of Directive 92/43/EEC provides for protection requirements with reference to Special Conservation Areas (SCAs) and SPAs. These obligations apply to all authorities of the Member States, at national, regional or local level.

However, the Commission is not in a position to assess issues concerning possible future situations of breach of Community law, as raised by the Honourable Member. Future developments in the situations of certain SPAs and SCAs cannot be considered falling under the responsibilities of the Commission acting as the guardian of the EC Treaty. In addition, it would be stressed that situations claimed to be inconsistent with Community legislation need to be precisely described so as to enable the Commission to assess them in relation to relevant Community environmental law.

Therefore, on the basis of the information given by the Honourable Member, no breach of Community law can be identified at present. Should the Honourable Member provide detailed information enabling the Commission to assess the issues in relation to the above mentioned directives, the Commission would then be able to investigate this matter.

[1] OJ L 103, 25.4.1979.
[2] OJ L 206, 22.7.1992.

(2002/C 172 E/166) **WRITTEN QUESTION E-0161/02**

by Cristiana Muscardini (UEN) to the Commission

(4 February 2002)

Subject: Misleading information on Internet sites about melanoma

On 17 January 2002 the Italian weekly 'Panorama' reported that, according to the results of a survey published in the 'Journal of Clinical Oncology', the information given out about melanoma on many Internet sites is incorrect or incomplete. The experts examined 76 sites and evaluated them according to 35 factors (basic information, incidence, risk factors, therapies, etc). Only eight of the factors were included

on at least half the sites; no one piece of information appeared on more than 62 % of them; and 14 % of the sites had erroneous information.

In the light of these findings and given that similarly vague and misleading information is given out on other health matters:

1. Is the Commission aware of this research?

2. Has the Commission set up or financed any research groups studying melanoma?

3. If so, can the Commission state how many of these groups have placed their findings on the Internet?

4. Does any legislation exist regulating the ethical aspects publication of scientific information on the Internet?

5. Does the Commission believe that action should be taken, not so much to penalise sites responsible for misleading information as to bring about improvements in quality and thus further the effectiveness of consultation by all those who seek new forms of therapy and are likely to trust the information they find on-line?

Answer given by Mr Byrne on behalf of the Commission

(15 April 2002)

1. The Commission became aware of this piece of Internet research through the information provided by the Honourable Member. A close look at the publication revealed that the authors concentrated on the United States, and discarded all non English-language web sites as inaccessible. It seems that no European sites were included in the analysis.

2. Directorate general (DG) Research has supported research into the treatment of melanoma over the last ten years, mainly basic research (in-vitro techniques). Over the last six years the Community has funded research on imuno-therapy as a treatment. However, further research is still needed to make it clinically possible.

3. Due to the very nature of the research supported by DG Research the results have been published in scientific journals though no findings of a clinical nature have been put on the Internet.

4. No European legislation exists regulating the ethical aspects of scientific information on the Internet. Nevertheless, many funding bodies require that any published information resulting from the funded research should be truthful.

5. On 15 June 2000, the Commission submitted to the Council and to the Parliament a proposal based on Article 152 of the EC Treaty for a Decision of the Parliament and of the Council adopting a programme of Community action in the field of public health [1]. After its final adoption the new public health action plan will support the development of a comprehensive health information system, which may also include comprehensive information on cancer, including melanoma. The question of best practice, certification and quality control will be addressed.

For the present time it might help to make use of the many cancer information services established in many Member States or European regions. The 'Krebsinformationsdienst (KID)' [2] of the German Cancer Centre or the web portals of many members of the European cancer leagues or cancer societies might serve as an example of how the european citizen can obtain comprehensive and truthful information on cancer.

[1] OJ C 337 E, 28.11.2000.
[2] Tel.: (+49) 6221 410121 or http://www.krebsinformationsdienst.de.

(2002/C 172 E/167)

WRITTEN QUESTION P-0164/02

by Francesco Fiori (PPE-DE) to the Commission

(30 January 2002)

Subject: Reopening of the Mont Blanc tunnel

The reopening of the Mont Blanc tunnel is a regional and national priority. As a result of delays in the work on the French side, the Valle d'Aosta Autonomous Region is being seriously affected by physical and economic isolation. This hindrance over a long period of time is calling into the question the principle laid down in the Treaty establishing the European Community, namely that of freedom of movement for goods, persons, services and capital.

What inspection measures does the Commission intend to take to ensure that this principle is complied with?

What technical inspection measures relating to safety and maintenance does the Commission intend to take to ensure that the tunnel is fully reopened and is safe?

What time limits will the Commission impose on France to ensure that it does not continue with this policy of obstruction?

Answer given by Mrs de Palacio on behalf of the Commission

(25 February 2002)

The Commission shares the opinion of the Honourable Member on the importance of the Mont Blanc tunnel for the free movement of goods.

However, the Commission takes the view that the reopening of the tunnel can be based only on safety considerations and that it can be reopened only if all the safety conditions are complied with. The Commission does not have the power to give prior approval for the reopening of the Mont Blanc tunnel and for specific traffic rules. It is for the French and Italian national authorities to carry out the studies and work required and verify whether traffic safety conditions are met before reopening the tunnel. This applies to light vehicles as well as lorries.

Assurances regarding safety have repeatedly been given by the French and Italian transport ministers. However, the reopening has been delayed compared with initial estimates in order to allow verification of safety conditions through a series of Franco-Italian accident and fire simulation exercises. The results of these exercises appear to be positive overall. It is expected that the conditions for reopening and operating the tunnel will be finalised in February 2002.

Bearing this in mind, the Commission considers that action under the terms of the EC Treaty regarding the free movement of goods is not necessary at this stage.

In the Commission's opinion, the measures required to properly control the flow of overland transport and improve the modal equilibrium in the Alpine region, in particular in the Mont Blanc area, should include the following:

- establishing and operating, as soon as possible, the two railway segments already identified in the 1996 ([1]) guidelines for the trans-European transport network, namely the Lyon-Turin section and the Brenner section, and also establishing the railway links provided for in the agreement between the European Union and Switzerland;
- introducing a common tariff system covering the costs of infrastructure;
- promoting intermodal transport;
- implementing the second railway package ([2]).

([1]) European Parliament and Council Decision No 1692/96/EC of 23 July 1996 on the Community guidelines for the trans-European transport network, OJ L 228, 9.9.1996.

([2]) COM(2002) 18 final.

(2002/C 172 E/168) **WRITTEN QUESTION P-0165/02**

by Christel Fiebiger (GUE/NGL) to the Commission

(30 January 2002)

Subject: Protection of wild animals

As a Member of the European Parliament, I am increasingly being approached by members of the public with requests for help or with complaints regarding the protection of wild animals, almost always relating to cruelty to animals.

The following are two examples:

— Trade in wild common (brown) hares: There was outrage in Germany following a television report about wild hares being caught in nets in a well-planned and highly organised manner by the Polish army in eastern Poland and then being transported thousands of kilometres to southern France in awful conditions. Hundreds of thousands of hares are shipped this way every year, but not so that they can be resettled for ecological reasons. What happens is more than just cruelty to animals, for it is a conventional business operation designed to satisfy people's passion for killing. The shooting of the hares, which first have direction-finding devices fitted to them, is not huntsmanship but murder.

— The Biomedical Primate Research Centre (BPRC) in Rijswijk, Netherlands: Conditions at this centre, which holds 1500 primates, including 120 chimpanzees, are reportedly intolerable with, for instance, more than 500 macaques, which in the wild live in troops, each languishing in isolation in an extremely small metal cage. The Centre is allegedly funded by the European Union to the tune of EUR 2,21 million a year.

Will the Commission therefore state:

— What means or plans it has for taking legal action in respect of cases of cruelty to animals perpetrated in areas which fall within the remit of the Member States, especially since the Amsterdam Treaty explicitly only requires the European Institutions to take due account of the welfare requirements of animals in the context of Community policies (under the relevant protocol to the Treaty)?

— Whether the trade in common hares is compatible with the Berne Convention (Council Decision 82/72/EEC [1] of 3 December 1981), and if it intends, irrespective thereof, to press for the prohibition of such trade vis-à-vis importing EU Member States and exporting candidate countries, and, if so, how?

— Whether it can and will demand repayment of EU funding if the reports about the BPRC should turn out to be correct?

[1] OJ L 38, 10.2.1982, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(20 February 2002)

As far as the conditions of transport mentioned by the Honourable Member are concerned Polish national legislation would apply within Poland, although as a candidate for accession Poland is aligning this legislation with that of the Community.

Legal doubts concerning the extent to which Council Directive 91/628/EEC [1] of 19 November 1991 on the protection of animals during transport as amended by Directive 95/29/EC [2] of 29 June 1995 can cover a transporter of animals to the Community before the vehicle concerned enters Community territory have not yet been resolved. It is clear, however, that the Directive is fully applicable once the animals are brought into the Community.

The Commission does not currently have sufficient information to judge whether the part of the journey within the Community in respect of the trade in wild hares respects the requirements of the Directive.

As the common hare is not one of the species protected under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [3], responsibility for regulating the capture and transport of this species lies with the Member States and the candidate countries for accession. The Commission has no power to intervene.

The common hare Lepus capensis (europaeus) is one of the species of wild animal listed in Annex III to the Berne Convention. The parties to this Convention, including Poland and France, must therefore take the appropriate and necessary legislative and regulatory measures to protect the species. Such measures include banning the use of non-selective methods of capture and regulating the transport of captured animals. The catching of hares using nets as reported by the Honourable Member would therefore be contrary to the provisions of the Convention.

The Biomedical Primate Research Centre (BPRC) which is situated in the European Union but independent of the Union, has engaged itself contractually to fulfil all national legal and ethical requirements. The BPRC confirmed to the Commission in July 2001 that it has the permission at local level to conduct biomedical research with non-human primates.

The Commission does not intend to exclude the BPRC from participation in Community funded projects as long as the relevant authorisations from national authorities have been obtained.

[1] OJ L 340, 11.12.1991.
[2] OJ L 148, 30.6.1995.
[3] OJ L 206, 22.7.1992.

(2002/C 172 E/169) **WRITTEN QUESTION E-0171/02**

by Roberto Bigliardo (UEN) to the Commission

(6 February 2002)

Subject: Airport safety

I should like to know whether the Board of Directors of the national civil aviation agency has complied with European legislation on airport safety. At the beginning of 2002, following the accident which had taken place at Linate airport on 8 October 2001, a proposal was submitted to the government for a reorganisation of the bodies responsible for air transport safety − ENAC (National Civil Aviation Agency) and ENAV (National Flight Assistance Agency). The proposal emphasises and reinforces, among other things, the status of the airport director, appointed by ENAC, who at present has a rather weak position.

On 21 December 2001, however, the ENAC Board of Directors turned this whole approach on its head by bringing several airports under the responsibility of a single director. A particularly worrying aspect is the arrangement introduced at Naples airport where it has been decided to transfer the current director, who has had thirty years' experience of this specific post, and to replace him with the head of the ENAC office which is responsible for airworthiness certification. This involves amalgamating posts which have hitherto been allocated to people with totally different professional backgrounds. Until now, the heads of certification offices throughout Italy have been aeronautical engineers while airport directors normally have qualifications in law.

A number of members of the Italian parliament immediately tabled questions, calling for an explanation of the objectives of the ENAC Board of Directors' decisions, especially in the light of the planned reform of the sector.

In view of the above, would the Commission state whether it is aware of this initiative which has not only baffled political circles but is also causing concern among members of civil society about the safety of air travel, a subject to which the European Parliament has devoted much attention?

What measures does the Commission intend to take to ensure that such decisions to amalgamate posts do not create disruption and additional risks in what is already a difficult situation in Italy?

Answer given by Mrs de Palacio on behalf of the Commission

(8 March 2002)

With reference to the proposal that has been presented to the Council of Ministers in Italy, known as the 'Commissione Riggio' report, the Commission understands that it has not yet been discussed and no date has been indicated for the possible debate.

The Commission is developing a regulatory framework to reinforce civil aviation safety, principally through the establishment of the European Aviation Safety Agency (EASA). At present airport safety is not part of EASA's responsibility but the Commission intends to address this subject at a later stage through the possible extension of the scope of EASA's operations.

(2002/C 172 E/170) **WRITTEN QUESTION E-0175/02**

by Bart Staes (Verts/ALE) to the Commission

(6 February 2002)

Subject: Exchange of letters with the Netherlands concerning the Iron Rhine

The Iron Rhine is the symbolic name given to the rail link between the port of Antwerp and the Ruhrgebiet. Belgium is very keen to see this rail link revived, but the Netherlands seems to be allowing the project to drag on. Invoking the European Habitats and Birds Directives, Mrs Netelenbos, Netherlands Minister for Transport and Water Management, is demanding that a tunnel be built to take the line under a nature reserve near Roermond. The Commission has apparently written to the Belgian authorities concerned, the Netherlands and Germany informing them of its opinion. The Belgian Minister for Transport acknowledges that she has received such a letter, but her Netherlands counterpart states she has not been informed.

1. Is it necessary to build a tunnel under the nature reserve near Roermond, pursuant to the European Habitats and Birds Directives?

2. Has the Commission in actual fact written to Belgium, Germany and the Netherlands about this matter?

3. If so, what was the substance of its letter?

Answer given by Mrs Wallström on behalf of the Commission

(22 March 2002)

The nature protection Directives (Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [1] and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [2]) do not give a mandate to the Commission to take decisions, in the framework of mitigation of compensation measures related to the effects of infrastructure projects, about the necessity to build tunnels under any of the sites designated as part of the Natura 2000 network or belonging to Member States' own national nature reserves.

The three Member States involved in the Iron Rhine reactivation project (Belgium, Germany, and the Netherlands) requested a meeting with the Commission to expose their views. This meeting took place in Brussels on 5 July 2001. At their request, Directorate general Environment sent on 19 September 2001 to the delegation leaders present at the meeting a written account of the answers it gave to Member States' questions, with additional remarks about certain points that were discussed and some general observations.

A copy of the letter of 19 September 2001 is sent direct to the Honourable Member and to Parliament's Secretariat.

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[1] OJ L 103, 25.4.1979.
[2] OJ L 206, 22.7.1992.

(2002/C 172 E/171) **WRITTEN QUESTION E-0176/02**

by Bart Staes (Verts/ALE) to the Commission

(6 February 2002)

Subject: European emergency telephone number 112

The European emergency telephone number 112 was introduced in 1993.

Can the Commission state how many Member States have since replaced their old emergency telephone numbers with 112?

Will it force Member States that have not yet introduced 112 as the European emergency number to do so? If so, by what date? If not, why not?

In which languages will Europeans calling this emergency number be answered?

Answer given by Mr Liikanen on behalf of the Commission

(1 March 2002)

Two Member States (Denmark and the Netherlands) have replaced their old emergency call numbers with 112.

Article 1(2) of Council Decision 91/396/EEC [1] of 29 July 1991 on the introduction of a single European emergency call number provides that 'the single European emergency call number shall be introduced in parallel with any other existing national emergency call numbers, where this seems appropriate.' The number 112 had to be introduced by 31 December 1996 at the latest.

It is for each Member State to decide which emergency call numbers may be used in its territory. The Commission is therefore not in a position to force Member States to introduce 112 as the only emergency call number.

EU law does not lay down any obligations as regards the languages operators use to answer 112 calls. In practice, operators answer in their countries' official language(s) and, in nearly all Member States, in English too. Some Member States also allow the use of French, German or other languages.

[1] OJ L 217, 6.8.1991.

(2002/C 172 E/172) **WRITTEN QUESTION P-0192/02**

by Giuseppe Pisicchio (PPE-DE) to the Commission

(30 January 2002)

Subject: Special aid for the Italian farming sector

An extremely alarming situation has been produced in central and southern Europe — particularly in Italy — by the harsh weather conditions which have occurred during what is proving to be a very long winter, with an unusual combination of drought and freezing temperatures.

For some autumn and winter crops which, in southern Italy in particular, are of leading importance, this situation has now turned into a real emergency.

According to the latest estimates, in Puglia (one of the areas which has been hardest hit) fruit and vegetable production has fallen by a minimum of 20 % and a maximum of 60 %, while the production of wheat and artichokes — which are leading crops in the area — has fallen by as much as 80 %, making for a loss of at least € 100 million.

This drastic fall in production has led to consumer prices rising to totally unacceptable levels and is having such an alarming inflationary effect that the judicial authorities are looking into the matter.

Given the above, would the Commission not agree that it should provide special aid to farmers in view of the seriousness of the disaster which has occurred in major EU countries in a sector which, because of the specific nature of the activities involved, is exposed to weather-related risks for which current European legislation makes no provision whatsoever.

Answer given by Mr Fischler on behalf of the Commission

(20 February 2002)

The Commission has not yet received official information about the effect of the exceptional weather conditions in Italy.

Given the scale of the damage, existing Community provisions allow for the grant of special assistance part-financed by the Community from the European Agricultural Guidance and Guarantee Fund (EAGGF) in order to restore agricultural potential damaged by these weather conditions, which can be classed as a natural disaster.

In the context of the rural development plans for the regions outside Objective 1 and the regional operational programmes, the Italian regions can put in place measures to restore agricultural production potential damaged by natural disasters and introduce appropriate prevention instruments under Article 33(12) of Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the EAGGF and amending and repealing certain Regulations [1]. Some Italian regions have already included this option in their programmes, in order to tackle the damage caused by past natural disasters of various kinds.

The Commission is accordingly prepared to look at any proposals from the Italian authorities, within existing statutory and financial limits.

However, EAGGF assistance can only cover investments relating to production potential, not lost income. National aid might be granted to cover lost income, if approved by the Commission under Articles 87 and 88 of the EC Treaty, which relate to state aid.

[1] OJ L 160, 26.6.1999.

(2002/C 172 E/173) **WRITTEN QUESTION E-0202/02**

by Roberta Angelilli (UEN) to the Commission

(6 February 2002)

Subject: European artistic heritage

Europe is the home of a considerable part of the world's architectural and cultural heritage. Despite the fact that this heritage is of immense value to all Europeans, in many cases we have only a patchy knowledge of what it actually involves and what condition it is in. It would therefore be extremely useful to draw up an inventory of Europe's artistic and cultural heritage, both with a view to gaining a clearer idea of its extent and so as to be able to ensure the protection, restoration, upkeep and promotion of Europe's many treasures.

On 27 November 1996, on behalf of the Commission, Mr Oreja answered a question of mine (E-2761/96 [1]) on whether an inventory had been made of Europe's artistic and cultural heritage, saying that an initial approach to the matter could be made on the basis of a directory of cultural statistics in Europe, which was currently under preparation and the aim of which was to provide an overview of the organisations producing cultural statistics on a regular basis.

Given the above, would the Commission state whether this directory was ever produced, whether an inventory of Europe's artistic and cultural heritage has been drawn up since 1996, and what its views are on the matter?

[1] OJ C 83, 14.3.1997, p. 64.

Answer given by Mrs Reding on behalf of the Commission

(27 March 2002)

In March 1997, in response to a request by Member States, the Statistical Programme Committee set up a working party within Eurostat on cultural statistics (Leadership Group (LEG)-Culture). In November 1999, the Commission adopted the conclusions and recommendations of the LEG project, which proposed, in particular, the establishment of a working party on cultural statistics in order to safeguard the continuation of activities.

The LEG final report on cultural statistics in the EU appeared in 2000 and looked at, moreover, those organisations that produce cultural statistics on a regular basis. The working party carries out its work in cooperation with Member States. This report is available on request from Unit E3 (Eurostat: Population and social conditions 3/2000/E/N° 1).

In 1996, the Commission financed two studies in collaboration with France and Spain. The project was coordinated by the French Ministry of Culture.

These two studies were carried out by ERIES and DAFSA, which published the following:

— Reference index for cultural statistics in Europe — 1996 edition — Office for Official Publications (OPOCE), Luxembourg ISBN 92-827-9207-2;

— Cultural statistics in Europe; initial data, 1996. Printed in France — ISBN 2-11003721-0.

Furthermore, regarding the point about an inventory, the Commission has neither the instruments nor the expertise needed to draw up an inventory of Europe's artistic and cultural heritage. The protection of artistic and cultural heritage is the sole responsibility of Member States.

(2002/C 172 E/174) **WRITTEN QUESTION P-0233/02**

by Torben Lund (PSE) to the Commission

(31 January 2002)

Subject: Commission proposal for a Community Plan of Action fore reducing incidental catch of seabirds on longline fisheries

Globally, thousands of petrels, albatrosses and other seabird species are threatened by the practice of longlining. In response to this threat, the Food and Agriculture Organisation (FAO) has adopted an International Plan of Action on seabirds. The FAO agreement requires each Member State, including the European Community, to draw a National Plan of Action to reduce seabird by-catch.

Given that DG Environment is responsible for the integration of environmental aspects into other policies, including fisheries, how and when is the Commission proposing to ensure the implementation of the International FAO Action Plan for Seabirds and the mitigation and research measures it proposes in Community and third-country water?

Answer given by Mrs Wallström on behalf of the Commission

(27 February 2002)

The problem highlighted by the Honourable Member seems to affect mainly albatrosses and other species in the Southern Oceans. 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 areas but will continue to work for application of necessary measures within Regional Fisheries Organisations.

The Community contributed actively to the preparation of the international plan of action for reducing incidental catches of seabirds in longline fisheries. The Food and Agriculture Organisation (FAO) and its contracting parties subsequently approved the international plan. This approval entails the voluntary elaboration of a plan of action at State level. Therefore, the Community is preparing a Community action plan to be presented at the next Committee for Fisheries (COFI, February 2003). At this stage, the Community has presented at the last COFI (February 2001) a preliminary plan of action in which the need for a better assessment of the incidental catch of seabirds in longline fisheries is underlined.

Whenever Regional Fisheries Organisation to which the Community is a contracting party has agreed on measures to protect seabirds these measures have been implemented in Community legislation.

The following measures have been taken by the Council for the Conservation of Antarctic Maríne Living Resources, (CCAMLR to which the Community is party), in Antarctic waters, and been incorporated into Community Fishing 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.

Some or all of these measures might be considered for other areas as required. However, whatever measure is proposed, it should be adopted and implemented in the framework of the Common Fishery policy. As a general principle, Commission will propose measures aiming at avoiding the impact from longline fishing on seabirds when and where there is sound evidence on the existence of the problem and on the need of Community action to properly address it.

There is no clear evidence on the extent to which the problem occurs in Community waters or in relation to fishing activities by Community vessels outside the CCAMLAR convention area. Thus, answers from Member States to the Commission's request of information when preparing the Community Action Plan for reducing incidental catches of seabirds in longline fishing, did not indicate that Member States perceived this as a problem in their fisheries.

[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.

(2002/C 172 E/175) **WRITTEN QUESTION E-0247/02**

by Maurizio Turco (NI) to the Commission

(6 February 2002)

Subject: Answer to written question P-3373/01 on relations between the European Union and the Palestinian Authority

In its answer of 15 January 2002 to written question P-3373/01 [1] the Commission, instead of answering the queries concerning the relations between the European Union and the Palestinian Authority, makes a detailed analysis of the role and work of the IMF, in which it guarantees that the European funding devoted to direct support for the Palestinian Authority is being used properly.

What the questioner wanted and still wants to know is: between January and December 2001 how much European funding (in euro) was spent or allocated to the Palestinian Authority, under what heading (budget item and project title), to what entity it was paid (if other than the Palestinian Authority), what funding was subjected to controls and checks by what entity and what the results were?

(1) See page 44.

Answer given by Mr Patten on behalf of the Commission

(11 April 2002)

In view of the length of its answer, the Commission is sending it direct to the Honourable Member and to Parliament's Secretariat.

(2002/C 172 E/176) **WRITTEN QUESTION E-0255/02**

by Chris Davies (ELDR) to the Commission

(7 February 2002)

Subject: Disposal of fridges — EC Regulation 2037/2000

The United Kingdom is facing severe difficulties in implementing EC Regulation 2037/2000 (1) which requires the recovery of CFCs and HCFCs from insulating foam in domestic refrigerators, because it does not yet have a treatment plant in operation.

Is the Commission aware of other Member States facing similar problems, and did it receive, or has it received, representations from other Member States about this issue?

(1) OJ L 244, 29.9.2000, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(14 March 2002)

The Commission conducted a survey of Member States in February 2001 on the recovery of chlorofluorocarbons (CFCs) from domestic refrigerators. This, together with other information, shows that a significant number of Member States — Germany, Italy, Luxembourg, Austria, Finland and Sweden — already use commercial facilities for recovering CFCs from domestic refrigerators, including the insulating foam. Currently, Austria has its refrigerators treated in another Member State and Luxembourg relies on a mobile recovery facility that comes from Germany. Four other Member States — Belgium, Denmark, Spain and the Netherlands — have indicated that they have some facilities for recovering the CFCs from domestic refrigerators but they still have to provide the details. Overall it can be concluded that the majority of Member States are not facing difficulties recovering CFCs from domestic refrigerators.

The remaining Member States — Greece, France, Ireland and Portugal — still have to provide information on the systems that they have in place or their absence for recovering CFCs from domestic refrigerators. Initial indications are that Greece, France, Ireland and Portugal — still have to put in place appropriate commercial systems for recovering all the CFCs from domestic refrigerators and freezers. However, they would still be in compliance with the Regulation mentioned by the Honourable Member if used domestic refrigerators were stored until recycling and recovery facilities are put in place.

The Commission has recently contacted the Member States in order to update its information on CFC recovery facilities for domestic refrigerators and freezers.

(2002/C 172 E/177) **WRITTEN QUESTION P-0265/02**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(1 February 2002)

Subject: Corrections imposed on each Member State in the context of the EAGGF, Guarantee Section

What was the amount of the corrections imposed on each Member State per year, from 1997 to 2000, in the context of the EAGGF, Guarantee Section?

Answer given by Mr Fischler on behalf of the Commission

(18 March 2002)

The table below shows the corrections made by the EAGGF Guarantee Section to expenditure declared by Member States. As requested the breakdown is by Member State and year.

Summary of corrections by Member State:

	Financial year				
	1997	1998	1999	2000	2001
Belgium	10,2	10,2	0,9	3,2	2,2
Germany	26,1	21,8	33,7	41,1	24,9
Denmark	0,1	4,6	2,0	30,2	0,0
Spain	152,8	9,7	233,6	18,3	355,0
France	81,0	78,5	107,3	231,6	40,2
Greece	58,2	14,7	104,7	98,6	107,4
Ireland	2,9	4,5	7,8	21,3	1,5
Italy	265,0	99,3	115,2	98,1	22,3
Luxembourg	0,0	0,3	0,0	1,3	0,0
Netherlands	7,7	9,0	18,9	3,0	0,0
Portugal	4,6	5,1	27,9	29,5	2,2
Finland	0,0	0,0	0,0	4,3	0,0
Sweden	0,0	0,0	0,3	0,5	0,3
United Kingdom	41,2	50,0	105,5	42,6	- 13,2
Austria	0,0	0,0	0,0	0,8	0,0
Total	649,8	307,7	757,8	624,4	542,8
Total expenditure declared	32 579,2	31 838,1	34 311,2	36 259,2	39 528,7
Correction percentage	1,99	0,97	2,21	1,72	1,37

(2002/C 172 E/178) **WRITTEN QUESTION P-0266/02**

by Sir Robert Atkins (PPE-DE) to the Commission

(1 February 2002)

Subject: Preparation for the European Council meeting Barcelona

The 2000 Lisbon European Council called on 'the Member States, together with the Commission, to work towards introducing greater competition in local access networks before the end of 2000 and unbundling

the local loop in order to help bring about a substantial reduction in the costs of using the Internet'. What cost reductions for Internet use have been achieved in the EU since the Lisbon Summit?

Answer given by Mr Liikanen on behalf of the Commission

(6 March 2002)

A list of Internet access prices in Member States in March 2000, at the time of the Lisbon European Council (23 and 24 March 2000), and in August 2001, which are the latest data currently available is sent directly to the Honourable Member and to Parliament's Secretariat. These data show that prices across the Community have dropped by between 19 % and 37 %, depending on how intensively the Internet is used. It is usually considered that among the four sets of data the 20h off-peak use and the 40h peak use are the most relevant figures, the former corresponding to a 'typical' private household and the latter to a 'typical' business user.

The Honourable Member should be aware, however, that due to the large number of tariff schemes available both for access calls and subscriptions to Internet service providers (ISPs), a comprehensive analysis of prices for Internet access is not feasible. The data in the above-mentioned list relate to the lowest prices applied by the largest telecommunications operator for each usage profile chosen, in accordance with the Organisation for Economic Co-operation and Development (OECD) methodology. The prices applied by alternative telecommunications operators and ISPs may differ from those indicated, and in particular may well be lower.

It should also be borne in mind that Regulation (EC) No 2887/2000 of the Parliament and of the Council of 18 December 2000 on unbundled access to the local loo [1] came into force only at the beginning of 2001. Given the time necessary for competitors to invest in equipment and roll out their infrastructure, the main impact of local loop unbundling on prices will not be felt immediately. The Commission has also pointed out in its Seventh Implementation Repor [2] that the take-up of unbundled local loops has sofar been disappointing across the Community. It should in this context be noted that other regulatory or market action, such as the introduction of flat rate interconnection offerings, is likely to have an impact on the price of access. The Commission is following these developments with great attention, in particular in the light of its intention to promote broadband.

[1] OJ L 336, 30.12.2000.
[2] COM(2001) 706 final.

(2002/C 172 E/179) **WRITTEN QUESTION P-0267/02**

by Christopher Beazley (PPE-DE) to the Commission

(1 February 2002)

Subject: Preparation for the European Council meeting in Barcelona

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'. Was this target achieved, and how is the Commission monitoring progress?

Answer given by Mr Liikanen on behalf of the Commission

(11 March 2002)

Most of the targets set by the Lisbon European Council (23 and 24 March 2000) were embedded in the eEurope 2002 Action Plan which was endorsed by the Feira European Council (19 and 20 June 2000).

The Action Plan identifies key measures in 11 priority areas. Targets in the field of education are covered by the priority area 'European youth into the digital age'.

The follow-up of the implementation of the eEurope targets is based on the benchmarking of national progress according to a set of indicators agreed by the Council of Ministers. Indicators related to 'youth in the digital age' focus on the level of penetration and usage of computers and the Internet in schools.

The data are collected via annual Eurobarometer sample surveys in the 15 Member States. Two Eurobarometer surveys were carried out in this context between February and May 2001, covering headteachers and teachers respectively. The main results are presented in a Communication on eEurope 2002 benchmarking which was adopted by the Commission on 5 February 2002 [1]. A more in-depth analysis of benchmarking results in the field of education can be found in a Commission staff working document of 2 October 2001 [2].

The 2001 surveys pointed at a diversity of situations and approaches regarding the development and usage patterns of computers and the Internet from one Member State to another. However, the surveys suggested that the development of new technologies is a priority in all Member States. Furthermore, overall figures were encouraging, suggesting that Member States were in a position to meet the eEurope target of providing all schools in the Union with access to the Internet and multimedia resources by the end of 2001.

The situation regarding access to multimedia resources in May 2001 was as follows:

— almost all Union schools (94 %) used computers for education: 12 Member States were above 90 % of schools equipped with computers for educational use;

— about nine out of 10 Union schools (89 %) had an Internet connection: 10 Member States were above 90 % of on-line schools;

— however, pupils did not have access to the Internet in all schools that were on-line: they had access to on-line computers in 80 % of Union schools.

Updated figures will be made available by the Spring of 2002 based on a second series of surveys to be carried out in February 2002.

[1] COM(2002) 62.
[2] SEC(2001) 1583.

(2002/C 172 E/180) **WRITTEN QUESTION P-0268/02**

by Giles Chichester (PPE-DE) to the Commission

(1 February 2002)

Subject: Preparation for the European Council meeting in Barcelona

The 2000 Lisbon European Council called on 'the Member States to ensure generalised electronic access to main basic public services by 2003'. Does the Commission believe this target will be met, and what evidence can it point to to support its view?

Answer given by Mr Liikanen on behalf of the Commission

(4 March 2002)

Commission and Council integrated this call and the other requests made by the European Council in Article 11 of the Presidency conclusions of Lisbon (on 23-24 March 2000), into the eEurope 2002 action plan [1]. The action plan was subsequently adopted at the Feira European Council (on 19-20 June 2000) and contained 64 targets with clear deadlines, such as the one quoted in the Honourable Member's question.

To determine whether this target can be met, first of all the term 'main basic public services' had to be defined. The Commission therefore proposed a list of 20 basic public services, 12 for citizens and eight for businesses, which was approved by the Internal Market Council in November 2001. As a follow-up, an open call for tenders has been launched to measure the availability of these public services online. The terms of reference for this call stated explicitly that a four-stage-model, developed by the Dutch Economic Institute, had to be used to assess the degree of online sophistication. Level 1 is information only; stage 2 is when forms can be downloaded and submitted online; stage 3 full processing of forms including authentication and stage 4 secure online transactions. These are translated into percentages and averages across the 20 services.

First results of this survey have been presented by the consultants at the eGovernment conference of 29-30 November 2001 in Brussels, which was organised jointly by the Commission and the Belgian Presidency. The consultants have drawn a representative sample of more than 10 000 local, regional and federal administrations of which 7 400 had a web site and were surveyed. Results for each of the 20 services can be found in the full report [2]. The survey showed that about a half of basic public services is already made available online, although this mostly only means that forms can be downloaded from websites. It also indicated that services provided by a single administrative unit have higher levels of online service delivery whereas services provided by decentralised local agencies are less well developed.

The Commission concluded from this that good progress has been made in Member States with regard to the target. However, more needs to be done to achieve a higher level of interactivity and eventually full electronic delivery of the service. This will require important back office reorganisation to deal with complex transactions at a single-entry point for citizens and businesses. Provided this happens, the Commission believes that the target set was an ambitious one, but that Member States overall are on track with the realisation of the target.

[1] COM(2000) 330 final.
[2] http://europa.eu.int/information_society/eeurope/news_library/documents/bench_online_services.doc.

(2002/C 172 E/181) **WRITTEN QUESTION P-0272/02**

by Roger Helmer (PPE-DE) to the Commission

(1 February 2002)

Subject: Preparation for the European Council meeting in Barcelona

The 2000 Lisbon European Council called on the Council and the Commission, together with the Member States where appropriate to 'take steps to remove obstacles to the mobility of researchers in Europe by 2002 and to attract and retain high-quality research talent in Europe'. What steps have been taken? Will this target be met? How is the Commission monitoring progress?

Answer given by Mr Busquin on behalf of the Commission

(14 March 2002)

Following the Lisbon European Council of 23-24 March 2000, the Commission convened a High Level Group consisting of representatives of the Member States from July 2000 to April 2001. In its report [1], the Group identified the main obstacles likely to hinder the intra-European and international mobility of researchers as well as a series of good practices implemented in the Member States to remedy this. The Group also identified specific lines of action to be taken in the short and medium term. On the basis of this work, the Commission adopted in June 2001 a mobility strategy for the European Research Area [2] which it presented to Parliament and the Council. This strategy is aimed at creating a favourable environment for the mobility of researchers through a series of practical initiatives. It was endorsed by the Council in its resolution of 10 December 2001 [3].

Some of the actions proposed are aimed at improving local information and assistance to attract European and international researchers to Europe:

— firstly, the setting up of an Internet portal linking national and Commission internet sites, which will provide a common entry point for access to information on applicable legislation and regulations, funding opportunities and job vacancies and research training. A prototype of such a portal should be tested by autumn 2002;

— secondly, the creation of a European network of existing or future mobility centres providing researchers and their families with local assistance on all areas affecting the conditions for their mobility in the European host country: admission conditions, social security, tax arrangements, pension rights, access to accommodation, education systems, etc. The formal constitution of this network is scheduled for autumn 2002.

In addition to this, exchanges of information and good practice have been launched between and with Member States and the candidate countries. Since 2001, an initial exchange concerning the admission conditions for foreign researchers has clarified the various regulatory and administrative systems in force in the Union. This exchange has improved awareness of the specific nature of research in the field of entry and residence for nationals of third countries.

In the course of 2002, similar exercises will be carried out in the field of social and tax provisions. There will be coordination with the activities of the Commission and the Member States in the fields of skills and mobility of workers ([4]), and mobility for students, persons undergoing training, volunteers, teachers and trainers ([5]). In particular, a joint task force was set up in November 2001 with a view to defining by the end of 2002 a common approach to research and education, including questions of mobility.

Finally, the efforts to improve the conditions for the mobility of researchers will be backed up by increased direct funding in the future framework programme 2002-2006 ([6]).

The monitoring of the implementation of the strategy on mobility in the field of research will be carried out by a steering group consisting of representatives appointed by the Research Ministers in the Union and the candidate countries which will be able to base its assessment on an annual scoreboard of progress achieved.

To sum up, the process launched in Lisbon (23-24 March 2000) to eliminate the obstacles to mobility and attract or retain the best researchers is a vast undertaking requiring a series of actions determined and coordinated at all levels, including and above all at the level of the Member States. The implementation of these actions which will continue beyond 2002 is already well underway. Thus, the dynamic created by the mobility strategy will have achieved significant progress by the end of this year.

([1]) http://europa.eu.int/comm/research/fp5/pdf/finalreportmobilityhleg.pdf.
([2]) COM(2001) 331 final.
([3]) OJ C 367, 21.12.2001.
([4]) See Communication from the Commission to the Council 'New European labour market, open to all, with access for all', COM(2001) 116 final of 28 February 2001, and the 'Commission's action plan for skills and mobility', COM(2002) 72 final of 13 February 2002.
([5]) Recommendation 2001/613/EC of the European Parliament and of the Council of 10 July 2001 on mobility within the Community for students, persons undergoing training, volunteers, teachers and trainers, OJ L 215, 9.8.2001.
([6]) http://www.ce.cec/sg_vista/cgi-bin/repo.

(2002/C 172 E/182) **WRITTEN QUESTION E-0285/02**

by Kyösti Virrankoski (ELDR) to the Commission

(8 February 2002)

Subject: The Scientific Committee's report on the welfare of animals kept for fur production

On 12-13 December 2001 the Commission's Scientific Committee on Animal Health and Animal Welfare approved a report on the welfare of animals kept for fur production.

It is stated at the end of the report that it is based substantially on the work of the working party of scientists set up by the committee and chaired by Dr Robert Danzer. The members of the working party are also listed.

Six of these eight members have now written to the Scientific Committee itemising a number of essential points on which the final report departs from the working party's unanimous conclusions. The letter lists a large number of direct factual errors in the final report. Furthermore, the working party's most important conclusion, i.e. that the welfare of fur animals is fully comparable with that of other animals kept for production purposes, is totally absent.

The upshot is that these six scientists are demanding that the report be corrected in line with the final document of the scientific working party. However, if the Scientific Committee maintains the final report as it stands, the six scientists who signed the latter will quit the working party and ask that their names be deleted from the final report.

Is it customary for scientific committees to distort the opinions of scientists?

Is it customary for the final reports of such committees to contain assertions about the opinions and research findings of named persons that differ from what these persons have themselves presented and from which these persons therefore need to dissociate themselves?

What action does the Commission intend to take to ensure that the work of scientific committees is placed on a scientifically sound footing and the ethical and legal standards governing scientific work are respected?

What action does it intend to take to guarantee the scientific quality of the report in question?

(2002/C 172 E/183) **WRITTEN QUESTION E-0367/02**

by Jan Mulder (ELDR) to the Commission

(14 February 2002)

Subject: Report on welfare of animals bred for fur

On 12 and 13 December 2001, the Scientific Committee for Animal Health and Animal Welfare brought out a report on the welfare of animals kept for fur production.

In a recent article in the Netherlands press (Agrarisch Dagblad ('Agricultural Daily'), 30 January 2002) it is stated that the conclusions reached by the researchers in the working party were substantially altered by the above committee. Mr De Jonge, researcher and member of the working party that drew up the report, states in the above article that positive findings concerning the wellbeing of mink were removed from the report.

1. Can the Commission confirm that the above scientific committee adjusted the report in the manner stated?

2. If so, can the Commission state what considerations led to that adjustment?

3. Does the Commission consider that the report as it now stands presents an accurate picture of the welfare of animals bred for fur in the EU?

4. Does the Commission draw any particular conclusions from the report with a view to the European policy to be pursued?

Joint answer
to Written Questions E-0285/02 and E-0367/02
given by Mr Byrne on behalf of the Commission

(20 March 2002)

The Scientific Committee on Animal Health and Animal Welfare, as one of the eight scientific committees established by Commission Decision 97/579/EC of 23 July 1997 setting up Scientific Committees in the

field of consumer health and food safety [1], provides independent scientific advice as part of the risk assessment exercise on potential risks to public health, animal health, animal welfare etc. It is the Commission's policy not to interfere in this process in order to ensure that public trust in the transparency and independence of the risk assessment exercise remains intact.

The Committee's sub-committee on animal welfare established a working group with a mandate to prepare a report on the welfare of animals kept for fur production, for submission to the sub-committee. It was made clear to the working group, as is provided for in the Commission Decision, that it would be the responsibility of the sub-committee to prepare and adopt a draft opinion with a final adoption of the opinion by the Committee after review and possible amendment. This procedure was followed. After an in depth examination of the working group's report, the sub-committee adopted a draft opinion on 26 November 2001, with final adoption by the Committee on 12-13 December 2001. The Commission is satisfied that the provisions of its Decision establishing the Scientific Committees and governing their operation were followed.

Following the adoption of the opinion, a member of the Working Group, on behalf of six of the eight members, sent a letter to the Commission and to the Scientific Committee on Animal Health and Animal Welfare. The views expressed in the letter were discussed at the meeting of sub-committee on Animal Welfare on 21 of January 2002 and in the meeting of the Scientific Committee on 5 February 2002. The Committee decided to reply to the members of the working group and to publish on the Internet an erratum [2] containing the modifications accepted by the Committee.

The Commission reserves the right to take the final decision on the appropriate follow-up action. This is in accordance with the approach that whilst scientific risk assessment must be carried out independently and transparently by Scientific Committees, risk management is a matter for the Commission and the other Community institutions. In the case of fur farming, the Commission will therefore decide whether follow-up action, if any, is required and will submit any legislative proposals to the Member States and/or the Parliament. The opinion of the Scientific Committee on Animal Health and Animal Welfare will be taken into account in this process.

[1] OJ L 237, 28.8.1997.
[2] http://europa.eu.int/comm/food/fs/sc/scah/outcome_en.html#opinions.

(2002/C 172 E/184) **WRITTEN QUESTION E-0287/02**

by Monica Frassoni (Verts/ALE) to the Commission

(8 February 2002)

Subject: Project for the further development of the Gardaland theme park at Castelnuovo del Garda, Italy

Written question E-2653/00 [1] pointed out that the municipality of Castelnuovo del Garda (VR) had made some alterations to the use of land envisaged in the current town-planning regulations in order to allow the Gardaland theme park to be extended (General variant to the PRG of the municipality of Castelnuovo, approved by the Veneto Region on 6 July 1999 by virtue of Regional Council Decree No 2340). One of the alterations concerns conference zones D5 and 1, for which a project for the allocation of hotel building-space was granted final approval on 24 October 2001 (Municipal Council Decision No 44). Before the execution of this project no provision has been made for ascertaining the environmental impact (screening), although it can be considered as belonging to one of the following categories: 'theme parks', 'holiday villages and hotel complexes outside urban areas and associated developments'or'any change or extension of projects listed in Annex I or Annex II, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment' (Directive 97/11/EC [2], Annex II).

The project make provision for building about 100 sq.m. of accommodation for use as hotel, conference and recreational facilities, linked to the Gardaland theme park in an area of high environmental vulnerability, subject to great pressure as regards town-planning work.

It should be stressed that on 12 November 2001 the Union of Hotelkeepers on the Veronese shore of Lake Garda published an appeal against the massive property speculation in the municipalities on the southern part of Lake Garda, which is threatening nature in the area — the most precious resource for the local tourist economy — for which the Veneto Region is in the process of adopting a special area plan [3].

Does the Commission intend to take steps to carry out an investigation (screening) to establish the need for and environmental impact assessment of the Gardaland project in question?

[1] OJ C 136 E, 8.5.2001, p. 68.
[2] OJ L 73, 14.3.1997, p. 5.
[3] The guidelines for the Lake Garda Area Plan provided for in the Regional Development Master Plan, the most important planning policy document in the Veneto (cf. Veneto Regional Council measure No 250/1991), clearly stipulate that natural and landscape resources must be protected, and hence restrictions be imposed on building work.

Answer given by Mrs Wallström on behalf of the Commission

(21 March 2002)

The Commission considers that programmes and plans are not covered by Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1], whether before or after amendment by Council Directive 97/11/EC of 3 March 1997.

Should the plan be considered as substantially having the characteristics of a project, Directive 85/337/EEC would apply. However, on the basis of the information given by the Honourable Member, at present, it cannot be deduced that the plan for the allocation of hotel building-space approved on 24 October 2001 may be considered as a project.

In the light of the above, given the lack of specific grounds on the complaint on the application of the above-mentioned environmental impact assessment (EIA) Directive to the specific cases, no breach of the directive can be identified at present. Should the Honourable Member provide detailed information enabling the Commission to assess the issues in relation to the EIA Directive, the Commission would also be able to investigate this matter.

Under Directive 2001/42/EC of the Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [2], certain plans and programmes which are likely to have significant effects on the environment are made the subject of an environmental assessment. However, at present, Member States are not yet obliged to apply the provisions of this directive. Deadline for Member States to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive is 21 July 2004.

[1] OJ L 175, 5.7.1985.
[2] OJ L 197, 21.7.2001.

(2002/C 172 E/185) **WRITTEN QUESTION E-0291/02**

by Charles Tannock (PPE-DE) to the Commission

(11 February 2002)

Subject: Animal experiments involving chimpanzees

Can the Commission confirm that the Biomedical Primate Research Centre in the Netherlands is the only scientific research institution in the European Union which currently conducts experiments involving chimpanzees? What rules are laboratories wishing to use chimpanzees or other advanced primates in experiments required to follow and do the Member States have any treaty obligations in this area? Specifically, is the Biomedical Primate Research Centre required to submit a specific request to the Dutch authorities before beginning each research project explaining why it is not possible to use other animal models, and what limits are placed on the suffering which chimpanzees and other primates are forced to endure during the course of these experiments?

Answer given by Mr Busquin on behalf of the Commission

(15 March 2002)

The Biomedical Primate Research Centre (BPRC) in the Netherlands is to the knowledge of the Commission the only institution in the Community which currently conducts experiments involving chimpanzees.

In 1998 the Community became Party to the Council of Europe Convention, European Treaty Series (ETS) 123 (31 March 1986) for the protection of vertebrate animals used for experimental and other scientific purposes. The implementing tool for the Convention is Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes [1]. Appendix A of the Convention contains guidelines for the housing and care of laboratory animals. This appendix is transformed into Annex 2 of the Directive.

Under the auspices of the Council of Europe, a Working Party is currently reviewing Appendix A of the Convention concerning guidelines for the housing and care of laboratory animals. This revision is scheduled to be finalised and ready for adoption in 2002.

All research in Europe involving the use of animals is subject to the Directive 86/609/EEC. The Member States have responsibility to enforce this. However, it has become clear that Directive 86/609/EEC does not provide sufficient controls to safeguard the welfare of non-human primates. Therefore the Commission has taken stock of the current situation. Discussions with the Member States, industry and non-governmental organisations (NGOs) in the field of animal welfare have already started on the issues where further attention and controls are needed.

In the annex of Decision No 182/1999/EC of the Parliament and Council of 22 December 1998 concerning the fifth framework programme of the Community for research, technological development and demonstration activities (1998 to 2002) [2], concerning the Quality of Life Programme, it is specified that research involving animals is restricted under this programme with regard to animal experiments and tests on animals, which should, when ever possible, be replaced with in vitro or other alternative methods. An obligation is placed on all applicants to describe the procedures adopted to respect the principles of the 3Rs (replacement, reduction and refinement) and to protect the welfare of animals.

An ethical review has been implemented systematically under the fifth Framework Programme for proposals dealing with issues such as the use of non-human primates. The ethical review ensures that all research involving animals are conducted in accordance with Directive 86/609/CEE. It takes account of the overall benefit of the research proposed in relation to the possible costs in terms of animal suffering. Furthermore, participants in research projects must seek the approval of the relevant national authorising bodies prior to the start of the research activities.

In July 2001, the BPRC has informed the Commission that all research protocols are judged by a scientific committee. Prior to experimentation each protocol must be reviewed by an animal ethical committee (DEC). The DEC-BPRC is officially recognised by the Dutch authorities. The DEC ensures among others that no alternative methods are available.

[1] OJ L 358, 18.12.1986.
[2] OJ L 26, 1.2.1999.

(2002/C 172 E/186) **WRITTEN QUESTION E-0301/02**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(11 February 2002)

Subject: Urban environment policy in Greece

According to a survey by the National Environment and Sustainable Development Centre, the level of atmospheric emissions per unit of gross national product in Greece exceeds the EU average while according to the report, carbon dioxide emissions have tripled.

1. Does the Commission have information concerning the level of atmospheric emissions for each Member State of the EU?

2. Is it satisfied by urban environment policy in Greece and if not what are the problems?

Answer given by Mrs Wallström on behalf of the Commission

(21 March 2002)

The Commission has a number of ways of accessing emission data from Member States, both of 'conventional' air pollutants (such as sulphur and nitrogen oxides and volatile organic compounds) and greenhouse gases. Both the Community and Member States are parties to international conventions such as the United Nations Economic Commission for Europe Convention on Long Range Transboundary Air Pollution and the United Nations Framework Convention on Climate Change, which oblige countries to report their emissions data. The European Environment Agency plays an important role in collecting and processing the data for the Community.

Recently adopted instruments at Community level such as Directive 2001/81/EC of the Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants [1] and the Polluting Emissions Register under Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control [2] will provide further mechanisms for obtaining emissions data.

As far as the urban environment is concerned, the Commission has a number of measures in place that address the quality of the urban environment. These include programmes and legislation in areas, such as air, water, waste, transport and spatial development. In this respect, progress with regard to the quality of the urban environment is frequently assessed in all Member States and where legislation is not satisfactorily complied with, appropriate action is taken. In addition, as required by the 6th Environment Action Programme, the Commission will be producing a thematic strategy on the urban environment. This will further serve to support action to monitor, manage and improve urban environments in all Member States, including Greece.

Greece faces particular problems in relation to the quality of the urban environment in areas such as water treatment, air pollution, traffic control and waste management. The Commission is keen to see that these are addressed and will ensure that current obligations are met and that, where appropriate, future measures address specific problems and circumstances.

[1] OJ L 309, 27.11.2001.
[2] OJ L 257, 10.10.1996.

(2002/C 172 E/187) **WRITTEN QUESTION E-0303/02**

by Mihail Papayannakis (GUE/NGL) to the Commission

(11 February 2002)

Subject: Pan-European system of animal traceability

The European Commission has spent EUR 6 million under the Telematics Application Programme (1994-1998) to investigate the potential for a pan-European integrated veterinary surveillance system. Given that the national animal traceability systems are of varying quality and capability and are not integrated with payment and anti-fraud systems, that poor traceability was a crucial factor in the spread of

foot-and-mouth disease during 2001 and that new technologies allow for electronic tagging and more effective traceability, will the Commission now consider encouraging the development of a high-quality pan-European system of animal traceability?

Answer given by Mr Byrne on behalf of the Commission

(27 March 2002)

Current Union legislation includes several provisions on animal traceability.

For bovine animals Regulation (EC) No 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 [1], obliges Member States to establish a computerised database. This database must include information on the identity of all bovine animals, all holdings with bovine animals and all movements of bovine animals.

For pigs, sheep and goats provisions are laid down in Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals [2].

In addition, Council Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine [3], as last amended by Directive 2000/15/EC of the Parliament and the Council of 10 April 2000 [4] and Commission Decision 2000/678/EC of 23 October 2000 laying down detailed rules for registration of holdings in national databases for porcine animals as foreseen by Council Directive 64/432/EEC [5], obliges Member States to establish a computerised database for pigs. This database shall include information on holdings with pigs and movement of pigs.

The Commission has funded the research, development and deployment of the Eurovet animal tracking software system. This system facilitates the integration of the different systems currently used by the different authorities in the Member States and the transfer of animal movement data between national systems.

The Commission is currently drafting a proposal on a new system for identification and registration of sheep and goats that improves the current system for these species. It is foreseen that this new system shall include a computer database.

Concerning electronic identification the Commission has financed the IDEA project with the main objective to study the feasibility and the evaluation of the performance of an electronic identification system in ruminants (cattle, buffalo, sheep and goats).

The final report of the IDEA project will be available shortly. In view of the efficiencies arising from electronic identification it is the intention of the Commission to propose provisions for such identification as soon as this means of identification is developed to such a stage that it can be applied throughout the Community.

The Commission is continuously considering the emergence of new technologies that would allow the development of higher quality traceability systems for animals and the possibility of their implementation throughout the Community.

[1] OJ L 204, 11.8.2000.
[2] OJ L 355, 5.12.1992.
[3] OJ P 121, 29.7.1964.
[4] OJ L 105, 3.5.2000.
[5] OJ L 281, 7.11.2000.

(2002/C 172 E/188) **WRITTEN QUESTION E-0305/02**

by Jorge Moreira Da Silva (PPE-DE) to the Commission

(11 February 2002)

Subject: Protection of pedestrians on the public thoroughfares

Having regard to:

- Article 1 of the Charter of Fundamental Rights of the EU concerning the right of the citizen to protection,
- the dangers and unfavourable conditions affecting non-motorised road users in the European Union (37 % of victims [1]),
- the principle of fair division of use of public thoroughfares in towns, built-up areas, villages and residential areas in general,

Can the Commission answer the following questions:

- What rule specifically defines the space which must be made available to a pedestrian on public thoroughfares to ensure ease of movement and effective protection against danger directly arising from motorised traffic (space, obstacles, active safety measures)?
- If this rule exists, what administrative/legislative provision requires it to be implemented by the Member States and local authorities?
- What administrative/legislative measure exists to enable citizens to uphold their right to safety from the dangers and inconvenience caused by automobiles?

[1] Eurostat Carine Collin: 44 000 deaths and 1 700 000 injured in 1998. (Section 7, 3/2000 available on http://europa.eu.int/comm/eurostat/Public/datashop/print-product/FR?catalogue=Eurostat&product=CA-NZ-00-003-_-I-FR&mode=download.

Answer given by Mrs de Palacio on behalf of the Commission

(8 April 2002)

Road safety is one of the Commission's priorities, as clearly stated in the White Paper on European transport for 2010: time to decide [1]. Given the annual death toll of 40 000, 16 % of victims being pedestrians, the White Paper sets the ambitious target of cutting the number of deaths on public roads and thoroughfares by 50 %. It is in this context that the Commission is preparing a road safety programme for the period 2002-2010.

However, the Commission would stress that there is no EU rule specifically defining the space which must be made available to a pedestrian on public thoroughfares, as the principle of subsidiarity applies here.

Citizens may therefore invoke their rights regarding proper space for pedestrians under national, regional or local administrative provisions and laws.

[1] COM(2001) 370 final.

(2002/C 172 E/189) **WRITTEN QUESTION E-0306/02**

by Miquel Mayol i Raynal (Verts/ALE) to the Commission

(11 February 2002)

Subject: Poverty

In its communication to the European Council to be held in Barcelona in Spring, the Commission seeks to halve the number of persons threatened by poverty.

The most recent statistics it appear date from 1996, when 60 million were 'threatened by poverty', that is to say 18 % of the population as a whole and 25 % of young people under 18.

Given that Eurostat has considerable statistical resources at its disposal, can the Commission explain why it is that social data of such importance are not regularly updated?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(16 April 2002)

In its Communication to the European Council in Barcelona [1], the Commission uses data on income distribution and poverty which refer to 1998. These are the most recent data which are comparable at European level; the source is the European Community Household Panel (ECHP).

The Commission agrees with the Honourable Member that the delay in the availability of data in this field is far too long. It plans to speed up the production of data arising from the ECHP, so that the data available for the spring European Council in 2003 will be from the survey carried out in 2000, the delay having been reduced by a further year.

The Commission has also proposed to launch a new instrument, the Statistics on Income and Living Conditions (EU-SILC) [2], the aim of which is to establish a common framework for the systematic production of Community statistics on income and living conditions. EU-SILC is foreseen to be launched in 2003 in ten Member States (in 2004 for the others) and is to become the reference source of comparative statistics on income distribution and social exclusion at Union level. Under EU-SILC, it is planned that the delay for data production will be reduced to two years: data relating to 2003 will be available in the form of micro-data files in February 2005 and will be published in June 2005.

[1] COM(2002) 14 final.
[2] COM(2001) 754 final.

(2002/C 172 E/190) **WRITTEN QUESTION E-0308/02**

by Marie Isler Béguin (Verts/ALE) to the Commission

(11 February 2002)

Subject: Community programme of environmental education at school

The consequences and impact of contemporary environmental problems such as global warming meteorological disruptions or atmospheric pollution respect neither frontiers nor generations.

While the effect of these environmental disasters is felt indiscriminately by entire populations, direct responsibility can nevertheless be traced to a western tradition of industrial policies and sociological attitudes which either disregard or are unaware of ecological hazards.

In the past, the European Union has frequently been able to provide a joint response to major issues affecting the world.

Does the Commission agree that 'prevention is better than cure' and that a Community policy of environmental protection and education would in the final analysis inevitably prove less expensive than the total cost of environmental disasters and planetary cataclysms?

Does it not consider it indispensable and a matter of priority to widen the scope of its activities in step with the increasing concerns being felt by the Community and the dangers affecting it, incorporating a common environmental education programme at school within the education systems and curricula of the Member States and applicant countries?

Is it desirable to introduce education initiatives at Community level to forge and distil for future generations a basic sense of responsibility among European citizens with regard to the environment?

Answer given by Mrs Wallström on behalf of the Commission

(22 March 2002)

In the sixth Environmental Action Programme of the Community, the Commission has indicated five strategic approaches to meeting the environmental objectives for 2001-2010. These are all preventive instruments aimed at protecting the environment rather than to cure. One way to bring about improvements to the environment is by helping people to make environmentally friendly choices. Individual citizens, as well as business, make daily decisions that directly or indirectly impact the environment. Better quality and easily accessible information on the environment and on practical matters will help shape opinions and thus decisions.

Environmental education and awareness raising activities will be essential to this process. The Union will continue to promote good practice and share ideas for improving young people's access to environmental information. The education systems and school curricula remain, however, the responsibility of Member States and applicant countries.

The Commission already supports a number of projects, where young people learn about the environment in the school, as volunteers or in youth projects. The theme of environment is frequently dealt with in projects financed by the Community action programmes Socrates (in the field of education) and Youth. Both programmes, which are administered by the Directorate General (DG) Education and Culture, are open for participation also by applicant countries.

In addition, DG Environment has recently developed several learning tools to improve the environmental awareness among young people. The new website 'Environment for Young Europeans' ([1]) contains, for example, suggestions of school-class activities in addition to games and quiz for individual learning. DG Environment has also taken into consideration environmental education and the involvement of young people in its calls for proposals aimed at supporting awareness raising projects and environmental non-governmental organisations (NGOs).

([1]) http://europa.eu.int/comm/environment/youth/news_en.html.

(2002/C 172 E/191) **WRITTEN QUESTION P-0314/02**

by Isabelle Caullery (UEN) to the Commission

(6 February 2002)

Subject: Airline competition

Can the Commission confirm, further to a complaint concerning Charleroi airport, that it is conducting an inquiry into distortions of competition due to state aid from the Walloon regional authority to the airline Ryanair?

Can it tell us the background to this case and inform us of the procedure being followed and the present state of the inquiry?

(2002/C 172 E/192) **WRITTEN QUESTION P-0434/02**

by Jacqueline Foster (PPE-DE) to the Commission

(12 February 2002)

Subject: Ryanair

Further to the European Commission's announcement that it is investigating Ryanair's operations at Charleroi airport on grounds that the company may be gaining an unfair competitive advantage, could it indicate the stage that this investigation has reached and whether it plans to take any action?

Joint answer
to Written Questions P-0314/02 and P-0434/02
given by Mrs de Palacio on behalf of the Commission

(11 March 2002)

The Commission can confirm that it is currently examining the agreements signed, at the end of 2001, between the Walloon region, the Charleroi airport management company and the airline Ryanair.

The Commission wishes to make sure that the benefits obtained by Ryanair on setting up in the Walloon region are indeed commercial and that the agreements, a copy of which it received at the end of 2001, do not contain anything likely to contravene the rules of the Treaty on State Aid (Articles 87 and 88 of the EC Treaty).

Examination of these agreements began following the appearance of articles in the press and complaints to the Commission. The next stage of the examination will be to send a letter to the Belgian authorities to ask for additional information.

(2002/C 172 E/193) **WRITTEN QUESTION E-0318/02**

by Roger Helmer (PPE-DE) to the Commission

(12 February 2002)

Subject: Preparations for the European Council meeting in Barcelona

The 2000 Lisbon European Council called on 'the Council and the Commission, together with the Member States where appropriate … to map by 2001 research and development excellence in all Member States in order to foster the dissemination of excellence'. Was this target met?

Answer given by Mr Busquin on behalf of the Commission

(11 March 2002)

The mapping of research and technological development excellence in Europe, as called for at the Lisbon European Council on 23-24 March 2000, is being undertaken in close conjunction with a High Level Group of representatives designated by the Member States. A pilot exercise covering a limited number of scientific and technological topics was launched on the basis of the methodology described in the Commission document [1]. This pilot exercise should lead to the validation of a methodology which should be put into widespread use in the Sixth Framework Programme for Research and Technological Development, as foreseen in the Commission's proposal concerning activities to strengthen the foundations of the European Research Area.

However, before implementing the comprehensive pilot exercise, it has proved essential to carry out preparatory studies due to the complexity of the exercise and the innovative nature of such a task at European level. Significant progress has already been made and the conclusions of these preparatory studies are presently available. Moreover, contracts to develop the comprehensive pilot exercise are currently under negotiation and should be concluded in March 2002.

The conclusions of the pilot exercise will be presented at the end of 2002.

[1] SEC(2001) 434.

(2002/C 172 E/194) **WRITTEN QUESTION E-0321/02**

by Sir Robert Atkins (PPE-DE) to the Commission

(12 February 2002)

Subject: Preparations for the European Council meeting in Barcelona

The 2000 Lisbon European Council called on 'the Member States and, where appropriate, the Community to ensure that the frequency requirements for future mobile communications systems are met in a timely and efficient manner. Fully integrated and liberalised telecommunications markets should be completed by the end of 2001'. Does the Commission believe that this target was met?

Answer given by Mr Liikanen on behalf of the Commission

(18 March 2002)

The Lisbon European Council (23 and 24 March 2000) called on: 'the Council and the European Parliament to conclude as early as possible in 2001 work on the legislative proposals announced by the Commission following its 1999 review of the telecoms regulatory framework'. It also called on: 'the Member States and, where appropriate, the Community to ensure that the frequency requirements for future mobile communications systems are met in a timely and efficient manner. Fully integrated and liberalised telecommunications markets should be completed by the end of 2001'.

The new regulatory framework for electronic communications networks and services was adopted by the Council of Ministers on 14 February 2002 [1]. The new legislative package aims at completing the internal market for the information society by establishing a more harmonised framework for the regulation of electronic communications networks and services. As part of this package, a Decision on a regulatory framework for radio spectrum policy in the Community was adopted [2]. Under the terms of this Decision, the Commission will be able to regularly discuss radio spectrum policy issues with the Member States and in co-operation with relevant international organisations while, where necessary, appropriate technical implementing measures and legislation can be adopted with the aim to ensure harmonised conditions with regard to the availability and efficient use of radio spectrum.

As far as liberalisation of the telecoms sector is concerned, the Commission has stated that: 'telecommunications markets in the majority of Member States were opened to competition from 1 January 1998 with the last market open from 1 January 2001. Today the whole population in twelve Member States is able to choose between more than five operators for long-distance and international calls and in six Member States for local calls. This competition will be reinforced and strengthened once the new legislation recently agreed comes into force in Spring 2003' [3].

Finally, with regard to frequency requirements for future mobile communications systems, it should be noted that all Member States have reserved frequencies for the provision of third generation mobile communications (including the Universal Mobile Telecommunications System) which are expected to play an important role in making European citizens part of a true information society.

[1] 6111/02 (Press 29-G).
[2] No yet published.
[3] SEC(2002) 29/2.

(2002/C 172 E/195) **WRITTEN QUESTION P-0323/02**

by Chris Davies (ELDR) to the Commission

(6 February 2002)

Subject: Export of live cattle to third countries

How many head of cattle are exported annually from EU countries to the Middle East and North Africa?

What is the total cost of EU subsidies paid to support this trade?

Is the Commission aware of allegations that the long journeys involved, together with the brutal unloading and slaughter methods used, inflict great suffering on the animals?

Does the Commission intend to end the payment of such subsidies or to take other action to reduce the suffering alleged?

Answer given by Mr Fischler on behalf of the Commission

(26 February 2002)

The Community export of slaughter cattle as well as purebred animals during the last three years to the Middle East and North Africa is as follows [1]:

Slaughter cattle (heads)

	Middle East	North Africa
1999	193 391	21 954
2000	168 390	43 923
2001	128 726	1 005

Pure bred animals (heads)

	Middle East	North Africa
1999	11 905	57 220
2000	11 161	33 040
2001	1 068	196

The total amount of export refunds calculated for those exports equals € 96,6 million in 1999, € 67,2 million in 2000 and € 30,4 million in 2001. In recent years subsidies paid for cattle traded for slaughtering were reduced significantly from € 60,50/100 kg (in 1999) to € 41/100 kg (– 32 %). The export refund for breeding cattle reduced from € 63/100kg to € 53/100 kg (– 16 %).

The Commission is aware of complaints from animal welfare organisations concerning the mistreatment of animals during transport and in particular after arrival to third countries. Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport and amending Directives 90/425/EEC and 90/496/EEC [2], provides a set of rules. Member States have shown clear difficulties to enforce the current Community legislation in this regard and the Commission intends to present a legislative proposal this year to improve the situation. About the ill treatment of the animals after arrival in the third countries of destination, the Community has no competencies to interfere in the way the animals are treated in third countries and in the way cattle is slaughtered within the own slaughtering facilities of these countries.

Concerning the end of export refunds, the Commission believes that it has to strike a right balance between several aspects of this very complex question. It would not be appropriate to remove export refunds for live cattle and give away the export of cattle to other exporting countries. The traditional cattle purchasing countries would not convert themselves into meat importers. This would be a too harsh measure for the beef sector as a whole and for the producers that are highly depending on export. Nevertheless, the Commission is now examining the possibilities to introduce stricter requirements and stricter controls in 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 [3], which subject the payment of export refunds to compliance with provisions of Directive 91/628/EEC.

(1) Data extracted from COMEXT.
(2) OJ L 340, 11.12.1991.
(3) OJ L 82, 19.3.1998.

(2002/C 172 E/196) **WRITTEN QUESTION E-0347/02**

by Mario Borghezio (NI) to the Commission

(12 February 2002)

Subject: Air safety and illegal trading in used spare parts

It has emerged from an investigation carried out in Italy that a huge trade in recycled used spare parts for civil aircraft is going on under the auspices of the Panaviation company, and it is reported that such parts are still available for purchase via the Internet.

There is apparently even a possibility that certain serious air crashes which have occurred recently were caused through the use of used or unsuitable parts for which a forged certificate had been issued.

What urgent action is the Commission intending to take in order to ensure that national and international civil-aviation monitoring bodies carry out appropriate checks promptly in order to ascertain from the airlines which aircraft have been fitted with spare parts or other equipment of dubious origin, so that steps can be taken to prevent those aircraft from being used to operate civilian flights from any European airport?

Does the Commission not also think that an investigation into the above-mentioned illegal trade should be carried out throughout Europe?

(2002/C 172 E/197) **WRITTEN QUESTION E-0378/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(19 February 2002)

Subject: Dangerous used spare parts for aircraft

The Italian aviation authorities have revealed that American and Italian companies were marketing old, defective and recycled spare parts for aircraft. The problem reportedly affects 2 % of aircraft and it is estimated that such unsuitable spares may be responsible for 10 % of recent aviation accidents.

1. Are there any specifications with which airlines should comply in purchasing their spare parts?

2. Are there airlines which use such spare parts?

3. What measures will the Commission take to tackle this problem in a coordinated manner?

(2002/C 172 E/198) **WRITTEN QUESTION E-0540/02**

by Christopher Heaton-Harris (PPE-DE) to the Commission

(28 February 2002)

Subject: Defective planes

Can the Commission state what action it has taken with regard to the recent scandal involving the sale of defective aircraft parts in Italy? In particular, are there any investigations ongoing into the activities of the company 'Panaviation'?

What contact has the Commission had on this subject with the Italian Government?

Joint answer
to Written Questions E-0347/02, E-0378/02 and E-0540/02
given by Mrs de Palacio on behalf of the Commission

(4 April 2002)

The problem of non-standard spare parts is an issue the American aeronautical authorities are already well-acquainted with; to tackle this problem, they have in the past launched various initiatives which have been taken over by several European aeronautical authorities.

Given this background, the announcement by the Italian police that Airbus A300 components resulting from the 'cannibalisation' of out-dated aircraft had been seized, implicating three companies (Panaviation, New Tech Italia and New Tech Aerospace), is to be deplored although it did not come as a surprise.

The main components of aircraft are subject to a certification procedure and their lifespan is often limited (either in time or in terms of flight hours). Aircraft components are also documented so that their origin and history can be traced.

Unfortunately, as in any sector where important financial interests are at stake, falsification is possible. Indeed, the prices of aircraft components are such that illegal trading in non-certified spare parts or parts salvaged from out-dated aircraft can prove very lucrative.

The problem is therefore very real and aviation authorities are aware of this. Consequently, the Commission will take particular care to ensure that, when the European Aviation Safety Agency (EASA) is set up, certification procedures for aircraft components take particular account of the falsification issue.

This will consist in a detailed review of Part 21 (aircraft and spare parts certification) of the existing Joint Aviation Authorities (JAA) procedures, which will form the basis for the rules on implementing the EASA that the Commission will be drawing up.

The Commission is determined not to allow air security to be weakened in this way. This cannot, however, be a substitute for the efforts the Member States should be making, since it is they that have the penal powers in the fight against the falsification of certified parts and of documents in general.

(2002/C 172 E/199) **WRITTEN QUESTION E-0349/02**

by Bartho Pronk (PPE-DE) to the Commission

(12 February 2002)

Subject: Use of European Union driving licence in the Netherlands

EU citizens who remove from another Member State to the Netherlands are required, within one year of the date of settlement, to exchange their original driving licence or to register it with the Netherlands authorities. The Netherlands bases itself in this connection on Article 108h of its 1994 Road Traffic Act.

The Netherlands is here expressly circumventing Article 8 of Directive 91/439 [1], together with an interpretation of the directive as handed down by the Court of Justice in the Awoyemi case (C-230/97), where the Court expressly refers to the possibility of driving a motor vehicle with a driving licence issued by a third Member State.

1. Does the Commission agree that Article 108h of the 1994 Road Traffic Act and the associated implementing arrangements conflict with the law in force as laid down in Article 8 of Directive 91/439, and in particular the Awoyemi case (C-230/97), as pointed out by the European Court of Justice?

2. The compulsory registration or exchange of a driving licence issued by a third Member State is a rule that has been left over from Directive 80/1263 [2]. But Article 13 of Directive 91/439 stipulates that the said Directive 80/1263 had lapsed as of 1 July 1996. Does the Commission agree that the corresponding national law provision in Article 108h of the 1994 Road Traffic Act consequently must also have lapsed?

3. If the Commission answers no to the first question, does it not even so agree that the requirement to register or exchange a driving licence amounts to an obstruction of the free movement of persons? Does it still stand behind the ninth recital to the directive which states that the compulsory exchange requirement amounts to obstruction of free movement, which, at current levels of European integration, is no longer acceptable.

4. Will the Commission be prepared to bring proceedings pursuant to Article 226 of the EC Treaty against the Netherlands?

5. If the answer to my fourth question is no, will the Commission at least be prepared to draw the Netherlands government's attention to the fact that Article 108h of the 1994 Road Traffic Act obstructs the free movement of persons?

(1) OJ L 237, 24.8.1991, p. 1.
(2) OJ L 375, 31.12.1980, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(26 March 2002)

1. and 3. The Commission is of the opinion that the obligatory and systematic registration of driving licences deriving from Articles 108(1) under h, and 109 of the 'Wegenverkeerswet' is incompatible with the principle of mutual recognition as laid down in Article 1(2) of Council Directive 91/439/CEE of 29 July 1991 on driving licences. As regards the recognition of licences issued in third countries (Article 8(6)), the decision on this recognition is up to the competence of each individual Member State.

2. First Council Directive 80/1263/CEE of 4 December 1980 on the introduction of a Community driving licence, has been repealed on 1 July 1996 at the coming into force of Directive 91/439/CEE. At the same time Article 1(2) has entered into force since it is vested with direct effect. Starting from this moment Community-licences have to be mutually recognised without any formality (1). Therefore the Commission is of the opinion that Article 108 h of the 'Wegenverkeerswet' 1994 is incompatible with Article 1(2).

4. and 5. The Commission has launched an infringement procedure against the Netherlands on the above-mentioned subject on the basis of Article 226 of the EC Treaty, which was lodged before the Court of Justice on 20 June 2000 (Case Ref. C-2000/246); the case is currently pending.

(1) Judgement C-230/97, paragraph 41.

(2002/C 172 E/200) **WRITTEN QUESTION E-0362/02**

by Jillian Evans (Verts/ALE) and Bart Staes (Verts/ALE) to the Commission

(14 February 2002)

Subject: Economy class syndrome

In the last three years more than thirty persons have died in Europe after a long flight. They were all victims of cases of thrombosis. Some specialists and scientific publications have established a relationship between the overseas flights and those accidents.

The European Union could be facing a case of public health protection. Information is therefore necessary.

Can the Commission provide information about this problem? Have the air companies been asked to cooperate with the Commission in the investigation?

Answer given by Mrs de Palacio on behalf of the Commission

(27 March 2002)

The Commission is well aware of recent reports and developments linking deep vein thrombosis (DVT) to air travel and takes them very seriously.

At present, the most widely held view in the medical community is that there is probably some link between DVT and air travel. However, at present it is not possible to measure its strength, that is the risk of someone who takes a long flight suffering DVT compared to the probability of other people doing so. The present evidence points to immobility, rather than cramped seating conditions, as being the source of the problem.

The Commission is convinced that precautions must be taken, the more so as there are many uncertainties and unknown. Consequently, as a first step, the Member of the Commission responsible for Transport and Energy has written to the presidents of the Association of European Airlines, the European Regions Airlines Association and the International Air Carrier Association, urging their members to take precautionary measures. In her letter, she encouraged airlines to inform passengers, when they make reservations or order tickets, of the risks, of predisposing factors and of precautionary measures to take before long flights, and also to advise them, once on board the aircraft, on what to do to lessen the chance of thrombosis.

A number of airlines have already introduced, on their own initiative, pre-boarding warnings and/or in-flight advice (leaflets, videos, in-flight magazines showing exercises, recommending what to do and what to avoid, etc).

In parallel, it is necessary to assess both the risks and the effectiveness of different preventive measures.

The World Health Organisation envisages the organisation of a set of studies covering:

— the link between air travel and DVT and its quantification;

— environmental and behavioural risk factors;

— preventive measures with standardised diagnostic methods.

This research programme should be launched in 2002 and concluded in June 2005, although preliminary results should be available. The Commission is looking closely at the possibility of supporting these studies.

As more data on DVT and air travel becomes available, the Commission will decide in due course whether measures are needed at Community level.

(2002/C 172 E/201) **WRITTEN QUESTION E-0377/02**

by Stavros Xarchakos (PPE-DE) to the Commission

(19 February 2002)

Subject: Arbitrary killing of rare birds by licensed and unlicensed hunters

Both licensed and unlicensed hunters in Greece, untroubled by conscience, continue to shoot rare migratory birds and other birds. Despite persistent complaints by Greek environmental organisations, nothing is done to restrict this barbaric 'sport' which costs thousands of innocent animals their lives each year. Hunting weapons are also responsible for numerous cases in which human beings are seriously wounded or killed.

What is the Commission's position on the persistent shooting of rare birds by hunters in Greece? When does it think a ban could be introduced on this damaging and backward tradition of hunting? Is the hunting period in Greece shorter or longer than in the other Member States?

Answer given by Mrs Wallström on behalf of the Commission

(21 March 2002)

As a general rule, the killing of rare birds is prohibited under Community legislation (Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [1]) and the national authorities have to take all necessary measures in order to enforce relevant national provisions. On this basis, the Commission will draw the attention of the Greek authorities to the concerns expressed by the Honourable Member and which emphasise the need for effective control mechanisms for these illegal acts.

Hunting is a fully legitimate activity under the Birds Directive. It is however restricted to a certain number of species listed in Annex II of the Directive and is subject to the specific conditions laid down in its Article 7. The Member States authorities have in particular to ensure, according to Article 7(4), that the practice of hunting complies with the principles of wise use and ecologically balanced control of the species of birds concerned and that the species to which hunting laws apply are not hunted during the rearing season nor during the various stages of reproduction or, in the case of migratory species, during their return to their rearing grounds. The Commission does not intend to propose a general ban on hunting but takes all necessary measures, including legal action, to ensure that the Directive's requirements relating to hunting are properly implemented in national legislation.

In accordance with the above-mentioned principles, the hunting season applicable in the different Member States for the various huntable species depends on a number of factors and, most importantly, on the biology of the species concerned. As a result, no single fixed opening or closing dates can be envisaged. A comparison of the hunting season in Greece with that in other Member States would therefore be of limited value. However, it should be noted that the hunting season in Greece for many migratory species was recently reduced as a result of legal action by the Commission.

[1] OJ L 103, 25.4.1979.

(2002/C 172 E/202) **WRITTEN QUESTION E-0379/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(21 February 2002)

Subject: Recognition of the Hellenic Register of Shipping (HRS)

In its answer to my question No E-2339/99 [1], the Commission states that 'At the time of the inspection, HRS had only 941 ocean-going vessels over 100 GT in its class and 60 exclusive surveyors. Following a different calculation method suggested by HRS, the number of exclusive surveyors would be 86, still not meeting the figure of 100 required by the Directive' and that 'On 22 April 1998 HRS was recognised pursuant to Article 4(3) of the Directive for a period of three years during which HRS can only work on behalf of the Greek administration.'

Having now been assessed by the relevant European Union committee and pursuant to a Commission Decision of 13 December 2001, the HRS has been recognised as the organisation responsible for ship inspection and survey for a three-year period in Greece alone, since it fulfils the solely qualitative criteria of Directive 94/57/EC [2] on common rules and standards for ship inspection and survey organisations.

Can the Commission say why recognition of the HRS is again confined to Greece alone? What are the results of the assessment of the HRS? Does the Commission consider the results of the quality assessment to be satisfactory? In which ways does the HRS fall short of the quantitative criteria

[1] OJ C 280 E, 3.10.2000, p. 29.
[2] OJ L 319, 12.12.1994, p. 20.

Answer given by Mrs de Palacio on behalf of the Commission

(2 April 2002)

The recognition of the 'Hellenic Register of Shipping' (HRS) is limited to Greece, according to the provisions of Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime organisations [1]. This recognition is valid for a period of three years from the 13 December 2001, and was given following a specific request of the Greek Ministry of Mercantile Maríne, and after assessments carried out by the Commission and a positive opinion of the corresponding Committee of Member States representatives.

The assessments carried out by the Commission verified that HRS meets all the criteria of Directive 94/57/EC. However, as concerns the quantitative criteria set out under paragraphs 2 and 3 of the section 'General' of the Annex, which foresee that, in order to be granted a full recognition, a classification society must have in its class a fleet of at least 1 000 ocean-going vessels and must employ a technical staff of, as a minimum, 100 exclusive surveyors, they were not met by HRS. During the assessments of HRS mentioned above, it was ascertained that the number of ocean-going vessels in the HRS classed fleet is of 349 and that the number of exclusive surveyors employed by HRS is of 68. When considering all the recognised organisations, this is one of the best ratio 'tonnage in class per surveyor', but this is not enough to allow a full recognition.

The recognition of HRS is therefore limited to Greece since HRS does not meet the quantitative criteria of the Annex to the Directive. However, taking into consideration the fact that HRS meets all the qualitative criteria of the Directive, this organisation could work on behalf of any other administrations of the Member States that might decide to put forward a similar request to the Commission.

[1] OJ L 319, 12.12.1994.

(2002/C 172 E/203) **WRITTEN QUESTION E-0380/02**

by Ioannis Marínos (PPE-DE) to the Commission

(21 February 2002)

Subject: Misleading presentation of public debt

By exploiting the method of calculating public debt used by the Union's statistical services, some Member States are using new methods of expanding their debt without the corresponding increase being reflected in the statistics.

In specific terms, government bonds are issued against future government or public company revenue which is not always certain to materialise. Recently, new bonds were issued against anticipated funds from the EU's 3rd Community Support Framework. These loans are not recorded as public debt and, therefore, in the short term the debt appears, falsely, to have decreased, whereas in fact it not only remains outstanding but has increased at the same time as incurring very high interest-rate charges. The emergence of the debt and its payment are simply deferred to a later point in time to burden future generations and governments who will have to deal with a problem for which they bear no responsibility. The International Monetary Fund has already sharply criticised such 'creative accounting'.

Is the Commission aware of this matter? Has it investigated which countries employ these methods? Does it intend to change the method of calculating public debt to show the actual extent of the debt? If not, is it not inevitable that Member States' public finances and, consequently, the general economic situation in the Union will deteriorate in the medium term?

Answer given by Mr Solbes Mira on behalf of the Commission

(4 April 2002)

The Commission is aware that some Member States have securitised future revenue streams through special purpose vehicles (SPV).

A Task Force of statistical experts from Member States is currently examining this matter in relation to existing rules and will make recommendation to the Committee for Monetary, Financial and Balance of Payments statistics (CMFB) on appropriate accounting treatment in line with existing Maastricht debt definitions.

A change in the method of calculation of public debt is not being contemplated at present.

Based on existing information, the Commission does not see that actions undertaken will endanger budgetary policy co-ordination or will lead to any deterioration of public finances.

The stability and growth pact has proved to be an effective tool for budgetary policy co-ordination enabling the necessary macro-economic stability, which fosters growth and employment in the medium term.

(2002/C 172 E/204) **WRITTEN QUESTION E-0384/02**

by Bernard Poignant (PSE) to the Commission

(21 February 2002)

Subject: China's accession to the WTO and respect for human rights

During last October's part-session in Strasbourg, the European Parliament adopted Mr Gahrton's report on China's accession to the WTO (A5-0366/2001). Incorporating China into the World Trade Organisation cannot be viewed in any way other than favourably. As far as can be judged, the repercussions for the Chinese population could only be positive. The choice of holding the Olympic Games in Peking in 2008 is presumably based on the same logic.

However, there are signs of public concern. Admitting the Chinese communist regime into the international community must not mean forgetting its daily violations of human rights: death sentences, torture, arbitrary detention etc., are not uncommon.

If China joins the World Trade Organisation it must conform to the rules. One of those is the GATT's General Agreement on customs tariffs of 1947, Article 20 of which provides for exceptions to the agreement, notably concerning the import of products manufactured in prison.

In the case in point, many Chinese are sentenced to forced labour and are thereby compelled to manufacture products for export.

The European Union has a duty to monitor this situation. How does the Commission intend to deal with this matter?

Answer given by Mr Lamy on behalf of the Commission

(18 March 2002)

The Commission fully shares the concern of the Honourable Member with regard to practices of forced labour and prison labour.

Respect for human rights, including core labour standards, globally is a priority objective for the Commission. The Communication from the Commission 'Promoting core labour standards and improving

social governance in the context of globalisation [1]' indeed presented a comprehensive strategy for the promotion of core labour standards in the context of globalisation. The strategy suggests action at international and European levels, in all external relations as well as in the International Labour Organisations to ensure the application of core labour standards.

With respect to trade policy, the Communication suggests an incentitative approach by a strengthening of the Generalised Scheme of Preferences (GSP) social incentive scheme. The Council adopted the revised GSP scheme in December 2001 and has thus confirmed this approach.

As regards prison labour more specifically, the Honourable Member rightly pointed to the General Agreement on Tariffs and Trade Article XX, which allows for trade measures to be taken against prison labour. China's accession to the World Trade Organisation (WTO) in fact provides greater transparency in trade practices related to prison labour. The Commission will monitor the situation in China in the light of WTO provisions and will take action as appropriate.

[1] COM(2001) 416 final.

(2002/C 172 E/205) **WRITTEN QUESTION E-0404/02**

by Cristiana Muscardini (UEN), Roberta Angelilli (UEN), Sergio Berlato (UEN), Roberto Bigliardo (UEN), Sebastiano Musumeci (UEN), Antonio Mussa (UEN), Mauro Nobilia (UEN), Adriana Poli Bortone (UEN), Franz Turchi (UEN) and Mariotto Segni (UEN) to the Commission

(21 February 2002)

Subject: Italian citizens with Belgian pensions

Italian citizens who have worked in Belgian and have returned Italy with an invalidity and/or retirement pension awarded by the Belgian authorities have to face long delays and go through lengthy formalities before they receive their cheques.

The Belgian bank responsible for payments sends a bank transfer to the Italian central post office in Rome.

From Rome, the post office cheques are then sent to various localities throughout Italy, resulting in significant delays in payments and increasing the risk of pensioners being robbed when they have to collect their money from the post office.

Will the Commission:

— ensure that Italian pensioners are treated in the same way as pensioners from Portugal, France, the Netherlands, Germany, Luxembourg and even Morocco, by allowing them to receive their pension payments directly from the Belgian bank concerned;

— intervene without delay to ensure the equal treatment of all European pensioners, thus preventing discrimination against Italian citizens?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(21 March 2002)

The Commission would like to remind the Honourable Members that, according to the provisions of Council Regulation (EEC) No 574/72 [1], social security benefits are paid to beneficiaries either directly or through a liaison body. Annex 6 to this Regulation mentions the procedure for payment of allowances chosen by the institutions responsible for payment in each Member State. Belgium opted for direct payment of allowances.

However, this Regulation does not specify what form the direct payment should take, which means that it can be paid by money order.

Nevertheless, given the disadvantages arising from payment of pensions by money order, the Commission is prepared to intervene to ensure that the Belgian authorities take measures to allow pensions to be paid into bank accounts in Italy.

(1) Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, OJ L 74, 27.3.1972, as amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, OJ L 28, 30.1.1997.

(2002/C 172 E/206) **WRITTEN QUESTION E-0413/02**

by Francesco Musotto (PPE-DE) to the Commission

(21 February 2002)

Subject: Interruption of the public service provided by international bus companies

On 25 January 2002, in Esslingen in Germany, the Esslingen road police carried out checks on a coach belonging to the Simet s.p.a. company which was in service on the San Giovanni in Fiore to Hamburg line.

Following these checks, Simet was issued with a fine of EUR 525, on the grounds that it was not in possession of the requisite documentation (certified copy of polymetric authorisation No 4, timetable sheet, records of driving times and Community licence No 965) translated into German, even though the documents were in order under the legislation in force in Italy.

The Simet coach was held from 9 a.m. until 3.45 p.m., seriously inconveniencing the passengers on board, and it was ordered to return to Italy.

The Italian Ministry of Transport was asked to intervene, and informed its German counterpart that Simet was fully authorised under the law to move freely. Despite the clarifications provided by the German ministry, the police did not allow the coach to leave, but continued to request the authorisation in German. In view of this, does the Commission not consider that these events are in breach of Regulation 684/92 (1) on common rules for the international carriage of passengers by coach and bus?

(1) OJ L 74, 20.3.1992, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(5 April 2002)

The incident referred to by the Honourable Member relates to the international carriage of passengers by coach or bus, more specifically in the context of regular services.

Under Community legislation governing the operation of regular services, two documents must be carried on the vehicle: the licence issued under Council Regulation (EEC) No 684/92 (1) on common rules for the international carriage of passengers by coach and bus, and the Community licence issued under Regulation (EC) No 11/98 (1).

Regulation (EC) No 2121/98 (2) stipulates that the text of the licence to operate regular services between Member States should be worded in the official language(s) or one of the official languages of the carrier's Member State of establishment.

Regulation (EC) No 11/98 likewise stipulates that the text of the Community licence should be worded in the official language(s) or one of the official languages of the Member State issuing the licence.

The case referred to by the Honourable Member involves a carrier established in Italy. Consequently, in accordance with the Community rules concerning the licence to operate a regular service for the carriage of passengers by coach and bus between Member States, on the one hand, and the Community licence, on the other, these two documents should be drawn up in Italian.

In this particular instance, insistence that the licence should be drawn up in the German language constitutes a breach of Community law.

The Commission intends to demand an explanation from the German authorities.

([1]) Council Regulation (EEC) No 684/92 of 16 March 1992 (OJ L 74, 20.3.1992), as amended by Council Regulation (EC) No 11/98 of 11 December 1997 (OJ L 4, 8.1.1998).

([2]) Commission Regulation (EC) No 2121/98 of 2 October 1998 laying down detailed rules for the application of Council Regulations (EEC) No 684/92 and (EC) No 12/98 as regards documents for the carriage of passengers by coach and bus (OJ L 268, 3.10.1998).

(2002/C 172 E/207) **WRITTEN QUESTION E-0414/02**

by Erik Meijer (GUE/NGL) to the Commission

(21 February 2002)

Subject: Applicability in EU Member States of the Swiss campaign to protect babies against shaking

1. Is the Commission aware that, in Switzerland, it has been found that stressed parents sometimes shake crying babies without intending them any harm, but that because babies' neck muscles are not yet sufficiently developed, a quarter of them die and three quarters suffer irreversible harm?

2. Does the Commission have any comparable data for EU Member States, or can it obtain national data, indicating that a problem similar to that identified in Switzerland exists here?

3. Is the Commission aware of the national campaign 'Schütteln Sie nie ein Baby', which is now being carried out in Switzerland in response to publicity about the data referred to in question 1?

4. How does the Commission believe that it can help to draw similar attention to this problem and to prevent further harm to young children in the fifteen EU Member States?

Source: Radio 1 News, the Netherlands, 25 January 2002

Answer given by Mr Byrne on behalf of the Commission

(26 March 2002)

1. The Commission is aware of 'Shaken Baby Syndrome', and of international studies concerning this topic and the Swiss report on the epidemiology of this problem.

2. In the Community, there are no comparable incidence data. A study was made (Ludwig Bolttzmann Institut für kinderchirurgische Forschung) of an Austrian hospital ('Sozial Medizinisches Zentrum' (SMZ) Ost, Vienna) where, retrospectively, medical records have been analysed. Of about 30 000 attendances to the paediatric surgical outpatient clinic, 45 cases were due to child abuse and, out of them, two were probably due to 'Shaken Baby Syndrome'. The Swiss report states: 'Typically babies with an average age of about five months are concerned.'

The relation of boys to girls amounts to 3:2. The actors are in 75 % of the cases men; in 50 % of the cases the parents were responsible for the shaking, partners of the mother and babysitters for 17 %. According

to American Studies, about ¼ of the children traumatised due to shaking die days to weeks after the event. Of those surviving, according to the American sources, ¾ have permanent damage'.

3. The Commission is aware of the Swiss activities, and is in contact with the Swiss institutions involved. There are also activities in Member States, for example the provision of information material to parents in Germany, in Scotland, and in France.

4. The New Public Health Programme, which will probably be adopted later in 2002, has as one of its main objectives to 'Address health determinants through health promotion and prevention of disease'. Dealing with the prevention of child abuse will be one of the operational targets that the Commission will propose to the future Programme Committee.

(2002/C 172 E/208) **WRITTEN QUESTION E-0417/02**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(21 February 2002)

Subject: The dwarf tapeworm and the free movement of animals within the Union

In its answer to my question E-3988/00 [1] concerning the possibility of an exemption for Sweden on this matter, the Commission wrote that one would be possible. Article 8 of the Commission proposal provides that a Member State may obtain additional guarantees where justified by a particular situation. Sweden's application for an exemption would be dealt with on the basis of this article, but the Commission does not state whether it considers that Sweden should be granted an exemption on the grounds of the supreme importance of the deworming requirement for keeping the dwarf tapeworm out of Sweden.

In the issue of Aftonbladet of 20 January 2002, the Swedish Minister of Agriculture, Margareta Winberg, referred to the delays in obtaining a Swedish exemption for the deworming requirement for animals entering Sweden.

What is the Commission's actual view? Can Sweden or can it not obtain an exemption for compulsory deworming of animals?

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[1] OJ C 174 E, 19.6.2001, p. 209.

Answer given by Mr Byrne on behalf of the Commission

(4 April 2002)

In its answer to written question E-3988/00 [1], the Commission pointed out that the Echinococcus problem linked to the movement of carnivores to Sweden could be solved by Sweden making use of the possibilities offered by Article 8 of the proposal for a Regulation of the European Parliament and of the Council on the animal-health requirements applicable to non-commercial movement of pet animals [2].

Moreover, Parliament considered that the provisions of this Article offered sufficient guarantees for the three Member States concerned (Ireland, United Kingdom and Sweden), as no amendments on this issue had been tabled at the plenary session of Parliament on 2 and 3 May 2001.

Usually, the Commission thinks it appropriate to contemplate exemptions to a general rule, particularly concerning matters related to movements between Member States, only when this is in compliance with specific principles, namely those described in the above-mentioned Article 8. This approach avoids an increase in exceptional arrangements that are not sufficiently justified.

With regard to Echinococcus, the Commission considers that the concerns shared by Sweden, Ireland and the United Kingdom are totally justified and nothing must hinder the adoption of special provisions (on deworming) for the movement of carnivores to the territories of these three Member States.

Moreover, the length of the procedure cannot give rise to any particular difficulties, as it is specifically laid down that, pending adoption of these additional guarantees, the Member States concerned can continue to apply their national rules provided these comply with the provisions of the EC Treaty, in particular Articles 28 to 30.

(1) OJ C 174 E, 19.6.2001.
(2) OJ C 29 E, 30.1.2001.

(2002/C 172 E/209) **WRITTEN QUESTION E-0432/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(21 February 2002)

Subject: Implementation of the first operational programme for education and initial vocational training of the second CSF

On 31 December 2001 funding and work on the projects and actions of the first operational programme for education and initial vocational training of the second CSF came to an end.

1. Was the original budget for the programme changed during implementation and what was the final budget?

2. What percentage was implemented?

3. In so far as the implementation of the programme was marred by breakdowns or a reduced take-up rate, which subprogrammes were responsible?

4. Is it planned to continue and finance the projects and actions which should have been completed but were not?

5. What percentage of the above projects is included in the new second operational programme for education and initial vocational training of the second CSF?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(12 April 2002)

The budget of the above-mentioned operational programme was scaled down during the mid-term review of the Greek Community Support Framework, which took place in 1998. The total European Social Fund (ESF) appropriations for the programme were reduced by € 190 million (from € 1 190 million to € 1 000 million), while at the same time the ESF contribution was increased from 75 % to 80 %. In addition, the total European Regional Development Fund (ERDF) appropriations for the programme were increased by € 49 million (from € 221 million to € 270 million), while the ERDF contribution was reduced from 75 % to 55 %. Following the above changes, the total budget of the programme (Community and national funding) was scaled down by € 134 million (from € 1 882 million to € 1 748 million), while the pure Community contribution (ESF and ERDF) was reduced by € 141 million (from € 1 411 million to € 1 270 million).

Although the Greek authorities have not yet submitted their final payment claim — which is expected at the latest by the end of June 2002 — they estimate that the programme has absorbed practically all the resources available to it.

It is foreseen by the Greek authorities that some categories of projects, which remained uncompleted in the previous programming period (e.g. school libraries and laboratories for comprehensive lyceums), will be finished in the current period 2000-2006. The Greek authorities estimate that the credits reserved in the corresponding programme of the current programming period for the completion of these categories of projects amount to about 8 % to 9 % of its total budget.

(2002/C 172 E/210) **WRITTEN QUESTION P-0438/02**

by Peter Liese (PPE-DE) to the Commission

(12 February 2002)

Subject: Embryo stem cell research

The AP news agency quoted Philippe Busquin, the Member of the Commission responsible for research, on 31 January in a reaction to the German Bundestag's vote on the use of human embryo stem cells in research as saying that:

> German researchers are now in a position to participate fully in EU-financed research projects investigating the use of embryo stem cells in curing diseases such as Parkinson's or Alzheimer's or heart defects.

The bill headed 'No destructive embryo research — prohibit imports of human embryo stem cells in principle — permit only under strict conditions', which the Bundestag adopted by a majority, stipulates that:

> a law shall be adopted to combat the destruction of further embryos for the purposes of extracting human embryo stem cells. The importation of human embryo stem cells is to be restricted to existing stem cell lines established by a specified cut-off date. The setting of such a date ensures that, for the purposes of importing human embryo stem cells into Germany, the killing of further embryos to extract stem cells is prevented.

Commissioner Busquin's words represent a fine-tuning of the Commission's position. In its modified proposal on the 6th Framework Programme for research of 22 November 2001 and its statement to the Research Council on 5 December 2001, the Commission merely stated the view that the production of embryos for research purposes, including nuclear transfer, was excluded. On the issue of embryo stem cell research, it was not specified whether any embryo stem cell line can be used, or only those produced by a cut-off date. What cut-off date does the Commission consider appropriate? How does it propose to verify that the cut-off date arrangements are adhered to in practice?

Answer given by Mr Busquin on behalf of the Commission

(11 March 2002)

The Associated Press quote of the Member of the Commission responsible for Research welcoming the vote of the German Bundestag is correct. His words do not alter the Commission's position with respect to the ethical conditions for the Sixth Framework Programme of Research and Technological Development, as mentioned in the Commission Statement to the Minutes of the Research Council of 10 December 2001.

The fixing of a particular cut-off date, as well as other conditions envisaged by the German Bundestag, are national decisions that researchers in Germany will have to respect when they participate in Community-funded research projects. The proposed Specific Programmes for the Sixth Framework Programme for Research and Technological Development (2002-2006) will require local ethical committees to give their approval to projects raising ethical questions prior to their start.

(2002/C 172 E/211) **WRITTEN QUESTION E-0459/02**

by Stavros Xarchakos (PPE-DE) to the Commission

(22 February 2002)

Subject: Radio and television broadcasting councils in the EU countries

For several years the National Radio and Television Broadcasting Council (EPS) has been operating in Greece and is supposed to control the quality of radio and television programmes that are broadcast and ensure that they comply with the code of conduct. However, it is widely believed in Greece that this Council fails to take decisive action, is spineless and takes no initiatives, and members of this council have

been ineffective in raising the cultural level of Greek people, which was supposed to be one of the basic reasons for the establishment of the EPS in the first place. There have been very many instances in which slanderous and indecent programmes have been broadcast, and there is a feeling that the television and radio frequencies are the personal property of businessmen of every kind (some have connections with the media while others have none whatsoever) who use these frequencies as they see fit.

Can the Commission say how many — and which — EU countries have radio and television broadcasting councils? What precisely is their field of activity? Does any Community legislation exist on this matter? Who owns the television and radio frequencies in each Member State? What sanctions have radio and television broadcasting councils in other EU Member States imposed for violations of the code of conduct?

Answer given by Mrs Reding on behalf of the Commission

(12 April 2002)

The relevant Community legislation is Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities [1] as amended by Directive 97/36/EC of the Parliament and of the Council of 30 June 1997 [2] (Television without Frontiers). This Directive provides in Article 3(2) that Member States shall, by appropriate means, ensure, within the framework of their legislation, that television broadcasters under their jurisdiction effectively comply with the provisions of the Directive. It does not include specific obligation regarding the organisation of national media authorities, which are therefore not monitored specifically by the Commission.

The Commission nevertheless cooperates closely with EPRA, the European platform of broadcasting regulatory authorities. Detailed information on the organisation of broadcasting regulatory authorities which are members of EPRA are available from its website http://www.epra.org. Regarding Luxembourg, the only Member State where no regulatory organisation is a member of EPRA, information is available on the following site: http://www.gouvernement.lu/gouv/fr/sip/media/encadrem/sma.html.

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

(2002/C 172 E/212) **WRITTEN QUESTION E-0462/02**

**by Stavros Xarchakos (PPE-DE)
and Ioannis Averoff (PPE-DE) to the Commission**

(22 February 2002)

Subject: Problems relating to set-aside in Greece

On 17 January 2002 thirty Members of the Greek Parliament tabled a topical question to the Ministry of Agriculture in which they drew attention to the host of problems relating to the programme for the long-term set-aside of agricultural land (Regulation (EC) 2078/92) [1].

Will the Commission say how many — and which — prefectures took part in this programme, what were — in the view of the Commission services — the results of this participation, whether the restitution of the subsidies provided within the framework of this programme is being considered — or has already been requested — and what were precisely the irregularities identified by the Commission during the implementation of this programme in Greece? What specific responsibility does the Greek Ministry of Agriculture have for the irregularities in the management of the programme alleged by the Greek Members of Parliament?

[1] OJ L 215, 30.7.1992, p. 85.

Answer given by Mr Fischler on behalf of the Commission

(5 April 2002)

The Commission is aware of the difficulties in implementing the long-term set-aside programme in Greece under Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside [1]. On 9 January 2002 it sent a letter to the Greek authorities asking for full checks on all the beneficiaries and a detailed report on the matter, including information on any penalties imposed or planned. The Commission also intends to make its own inspection visit.

[1] OJ L 215, 30.7.1992.

(2002/C 172 E/213) **WRITTEN QUESTION E-0466/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(22 February 2002)

Subject: Assessment of the operation of the EAGGF paying agency in Greece

In September 2001 it was announced that the new agency for paying and controlling Community guidance and guarantee aid in Greece (Opekepe) was beginning work and replacing the Paying Agency accredited hitherto (Gedidagep).

Given the problems that have arisen in the current period in almost all the spheres of responsibility of the Opekepe (delays in the payment of aid, mistakes and omissions in the IACS (Integrated Administration and Control System), arbitrary interpretations in implementing the regulations, etc.) which have caused great confusion and exasperated Greek producers and stock breeders and also raised questions about the credibility of controls, will the Commission say: has any assessment been carried out concerning the operation of the Opekepe so far? Have the Commission services investigated whether the accreditation criteria and, more generally, all the conditions provided for in Regulation (EC) 1663/95 [1] have been met?

[1] OJ L 158, 8.7.1995, p. 6.

Answer given by Mr Fischler on behalf of the Commission

(19 March 2002)

Article 4 of Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy [1] makes clear that Member States are responsible for accrediting paying agencies. The Commission is only informed of the decisions of the Member States.

Nevertheless, the Commission has closely followed the developments in Greece, and the establishment of a new paying agency, Opekepe, in September 2001. It carried out an evaluation of the respect of the accreditation criteria by this paying agency in November 2001. This evaluation identified a number of positive points, but also noted that many weaknesses remained, both in the organisation of the paying agency and in the overall control system in Greece.

The Commission is continuing to monitor the situation closely. It will work constructively with the Greek authorities to try to ensure that the positive efforts noted continue and come to fruition. However, at the same time, it will protect the financial interests of the Community by proposing financial corrections wherever it identifies a risk of loss to the European Agricultural Guidance and Guarantee Fund. Such financial corrections have in the case of Greece totalled € 610 million since 1995.

[1] OJ L 160, 26.6.1999.

(2002/C 172 E/214) **WRITTEN QUESTION E-0467/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(22 February 2002)

Subject: Implementation of programmes under Regulation (EEC) 2078/92 in Greece

Serious irregularities have been reported in the press concerning the implementation of programmes under Regulation (EEC) 2078/92 [1] and in particular the scheme for long-term set-aside of agricultural land. In fact the Ministry of Agriculture has announced that investigations would be held into the implementation of the programmes in the Prefecture of Ioannina to establish whether any maladministration occurred during the period 1996-1999.

1. Has the Commission evaluated the implementation of the programmes under Regulation (EEC) 2078/92 in every Member State except in respect of 1997 (COM 94/620)?

2. Is it aware of — and has it investigated — the allegations of maladministration in the implementation of the programme for the long-term set-aside of agricultural land in the Prefecture of Ioannina?

[1] OJ L 215, 30.7.1992, p. 85.

Answer given by Mr Fischler on behalf of the Commission

(21 March 2002)

The Commission published a document (No VI/7655/98) on the evaluation of agri-environment programmes, which is available from the following website: http://europa.eu.int/comm/agriculture/envir/index_en.htm

In addition to this evaluation, the Commission asked the Member States to assess the progress of their earlier agri-environmental programmes in the new rural development plans for 2000-2006. The Commission also considered this particular issue when making a general assessment of these plans with a view to their approval.

The Commission knows about the problems in implementing the programme for the long-term set-aside of arable land, particularly in the prefecture of Ioannina. On 9 January 2002 it sent a letter to the Greek authorities asking for thorough controls of all beneficiaries and a detailed report on the matter. The Commission is also preparing to undertake its own control visit.

(2002/C 172 E/215) **WRITTEN QUESTION E-0475/02**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(22 February 2002)

Subject: Social conflict caused by the behaviour of young people in pursuit of 'entertainment'

The recent judgement by the supreme court of justice of Andalusia stipulating that the city authorities of Seville (Spain) should take measures against the youth movement known as 'el botellón' has once again revealed the need for research with a sociological perspective to be undertaken into the behaviour of young people in the Community in pursuit of 'entertainment'.

The conflict between young people and their neighbours in the community is a growing source of concern and research is needed to identify its causes and propose ways for society to tackle this disturbing issue.

Will the Commission lend its support to tackling this problem, which is affecting many sectors of Community society, by helping to promote sociological research into this kind of behaviour that will produce tangible proposals to resolve the conflict?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 April 2002)

The phenomenon to which the Honourable Member refers is recognised by the Commission as an important issue for policy attention. Within the fields of public health and social policy the Commission has undertaken a number of research studies investigating the attitudes, behaviour and health of young people in the Union. In addition, the Commission's annual report on the social situation, which analyses the major social trends, will next year give particular focus to health issues in relation to the social situation. Alcohol consumption, particularly among young people, will be one of the elements to be addressed.

In relation to the specific case raised by the Honourable Member, the Commission is not in a position to intervene directly and any such actions remain within the responsibility of the Member States.

(2002/C 172 E/216) **WRITTEN QUESTION E-0498/02**

by Rosa Miguélez Ramos (PSE) to the Commission

(22 February 2002)

Subject: Recovery plan for hake

The plan proposed by the Commission for rebuilding stocks of cod and hake in Community waters is being strongly contested by the industry, the Member States affected and Parliament itself, particularly with regard to hake. The reason is the discrepancy between the conclusions of the various scientific reports and the drastic measures being proposed by the Commission.

Firstly, the conclusions of the International Council for the Exploration of the Sea (ICES), on which the Commission based its proposal, do not tally with those of the Scientific, Technical and Economic Committee on Fisheries (STECF). The latter committee is proposing a TAC of 35 000 t for 2002, against figures of between 16 500 and 22 000 t being quoted by the Commission. The committee's assessment is backed up by scientific research carried out in the area, for example by the Spanish oceanographic ship Vizconde de Eza.

Secondly, Parliament, the Member States affected and the industry are advocating a recovery plan for hake which would be implemented step-by-step over a longer period of time, thus cushioning the socio-economic impact and avoiding the irreversible measures of fleet decommissioning and job losses. Specifically, Parliament is calling for the plan to be implemented over a period of at least seven years, rather than the five proposed by the Commission. Moreover, the Commission does not appear to understand that the problems are different for cod and for hake, and that the measures to be taken must therefore also be different.

What is the Commission's view of the opposition voiced by Parliament, the countries concerned and the industry with regard to its proposal for hake? Will it take account of the scientific reports on hake stocks which refute the critical state of stocks on which the Commission has based its drastic proposal? Will the Commission draw up a global socio-economic risk analysis of the plan's implications in the short and medium term, as Parliament has demanded? Is the Commission aware of the scientific research conducted in the area which confirms that there has been a substantial deterioration in the state of hake stocks in zone VIII (Bay of Biscay and French coast), but that the situation is better in zones VI and VII (Irish Box)? Has the Commission not considered submitting a fresh proposal?

Answer given by Mr Fischler on behalf of the Commission

(21 March 2002)

Industry agrees that cod stocks in Community waters are depleted. There is less concordance of opinion with respect to hake.

STECF nowhere proposes a total authorised catch (TAC) of 35 000 tonnes for 2002. The only definitive reference by STECF to a possible TAC for 2002 states that 'from the economic point of view, the TAC level should be maintained at the 2001 level …'. The Commission maintains that, according to the analysis of International Council for the Exploration of the Sea (ICES), the stock is outside safe biological limits and is threatened with collapse. Against this background, the Council decided upon a TAC of 26 960 tonnes for 2002 whereas the TAC for 2001 was 22 623 tonnes.

While the Commission has not defined a period for the recovery plan, the Commission has always been clear that, under the plan as proposed, recovery is expected to be achieved after seven-eight years.

The measures proposed for hake and for cod are identical in principle but are different in detail and take into account, in particular, the different recent levels of exploitation of these stocks. For cod, the Commission proposal aims at a 30 % increase in quantities of mature fish from year to year whereas for hake the intention is to achieve a 15 % increase.

The Commission is unaware of any refutation of the current critical state of the hake stock. Any scientific evidence that is relevant to the evaluation of this stock will, however, be taken into account by ICES in its 2002 assessment of the stock, which has been brought forward to its May meeting.

The Commission is aware of the situation with hake in areas VIII and VII and as a result of these differences has advocated allocation of a larger part of the overall TAC to area VII than would otherwise have been the case. Council agreed to this approach.

The Commission has not considered submitting a new proposal.

(2002/C 172 E/217) **WRITTEN QUESTION E-0499/02**

by Eija-Riitta Korhola (PPE-DE) to the Commission

(22 February 2002)

Subject: The volume of investment required by the Kyoto Protocol

On Wednesday, 23 January 2002, the Environment Committee tabled the following question to the Commission: 'What information does the Commission have concerning which investments are planned within the European Union countries and also accession countries between now and 2010 to enable them to meet their Kyoto commitments?' The reply which the committee received made it clear that the Commission did not know anything about the matter.

Has the Commission received any information about it from the Member States since then? Does the Commission consider it necessary to make inquiries about the issue?

Would it be desirable to carry out a survey of the climate for investment by businesses and their investment plans in the light of the Kyoto commitments, using uniform questionnaires in the EU and the candidate countries, in order to ascertain how and in accordance with what timetable the Community's obligations are being complied with by businesses?

Is it necessary to publish the data thus gathered and the Commission's assessments of the cost implications of the Kyoto commitments in the EU and candidate countries? Is such information needed, for example, as a basis for taking decisions on important legislative instruments relating to climate change?

Does the Commission consider it necessary to coordinate Member States' actions in order to create a positive atmosphere, inter alia by means of joint declarations and other measures, which will give businesses the confidence to make long-term investments to reduce their greenhouse gas emissions?

Answer given by Mrs Wallström on behalf of the Commission

(12 April 2002)

In its reply to an Oral Question in the Committee on the Environment, Public Health and Consumer Policy in January 2002, the Commission explained that it has general information about policies and measures planned or implemented by Member States rather than specific information about private sector investments.

Fulfillment of the burden sharing targets is entirely the responsibility of the Member States. The Commission assists Member States by proposing common measures to be implemented across the Community. It does not possess company-specific information about investment plans as it is not given a mandate to do so. It does not collect such company-level information for any other Community policy.

The most up-to-date information is contained in the latest report produced in the context of the greenhouse gas monitoring mechanism [1] and has been forwarded to the Parliament on 22 November 2001.

The Commission does not consider it necessary to make inquiries and requests beyond the current obligations Member States have to fulfill under the monitoring mechanism Decision [2].

The monitoring mechanism and information furnished by Member States in this context allows the Commission to continuously monitor the progress of Member States towards the Community Kyoto commitment. Once candidate countries are members of the Union the same reporting obligations will apply to them. The Commission does not consider it desirable to survey the climate for business investment and actual investment plans. Investment plans are commercially sensitive information for companies. Furthermore, at this stage the Kyoto commitments do not apply directly to businesses but rather to Member States and it is for each Member State to ascertain how business and other sectors comply with the obligations arising from the Kyoto Protocol.

In line with the negative response to surveying businesses the Commission has nothing to add on the question about publication of any collected data.

As far as costs are concerned — in contrast to investments — the Commission has undertaken several studies to estimate costs for complying with the Kyoto commitments. The most comprehensive one is the study titled 'Economic Evaluation of Sectoral Emission Reduction Objectives for Climate Change'. The study is available on the Directorate General Environment climate web-site [3].

The major conclusions of the study are:

— under a least-cost approach, some sectors would need to reduce their emissions more than others, but the Union's total compliance costs could be as low as € 3,7 billion per annum, being 0,06 % of the Union's gross domestic product (GDP) in 2010;

— the Union would reach the Kyoto target if it implemented greenhouse gas reduction measures that cost less than € 20 per tonne of carbondioxide (CO_2) equivalent.

The Commission is interested in creating and maintaining a predictable environment for long-term investments to reduce greenhouse gases. In this regard it has actively supported the Union's stance to pursue the path of multilateral policies to combat climate change after the withdrawal from the Kyoto Protocol announced by US President Bush in March 2001. It welcomes also the ratification of the Kyoto Protocol by the Council as decided on 4 March 2002. The speedy decision on some Commission proposals by Council and Parliament does play an important role in meeting the EU's commitments under the Kyoto Protocol. In particular, the adoption of a proposal for an Union-wide greenhouse gas emission trading scheme will send an important signal and boost business confidence to invest in greenhouse gas reductions. The environment for business investments is further improved for example with the already

adopted Directive [4] on electricity from renewable energy sources and the proposed Directive [5] on energy efficiency in buildings.

[1] Report under Council Decision 93/389/EEC as amended by Decision 1999/296/EC for a monitoring mechanism of Community greenhouse gas emissions, COM(2001) 708 final.
[2] Council Decision 1999/296/EC of 26 April 1999 amending Decision 93/389/EEC for a monitoring mechanism of Community CO_2 and other greenhouse gas emissions, OJ L 117, 5.5.1999.
[3] http://europa.eu.int/comm/environment/enveco/climate_change/sectoral_objectives.htm.
[4] Directive 2001/77/EC of the Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market.
[5] Directive proposal on the energy performance of buildings, OJ C 213 E, 31.7.2001.

(2002/C 172 E/218) **WRITTEN QUESTION P-0508/02**

by Pietro-Paolo Mennea (PPE-DE) to the Commission

(19 February 2002)

Subject: Waste disposal site in Trani

According to reports in the local and national press and the views expressed by a very large number of local inhabitants, who are extremely alarmed about the situation, the new waste disposal site in Trani presents a real threat to the environment.

Is the Commission aware of this situation?

Can it say whether all the relevant permits were granted in accordance with all the environmental protection directives adopted by the European Union?

Can it say whether the operation of this waste disposal site could in future give rise to the risk of fires, contamination of the groundwater table and the formation of biogases, thus endangering the health of local inhabitants?

Answer given by Mrs Wallström on behalf of the Commission

(13 March 2002)

The treatment of waste is regulated at Community level by Council Directive 75/442/EEC of 15 July 1975 [1] as amended by Council Directive 91/156/EEC of 18 March 1991 on waste [2], in particular its Article 4, which states that waste must be disposed of or recovered without endangering human health or the environment.

Since 16 July 2001 new landfills have to fulfil the requirements of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [3].

In addition, for landfills receiving more than 10 tonnes per day or with a total capacity exceeding 25 000 tonnes, excluding landfills for inert waste, the provisions of Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (IPPC) [4] must be applied.

Depending on the type of the landfill and the possible effects on the environment an impact assessment according to Council Directive 97/11/EC of 3 March 1997 [5] amending Council Directive 85/337/EEC of 27 June 1985 [6] on the assessment of the effects of certain public and private projects on the environment could be required.

The Commission has the task of ensuring the correct application of Community law, in the light of the powers conferred on it by the EC Treaty. As the guardian of the Treaty, it does not hesitate to take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure the observance of Community law.

However, on the basis of the information given by the Honourable Member, due to a lack of grounds of complaint on the application of EC law, no breach of it can be identified at present. Should the Honourable Member provide detailed information enabling the Commission to assess the issues in relation to the above mentioned directive, the Commission would also be able to investigate this matter.

(1) OJ L 194, 25.7.1975.
(2) OJ L 78, 26.3.1991.
(3) OJ L 282, 16.7.1999.
(4) OJ L 257, 10.10.1996.
(5) OJ L 73, 14.3.1997.
(6) OJ L 175, 5.7.1985.

(2002/C 172 E/219) **WRITTEN QUESTION E-0512/02**

by Theresa Zabell (PPE-DE) to the Commission

(28 February 2002)

Subject: Sport

Sport does not fall within the Community's sphere of competence, but given its close ties with the freedoms inherent in the single market, it is becoming increasingly associated with matters under the first pillar.

Will the Commission provide a detailed list of all measures and actions connected with sport or with sportsmen and women during the current term of office?

Answer given by Mrs Reding on behalf of the Commission

(12 April 2002)

As stated by the Honourable Member, the Treaty does not give the Community any specific competence with regard to sport.

Nevertheless, sport is directly affected by various provisions of the EC Treaty.

Owing to the growing economic dimension of sport, several Community policies, including competition policy and freedom of movement for persons, goods and services, have had a direct impact on the organisation and development of sport. However, sport is also implicated in health and research policies, as well as education, vocational training and youth programmes. During the Commission's current term of office, sport has been addressed by all these policies in different ways. For example, the Commission has taken decisions concerning sport in the context of competition policies, e.g. covering training assistance. In the field of education, a Commission proposal to make 2004 the European Year of Education through Sport is being considered by the Institutions.

The European Council, in its declaration appended to the conclusions of the Nice Council of December 2000 (1), also emphasised the need for all Community action to take account of the 'social, educational and cultural functions inherent in sport and making it special, in order that the code of ethics and the solidarity essential to the preservation of its social role may be respected and nurtured'.

(1) Declaration on the specific characteristics of sport and its social function in Europe, of which account should be taken in implementing common policies.

(2002/C 172 E/220) **WRITTEN QUESTION E-0513/02**

by María Sornosa Martínez (PSE) to the Commission

(28 February 2002)

Subject: Failure to comply with Directive 1999/22/EC by Valencia zoo

The author has recently received a number of complaints from members of the public concerning the conditions in which animals are kept at Valencia zoo. Although the facilities have been granted the necessary permits by the competent authorities, it is clear from a visit to the zoo that it is failing to comply with the provisions of Directive 1999/22/EC [1] relating to the keeping of wild animals in zoos, Article 3, third indent, of which lays down the following requirement:

— Accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the individual species, inter alia, by providing species specific enrichment of the enclosures; and maintaining a high standard of animal husbandry with a developed programme of preventive and curative veterinary care and nutrition.

Has the Commission received confirmation from Spain that it has transposed Directive 1999/22/EC into its national law?

What measures will the Commission take to ensure that this Directive is properly applied in the case of Valencia zoo, so as to ensure the protection and welfare of the animals kept there?

[1] OJ L 94, 9.4.1999, p. 24.

Answer given by Mrs Wallström on behalf of the Commission

(11 April 2002)

The Commission has not yet been informed of the measures adopted by the Spanish authorities to transpose Council Directive 1999/22/EC of 29 March 1999 on the keeping of wild animals in zoos into national law. It should be noted that under Article 9 of the Directive the deadline for transposition is 9 April 2002.

In any event, the Commission will ensure that Community law is observed in this case.

(2002/C 172 E/221) **WRITTEN QUESTION E-0515/02**

by Paolo Costa (ELDR) to the Commission

(28 February 2002)

Subject: Charging for the use of transport infrastructure

On 18 January 2001 the European Parliament adopted a report on transport infrastructure charging A5-0345/2000.

The conclusions of the Presidency of the Göteborg European Council of June 2001 say that 'a sustainable transport policy should tackle … the full internalisation of social and environmental costs'.

The Commission has also produced a White Paper [1], Part three, Chapter II. A of which is entitled 'Towards gradual charging for the use of infrastructure'.

Paragraph 58 of the conclusions of the Presidency of the Laeken European Council of December 2001 says that 'the Commission will submit its framework proposal on charging for the use of infrastructure as soon as possible'.

Can the Commission say approximately when and how it will be submitting this framework proposal?

(1) COM(2001) 370.

Answer given by Mrs de Palacio on behalf of the Commission

(9 April 2002)

The Commission is currently developing a methodology for charging for the use of transport infrastructure which will apply to all modes of transport.

It will be examined with the assistance of experts and the Commission plans to consider a proposal for a framework directive during the second half of 2002.

(2002/C 172 E/222) **WRITTEN QUESTION P-0521/02**

by Pernille Frahm (GUE/NGL) to the Commission

(19 February 2002)

Subject: Brominated flame retardants

Will the Commission ensure that the current risk assessments of TBBPA, the most commonly used brominated flame retardant, and HBCD also cover how general users of PCs etc. are exposed to and are affected by those chemicals?

Answer given by Mrs Wallström on behalf of the Commission

(18 March 2002)

Brominated flame retardants are applied to consumer products to prevent fire from taking hold quickly. They are found in very many plastic items, such as the casing of electronic and electrical goods, in foam filled furniture, and on textiles.

The flame retardants hexabromocyclododecane (HBCD) and tetrabromobisphenol A (TBBPA) are priority substances pursuant to Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances (1). Hexabromocyclododecane (HBCD) is on the second list of priority substances with Sweden designated as the Member State 'rapporteur' (Commission Regulation (EC) No 2268/95 of 27 September 1995 (2)). A risk assessment report has been submitted and is currently being discussed by Member State authorities, industry and other stakeholders. TBBPA is on the fourth priority list with the United Kingdom designated as 'rapporteur' (Commission Regulation (EC) 2364/2000 of 25 October 2000 (3)). The United Kingdom competent authority has not yet submitted a risk assessment report for this chemical.

A major use of hexabromocyclododecane (HBCD) is as a flame retardant in textiles. The major uses of tetrabromobisphenol A (TBBPA) and derivatives are in the electronics industry (mostly in printed circuit boards) and in styrene polymers. Tetrabromobisphenol A (TBBPA) accounts for about half of the consumption of all flame retardants.

The risk assessments of priority substances are carried out according to Commission Regulation (EC) No 1488/94 of 28 June 1994 laying down the principles for the assessment of risks to man and the environment of existing substances in accordance with Council Regulation (EEC) No 793/93 (4). This includes an exposure assessment and a risk characterisation. The assessment of the exposure of consumers identifies inter alia the usage of the substance in consumer products. The exposure assessment focuses on those uses for which the highest exposure to consumers is expected to occur on a regular basis.

The risk to consumers from exposure to HBCD and TBBPA in major consumer products therefore forms part of a risk assessment pursuant to Council Regulation (EEC) No 793/93.

(1) OJ L 84, 5.4.1993.
(2) OJ L 231, 28.9.1995.
(3) OJ L 273, 26.10.2000.
(4) OJ L 161, 29.6.1994.

(2002/C 172 E/223) **WRITTEN QUESTION P-0522/02**

by Marco Cappato (NI) to the Commission

(19 February 2002)

Subject: Transmission by Internet and recording of Commission deliberations

In view of Article 1 of the TEU on transparency, Article 255 of the EC Treaty on access to documents, Article 42 of the European Charter of Fundamental Rights, Regulation No 1049/2001 (1) of 30 May 2001, the Commission decisions of 5 December 2001, 29 November 2001 and 23 January 2002 amending the Commission's Rules of Procedure and the fact that the definition of 'document' in Regulation No 1049/2001 of 30 May 2001 covers any kind of content whatever its medium (for example audiovisual recordings of meetings or events), what meetings or deliberations of the Commissions or events organised by it or connected with it are public and which are not?

What measures is the Commission drawing up to ensure that European citizens can follow these deliberations, meetings or public events via Internet transmission or the creation of audiovisual archives accessible by Internet?

(1) OJ L 145, 31.5.2001, p. 43.

Answer given by Mr Prodi on behalf of the Commission

(12 March 2002)

Without exception the Commission meets as a College once a week outside holiday periods (1). In addition to its weekly meetings, the Commission, still acting as a College, holds seminars or special meetings. Under Article 9 of the Commission's Rules of Procedure (2), these meetings are not public and discussions are confidential.

Minutes are kept of Commission discussions and decisions. These minutes used to be internal documents. Since the entry into force of the Commission Decision of 5 December 2001 amending its Rules of Procedure (3), they have been among the documents which are automatically made accessible to the public; they are also available on the Europa website at the following address: http://europa.eu.int/comm/secretariat_general/meeting/index_fr.htm.

Records are kept of Commission discussion seminars, at which no decisions are taken but which are designed to organise the Commission's work and to lay down the major strategic guidelines for its activities, but they are not published since they are preparatory acts.

Since the Commission's meetings are not public, there are no plans to make use of the new technologies with a view to disseminating them to the general public. However, a video is produced at the start of each meeting. It is broadcast on 'Europe by Satellite' (EbS), the Community's televised information service, and in some cases by the Eurovision network of the European Broadcasting Union (EBU). These pictures and the thematic picture banks produced by the Commission are intended to enable television journalists to illustrate the decisions announced at press conferences by the President or the Members of the

Commission responsible; these press conferences are broadcast on EbS, usually live, and repeated regularly. All 'Europe by satellite' programmes are directly available on Europa, the Community's internet site.

On 20 December 2001, to mark the launch of euro coins and notes, the Commission held an open session which was broadcast in its entirety by EbS and in part by the EBU.

(1) Last week of December and all of August.
(2) OJ L 308, 8.12.2000.
(3) OJ L 345, 29.12.2001.

(2002/C 172 E/224) **WRITTEN QUESTION E-0534/02**

by Pernille Frahm (GUE/NGL) to the Commission

(28 February 2002)

Subject: Brominated flame retardants in toys

There are at present no regulations on the use of brominated flame retardants in toys. What action does the Commission intend to take to ensure that toys do not contain brominated flame retardants which are harmful to health?

Answer given by Mr Liikanen on behalf of the Commission

(22 April 2002)

Brominated flame retardants are used in certain consumer products to prevent fire from taking hold quickly. They are most commonly used in housings of electric and electronic goods, in foams for vehicle upholstery, furniture and insulation and in certain textiles.

The most widely used brominated flame retardants are subject to risk assessments in the framework of Council Regulation (EEC) 793/93 of 23 March 1993 on the evaluation and control of existing substances (1). The risk assessment of pentabromodiphenyl ether (pentaBDE) is finalised and concluded that the substance poses risks to health and the environment. The Commission has proposed an amendment to Directive 76/769/EEC on restrictions on the marketing and use of dangerous substances and preparations introducing a ban on pentaBDE in all articles, toys included (2). Following completion of the other risk assessments the Commission will, if appropriate, and with particular attention to children's health risks propose risk reduction measures.

Council Directive 88/378/EEC of 3 May 1988 amended by Council Directive 93/68/EEC of 22 July 1993, on toys safety (3) sets the essential requirements that any toy has to fulfil before being placed in the Community market. One of the essential requirements that concerns chemicals is that toys must not present health hazards or risks of physical injury by ingestion, inhalation or contact with skin, mucous tissues or eyes.

The toys safety Directive requires that toys do not contain dangerous substances or preparations within the meaning of Council Directives 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 (4) and 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys (5) in amounts that may harm the health of children using them. The toys safety Directive itself sets limit values for the bioavailability resulting from the use of toys.

In the field of standardisation work, the Commission has given a mandate to the European Committee for Standardisation (CEN) to prepare three European standards concerning the risks associated with the presence of organic chemical compounds in toys. This standardisation work includes among other

substances two brominated flame retardants: octabromodiphenyl ether and pentabromodiphenyl ether (pentaBDE). The European Committee for standardisation will develop a method to detect the presence of these substances in toys.

(1) OJ L 84, 5.4.1993.
(2) OJ C 154 E, 29.5.2001.
(3) OJ L 220, 30.8.1993.
(4) OJ P 196, 16.8.1967.
(5) OJ L 187, 16.7.1988.

(2002/C 172 E/225) **WRITTEN QUESTION E-0535/02**

by Rainer Wieland (PPE-DE) to the Commission

(28 February 2002)

Subject: Recognition of entitlements acquired in Italy by foreign language assistants

In the light of the judgments handed down on 30 May 1989 in Case 33/88 and on 2 August 1993 in Cases C-259/91, C-331/91 and C-332/91 and of an initial infringement procedure (No 92/4660) brought by the Commission pursuant to former Article 169 of the EC Treaty (now Article 226), the Italian Government enacted Law No 236 of 21 June 1995 on the reform of foreign language teaching in Italian universities. After that law had entered into force, the Commission received a number of complaints from former foreign language assistants alleging discrimination by Italian universities. The Commission subsequently brought infringement proceedings against the Italian Republic. In its decision of 26 June 2001 in that case (C-212/99), the Court of Justice found for the plaintiffs and decided that the Italian Republic had failed to fulfil its obligations under the former Article 48 of the EC Treaty (now Article 39) in that it had failed to ensure recognition of the entitlements acquired by the former foreign language assistants.

Further to the decisions of the Court of Justice enumerated above:

1. Does the Commission have any information as to whether or not the Italian Republic has now adopted national legislation in compliance with Article 39 of the EC Treaty so as to take account of the entitlements acquired by the former foreign language assistants?

2. If it has not done so, does the Commission intend to bring proceedings for the enforcement of the judgment referred to above pursuant to Article 228 of the EC Treaty for failure to fulfil an obligation deriving from the judgment of the Court of Justice of 26 June 2001 (C-212/99)? Should the Italian Republic continue to fail to act, will the Commission apply to the Court of Justice for the imposition of financial penalties on the Italian Republic?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 April 2002)

On 31 January 2002, the Commission sent a letter of formal notice to the Italian authorities and asked for information about the measures taken by Italy to comply with the judgment of the Court of Justice of 26 June 2001 in Case C-212/99. If the Commission considers that Italy has not taken such measures or when the measures taken are considered unsatisfactory or insufficient, the Commission can, in accordance with Article 228(2) of the EC Treaty, issue a reasoned opinion.

If Italy fails to take the necessary measures to comply with the judgment within the time limit laid down by the Commission, the Commission may bring the case before the Court of Justice again.

(2002/C 172 E/226) **WRITTEN QUESTION E-0537/02**

by Stavros Xarchakos (PPE-DE) to the Commission

(28 February 2002)

Subject: Illegal buildings in Greece

The Minister for the Aegean, Mr Sifounakis, recently visited the islands of the Cyclades where he made speeches urging the inhabitants not to erect buildings without planning permission. 21 years have already passed since his party came to power and it has remained in government continuously except for one short break, a period marked by the erection of thousands of illegal buildings which have caused irreparable damage to the natural environment in Greece. The architectural monstrosities built during this period are an insult to Greece's cultural traditions.

Is the Commission aware of the unimaginable degradation and deterioration which the cultural and natural environment in Greece have suffered in recent years? Does it have information on illegal building in the other 14 Member States? Have other Member States encountered similar problems to Greece and managed to resolve them, unlike the Greek Government which yields to short-term party political gain and damages the environment and the architectural heritage?

Answer given by Mrs Reding on behalf of the Commission

(12 April 2002)

The illegal buildings referred to by the Honourable Member would appear to be private dwellings built without planning permission. However, the failure of local authorities to properly apply Greek legislation on urban building is outside the scope of Community environmental law.

Moreover, as the construction projects in question are not included among the projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1], as amended by Council Directive 97/11/EC of 3 March 1997 [2], this Directive does not apply. A further point is that Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [3] will not apply until 21 July 2004 (deadline for incorporation into national law).

Attention is also drawn to Article 151 of the EC Treaty, according to which the Community is not responsible for 'harmonisation of the laws and regulations of the Member States' in the field of culture, which remains the exclusive competence of the Member States.

[1] OJ L 175, 5.7.1985.
[2] OJ L 73, 14.3.1997.
[3] OJ L 197, 21.7.2001.

(2002/C 172 E/227) **WRITTEN QUESTION P-0545/02**

by Antonios Trakatellis (PPE-DE) to the Commission

(21 February 2002)

Subject: Thessaloniki underground: delays in completing the approval procedure for the project and examining the charges concerning breach of Community law by the Commission

In his latest reply on the delay in completing the Thessaloniki underground project (P-3194/01 [1]), Commissioner Bolkestein stated that 'the national authorities have yet to submit a request to the

Commission to confirm the level of Community co-funding for this major project' and that 'it is clear that compliance with Community legislation is one of the preconditions for ERDF funding of the project in question'. Since then, neither the national authorities nor the Commission have signalled any developments, and the Thessaloniki agencies are protesting at the way they are being made fools of, since a decade has now passed with the project existing only on paper.

In view of Article 232 (ex Article 175) of the EC Treaty, under which an action may be brought for an EC institution's failure to act, what specific steps has the Commission taken (e.g. request for confirmation of the level of co-funding) to advance this project, given that the examination of the charges brought concerning breach of Community rules on state aid and public contracts has still not been completed?

Why has the European Investment Bank not approved the project's financing plan and granted a loan? Is this delay perhaps connected with issues relating to compliance with Community legislation?

Can the project be constructed using co-funding from national and Community resources without the EIB's backing, and what is the explanation for the Commission's granting of appropriations for preliminary work before the project's approval, at a time when the question of its construction is still under consideration?

(1) OJ C 93 E, 18.4.2002, p. 219.

Answer given by Mr Bolkestein on behalf of the Commission

(22 March 2002)

The Commission would like to inform the Honourable Member that the actual implementation of public works concession projects in the Member States is not the responsibility of the Commission. Furthermore, in the context of infrastructure projects of this type, the Commission is not responsible for the behaviour of the banks, the concessionaire or the Member State concerned in conducting negotiations on how these are financed, nor for the possible success or failure of these negotiations. Given the foregoing, the Commission would query the relevance of the reference to Article 232 of the EC Treaty in the case in question.

In this context, the Commission would like to inform the Honourable Member that according to the information at its disposal, the European Investment Bank (EIB) and the commercial banks have asked that the concessionaire make certain changes in the financial contribution by its shareholders before approving the plan for financing the project in question. The latest information available indicates that these changes have still to be made by the concessionaire's shareholders.

Thus, with respect to the co-funding of this project under the Structural Funds during the 2000-2006 programming period, the Commission can confirm that it has still not received an application from the Greek authorities. It would also refer the Honourable Member to the second paragraph of the answer given by the Commission to his written question No 3194/01 (1).

During the 1994-1999 programming period, the Commission approved a total of € 5,8 million for this project under the Community Support Framework for Greece.

This co-funding was primarily for the preliminary work required before construction could commence, such as geotechnical and archaeological surveys of the site and studies of the public services networks.

In accordance with the provisions of the concession contract, the results of this work remain the property of the Member State and may therefore be used for any future development of this project.

(1) OJ C 93 E, 18.4.2002, p. 219.

(2002/C 172 E/228) **WRITTEN QUESTION P-0564/02**

by Monica Frassoni (Verts/ALE) to the Commission

(21 February 2002)

Subject: Environmental impact study in respect of the Valtrompia motorway

By means of its decision VII/7866 of 25 January 2002 the Lombardy Regional Government declared the Valtrompia motorway to be environmentally compatible and endorsed the investigative report as an integral and substantive part of that decision.

However, the environmental impact study drawn up by the promoter (the Autostrada Brescia-Verona-Vicenza-Padova company) fails to include basic information. In particular, it gives no consideration to possible alternatives to the proposed project, as is required under Directive 97/11/EC [1].

Furthermore, completely absent from the environmental impact assessment is a study on the emission into the atmosphere of the fumes issuing from the flues used to ventilate the tunnels, which are of a considerable length. (Valtrompia is so narrow that much of the route followed by the motorway passes through tunnels). There are not even any filters fitted to remove dust and fumes from the air.

In general there are major failings where air quality is concerned. This is a serious matter in view of the fact that the region has a high level of exposure to dust — a state of affairs which has on several occasions led to the imposition of a ban on urban traffic. No study is to be carried out into the cumulative and long-term effects of the project on air quality (Annex IV of Directive 97/11).

The Commission has already launched an inquiry to investigate an alleged infringement of Community rules relating to the internal market, in view of the fact that no European public tender was held for the purpose of awarding the franchise for the building of the motorway (see question E-4047/00 [2]).

Does the Commission not think that it should intervene in order to ensure that an environmental impact study is carried out which fully meets the requirements of the directive on environmental impact assessment?

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[1] OJ L 73, 14.3.1997, p. 5.
[2] OJ C 174 E, 19.6.2001, p. 220.

Answer given by Mrs Wallström on behalf of the Commission

(22 March 2002)

The project mentioned by the Honourable Member is covered by category 7 (construction of motorways and express roads) of Annex I of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1] whether before or after being amended by Council Directive 97/11/EC of 3 March 1997 [2].

Under Directive 85/337/EEC, whether before or after amendment by Directive 97/11/EC, projects falling within Annex I are to be made subject to an environmental impact assessment which should identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with the Articles 4 to 11, the direct and indirect effects of a project on the following factors: human beings, fauna and flora; soil, water, air, climate and the landscape; material assets and the cultural heritage. In addition, the information to be provided by the developer under Article 5, paragraph 1, should include (where appropriate, under Directive 85/337/EEC before the amendments, and always under Directive 85/337/EEC as amended) an outline of the main alternatives studied by the developer himself and an indication of the main reasons for his choice, taking into account the environmental effects.

In the specific case, not being aware of the situation described by the Honourable Member, the Commission will take the appropriate steps in order to gather detailed information about it and to ensure, within the limits conferred on it by the EC Treaty, the observance of Community law.

Should the Commission be informed that Community law is being breached in the specific case, it would not hesitate, as the guardian of the EC Treaty, to take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure the observance of relevant Community law.

(1) OJ L 175, 5.7.1985.
(2) OJ L 73, 14.3.1997.

(2002/C 172 E/229) **WRITTEN QUESTION E-0582/02**

by Nuala Ahern (Verts/ALE) to the Commission

(6 March 2002)

Subject: Illegal dumping of hazardous waste in Co. Wicklow, Ireland.

Could the Commission indicate what action it has taken, or intends to take, against Wicklow County Council and the Irish Government over the illegal dumping of more than 300 000 tonnes of waste, including hazardous waste, discovered in Whitestown, Co. Wicklow in November 2001 given that:

1. Wicklow County Council has stated that it intends to seal the site, as it claims that the cost of moving the waste to a legal landfill and restoring the site to its original condition is too high;

2. a failure on the part of Wicklow County Council to clear up the site will mean that it will be in breach of Directive 75/442/EEC (1), and, in particular, Articles 4, 8 and 9 thereof, and

3. Wicklow County Council became aware of the illegal site in 1998 and, notwithstanding, did not step in and clean it up, despite potential dangers to public health.

(1) OJ L 194, 25.7.1975, p. 39.

Answer given by Mrs Wallström on behalf of the Commission

(9 April 2002)

The Commission has received a complaint about this landfill and is investigating the case.

The Commission has the task of ensuring the correct application of Community law, in the light of the powers conferred on it by the EC Treaty. As the guardian of the EC Treaty, it does not hesitate to take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure the observance of Community law.

(2002/C 172 E/230) **WRITTEN QUESTION E-0587/02**

by Guido Bodrato (PPE-DE), Massimo Carraro (PSE) and Monica Frassoni (Verts/ALE) to the Commission

(6 March 2002)

Subject: Failure to carry out environmental impact assessment

Article 27 of the Veneto regional law No 10/99 has been ruled invalid on the grounds of incompatibility with the EU principles concerning environmental impact assessment (Commission Directive 85/337/EEC (1)), in a reasoned opinion of 3 August 2000 concerning breaches of Community environmental legislation by regional authorities, including the Italian region of Veneto. However, under the above law the Veneto region has authorised yet another category 2B discharge of woodpulp, considered as

perishable waste, and proposes to store this waste overground in the municipality of Silea (Treviso province), without having carried out a prior environmental impact assessment and in breach of the preventive and precautionary principle laid down in the Single European Act of 1986 and incorporated in Italy by Law 909/1986.

This discharge affects the route of the Via Claudia Augusta, the road which linked ancient Rome with northern Europe and is therefore of Community interest, as well as the adjoining Parco del Sile.

Operations are continuing despite the fragility of the ground waters and the hydro-geological system.

In view of the contradiction between Article 1 of regional law No 14 of 8 May 1989 and the Aarhus Convention of 25 June 1998, as incorporated in Italy by the law of 16 March 2001, and the consequent impossibility of any legal action by citizens, can the Commission state whether the Veneto region is in any instances in breach of Community principles and indicate what preventive measures it intends to adopt to obtain an immediate suspension of operations?

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

Answer given by Mrs Wallström on behalf of the Commission

(4 April 2002)

According to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, whether before or after amendments by Council Directive 97/11/EC of 3 March 1997 ([1]), 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 refers could fall within the scope of Directive 85/337/EEC, and, in particular, into categories 11c of Annex II of Directive 85/337/EEC before the amendments (Installations for the disposal of industrial and domestic waste, unless included in Annex I) and/or 11b of Annex II of Directive 85/3337/EEC after the amendments (Installations for the disposal of waste — projects not included in Annex I).

In the specific case, as it is not aware of the situation described by the Honourable Member, the Commission will take the appropriate steps in order to gather detailed information about it and to ensure, within the limits conferred on it by the EC Treaty, the compliance with Community law.

Should the Commission come to the conclusion that Community law is being breached in the specific case, it would not hesitate, as the guardian of the EC Treaty, to take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure the compliance with relevant Community law.

([1]) OJ L 73, 14.3.1997.

(2002/C 172 E/231) **WRITTEN QUESTION E-0598/02**

by William Newton Dunn (ELDR) to the Commission

(6 March 2002)

Subject: Bereavement grants for widows and widowers

A constituent of mine, whose husband died last November, has discovered that the British Government last April changed the law within Britain, without publicity she says, to limit the Bereavement Grant which is paid to widows and widowers to a maximum of one year.

Can the Commission inform me what is the comparative situation in other Member States of the Union?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 April 2002)

It is true that reforms were introduced in the United Kingdom in April 2001.

They include:

- doubling the value of the lump sum to GBP 2000;
- paying a Widowed Parent's Allowance until the youngest child ceases full time further education;
- paying a time limited bereavement allowance where there are no dependent children. Widows and widowers aged 45 and over with no dependent children will receive a weekly benefit for one year;
- for the first time providing widowers with children with assistance on an equal footing with widows.

The Commission is sending direct to the Honourable Member and to Parliament's Secretariat copies of tables from its MISSOC publication which show the situation on survivors' benefits in the different Member States.

The MISSOC publication is also available on the Commission's website: www.europa.eu.int/comm/employment_social/missoc2001/index_en.htm

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(2002/C 172 E/232) **WRITTEN QUESTION E-0599/02**

by Chris Davies (ELDR) to the Commission

(6 March 2002)

Subject: Use of health warning photographs on cigarette packs

When does the Commission expect to be in a position to adopt the rules and internal market guidance for Member States regarding the use on cigarette packs of colour photographs or other illustrations to depict and explain the health consequences of smoking, as required by the directive on the manufacture, presentation and sale of tobacco products.

Answer given by Mr Byrne on behalf of the Commission

(27 March 2002)

Under Article 5(3) of Directive 2001/37/EEC of the Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products [1], the Commission is required to adopt, before 31 December 2002, rules for the use of colour photographs or other illustrations to depict and explain the

health consequences of smoking, with a view to ensuring that internal market provisions are not undermined. In this process, the Commission has to submit to the Regulatory Committee established by Article 10(1) of the above Directive a draft of the measures to be taken, on which the Committee has to give an opinion.

The Commission has started work on the establishment of such rules and will do its utmost to respect the above time frame. However, the Commission would like to remind the Honourable Member of the fact that when the above Directive was adopted, the Commission made a formal statement in which it drew the Parliament's and the Council's attention to 'the difficulty it envisages in respecting the deadline imposed in Article 5(3) of this text in which to obtain an opinion from the Committee established in Article 10 and subsequently to adopt rules on the use of colour photographs'.

(1) OJ L 194, 18.7.2001.

(2002/C 172 E/233) **WRITTEN QUESTION E-0603/02**

by Manuel Pérez Álvarez (PPE-DE) to the Commission

(6 March 2002)

Subject: Closure of Lear group factory (Lleida province, Spain)

The factory of the multinational group Lear in Cervera (Lleida/Lérida province, Spain) appears certain to close in the near future.

This factory has been paying the lowest possible wages for the metal sector. 80 % of its workers are women. Given above-average profit levels in excess of EUR 300 million over the last seven years, the decision to cease operations may be considered a clear case of a measure that is not and cannot be justified in social terms.

What measures are envisaged to ensure that decisions of this nature are not made in the face of the rights of workers and, more generally, of the less-favoured strata and of regions and communities for whom establishments such as this are the main source of employment?

What measures have been decided in this specific case?

Answer given by Ms Diamantopoulou on behalf of the Commission

(23 April 2002)

Several Community Directives lay down procedures for informing and consulting workers' representatives that may be applicable to closures of enterprises: Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (1) and Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (2). Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community — Joint declaration of the European Parliament, the Council and the Commission on employee representation (3) will supplement the Community provisions in this area.

However, the material requirements that enterprises need to meet when they decide to close down production units are not covered by any Community instrument. Nevertheless, on 15 January 2002 the Commission decided to launch a Community-level consultation of the social partners on anticipating and managing change: a dynamic approach to the social aspects of corporate restructuring. In so doing, the Commission is inviting the social partners to engage in a dialogue on this important topic, including the question of strengthening the adaptability and employability of workers, especially as far as vocational retraining is concerned.

(1) OJ L 225, 12.8.1998.
(2) OJ L 254, 30.9.1994.
(3) OJ L 80, 23.3.2002.

(2002/C 172 E/234) **WRITTEN QUESTION E-0610/02**

by Cecilia Malmström (ELDR) to the Commission

(6 March 2002)

Subject: Register of Commission documents

Article 11 of Regulation No 1049/2001 [1] stipulates that each institution must provide public access to a register of documents. It is also laid down that references to documents are to be recorded in the register without delay. The register must be operational by 3 June 2002.

There is at present no central register of Commission documents. This was also confirmed by Secretary-General O'Sullivan on the eurobserver.com website on 19 February 2002.

Article 8(1) of the Commission's own decision of 5 December 2001 states that the coverage of the register is to be extended gradually. Will the Commission therefore state whether a full register of Commission documents, public or otherwise, will be accessible before 3 June 2002? If the register is to be extended gradually, how does this square with Article 11(3) of the Regulation, which ought to mean that the register is complete by June?

[1] OJ L 145, 31.5.2001, p. 43.

Answer given by Mr Prodi on behalf of the Commission

(23 April 2002)

The Commission wishes to reassure the Honourable Member that it will have, by 3 June 2002 at the latest, a register of documents, which will be accessible to the public on the Internet. The register will primarily cover legislative documents as defined in Article 12(2) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents [1]. Initially, it will contain references to the SEC, COM and C documents submitted to the College from 1 January 2001 onwards. A help page will inform the public how the document may be obtained. If the document has been published, there will be a link to the full text in the Publications Office's free EUR-Lex system (http://europa.eu.int/eur-lex/en/index.html).

The Commission will gradually extend the coverage of its registers. This gradual extension is not incompatible with Article 11 of Regulation (EC) No 1049/2001, insofar as Article 11 does not specify what content the registers of each institution must cover.

The Commission believes that the registers will be useful in helping citizens exercise their right of access. The fact that a document does not appear in the registers, however, in no way precludes anyone from requesting and being given access to the document.

The Commission would further remind the Honourable Member that it already has a correspondence register containing all the mail addressed to its President and his replies (http://europa.eu.int/comm/commissioners/prodi/regcp/registre.cfm?CL=en), as well as a register of inter-institutional procedures (the PreLex database, http://europa.eu.int/prelex/apcnet.cfm) which follows the major stages of the decision-making process between the Commission and the other institutions and gives direct access to the electronic texts of the preparatory acts available.

[1] OJ L 145, 31.5.2001.

(2002/C 172 E/235) **WRITTEN QUESTION E-0622/02**

by Ilda Figueiredo (GUE/NGL) to the Commission

(6 March 2002)

Subject: Closure of the Petrogal refinery at Leça de Palmeira

The firm Petrogal, with plants in Sines and Matosinhos, is of great value for Portugal. It is the only Portuguese company in the fields of the exploration, production and distribution of petroleum, its derivatives and natural gas, which guarantees thousands of jobs directly and indirectly, thereby making a decisive contribution to hundreds of companies upstream and downstream of its activities.

The closure of the refineries (in the immediate future the one at Leça da Palmeira in Matosinhos) would have serious consequences for the Portuguese economy and workers.

It should be noted that unemployment in Portugal is rising once again and the socio-economic indicators are the weakest in the European Union.

Can the Commission therefore say what support can be granted at Community and national level to keep the refineries in operation and thereby safeguard Petrogal's employees' jobs and their rights?

Answer given by Ms Diamantopoulou on behalf of the Commission

(22 April 2002)

The Commission does not know the reasons for the possible closure of the Petrogal refinery in Leça da Palmeira, nor the circumstances in which this might take place.

It would point out to the Honourable Member that, pursuant to Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1], both the selection of projects and their implementation are matters for the national and regional authorities that are responsible for the management and monitoring of the programmes co-financed under these Funds. The Commission is therefore unable to provide direct support to enterprises in order to safeguard jobs there, and calls on the enterprises concerned to contact the said authorities in order to obtain information on the possibility of co-financing.

[1] OJ L 161, 26.6.1999.

(2002/C 172 E/236) **WRITTEN QUESTION E-0637/02**

by Jens-Peter Bonde (EDD) to the Commission

(8 March 2002)

Subject: Transparency

Will the Commission please comment on the proposal concerning transparency and openness in the EU institutions entitled 'Transparency and openness in the EU institutions', as proposed by SEAP, the Society of European Affairs Professionals?

Answer given by Mr Prodi on behalf of the Commission

(11 April 2002)

The Commission thanks the Honourable Member for drawing to its attention the document produced by the 'Society of European Affairs Professionals' (SEAP), which it examined with the greatest of interest.

The document concerned contains a certain number of proposals aimed at increasing the transparency of the work of the Parliament, the Council and the Commission.

Generally, the Commission shares SEAP's concerns about maintaining better involvement and more openness of the decision-making process of the European institutions.

In this connection, the Commission would remind the Honourable Member about its proposals, particularly those in the White Paper on European governance.

Moreover, the Commission intends to continue with its efforts on transparency by fully complying with the new rules introduced on this matter under Regulation (EC) No 1049/2001 of Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents [1], and by developing best practice in order to guarantee citizens the most extensive access possible to its documents. Accordingly, the Commission has committed itself to improving transparency in the exercise of its implementing powers by allowing public access, subject to the exemptions laid down in Article 4 of the above-mentioned Regulation, to draft decisions on the implementation of acts adopted under the procedure set out in Article 251 of the EC Treaty.

[1] OJ L 145, 31.5.2001.

(2002/C 172 E/237) **WRITTEN QUESTION P-0640/02**

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

(4 March 2002)

Subject: ECJ and ban on British beef

Given that it is now two months since the European Court of Justice ruled that the French ban on British beef imports was illegal, and given that, to date, France has not lifted the ban despite this ruling, what specific action does the Commission propose to take to see that the law is enforced, and precisely when does it propose to take it?

Answer given by Mr Byrne on behalf of the Commission

(8 April 2002)

The Commission shares the concerns of the Honourable Member.

The Commission has already requested France to indicate the action it intends to take to comply with the judgement of the Court of Justice of 13 December 2001 in the case concerned (Commission v French Republic C-1/00).

No satisfactory reply having been received to this request, the Commission has decided to invoke the procedure under Article 228 of the EC Treaty.

(2002/C 172 E/238) **WRITTEN QUESTION P-0643/02**

by Minerva Malliori (PSE) to the Commission

(28 February 2002)

Subject: Certificate of suitability for building materials

Research has shown that the accumulation of radon emitted from building materials in domestic dwellings causes various forms of lung cancer to which children are particularly susceptible. This situation could be remedied by using appropriate building materials. However, building materials circulate on the European market without certificates of suitability, which creates problems not only in the abovementioned circumstances but also in relation to other substances used in building materials which could potentially create serious public health problems.

Is the Commission aware of this problem and does it consider that it would be appropriate to introduce a European certificate of suitability for building materials so that consumers know to what extent the products used are safe?

Answer given by Mrs Wallström on behalf of the Commission

(27 March 2002)

The Commission is aware that indoor radon is a public health hazard and has issued in 1990 a Recommendation [1] to protect against it. It is recommended that where a reference level of 400 becquerel per m^3 (Bq/m^3) is exceeded, simple but effective remedial action should be considered. For constructions after 1990 a design level of 200 Bq/m^3 is recommended.

Radon may exhale from building materials, but in general ingress from the soil beneath the dwelling is far more important. On the other hand, other primordial natural radionuclides in building materials are cause of external irradiation by emitted gamma rays. The group of experts established under Article 31 of the Euratom Treaty has provided guidance on this matter [2]. An activity index is proposed and levels below which materials would be exempted from any restrictions.

Above such levels building materials may need to be certified and information be provided so as to allow compliance with building codes. Radioactivity is within the scope of the Construction Products Directive [3]. Within this framework specific requirements may be laid down, including the certification of materials for levels of radioactivity.

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[1] Commission Recommendation 90/143/Euratom of 21 February 1990 on the protection of the public against indoor exposure to radon, OJ L 80, 27.3.1990.

[2] Radiation Protection 112, Radiological protection principles concerning the natural radioactivity of building materials, 2000, ISBN 92-828-8376-0.

[3] Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products, OJ L 40, 11.2.1989.

(2002/C 172 E/239) **WRITTEN QUESTION E-0646/02**

by Graham Watson (ELDR) to the Commission

(11 March 2002)

Subject: Effect of endometriosis on employment

Is the Commission able to produce statistics regarding the effect endometriosis has on employment?

Answer given by Mr Solbes Mira on behalf of the Commission

(18 April 2002)

The Commission has no statistics on this subject.

(2002/C 172 E/240)

WRITTEN QUESTION E-0669/02

by Niall Andrews (UEN) to the Commission

(11 March 2002)

Subject: Use of European CE Quality Marks on electro-shock equipment

The Commission will recall that in June 2000, at the request of the European Parliament's STOA Panel, the Final Study on Crowd Control Technologies was published. The Study included an appraisal of 'electro-shock and stun weapons'. It pointed out that the EC has actually given CE quality control markings for such weapons which foreign manufacturers use as an official seal of approval in promoting their overseas sales. It recommended that this practice should be stopped or that, alternatively, the Member States should take the necessary measures to prevent the export or transhipment of devices aimed at administering an electric shock.

Will the Commission now indicate what action it has or is taking to implement the recommendations of this Study on electro-shock equipment?

Will the Commission provide information on the number of companies manufacturing these products that are in receipt of CE certification?

Will the Commission outline the process by which the CE mark is awarded for such products?

Taking into account reports in the Stoa Study on the effects of stun weapons which include short-term effects such as severe pain and loss of muscle control and long-term effects such as scarring of skin, severe depression and memory loss, is the Commission concerned that the safety of the victim is sufficiently taken into account in the awarding of the CE mark?

Will the Commission outline what research methods it uses in evaluating products to enable the quality mark to be awarded?

What is the status now of the 1998 European code of Conduct on Arms Exports vis-à-vis electro-shock equipment which stated that export licences will not be issued if the exports may be used for internal repression, or if they may provoke or prolong armed conflicts?

Answer given by Mr Liikanen on behalf of the Commission

(5 April 2002)

The CE conformity marking was introduced into Community legislation by Council Decision 93/465/EEC of 22 July 1993 concerning the modules for the various phases of the conformity assessment procedures and the rules for the affixing and use of the CE conformity marking, which are intended to be used in the technical harmonisation directives [1] and by Council Directive 93/68/EEC of 22 July 1993 [1]. The latter introduced the CE marking into a number of sectoral technical harmonisation directives.

The CE conformity marking must be affixed to any product falling within the scope of a technical harmonisation directive providing for it. It signifies that the product complies with the legally binding requirements of the applicable technical harmonisation directive(s). The manufacturer is responsible for affixing the CE conformity marking, although the directives often require the intervention of a third-party conformity assessment body. Member States are responsible for the designation of such bodies in accordance with the applicable provisions of the directives.

A number of services in the Commission are responsible for technical harmonisation directives providing for the CE conformity marking, although most fall under the responsibility of Directorate general Enterprise. However, the Commission does not intervene directly in the process of evaluating the conformity of products nor in the award of the CE conformity marking.

All manufacturers of stun weapons falling within the scope of a technical harmonisation directive providing for the CE conformity marking must affix this marking to the relevant products. The Commission does not have information about the number of manufacturers involved.

In an earlier reply to written question E-3259/97 by Mrs. Wemheuser [2], the Commission noted that a wide variety of equipment could potentially be used for purposes of torture. Moreover, it is not always possible to determine in advance to what use equipment will be put. The Commission is therefore of the opinion that it is not feasible to apply a differential treatment, in the context of these directives, to equipment that could potentially be used as an instrument of torture.

However, further to previous replies on that subject, in particular to written questions E-0446/02 by Mrs Banotti [3] and E-0470/02 by Mrs. Scallon [4], and in order to take into account the concerns of the Honourable Members, the Commission is currently preparing a proposal for a Council Regulation concerning trade in equipment that may be used for torture or other cruel, inhuman or degrading treatment or punishment. The aim of this Regulation is amongst others to impose controls on exports of equipment which may be used for such purposes in a third country which will in principle include electric shock equipment and stun guns.

Finally, as regard the application of the European Code of Conduct on arms exports vis-à-vis electro-shock equipment, the list of items to which this Code is to be applied is found in the Council Declaration of 13 June 2000 [5], and does not include such equipment.

[1] OJ L 220, 30.8.1993.
[2] OJ C 158, 25.5.1998.
[3] OJ C 160 E, 4.7.2002, p. 217.
[4] OJ C 160 E, 4.7.2002, p. 218.
[5] OJ C 191, 8.7.2000.

(2002/C 172 E/241)

WRITTEN QUESTION E-0710/02

by Brian Simpson (PSE) to the Commission

(15 March 2002)

Subject: Proposed closure of Smurfit Corrugated in Warrington, UK

Can the Commission investigate, as a matter of urgency, the proposed closure of Smurfit Corrugated in Warrington, UK? In view of the fact that this company is a multinational employing 16 000 workers in Europe, has failed to consult with the workforce, is refusing to call together the company works council and may use savings from the closure to invest in another plant, can the Commission ensure that all European directives and regulations are upheld and that the company engages in consultation and meaningful negotiations with the workforce?

Answer given by Ms Diamantopoulou on behalf of the Commission

(19 April 2002)

The Commission would point out that several Community Directives stipulate procedures for informing and consulting workers' representatives that may be applicable when enterprises are closed down, especially Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies [1], and Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees [2]. In addition, another Directive has just been adopted [3] on 11 March 2002 by the Parliament and the Council in order to complete the Community rules in this area.

The first two Directives have been implemented into the national legal orders of the Member States. It is up to the competent national authorities to assess whether they are properly implemented in each case.

[1] OJ L 225, 12.8.1998.
[2] OJ L 254, 30.9.1994.
[3] OJ L 80, 23.3.2002.

(2002/C 172 E/242) **WRITTEN QUESTION E-0749/02**

by Charles Tannock (PPE-DE) to the Commission

(15 March 2002)

Subject: Progress on the evaluation of Fenthion

In answer to Written Question E-3552/00 [1], the Commission stated that one of the basic principles of Council Directive 91/414/EEC [2] of 15 July 1991 concerning the placing of plant protection products on the market was the drawing-up of a list of accepted active substances in Annex 1, although Article 8(2) 'provides for a derogation during a period of 12 years (until 25 July 2003) for Member States to continue to authorise plant protection products containing active substances not included in Annex 1 of the Directive …'.

The Commission went on to state that Fenthion was one of the active substances being evaluated under the Commission Regulation (EEC) No 3600/92 [3] of 11 December 1992, and that it was expected that the Commission would be able to adopt a decision on Fenthion in early 2001. The Commission also indicated that it would inform the Parliament and Council by July 2001, as provided under the terms of the Directive, of the progress which had been made with the re-evaluation programme.

On 28 November 2001, in answer to Written Question E-2883/01 [4], the Commission confirmed that the use of Fenthion was permitted under Community law pending the completion of the evaluation process, that the evaluation process had almost been finalised, and that the Commission would, after consultation with the Scientific Committee on Plants, propose as soon as possible a decision on Fenthion.

Could the Commission indicate whether the evaluation has now been completed, and a final decision made on the safety, or otherwise, of Fenthion?

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[1] OJ C 174 E, 19.6.2001, p. 76.
[2] OJ L 230, 19.8.1991, p. 1.
[3] OJ L 366, 15.12.1992, p. 10.
[4] OJ C 115 E, 16.5.2002, p. 187.

Answer given by Mr Byrne on behalf of the Commission

(10 April 2002)

The evaluation of fenthion has now indeed been completed, with the exception of one study which was submitted only very recently to the rapporteur Member State. The evaluation of this study will be available in April 2002, but should not delay the decision making process. The Commission will submit the result of its evaluation to the Scientific Committee on Plants in April 2002. It is expected that the Committee will deliver its opinion within two months. The Commission intends to decide on fenthion as soon as possible after receipt of the opinion of the Scientific Committee.

(2002/C 172 E/243) **WRITTEN QUESTION E-0813/02**

by Glyn Ford (PSE) to the Commission

(25 March 2002)

Subject: The Italian Government and the Second World War

In the article in the Italian newspaper 'Corriere della Sera', dated 4 February 2002, a minister in the Italian Government, Mirko Tremaglia, stated 'it would have been better if we'd won the war'.

Given the suffering endured by many during the Second World War, what is the Commission's opinion of this statement?

Does the Commission intend to raise this issue with the Italian Government?

Answer given by Mr Prodi on behalf of the Commission

(18 April 2002)

It is Commission policy not to comment on public statements by politicians in the Member States.

(2002/C 172 E/244) **WRITTEN QUESTION P-0892/02**

by Jules Maaten (ELDR) to the Commission

(22 March 2002)

Subject: Cross-border contracting of general practitioners

Is the Commission aware of the report entitled 'Unhappy patients want a German doctor', which appeared in the 6 February 2002 edition of the De Limburger newspaper, and of the article entitled 'Patient must be able to shop around in the EU', which was published by the Dutch MP Frans Weekers in the 6 February 2002 edition of the Trouw newspaper?

Is the Commission aware that, under Dutch health insurance legislation, health insurance funds may contract only Dutch doctors, and does it consider such a nationality requirement to be an infringement of EU law?

Does the Commission think that the cross-border contracting of general practitioners could make the shortage of such doctors in border areas more acute and is it prepared to introduce further legislation in this field? If so, in what form and within what period of time?

Answer given by Mr Bolkestein on behalf of the Commission

(26 April 2002)

The Commission is aware of the fact that the delivery of health services within the European Union has received considerable media coverage in recent months on account of the judgments delivered on 12 July 2001 by the Court of Justice in the Smits and Peerbooms (C-157/99) and Vanbraeckel (C-368/98) cases. In these judgments and in those delivered on 28 April in the Kohll (C-158/96) and Decker (C-120/95) cases, the Court ruled on the question of the reimbursement of medical expenses incurred in a Member State other than the Member State of registration.

In these judgments, the Court confirmed that European law does not detract from the Member States' responsibility for organising their systems of social security and that, in the absence of harmonisation at Community level, it is for the legislation of each Member State to determine, first, the conditions concerning the right or duty to be insured with a social security scheme, and, second, the conditions for entitlement to benefits.

In order to protect migrant workers from the negative effects which the application of the different national laws in the field of social security might have, Regulation 1408/71 coordinates the national social security schemes. In the field of health care, it provides for different scenarios in which the costs for health care obtained in another Member State can be reimbursed. This regulation does not, however, contain any provision regarding the contracting of practitioners established outside the Member State concerned.

The Court pointed out in the above-mentioned judgments that, other than in the scenarios mentioned by this regulation, the Member States must observe Community law in exercising their responsibility to organise their social security systems and, in particular, the principle of the freedom to provide services set out in Article 49 of the Treaty. The Court did in fact point out that medical activities are indeed services under the terms of this provision.

This then is the context within which the Commission must analyse any law such as that mentioned by the Honourable Member — a law which in this case it knew nothing about. It should be noted that it is, in the first instance, up to the Member States to ensure that their legislation complies with Community law as interpreted by the Court of Justice. In this respect and bearing in mind the implications and scope of Community case law, the Commission wishes to initiate a dialogue with the Member States, particularly with a view to discussing intended measures. It is only once this consultation has taken place that the Commission will be able to assess whether a Community instrument is appropriate.

The two questions asked by the Honourable Member will be examined within this approach.

(2002/C 172 E/245)

WRITTEN QUESTION P-0933/02

by Pat Gallagher (UEN) to the Commission

(26 March 2002)

Subject: Member State legislation on health and safety for the self-employed

Given that in approximately half the Member States the self-employed, while covered by the Framework Directive for health and safety, are not covered in the individual Member State to the extent that national legislation on health and safety does not include the self-employed, will the Commission give priority to proposing an EU-wide solution which ensures that all workers in the Internal Market are ensured of equal treatment in relation to health and safety in the workplace, thus improving conditions for labour mobility and contributing to a more effective Internal Market and dynamic EU economy?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(23 April 2002)

The Commission shares the view of the Honourable Member on the importance of recognising the need for protection of the health and safety at work of the self-employed.

However, the Framework 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 [1] does not cover the self-employed. In fact, its Article 3 defines the term 'worker' as used in the Directive as 'any person employed by an employer'. The result is that this provision clearly excludes self-employed persons from the scope of the Directive.

The Commission has however recently adopted a proposal for a Council Recommendation concerning the application of legislation governing health and safety at work to self-employed workers [2]. The Recommendation is a non-binding instrument aimed at achieving a minimum level of protection for self-employed workers in accordance with the subsidiarity principle. The main issues dealt with in the Recommendation are recognition of the rights of self-employed workers, information, training, and health surveillance.

[1] OJ L 183, 29.6.1989.
[2] COM(2002) 166 final.

(2002/C 172 E/246)

WRITTEN QUESTION P-0945/02

by Francesco Fiori (PPE-DE) to the Commission

(28 March 2002)

Subject: Foal Levy imposed on breeders of thoroughbred horses

The purpose of the European agricultural model which was laid down in Agenda 2000 and which is currently being revised by the European Union is to create an agricultural sector which is competitive and not over-subsidised. There is no justification for making the breeders of thoroughbred horses pay a levy

which has been introduced by the Irish Government in order to provide exclusive support for Irish breeders (and to favour those in the UK), in so far as it will apply to all EU Member States except the UK.

EU breeders of thoroughbred horses are of the opinion that the largest number of the highest-quality stallions are to be found in Ireland, for which reason a seasonal transfer trade has developed, involving mares belonging mainly to Italian, French and German breeders which are sent to Ireland for breeding purposes.

Once they have given birth in Ireland and been mounted again, most mares are returned to their country of origin, and if they remain in Ireland the foal to which they have given birth is exported at the latest by 31 December of the year in which it was born, so that it can acquire the nationality of its owner's country of origin. This arrangement is adopted on account of the fact that it is impossible for breeders of thoroughbred horses to practise artificial insemination, a procedure which is banned by the international equine authorities even though, if it were allowed, animals would not have to travel. This would solve the Foal Levy problem and also many other, health-related ones.

The Irish Government has introduced a levy (the Foal Levy) which is directly proportionate to the cost of making available the stallion by which the mare becomes pregnant. The levy is charged on foals born in Ireland with the exception of UK-owned ones, which for some unfathomable reason are exempt.

Does the Commission not consider that this levy undermines the principle of free competition laid down in Article 88 and 89 of the Treaty, in that it increases production costs for some breeders though not for others?

How does the Commission justify Ireland's protectionist laws, which are nothing but a way of discriminating against breeders who are not from that country or from the UK?

Does the Commission not think that, since a sizeable proportion of the revenue generated by the levy is invested by the Irish in the marketing of their own foals at auction, unfair competition is being practised vis-à-vis the other Member States who have no access to such revenue?

Answer given by Mr Fischler on behalf of the Commission

(16 April 2002)

The Commission is conducting a detailed investigation of the problem raised by the Honourable Member and will inform him of the outcome as soon as possible.