ISSN 1725-2423

Official Journal

of the European Union

C 242 E

Volume 46

9 October 2003

English edition

Information and Notices

Notice No | Contents | Page

EN

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

I

(Information)

EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

(2003/C 242 E/001)

WRITTEN QUESTION E-0245/02
by Maurizio Turco (NI) to the Commission

(6 February 2002)

Subject: Clarifications concerning the answer to the written questions on the review of action taken in Afghanistan pursuant to the various objectives set out in the Council common position of 22 January 2001

The Commission decided to provide a single answer to Written Questions E-3220/01 — E-3252/01 [1] on the review of action taken in Afghanistan pursuant to the Council common position of 22 January 2001. It emerges from this answer that, apart from humanitarian aid and a number of declarations, the commitment entered into has not been fulfilled ('the Commission intends to direct its action towards achieving the objectives of the common position' — Article 7).

Therefore, the simple question posed in each of the written questions is being asked once again:

What practical action did the Commission take — prior to the events of 11 September — with a view to achieving the individual objectives stated in the Council's common position? In particular how much European funding (in euro) was spent between 1 January and 11 September 2001, how much was earmarked for activities in Afghanistan and under what heading (budget item and project title), to whom were the sums paid and which of them were subject to controls and/or checks and by whom, and what were the results?

[1] OJ C 160 E, 4.7.2002, p. 76.

Supplementary answer
given by Mr Patten on behalf of the Commission

(27 August 2002)

Between 1 January 2001 and 11 September 2001, only two budgetary instruments were used for carrying out Community actions in Afghanistan. These are, on the one hand, humanitarian aid and, on the other hand, aid to uprooted people. All the sums were paid to either International Organisations (such as United Nations High Commissioner for Refugees or Red Cross) or non-governmental organisations (NGOs).

The rest of the detailed information concerning Community funding during this period requested by the Honourable Member is displayed in the tables sent direct to the Honourable Member and to Parliament's Secretariat.

All projects, were subject to the standard checks and auditing procedures provided for in the standard conditions of the contracts. These operations are carried out, either directly by the Commission services or by external auditors. The results were fully in line with the objectives provided for in Article 1 of the Common position.

(2003/C 242 E/002)

WRITTEN QUESTION E-1587/02

by Glyn Ford (PSE) to the Commission

(5 June 2002)

Subject: Carriers' liability

Further to my questions on carriers' liability (E-0488/02 — 0493/02) [1] and the Commission's reply of 4 April 2002, could the Commission comment on the following point:

In the Commission's answer to the question concerning the refusal of a potential asylum-seeker to board a flight because of an airline's fear of being fined, can it be interpreted that the Commission shares a view that is more frequently advocated, that the Geneva Convention obliges Contracting States to offer protection to persecuted persons, but does not oblige Contracting States to ensure that persecuted persons dispose of a means of reaching their territory to seek protection? Shifting immigration control tasks to carriers and requiring entry visas are therefore not, in the opinion of those who share this view, contrary to the Geneva Convention. If the Commission does not share this view, can the Commission comment on it?

[1] OJ C 301 E, 5.12.2002, p. 45.

(2003/C 242 E/003)

WRITTEN QUESTION E-1588/02

by Glyn Ford (PSE) to the Commission

(5 June 2002)

Subject: Carriers' liability

Further to my questions on carriers' liability (E-0488/02 — 0493/02) [1] and the Commission's reply of 4 April 2002, could the Commission comment on the following point:

Even with the use of the most sophisticated equipment and the best possible and meticulous scrutiny of travel documents, documented or undocumented asylum-seekers still manage to arrive in EU Member States and the transporting carrier is fined. In huge international airports such as London Heathrow or Frankfurt, travellers dispose of a wealth of opportunities to dispose of their travel documents, hand them over to a facilitator or receive some other document from a facilitator travelling on board the same flight, before having to present themselves to the immigration control desk. Airlines have been and continue to be fined in such cases. The Commission will no doubt disapprove of such an interpretation of carriers' liability, but it is a reality that cannot be ignored. What can the Commission propose to remedy such a no-win situation for carriers?

[1] OJ C 301 E, 5.12.2002, p. 45.

(2003/C 242 E/004)

WRITTEN QUESTION E-1589/02

by Glyn Ford (PSE) to the Commission

(5 June 2002)

Subject: Carriers' liability

Further to my questions on carriers' liability (E-0488/02 — 0493/02) [1] and the Commission's reply of 4 April 2002, could the Commission comment on the following point:

Can the European Commission comment on the judgement of a British High Court judge who ruled on 5 December 2001 that holding lorry drivers responsible for transporting stowaways is 'unworkable in practice and unfair in law', that the fine of GBP 2 000 per stowaway (much lower than the amount required under the EU Directive of June 2001) is 'ruinous for many persons of ordinary means' and could

amount to violations of the European Convention on Human Rights, in particular its Article 6 on the right to a fair trial and Article 1 of Protocol No 1 on the protection of property (since a driver risks having his vehicle confiscated if he cannot pay the fine immediately).

(1) OJ C 301 E, 5.12.2002, p. 45.

(2003/C 242 E/005)

WRITTEN QUESTION E-1590/02

by Glyn Ford (PSE) to the Commission

(5 June 2002)

Subject: Carriers' liability

Further to my questions on carriers' liability (E-0488/02 — 0493/02) (1) and the Commission's reply of 4 April 2002, could the Commission comment on the following point:

Since the Commission continues to share the view that carriers' liability legislation 'may be an efficient tool in fighting illegal immigration' and the Commission is apparently also of the view that such legislation should be fully harmonised and applied to all means of transport, does the European Commission also feel it necessary, for the sake of consistency and of wanting to avoid double standards, to impose carriers' liability legislation on taxi drivers as well as owners of private vehicles in regions close to the EU external borders? It may interest the Commission to know that this is already the case in at least two Member States, Greece and Spain.

(1) OJ C 301 E, 5.12.2002, p. 45.

(2003/C 242 E/006)

WRITTEN QUESTION E-1591/02

by Glyn Ford (PSE) to the Commission

(5 June 2002)

Subject: Carriers' liability

Further to my questions on carriers' liability (E-0488/02 — 0493/02) (1) and the Commission's reply of 4 April 2002, could the Commission comment on the following point:

The Commission's comment on the ruling of the Austrian Constitutional Court that it did not challenge the principle of carriers' liability as a means of restricting illegal immigration is indeed correct. However, as the Commission is aware, courts do not have the habit of responding to questions which are not raised and the Austrian Constitutional Court was not asked for an opinion on whether carriers' liability is a means of restricting illegal immigration.

(1) OJ C 301 E, 5.12.2002, p. 45.

(2003/C 242 E/007)

WRITTEN QUESTION E-1592/02

by Glyn Ford (PSE) to the Commission

(5 June 2002)

Subject: Carriers' liability

Further to my questions on carriers' liability (E-0488/02 — 0493/02) (1) and the Commission's reply of 4 April 2002, could the Commission comment on the following point:

Since the Commission considers that 'it is possible for Member States to adopt carriers' liability laws and to respect, at the same time, the obligations to which they subscribed under the 1951 Geneva Convention', and in many but not all countries applying such legislation a carrier is exempt from paying a fine if a claim for protection lodged by an insufficiently-documented traveller is considered admissible, does the Commission consider it reasonable to require an airline check-in staff member, who normally has no more than five minutes to examine travel documents, to decide whether a would-be passenger is a bona fide asylum-seeker, a task which even the most rapid, efficient, competent and well-trained officials of any Member State are very often unable to do within two days?

(1) OJ C 301 E, 5.12.2002, p. 45.

(2003/C 242 E/008)

WRITTEN QUESTION E-1593/02

by Glyn Ford (PSE) to the Commission

(5 June 2002)

Subject: Carriers' liability

Further to my questions on carriers' liability (E-0488/02 — 0493/02) (1) and the Commission's reply of 4 April 2002, could the Commission comment on the following point:

Is the Commission aware that in many airports around the world the task of checking in passengers is often done by the personnel of the country's national airline and not by the staff of the airline which is sanctioned if it carries insufficiently-documented passengers?

(1) OJ C 301 E, 5.12.2002, p. 45.

(2003/C 242 E/009)

WRITTEN QUESTION E-1594/02

by Glyn Ford (PSE) to the Commission

(5 June 2002)

Subject: Carriers liability

Further to my questions on carriers' liability (E-0488/02 — 0493/02) (1) and the Commission's reply of 4 April 2002, could the Commission comment on the following point:

If carriers' liability is indeed to be extended to taxi drivers and owners of private vehicles in regions close to EU external borders, should not all transport firms, again for the sake of avoiding double standards, also be fined if irregular migrants are found on board their vehicles, including private or state-owned inter-city buses?

(1) OJ C 301 E, 5.12.2002, p. 45.

Joint answer
to Written Questions E-1587/02, E-1588/02,
E-1589/02, E-1590/02, E-1591/02, E-1592/02, E-1593/02 and E-1594/02
given by Mr Vitorino on behalf of the Commission

(9 July 2002)

All eight questions posed by the Honourable Member relate directly to the issue of carriers' liability and should therefore be answered jointly.

On the general issues raised by the Honourable Member:

It should be recalled that the Commission has given an exhaustive overview of its position and activities concerning carriers' liability in its written answer of 4 April 2002 to six written questions (E-488/02 to E-493/02 [1]) submitted by the Honourable Member. Reference is made to the content of this answer.

On the additional detailed points raised by the Honourable Member:

— Question E-1587/02: in the currently ongoing trilateral experts' meetings, which are being organised by the Commission as a direct follow-up to the Round Table on Carriers' Liability of 30 November 2001, the Commission aims to facilitate an open and constructive dialogue of all interested parties on specific issues related to carriers' liability. The question raised by the Honourable Member will undoubtedly be subject to discussion in these experts' meetings. The Commission notes that there are diverging interpretations and opinions on the relationship between the 1951 Geneva Convention provisions and the issue of means of access to other states' territories by persons who seek to leave their own country for asylum related reasons. This divergence has not yet been solved at international level.

— Question E-1588/02: as already stressed in its above-mentioned answer, the Commission feels it is necessary to find a balance between the legitimate aim of preventing and fighting illegal immigration and the need to avoid excessive burdens on industry. The very specific issue raised by the Honourable Member will undoubtedly be subject to discussion in the experts' meetings mentioned above.

— Question E-1589/02: the Commission has taken note of the judgement delivered by the British High Court on 5 December 2001 in the case Roth International GmbH et al. v Home Office. The Commission notes that this judgement is still under appeal.

— Question E-1590/02: contrary to what the Honourable Member suggests in his question, the Commission has never called for 'fully harmonised carriers' liability legislation applied to all means of transport'. In the above-mentioned answer of 4 April 2002, the Commission stated that, for the moment, the issue of carriers' liability is not yet fully harmonised at European level and concluded that it is necessary to reflect on possible ways forward at European level. The ground for this reflection process is currently being laid within the above-mentioned round table process on carriers' liability and the Commission does not consider it appropriate to express concrete and detailed views at the present time on how possible future European legislation might look.

— Question E-1591/02: the Commission takes note of the clarification provided by the Honourable Member.

— Question E-1592/02: the issue raised by the Honourable Member will undoubtedly be subject to discussion in the experts' meetings mentioned above.

— Question E-1593/02: the Commission is aware of the fact raised by the Honourable Member.

— Question E-1594/02: the Commission does not consider it appropriate to express at the present time concrete and detailed views on how possible future European legislation might look.

[1] OJ C 301 E, 5.12.2002, p. 45.

(2003/C 242 E/010)

WRITTEN QUESTION P-2117/02

by Gary Titley (PSE) to the Commission

(10 July 2002)

Subject: Human rights in Hungary

Hungary is a front runner in accession negotiations to join the EU in 2004. However, it has only partially complied with the Copenhagen criteria laid down in 1993, which call on potential Member States of the EU to have a fully functioning market economy and to respect democracy and human rights.

I understand that mental health patients in Hungary are subject to some appalling conditions, such as confinement to what are known as 'cage beds'. In addition, the use of 'guardians', whereby a person is arbitrarily appointed trustee of another person, is questionable on human rights grounds. Indeed, such guardians wield a significant and disproportionate amount of power in that they are able to commit their trustees to a mental institution.

Whether Hungary currently breaches the ECHR is a moot point, and this is a separate issue from its eligibility to accede to the EU. However, the EU is based on the principle of respect for human rights and such controversial practices should not go unchecked since they could undermine the principles upon which the EU is founded.

Is the Commission aware of these practices, and what does it intend to do to resolve this situation?

Answer given by Mr Verheugen on behalf of the Commission

(2 August 2002)

The political criteria for accession, as laid down by the Copenhagen European Council in June 1993 and which have to be met by the candidate countries, are monitored by the Commission through its Regular Reports on candidate countries' progress towards accession. Assessment of respect for the political criteria, of which respect for human rights forms part, is carried out by the Commission on the basis of the broadest possible array of sources. This includes, besides information provided by each candidate country concerned, also contributions by, and exchanges with, relevant international organisations, such as the Council of Europe and the relevant United Nations (UN) bodies, and with non-governmental organisations.

Until now, neither the report of the Ombudsman for civil and political rights nor the UN Human Rights Committee (UNHCHR) have made explicit reference to the treatment of patients in psychiatric hospitals. However, the UN Committee for the Prevention of Torture (CPT) had raised in its 1999 report concerns about the situation in psychiatric hospitals in Hungary. Since then, the Hungarian Government has undertaken a number of measures (conduct of a nation-wide survey, publication of a circular prohibiting the use of caged beds in psychiatric hospitals) including the consolidation of the legal framework to remedy the situation. The provisions of the Health Care Act relating to psychiatric patients have since 2001 prohibited any torturous, cruel, inhumane, degrading or punitive measures. There is also the possibility for legal remedies and regular reviews by outside professional experts.

The Commission is following developments in this area in the context of its preparations for the upcoming 2002 Regular Report.

(2003/C 242 E/011) **WRITTEN QUESTION E-2121/02**

by Marjo Matikainen-Kallström (PPE-DE) and Gordon Adam (PSE) to the Commission

(17 July 2002)

Subject: Kozloduj nuclear power plant

We refer to the view of the European Parliament as expressed in a motion for a resolution on the accession process, adopted in June 2002, concerning the open-minded approach that should be adopted in reaching agreement on the future of the two nuclear units 3 and 4 at Kozloduj in Bulgaria.

Given the substantial upgrading which has been done to the plants and which, according to the IAEA, address all the original safety concerns, and given the existence of an independent and professionally staffed nuclear regulator in Bulgaria, could the Commission explain the technical basis for demanding closure of these plants as a condition for Bulgarian accession to the EU?

If any uncertainty remains concerning this issue, would not the Commission consider it appropriate to ask WENRA to revisit the plants and offer a further independent opinion?

Answer given by Mr Verheugen on behalf of the Commission

(23 September 2002)

The Commission has repeatedly emphasised the importance of a high level of nuclear safety in all candidate countries.

With regard to units 3 and 4 of the Kozloduy Nuclear Power Plant (NPP), in an Understanding reached in 1999, Bulgaria committed to the early final closure of units 3 and 4 before the initially envisaged dates of 2008-2010, respectively.

Within the context of the accession negotiations on chapter 14 (energy) and noting Bulgaria's commitment in the Understanding, Member States have invited Bulgaria to set in 2002 a firm date for the final closure of units 3 and 4 that is to be no later than 2006. This Union position has, with regard to the closure issue, taken precedence over the 1999 Understanding signed with the Commission. It is now up to Bulgaria to state its position within the framework of the accession negotiations.

Against this background, the resolution of the Parliament to which the Honourable Members refer is substantially directed at the Member States who have determined the Union's position on the closure dates.

With regard to safety improvements, the Commission is informed that, following its recent mission to Bulgaria, the International Atomic Energy Agency (IAEA) has been preparing a report on the measures taken by the Kozloduy NPP. The IAEA was expected to make its conclusions available to Bulgaria at the end of August 2002. The Commission will therefore only be in a position to comment on this report once the Bulgarian authorities have released it into the public domain.

The Commission recognises that improvements on the operational safety of units 3 and 4 have been made and notes the reinforcement of the nuclear safety authority in Bulgaria. These safety improvements were partially funded with Community assistance from the Phare financial instrument. However, the Commission points out that units 3 and 4 of the Kozloduy NPP continue to harbour a number of deviations from safety requirements due to their original design.

Given the position of the Union in the framework of the accession negotiations, the Commission sees no merit in addressing the Western European Nuclear Regulation Association (WENRA), particularly whilst awaiting the pending IAEA report. Furthermore, the Commission notes that the Peer Review Status Report of the Council of June 2002 [1] recently reaffirmed the importance of Bulgaria's commitment on the definitive closure of units 1 to 4 of the Kozloduy NPP at the earliest possible dates and recalled the Union's understanding that the closure of units 3 and 4 will take place in 2006 at the latest.

[1] http://europa.eu.int/comm/enlargement/negotiations/chapters/chap14/index.htm.

(2003/C 242 E/012) **WRITTEN QUESTION E-2131/02**

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

(17 July 2002)

Subject: Antenna in Akrotiri nature conservation area, Cyprus

On 1 July 2002, the British military authorities in Cyprus began to instal a new antenna in one of the ecologically most important parts of the island, the area around the Akrotiri salt lake south-west of Limassol. The new installation forms part of a network of antennas managed by the British Army.

This curtain array antenna will be 196 metres wide and will rear up 100 metres from the ground in the landscape of an area renowned for its unique birdlife and bird migration routes. The antenna will have a power rating of 500 kW and will operate continuously on a frequency of 3-30 mHz.

The area itself is in danger of being divided into two, which would appear to contravene the Ramsar Convention. Moreover, such European directives as the Habitats Directive and Wild Birds Directive are not being complied with. The area in question has been nominated for inclusion in the Natura 2000 Network.

Virtually nothing is known about the possible adverse impact of the continuous electromagnetic radiation on people or birds.

Is the Commission aware of the building of this installation, which is de facto taking place on British territory?

Is the Commission aware that no environmental impact assessment has been carried out and that neither the public nor NGOs have had the opportunity to state their views?

What view does the Commission take of the fact that British authorities are taking action in the territory of Cyprus which will have a drastic impact on a quite unique natural area, in disregard of European directives?

What action will the Commission take?

Answer given by Mr Verheugen on behalf of the Commission

(13 August 2002)

The Commission is aware of reports concerning the construction of a new antenna in the Sovereign Base Area (SBA) of Akrotiri.

It should be recalled that according to Article 299(6)(b) of the EC Treaty, this Treaty does not apply to the United Kingdom's SBAs in Cyprus. Therefore, Community law does not apply in these territories.

As regards any possible impact of the antenna on the people or territory of the Republic of Cyprus, this would be primarily a bilateral issue to be dealt with between the Cypriot and SBA authorities.

The Commission does not have competence to take action in this matter.

(2003/C 242 E/013) **WRITTEN QUESTION E-2162/02**

by Daniel Hannan (PPE-DE) to the Commission

(18 July 2002)

Subject: EU Special Representative in Bosnia

Can the Commission say how much Lord Ashdown is paid in his capacity as EU Special Representative in Bosnia? What financing is provided by the EU for his office?

With reference to the sacking and barring from future public office by Lord Ashdown of the democratically-elected Deputy Prime Minister of the Muslim-Croat Federation, Nikola Grabovac, can it say whether democratic standards will really be fostered in the new country when an unelected foreigner wields such arbitrary power in this manner? To quote the office of the Special Representative: 'This is about political responsibility. If Bosnia is to become part of Europe, then it needs to adopt these sorts of European standards'. Is Lord Ashdown teaching Bosnians a 'European standard' of public behaviour? If so, why has the Commission never publicly condemned any of the instances of massive fraud revealed in political parties in the EU? If not, will the Commission be reprimanding Lord Ashdown for his dictatorial behaviour, which is unacceptable from a representative of democratic European countries?

Answer given by Mr Patten on behalf of the Commission

(23 September 2002)

Lord Ashdown was appointed Union Special Representative in Bosnia and Herzegovina ('double-hatted') under a Council Joint Action (2002/211/CFSP) of 11 March 2002. He receives no Union remuneration in his capacity as Union Special Representative in Bosnia and Herzegovina (BiH). However, financing is provided for the operating costs of the Office of the High Representative under Council Regulation (EC) No 1080/2000 of 22 May 2000. In 2002 this financing is set at EUR 13 307 million.

Lord Ashdown dismissed Nikola Grabovac because, in his judgement, the latter had failed to supervise actively his ministry and to perform effectively the function of the Federation Minister of Finance. Mr Grabovac also 'failed to show the required leadership by taking political responsibility' for the loss of 1,7 million KM from the public purse. The powers of the High Representative do not derive from democratic election; but they are not arbitrary. They are conferred on him by annex 10 of the Dayton Peace Agreement and by the December 1997 Bonn Peace Implementation Council. In exercising his 'Bonn powers' the aim of the High Representative is to promote implementation of the Dayton Peace Agreement and a self-sustaining peace in Bosnia in which international supervision is, in due course, no longer necessary. The Union's efforts in BiH are designed to help the country make progress in the Stabilisation and Association process, and to realise its aspirations as a potential candidate for Union membership to become a member of the Union one day. But like other potential candidates, BiH must show that is willing, over time, to take on the obligations that would come with eventual Union membership.

The Commission strongly supports Lord Ashdown in his work as High Representative, and his decision in this case.

(2003/C 242 E/014) **WRITTEN QUESTION E-2169/02**

by Jaime Valdivielso de Cué (PPE-DE) to the Commission

(18 July 2002)

Subject: Enlargement

The Union of Industrial and Employers' Confederations of Europe (UNICE) recently drew attention to the slow working of the administration in certain candidate countries. Some cases of corruption have also arisen among these countries.

This situation considerably hinders the entry and establishment of firms from European Union countries.

What measures is the Directorate-General for Enlargement planning to take to mitigate this situation?

Has a quantitative assessment been made of the economic damage which might result from these 'technical' barriers?

Answer given by Mr Verheugen on behalf of the Commission

(12 September 2002)

As can be seen from the Commission's Regular Report on the progress towards accession in the candidate countries, the problems mentioned by the Honourable Member are known to the Commission. The information provided by UNICE, as by other independent sources, are very useful and are greatly appreciated.

The problems of administrative weakness have been addressed by the Commission since the beginning of its co-operation with the candidate countries. Many PHARE projects in all candidate countries aim at strengthening the capacity of public administration. In fact, today it is the core objective of PHARE. This has included specific programmes to combat corruption. These efforts continue under the PHARE

programmes presently under implementation, and further projects are being considered. However, it must be realised that the first responsibility for addressing these issues lays with the countries themselves.

The Commission has not undertaken a quantitative assessment of the economic damage resulting from such obstacles, which are being tackled in various forms.

(2003/C 242 E/015) **WRITTEN QUESTION P-2206/02**

by Walter Veltroni (PSE) to the Commission

(12 July 2002)

Subject: Situation of the poor in Nairobi

55 % of the population of Nairobi, approximately 2 million people, are living in slums scattered around the urban area without there being any relevant building policy. The economic, social and health conditions in these settlements are appalling and unfit for human beings. Most of the slums are on publicly-owned land which the government considers as unoccupied land which it can sell. When that happens the poor inhabitants, who have no legal entitlement, are forcibly evicted and their shacks are demolished, without there being any prospect of alternative accommodation.

Can the Commission say, in the context of its cooperation policy with the developing countries, what it thinks of this urgent and complex issue and whether it has taken the problem into account in its relations with the Kenyan authorities?

Answer given by Mr Nielson on behalf of the Commission

(6 August 2002)

1. The Government of Kenya, supported by the international community, has undertaken a large-scale consultation process, with the active participation of civil society, in order to define a coherent strategy to fight poverty and to eradicate it in the long term. This has led to the drafting of a Poverty Reduction Strategy Paper (PRSP) which is at the centre of the co-operation strategies of Kenya's main donors, including the Community.

No donor — including the Community — is in a position, however, to tackle the full range of Kenya's poverty issues alone. The coordination between the Government of Kenya and the donors leads to a sharing of work on the various aspects of poverty.

In this context, the Commission's main objective in Kenya is the fight against poverty in rural areas, reflecting the priorities of the PRSP. Three quarters of the poor live in rural areas.

The concentration on rural areas does not mean, however, that there is no contribution to fighting urban poverty: such contribution is made through support to national policies (e.g. health) which greatly influence the determinants of poverty in Kenya. In addition, support is given through a number of specific actions in areas such as education, water and sanitation. Income-generating projects are also financed through a micro-enterprise support programme. Furthermore, the Commission also funds a number of non governmental organisation (NGO) co-financed projects in the Nairobi slums supporting vocational training, the reinsertion into society of street children and human immunodeficiency virus (HIV)/acquired immune deficiency syndrome (AIDS) prevention.

2. Questions relating to land tenure in African countries are complex and usually difficult to resolve. They are far from being a particularity of urban areas alone and are usually linked to issues such as traditional property rights and colonial and post-independence legislative developments. By contributing to a more sustained development in rural areas, the Commission seeks to alleviate the flow of rural populations to the slums of major cities. It is preparing, in consultation with Member States, guidelines on

sustainable urban development, which deal with questions related to housing and land tenure. The Commission is also currently associated with the World Bank/United Nations- sponsored partnership 'Cities Alliance', the main focus of which is supporting urban development strategies, including slum upgrading. Kenya is one of Cities Alliance's target countries.

(2003/C 242 E/016) **WRITTEN QUESTION P-2209/02**

by Ian Hudghton (Verts/ALE) to the Commission

(12 July 2002)

Subject: VAT on safety helmets and hats in the UK

With reference to Annex H to the Sixth Directive on goods and services which may be subject to reduced rates of VAT and to the Commission's document entitled VAT Rates Applied in the Member States of the European Community, wherein the UK Government's zero rate of VAT for motor cycle and pedal cycle helmets is recorded, would the Commission please clarify what category in Annex H the UK Government used to justify application of VAT at 0 % for these items?

Could the Commission further give its opinion on whether safety hats used by horse riders could be covered by the definitions used by the UK Government to give motor cycle and pedal cycle helmets entitlement to zero-rated VAT?

Answer given by Mr Bolkestein on behalf of the Commission

(13 September 2002)

Under Community value added tax (VAT) legislation, Article 12(3)(a) of the Sixth VAT Directive (77/388/EEC [1]) lays down that Member States may apply a reduced VAT rate of no less than 5 % to supplies of goods and services referred to in Annex H of that directive. As this Annex H does not cover safety helmets, the standard VAT rate should apply to them.

In addition to this, in the course of negotiations of the Directive, or as part of their negotiations for joining the Community, certain Member States have retained separate rules in specific areas, an example in the United Kingdom being the zero-rates. These rules provide that Member States who applied exceptional rates on 1 January 1991 may continue to apply such rates for a further transitional period, under the conditions lay down in Article 28 of the Sixth VAT Directive. These rules are transitional, pending the adoption in Council, by unanimous decision, of a definitive VAT system under which far greater harmonisation is required. The Council has to date been reticent to adopt such changes.

As an exception to the normal rules, which foresee that the standard VAT rate should apply to any taxable transaction as a consumption tax, to avoid distortion of competition, provisions concerning reduced rates should be construed in the most restrictive way. For zero-rates, this applies all the more because they are specific derogations granted to some Member States.

The Commission is of the view that the current United Kingdom zero-rates could not be extended to cover safety hats worn by horse riders.

---

[1] Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment — OJ L 145, 13.6.1977, Directive as last amended by Directive 2002/38/EC — OJ L 128, 15.5.2002.

(2003/C 242 E/017)

WRITTEN QUESTION E-2213/02

by Karin Junker (PSE) to the Commission

(22 July 2002)

Subject: Support for Oxfam's 'Make Trade Fair' campaign

On 11 April 2002 Oxfam launched its 'Make Trade Fair' campaign. This is a campaign by which Oxfam is seeking to facilitate access to European markets for poorer countries.

One of its demands is for the foundation of a new institution which will promote distribution and prevent oversupply, in order to boost prices to a fair level and ensure that this pricing is not subverted by agreements.

This should be accompanied by guaranteed access to new technology, and in particular to basic medicines, partly through the democratisation of the WTO.

Hitherto the Commission has given Fair Trade activities a rather low priority.

I should therefore like to ask the Commission whether, and if so in what form, it is supporting or intends to support Oxfam's 'Make Trade Fair' campaign, particularly in the context of ACP cooperation.

Answer given by Mr Lamy on behalf of the Commission

(8 October 2002)

The Union was at the forefront of the promotion of a new trade round, which was successfully launched last November 2001 in Doha. The declared scope of this round is to foster the integration of developing countries in the world economy. Following the launch of the round, negotiations are ongoing in Geneva to reach that result and the outcome of these negotiations will certainly improve the access of developing countries' products to the European market. To this end, however, it should be noted that the Union did not wait for the new round in order to facilitate such access: the 'Everything but arms' initiative that was launched beforehand basically opened the doors of the Union's market to all the products originating in the least developed countries.

While further access to the European and, possibly, other markets will be beneficial for the economies of most developing countries, this may not be sufficient for those countries that mainly export commodities as Oxfam rightly noted. The Commission is currently studying possible answers to this problem.

In the context of the World Trade Organisation (WTO) negotiations, the Commission also intends to address the problems linked with access to new technologies including medicines and it has already submitted its proposals in Geneva to this end.

With reference to improved access to medicines WTO Members agreed on a Declaration on the relation between health issues and the Trade related aspects of intellectual property rights (TRIPs) Agreement in Doha in November 2001: with regard to paragraph 6 in the Declaration the Community has proposed an amendment to article 31 of the TRIPs Agreement.

At the same time the Commission will continue to act to foster the transparency of the WTO as showed by the recently adopted decision of the WTO to facilitate the de-restriction of its documents.

In addition, the Commission intends to further the integration of developing countries in the world economy also at the bilateral and regional levels including especially at the African, Caribbean and Pacific States (ACP) level where, in compliance with the Cotonou Agreement, the Community and the ACP are about to launch the negotiations of Economic Partnership Agreements.

As far as Fair trade activities are concerned, which private companies carry out, the Commission does and will continue to support them while assuring the respect of its international obligations. Furthermore, the Community is already actively engaged in international efforts to ensure that international commodity markets operate more transparently and efficiently.

Finally, since the launch of the campaign the Commission has been in regular contact with Oxfam through meetings and seminars and has been studying their proposals. This dialogue has been constructive and useful and will certainly continue throughout the Doha Development Agenda (DDA) negotiations, the Economic Partnership Agreement negotiations and beyond.

(2003/C 242 E/018) **WRITTEN QUESTION E-2226/02**

by Nuala Ahern (Verts/ALE) to the Commission

(23 July 2002)

Subject: Grant for 2001 under Item B7-6200, Forests and Environment

Can the Commission confirm that it could not commit the entire appropriation for 2001 from Item B7-6200, Forests and Environment, because of delays resulting from poor communication between DG Development, DG Environment and the EuropeAid Cooperation Office services, with the result that the resources allocated for sustainable management of the forest ecosystems in Central Africa were significantly reduced?

Answer given by Mr Nielson on behalf of the Commission

(25 October 2002)

The Commission regrets that part of the 2001 appropriation for budget line B7-6200 could not be committed. In fact, given the importance of the subject and the fact that certain proposals had almost completed the approval procedure, the services agreed the exceptional measure of carrying over EUR 7 million of the allocated amount, which would otherwise have been lost to the programme.

The Commission fully recognises the importance of the ecosystems in Central Africa and continues to support the conservation and sustainable management of the forests in the Congo Basin. In fact, the two proposals for forest ecosystems in the Congo Basin which were not approved in 2001 have subsequently been adopted, so the resources allocated to this region have not been significantly reduced.

(2003/C 242 E/019) **WRITTEN QUESTION E-2246/02**

by Glenys Kinnock (PSE) to the Commission

(23 July 2002)

Subject: Sudan

In view of the International Crisis Group's latest report on Sudan, would the Commission agree that there are a number of reasons for concern about recent developments in that country?

Are these concerns being raised with the Government of Sudan, and if so would the Commission clarify exactly what issues are being raised and what the response has been?

Answer given by Mr Nielson on behalf of the Commission

(22 August 2002)

The Commission is aware of the developments in Sudan and is particularly concerned about the escalation of the fighting during the first half (dry season) of this year -which is partly due to the acquisition of new weaponry by both sides — and possibly the restriction of humanitarian access, as described in the International Crisis Group (ICG) report of 27 June 2002.

The issue of the war and the related peace process are constantly being addressed in the Union-Sudan dialogue, which now takes place on a monthly basis. It is worthwhile to mention that the reactivation of the political dialogue between Sudan and the Union has opened the possibility to a progressive normalisation of the Union-Sudan co-operation in terms of the Cotonou Agreement provided progress in the political dialogue is considered satisfactory by the Union.

Furthermore, a number of actions are being taken by the Commission: (i) a declaration of the Union Presidency on behalf of the Member States has been issued condemning the impeded access; (ii) a donor meeting was held in Geneva on June 26 2002 where several actions were decided including joint declarations, regular donor meetings, joint donor missions, etc. and (iii) the Delegation in Khartoum is actively exercising strong pressure on the Government of Sudan and the other warring parties alongside the United Nations agencies and other humanitarian donors.

The recent progress in the peace talks indicates that there might at last be hope for ending the war in the near future. If this will be the case, then the concerns addressed by the ICG report would be fortunately resolved.

The Union gives its utmost importance to support the negotiations, which have been resumed after 12 August 2002.

Finally, it has to be underlined that the Union as well as Member States need to be continuously informed during the negotiation process and not only at the end of each round, which can only be done by United Kingdom and Italy, who are attending the talks as observers.

(2003/C 242 E/020) **WRITTEN QUESTION E-2248/02**

by Pedro Marset Campos (GUE/NGL) to the Commission

(23 July 2002)

Subject: Construction of a hydroelectric power station on indigenous land in Chile

The company Endesa Chile, which has been privatised and acquired by Endesa España, is in the process of constructing the Ralco hydroelectric power station. This will result in the flooding of 630 hectares of indigenous land and the disappearance of two Pehuenche Indian communities which have always existed in the Alto Bio Bio, and contravenes Indigenous Law No 19.253 of 5 October 1993 and the Basic Law on the Environment No 19.300 of 9 March 1994.

Furthermore, adverse opinions on this construction project have been issued by 22 relevant Chilean public bodies, and the World Bank has refused to grant it funding because it contravenes its code of ethics.

Eight of the 93 families living in the area have asserted their rights under the Indigenous Law and refused to be relocated, while the others have caved in to pressure, threats and blackmail.

The Chilean government is affecting ignorance of its own laws, and has set up a Committee of Wise Men to put a figure on the compensation payable to these eight families. This is unlawful and sets an alarming precedent for the indigenous peoples of Chile and their survival.

1. Is the Commission aware of this situation?

2. Does it not feel there is a need, in the light of the recently signed EU-Chile Association Agreement, to demand respect of democracy clauses and the indigenous rights they contain?

3. What measures is it considering taking with regard to this violation of indigenous rights and therefore of the EU-Chile Association Agreement?

Answer given by Mr Patten on behalf of the Commission

(17 September 2002)

1. The Commission is aware of the construction of the Ralco hydroelectric power station. It also knows that more than 600 people, including 85 indigenous families, accepted the resettlement plans proposed by Endesa and that only eight indigenous families did not accept to be relocated.

2. The draft Association Agreement between the Community and its Member States and the Republic of Chile contains a general clause concerning the respect of democratic principles and fundamental human rights (Article 1). This Agreement has not yet been signed by the two parties, though signature is foreseen during the second semester of 2002.

3. The reallocation of these eight families is being dealt with by Chilean justice according to the Chilean Law. Furthermore, the Commission understands that the Chilean President, Ricardo Lagos, met the Pehuenches families at 'La Moneda' on 5 July 2002 and committed himself to find 'an equitable solution' to this issue.

4. The Commission has been informed that the Government is trying to find an equitable solution to this sensitive matter that respects the rights of the indigenous people and at same time does not jeopardise investment necessary for promoting the sustainable development of the country as a whole. Therefore, the Commission believes that there are no reasons justifying a Commission action at this point in time.

(2003/C 242 E/021) **WRITTEN QUESTION E-2256/02**

by María Sornosa Martínez (PSE) to the Commission

(24 July 2002)

Subject: Aid for solar photovoltaic and thermal energy in Spain

As part of the Plan de Fomento de Energías Renovables (Plan for the Promotion of Renewable Energy Sources), the Spanish Ministry of Science and Technology recently published two decisions laying down the rules governing the granting of support aid for solar photovoltaic and thermal energy and inviting applications for such aid (Spanish Official Journal No 74).

Point 7 of the section 'Eligible Projects' contains a clause stating that no applications will be considered in the case of investment in installations that harness solar power for heat or electricity when this investment is a consequence of obligations laid down in laws or regulations emanating from national or European public administrations.

However, this clause might be discriminatory in cases where, for example, a local council wants to implement its own local Agenda 21 and issues an order to encourage the setting-up of solar power facilities. In this scenario, the two decisions issued by the Ministry of Science and Technology would discriminate against potential promoters of clean energy facilities, who would not be eligible for aid. It would therefore seem that there is a contradiction between something that the European Union is promoting and has approved and what is being applied in a Member State, in this case Spain.

It should be borne in mind that:

— both the decisions of the Spanish Ministry draw on the guidelines set out in the Renewable Energy White Paper;

— in its Sixth Framework Programme, the European Union firmly emphasised the promotion of alternative energies as a means of achieving sustainable development;

— the European Union currently has a solid support framework for promoting energies of this type (Altener, SAVE, the Intelligent Energy for Europe programme, etc.);

— the Member States of the European Union have shown their willingness to meet the commitments set out in the Kyoto Protocol, starting with their ratification of the Protocol en bloc.

Does the Commission not feel that the clause contained in the two Spanish decisions on solar energy is in clear conflict with the above points, which currently define European policy in the field of renewable energies?

In what way does the Commission consider that the above-mentioned exclusion clause might hinder the granting of Community aid in the context of 'laws or regulations emanating from European administrations'?

Supplementary answer
given by Mr Monti on behalf of the Commission

(25 November 2002)

The Honourable Member asks whether the conditions set by the Spanish Ministry of Science and Technology for the granting of national state aid are an obstacle to receiving Community aid.

The Community policy on state aid for environmental protection is set out in the relevant Community guidelines ([1]). As emphasised in point 32 of the guidelines, investments to promote renewable sources of energy are deemed equivalent to environmental investments in the absence of mandatory Community standards and are thus encouraged by the Commission, which accepts the granting of state aid.

However, Community aid cannot be treated in the same way as state aid because it is financed by the Community budget and not by those of the Member States. Accordingly, the clauses laid down by the Spanish Ministry of Science and Technology governing national aid cannot be seen as obstacles to the receipt of Community aid. However, it should be stressed that, where a project simultaneously receives national aid and Community aid, point 74 of the Community guidelines, which concerns overlapping aid, applies.

([1]) OJ C 37, 3.2.2001.

(2003/C 242 E/022) **WRITTEN QUESTION P-2279/02**

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

(18 July 2002)

Subject: Modification of the Spanish Law on personal income tax

The draft act partially reforming personal income tax in Spain (which is governed by Law No 40/1998 of 9 December 1998) was published, along with other tax rules applicable in that country, in the Boletín Oficial de las Cortes Generales on 5 June 2002. The act is due to become law on 1 January 2003.

Article 77 of the above Law sets out the tax arrangements applicable to Spanish citizens who derive income from units held in collective investment undertakings, irrespective of whether these are based in Spain or abroad. The amendment that the Spanish government is seeking to introduce would see tax benefits being granted to unit-holders who reinvest the units they hold in non-corporate organisations in other types of unit fund. The tax benefits would not apply to transfers from or to corporate organisations. Given that the majority of the corporate organisations operating in Spain are foreign organisations, could this not be construed as the Spanish authorities impeding free competition or imposing some other form of de facto protectionism?

Do these new provisions comply with the judgment of the Court of Justice of 5 June 1997 in case C-398/95 (SETTG) and Article 49 of the EC Treaty, which prohibits any restrictions liable to discourage the activities of service suppliers, irrespective of their nationality?

In any case, is the Commission aware that the modification which the Spanish authorities intend to introduce under this reform, as regards the applicable tax treatment of reinvestment by Spanish citizens in

Spanish and European non-corporate collective investment undertakings harmonised under Directive EEC/85/611 [1], will have a discriminatory effect on European corporate collective investment undertakings operating in Spain?

[1] OJ L 375, 31.12.1985, p. 3.

Answer given by Mr Bolkestein on behalf of the Commission

(2 October 2002)

The Commission has taken note of the Bill on the reform of Personal Income tax (regulated in the law 40/1998 of 9 December 1998) and other fiscal measures applicable in Spain, as published in the Spanish Congress Bulletin.

Council Directive 85/611/EEC of 20 December 1985 on undertakings for collective investment in transferable securities (UCITS), as well as its successive amendments, do not contain any tax provisions on UCITS, whatever their legal form is (with or without legal personality).

However, according to constant case-law of the Court of justice of the European Communities, even if direct taxation falls under the exclusive competence of Member States, these cannot, however, fail to respect Community rules, and must exercise their competence in the respect of Community law [1].

As the Honourable Member points out, there appears to be a risk of subsequent restriction of competition and even a new barrier to freely provide services throughout the Union, as these companies might feel obliged to change their legal form to a fund in order to be able to continue operating in Spain in a profitable way [2], whereas at the same time they would no longer be able to take into account a preference by subscribers in other Member States for companies.

There also appears to be a danger of indirect discrimination of foreign investment companies that operate under corporate form.

The Commission has already contacted the Spanish authorities to ask for an explanation of the reasons that have led to the introduction of a difference in the tax treatment of the tax payer depending on his investment in 'common funds' (without legal personality) or in 'investment companies' (under a corporate form) in the meaning of Article 1.2 of Council Directive 85/611/EEC. If the reply does not eliminate the doubts that may occur as to the compliance of the new provisions (if the bill were adopted as it is) with Community law, the Commission may envisage to take the necessary steps that are at its disposal as guardian of the EC Treaty.

[1] Cases C-279/93 'Schumacker', judgment of 14.2.1995, C-80/94 'Wielockx' judgment of 11.8.1995, C-107/94 'Asscher' judgment of 27.6.1996, C-250/95 'Futura Participations' judgment of 15.5.1997, C-250/95 'Singer' judgment of 15.5.1997, C-118/96 'Safir' judgment of 28.4.1998, C-264/96 'Imperial Chemical Industries' judgment of 16.7.1998, C-311/97 'Royal Bank of Scotland' judgment of 29.4.1999, C-35/98 'Verkooijen' judgment of 6.6.2000.

[2] Cases C-270/83 Commission v France, judgment of 28.1.1986 y C-398/95 SETTG, judgment of 5.6.1997.

(2003/C 242 E/023) **WRITTEN QUESTION E-2319/02**

by Paul Rübig (PPE-DE) to the Commission

(26 July 2002)

Subject: Application of national competition law in Slovakia in accordance with EU law

As part of the EU accession process, Slovakia has undertaken to bring its laws gradually into line with the acquis communautaire. This applies in particular to competition law.

A few weeks ago, Slovakia's Supreme Court quashed a decision on a merger between several breweries and referred it to the competition authority (Protimonopolny Urad). The stated reason was apparently that market shares had not been calculated correctly. Even before the original decision, concern had repeatedly been expressed about the substantial degree of concentration within the Slovakian beer market.

How does the Commission intend to provide the support required to ensure that Slovakia applies all relevant national competition law provisions and procedures in accordance with EU law?

Answer given by Mr Verheugen on behalf of the Commission

(20 September 2002)

The Commission is monitoring the alignment with and implementation of Community competition rules in Slovakia, both in the context of the Europe Agreement and in relation to the on-going Union accession process. As far as legislation is concerned, the Slovak Act on the Protection of Competition covers the main principles of Community antitrust rules regarding restrictive agreements, abuse of dominant position and merger control. This Act was substantially amended in February 2001, after consultations with the Commission. The Act in its amended form makes the Slovak legislative framework for anti-trust, including mergers, to a large extent compatible with the substantive competition provisions of the acquis.

As for administrative capacity, the Anti-Monopoly Office is the competition authority responsible in Slovakia for the application of the national competition law provisions and procedures in accordance with Community law. The Commission finds that this office is functioning well, with a good track record and a continued high level of staff training. In order to support the Slovak authorities in properly applying the relevant competition rules, the Commission frequently provides the Slovak authorities with technical assistance on an ad hoc basis.

(2003/C 242 E/024) **WRITTEN QUESTION P-2365/02**

by Mark Watts (PSE) to the Commission

(26 July 2002)

Subject: Slaughter of baby seal pups on the White Sea, Russia

Will the Commission please state how many baby seal pups were clubbed to death on the White Sea in the year 2001? Further, will the Commission please undertake to raise the matter with the Russian authorities at the earliest opportunity?

Answer given by Mr Patten on behalf of the Commission

(27 August 2002)

The treatment of baby seals in the White Sea has been an ongoing concern in recent years. The Commission has raised the issue with the Russian authorities on a number of occasions in the context of its Partnership and Co-operation Agreement, and will continue to do so.

The Commission has no information about the numbers of seal pups which have died in the White Sea, nor about the reasons for such deaths. The Russian authorities have been approached, but have so far indicated that they themselves do not have this information.

(2003/C 242 E/025) **WRITTEN QUESTION E-2375/02**

by Glyn Ford (PSE) to the Commission

(2 August 2002)

Subject: GATS

Local authorities have responsibility for land-use planning and, in their role as planning authorities, place restrictions on the supply of services, including limitation of the scale and distribution of developments. Could the European Commission clarify what impact the current negotiations on GATS will have on local authorities' planning activities?

Answer given by Mr Lamy on behalf of the Commission

(10 September 2002)

The Commission is committed to safeguarding local communities' possibilities for pursuing a variety of legitimate policy objectives through land-use planning, such as preserving community character and protecting the environment, throughout the course of the current trade round. Some Members have raised issues such as lack of transparency in town-planning regulation for further discussion with the aim of looking at possible ways to improve transparency of the planning process.

(2003/C 242 E/026) **WRITTEN QUESTION E-2377/02**

by Glyn Ford (PSE) to the Commission

(2 August 2002)

Subject: GATS

The complexity of the current GATS negotiations highlights the requirements of many EU citizens for effective and transparent governance within the European Union and its institutions. In the light of these concerns, could the European Commission clarify the EU decision-making process whereby the General Agreement on Trade in Services is negotiated and, more specifically, confirm the role of the European Parliament and the Committee of the Regions in this process?

Answer given by Mr Lamy on behalf of the Commission

(17 September 2002)

The Community has exclusive competence for the common commercial policy (Article 133, paragraph 1 of the EC Treaty). This provision has its origins in the requirement for the Community to take responsibility for the external consequences of the internal policy to establish a customs union. Article 133, paragraph 1 provides for exclusive Community competence essentially for trade in goods, cross-border services not implying movement of persons and some very specific aspects of intellectual property rights. However, there is provision for its scope to be extended to include the full range of trade in services, and intellectual property, should the Council decide unanimously to do so (this widening of exclusive powers is further extended under the Nice Treaty).

In the case of the international agreement likely to result from the Doha Development Agenda, the Council adopted conclusions in 1999 setting out the objectives of the negotiations. These constitute the basis for the negotiations which are conducted by the Commission in consultation with a Committee designated by the Council under the EC Treaty (the Article 133 Committee). The Council is responsible for concluding agreements. Responsibility for the day-to-day management of trade policy lies with the Commission, which keeps in close contact with the Council through the Article 133 Committee, which meets on a regular basis.

Although the Parliament has no formal role in the formulation of trade policy under the existing treaties, it is in accordance with the Framework Agreement of 5 July 2000 regularly briefed on trade policy issues and consulted on key questions. Certain trade matters may also be related to agreements requiring the assent of the Parliament under Article 300, paragraph 3, subparagraph 2.

The Committee of the Regions is not involved in the decision making process with regard to the common trade policy and has so far not devoted any own initiative reports to trade policy. However, the Commission is ready to inform the Committee of the Regions about specific trade issues, in particular as the Doha Development Agenda moves ahead.

(2003/C 242 E/027) **WRITTEN QUESTION E-2383/02**

by Charles Tannock (PPE-DE) to the Commission

(2 August 2002)

Subject: CD piracy

Does the Commission have any information on reports that there has been a substantial increase in the production and sale of counterfeit CDs and music cassette tapes in Ukraine and, if so, can the Commission indicate what action is being taken either by the Commission or by the Ukrainian authorities to address the problem?

Does the Commission have any reports of similar activities in any of the applicant Countries, and, if so, which country has the greatest level of illegal activity in this area?

Answer given by Mr Patten on behalf of the Commission

(23 September 2002)

The Commission can confirm that the production of pirated CDs and other intellectual property rights (IPR)-related goods in Ukraine has increased significantly over recent years. Piracy and a lack of adequate protection of intellectual property rights in Ukraine have become a real concern for the Community and its enterprises, notably as regards CDs, DVDs, CD-ROMs and books, as well as infringements of geographical indications. Ukraine has recently considerably improved her copyright legislation. Nevertheless, enforcement of IPR remains a point of serious concern. The recording industry reported a piracy rate in Ukraine of 99 % resulting in estimated losses of USD 210 million per year. This has not only an effect on the Ukrainian market, but also on neighbouring countries to which more than 30 million pirated CDs are exported annually.

The Commission has repeatedly expressed serious concerns about the rampant piracy and counterfeiting in Ukraine and, in general, about the lack of adequate enforcement of IPR legislation which leads to major losses both for European and local right-holders. This issue has been raised at regular meetings of the Community-Ukraine Cooperation Committee and its Sub-Committees, and also by means of letters addressed to the Ukrainian Government and Rada.

Both the Commission and the Ukrainian authorities are well aware of this issue, and under the Community-Ukraine Partnership and Cooperation Agreement (PCA), which entered into force in 1998, Ukraine committed itself to adopt a level of protection similar to that in the Community by 2003, and to accede to a number of international conventions on IPR (Article 50 and Annex III of the PCA).

In the past year, the Ukrainian government has made some substantial legislative efforts in the IPR field, which have been welcomed by the Community as significant steps in complying with PCA obligations and in combating piracy and counterfeiting (i.e. amendments to the law on copyright as well as the adoption of the new Criminal Code, which strengthens penalties for IPR infringements, and accession to a number

of important international conventions in this area such as the Rome Convention, the World Intellectual Property Organisation (WIPO) Copyright Treaty and the WIPO Performances and Phonograms Treaty).

But along with further legislative improvements Ukraine must urgently ensure the implementation and enforcement of the adopted legislation. This includes notably the creation of appropriate infrastructure to ensure effective IP rights management, including registration mechanisms, where applicable, and a strengthening of the administrative capacity and enforcement measures, including border controls, in particular in the area of copyright.

The Commission is assisting the Ukrainian authorities in these efforts by offering technical assistance under the TACIS programme. A further project of support to the relevant institution building is currently being prepared.

The Commission has also been working closely with the customs administrations of the Member States and rightholders, in particular the international Federation of Phonographic Industries to address this serious problem. Close co-operation and technical workshops have increased the seizures made under the Community customs legislation dramatically. In 2001 customs in the Member States stopped more than 40 million pirated CDs and DVDs, a 349 % increase over the figure for 2000 and a 15,300 % increase over the figure for 1999. Criminals handling such goods change transport routes and methods to disguise the origin of these goods and hence precise figures by countries of origin are not available. However, there are indications that production may be shifting from Ukraine to other countries. The previous situation whereby many of these items originated in the Ukraine appears to be changing as production moves to other countries.

As regards similar problems in the applicant countries, the Commission is monitoring efforts to combat piracy and counterfeiting in the framework of the accession negotiations. Whereas the enforcement record in the candidate countries, in particular in the Baltic States, has been a matter of concern in recent years, the effectiveness of the judicial and administrative bodies involved in enforcement is increasing in order to meet the requirements in the field of protection of intellectual property rights. In October 2002, the Commission will again report on the measures adopted throughout the last year in its Progress Reports on each candidate country.

The Commission has also actively involved the enforcement authorities of the candidate countries in the Customs 2002 seminars which bring together rightholders and enforcement authorities to improve risk management and controls in this area.

(2003/C 242 E/028) **WRITTEN QUESTION E-2436/02**

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

(26 August 2002)

Subject: Alleged mismanagement of funds entrusted to the European Communities

Marta Andreasen was Budget Execution Director and Accounting Officer at the European Commission, a very senior post. In accordance with the relevant legislation, she had full responsibility for the 'funds entrusted to the European Communities'. Any allegation made by her of mismanagement, is, therefore, extremely serious.

Does the Commission have an accounting system that supports the accounts presented each year by the Commission?

Does the Commission have a secure, coherent and exhaustive computer system on which financial transactions are processed?

Is there compliance with basic and minimum accepted international and governmental accounting standards?

How do the Commission's accounting and auditing practices compare with the 15 Member States' systems?

Does the European Commission use double-entry bookkeeping as a standard accounting discipline?

Is there compliance with all aspects of the current Financial Regulation?

Has there been a Treasury audit in the last 10 years?

Are there cash flow statements for the Commission?

Without any of the above, is it possible to produce reliable accounts covering EU institutions?

Answer given by Mrs Schreyer on behalf of the Commission

(27 November 2002)

1. and 2. The Commission does have an accounting system that supports the accounts presented each year.

The Commission's central financial management and accounting needs are provided for by a central computer system (Sincom2), introduced for the first time in 1997 and extended to cover all Commission services in 1999. The architecture of this system comprises three different elements, which are inter-linked and also interfaced with the local systems of the operational services, which exist primarily to meet local management needs.

The three central sub-systems are designed to meet the needs of different users:

— SAP R/3 is used by the services of the Accounting Officer and by the Financial Controller. This system is the official accounting system of the Commission in which budgetary accounting, general accounting, treasury management, the validation of bank data concerning third parties, recoveries and the emission of payments via the SWIFT banking network are carried out;

— Si2 is the budgetary management tool for the authorising services. Transactions are introduced by the Directorates General (DG) in Si2, either directly or indirectly via transfer from local computer systems through a standard interface. Irrespective of their origin, all transactions must follow an internal workflow within the DG and must be validated in Si2 by the authorising officer before transfer into R/3; and

— the data warehouse, which is a reporting tool, and into which data from Si2 and R/3 are copied.

The legal reporting by the Accounting Officer is carried out on the basis of SAP R/3 data.

2. Access to all parts of the Sincom2 system is password controlled. Passwords are only attributed to approved persons. Individuals' access in the system is limited to the areas and actions for which a senior officer has given approval. Security over the system is being constantly reinforced with the assistance of external computer security experts.

The vast majority of transactions pass without problem between the various sub-systems of Sincom2. However, some apparent inconsistencies have been identified principally due to differences in the data structure between systems. The Commission is currently carrying out a reconciliation between the systems in order to further improve the transmission of data between the different elements.

All data used to produce the Commission's accounts are included in Sincom2.

3. Legal provisions

The accounts are kept in accordance with the Financial Regulation [1].

Accounting principles:

— the accounts of the European institutions comprise general accounts and budget accounts;

— accounting for budget execution is based on the modified cash accounting principle [2];

— the general accounts show all expenditure and revenue over the financial year and are designed to establish the financial position of the Commission presented in the form of a balance sheet at 31 December.

— The general accounts are based on the following principles (which conform with generally accepted accounting principles):

  — the principle of going concern;

  — the principle of materiality and aggregation of data;

  — the principle of substance over form;

  — the principle of no-netting between assets and liabilities.

— The financial statements themselves take account of certain elements pertaining to the principles of prudence and accrual accounting.

— Harmonisation of the accounts and consistency of accounting data are achieved by applying the same rules of valuation (of assets and liabilities) and identical accounting methods in all European institutions currently falling within the scope of consolidation (Parliament, Council, Commission, Court of Justice, Court of Auditors, Economic and Social Committee, Committee of the Regions and the Ombudsman).

Respect of generally accepted accounting principles [3]:

— The International Federation of Accountants has in recent years established two sets of generally accepted accounting principles for the public sector, depending on the basis of the accounting methods adopted: cash basis or accrual basis. The budget of the Union is voted and executed on a cash basis.

— The Commission fully complies with the cash-based accounting standards, which constitute the traditional accounting standards used by the public sector. The Court of Auditors has consistently declared the cash accounts reliable.

— The financial computer system Sincom2 allows the Commission to produce fully automatic financial statements on a cash basis.

— However, as is the case for most Organisation for Economic Cooperation and Development (OECD) governments, the Commission does not, at present, fully apply the corresponding accrual accounting standards nor is this currently required by the Financial Regulation.

— To enhance the information provided in the accounts, nevertheless, the financial statements produced by the Commission take account of accrual elements such as the registration and depreciation of fixed assets, value adjustments for entitlements, provisions, pension rights, the entry of carryovers in the accounts as charges and debts for the financial year and registration of contingent assets and liabilities.

— The supplementary information needed to achieve this accrual-based accounting is collected throughout the Commission and introduced in the central accounting system (SAP/R3), on a double entry basis, by the Accounting Officer's services.

— In the context of general efforts to secure improvements in 2000 and 2001 a particular effort was made to improve the reliability of this additional, accrual based, information.

Evolution of the accounting framework and of the accounting standards

— The trend in the public sector has been to evolve from focusing on a cash-based description of budget expenditure and revenue operations, towards a system based on financial reporting in the private sector. In line with this trend, and with the requirements introduced into the new Financial Regulation by the Commission, the Commission will move towards the production of integrated accrual accounts. The recast Financial Regulation that comes into force on 1.1.2003 requires that an integrated accrual accounting system is in place by 2005.

— The incorporation of accrual data within the official accounting system, together with the overall respect of generally accepted accounting principles, is a key element in the ongoing accounting modernisation.

Conclusion:

— The Commission fully complies with the cash-based accounting standards and with the accounting requirements laid down in the current legal provisions. Furthermore, the Commission has already introduced several accrual-based elements and it has to apply full accrual standards by 2005, as laid down in the new Financial Regulation.

4. Few Member States or other public bodies fully comply with accrual accounting principles. There is a general underway in many countries, although the situation varies by country: in general, the Netherlands, Sweden and the United Kingdom are furthest towards this objective, while other Member States have not yet gone so far towards this.

From 2000 and the launching of the multi-annual plan for the modernisation of the accounting, the Commission started its move towards accrual based financial statements, and thus the Commission is participating actively in the general trend of the public sector accounting and changing faster than many Member States.

5. The Commission uses double-entry bookkeeping principles to account for the cash inflows, cash outflows, payment orders and recovery orders. The elements of accrual accounting already used by the Commission are also introduced into the system using double-entry principles.

6. The Commission has produced and produces reliable accounts, in accordance with the Financial Regulation. As the Honourable Member of the Committee on Budgetary Control knows, the Court of Auditors has never refused to give assurance on the reliability of the accounts.

The Court of Auditors' remarks in the Statement of Assurance concerning the general budget for the financial year closed in 31 December 2000 ([4]) concern the non-respect of accrual accounting principles and not the cash based accounting as such. The respect of accrual accounting principles is not however obligatory for the Commission in the current Financial Regulation. The new Financial Regulation imposes the application of these principles for the first time as from the financial year 2005.

7. The Court of Auditors is the external auditor to the Commission. The Court's auditors have access to all systems and data related to the Commission's activities, including the treasury function. The Court examines the Commission's accounts every year and as a part of this audit work it may examine the treasury function. The Court has not criticised the treasury used by the Commission in its reports.

8. The cash-flow statement shows actual payments up to the month in question and estimates for the following months. A range of data produced monthly can be found at the following address: http://europa.eu.int/comm/budget/execution/utilisation/details_fr.htm. These documents are available to the Budgetary Authority (Parliament and the Council).

9. The Commission has produced and produces reliable accounts. In spite of certain remarks concerning accrual based accounting aspects, the Court of Auditors has consistently given assurance on the reliability of the accounts.

(1) Financial Regulation of 21 December 1977, as last amended by Council Regulation No 762/2001 of 9 April 2001 and Commission Regulation No 3418/93 of 9 December 1993 laying down detailed rules for the implementation of certain provisions of the Financial Regulation, as last amended by Regulation No 1687/2001 of 21 August 2001.
(2) This differs from cash-based implementation because of elements such as carryovers.
(3) The IFAC (International Federation of Accountants) issues international accounting standards for the public.
(4) OJ C 359, 15.12.2001.

(2003/C 242 E/029)

WRITTEN QUESTION E-2557/02

by Erik Meijer (GUE/NGL) to the Commission

(13 September 2002)

Subject: Financial control 1: vital need, in response to negative public opinion, to recruit and retain officials who take a critical attitude

1. Is the Commission aware that large sections of public opinion in the Member States have little faith in the purpose, effectiveness, resolve and transparency of the European Union, seeing it as a vast organisation which they suspect of maintaining an unnecessarily centralist bureaucracy, wasting money and being susceptible to nepotism, profiteering and fraud, an attitude which helped bring about the resignation of the previous European Commission in the spring of 1999 and led to a low turnout in the subsequent elections to the European Parliament?

2. Does the Commission wish to remove the suspicions felt by citizens by publicly providing convincing evidence to the contrary, or is it resigned to seeing the situation described in the first question continue indefinitely?

3. Does the Commission consider the unfortunate situation described in the first question as a reason to show itself to be even more meticulous than non-profit institutions, national authorities of the Member States, local authorities and companies in managing its finances and seeking to understand what has gone wrong and what needs to be improved?

4. Does the Commission agree that, in the light of the above, it is extremely inadvisable to remove from their posts officials who criticise the management of finances or to restrict their opportunities for voicing criticism, including in cases in which it considers that it has very strong grounds for refuting the criticism, since this gives rise to the suspicion that unlawful practices are being concealed, remain unpunished and are continuing?

5. Does the Commission agree that recruiting and retaining officials who take a critical attitude is a necessary and inevitable counter to the enduring suspicions referred to in the first question, and that this is an essential means of refuting such suspicions?

6. Would it not be advisable, in the view of the Commission, both in its capacity as manager of public affairs at EU level and in terms of protecting its own position, to present a positive image of an EU that counts among its ranks officials who take a critical attitude and that at all times allows independent experts to examine the way in which the Commission is organised?

Answer given by Mrs Schreyer on behalf of the Commission

(7 January 2003)

1. The Commission does not share the opinion expressed in the first paragraph of the question.

The Commission favours a strict, 'zero tolerance' approach to fraud and corruption.

Significant means have been put in place to deal properly with cases of this kind:

— The European Anti-Fraud Office (OLAF) initiates and carries out its investigations entirely independently;

— rules have been adopted on whistleblowing;

— a fraud-proofing mechanism for new proposals has been set up;

— new legislation gives new means to prevent and to combat fraud — for example the new Financial Regulation; and

— an Investigation and Disciplinary Office has been set up.

However, these instruments cannot interfere with the fundamental principles of the right to fair treatment under the law, protection of the rights of the defence and the presumption of innocence.

The Commission launched 36 specific financial management measures under its Reform White Paper presented in March 2000 [1]. These actions are well under way and following the Council Decision on 25 June 2002, the new Financial Regulation will come into force on 1 January 2003.

The Commission rejects the accusation of centralised bureaucracy. About eighty percent of the Community budget is disbursed through shared management with the Member States.

With regard to the low turnout at European elections, more general questions need to be asked about falling public interest in elections, since the phenomenon is not confined to elections to the European Parliament. The Commission does share the Honourable Member's concern about the low turnout at European elections and contributes, together with the other Institutions, to improving and strengthening communication with the public.

2. The Commission is diligently pursuing all wrongdoing which affects the Community's financial interests or the integrity of its officials. It is open to scrutiny by the European Parliament and the Court of Auditors. The Commission answers queries from individuals, civil society and the press. But the Honourable Member will also understand that legal principles impose restrictions on information relating to current investigations, in the interests of protecting both the investigations themselves and the principle of the presumption of innocence (see reply to point 1 above).

3. The Commission shares the Honourable Member's view of the importance of rigorous and meticulous financial management, which must be at least as effective as that of organisations of equivalent size and responsibility and certainly as rigorous as that of non-government organisations, national or regional authorities and large companies.

4. The Commission fully recognises the fundamental right of expression that officials and other employees of the Communities enjoy. That right includes the expression of opinions which differ from the position of the Commission. Obviously, however, and as confirmed by the European Court of Justice, freedom of expression, like any fundamental right, does not constitute an unfettered prerogative but may be subject to reasonable limits on the exercise of that right in the interest of the service.

Fair and well-founded criticism of the Commission's systems, procedures and activities is therefore acceptable. Where serious irregularities are involved, officials are obliged to report their suspicions. This obligation is set out in Commission Decision of 4 April 2002 on raising concerns about serious wrongdoings [2], which also offers protection to members of staff who comply with this duty [3]. Building upon best practices in the Member States, the Decision further provides for the possibility of last resort to disclose information on possible irregularities outside the Commission in the unlikely case that neither the Commission nor OLAF have taken appropriate action within a reasonable time despite the official having raised concerns about serious irregularities in good faith.

Under the current reform, the Commission proposes to insert similar provisions into the new Staff Regulations. Parliament has been consulted on these proposals by the Council in June 2002.

However, where officials use that right to settle disagreements over lawful policies in a manner which denigrates those policies or the Institution which employs the official concerned, then this may obviously cause irremediable harm to the relationship of trust that must exist between the official concerned and the Commission. This relationship of trust is not only in the interest of the service, but also in the public interest. Writing criticism does not absolve the officials from doing their duty. When senior officials have the task to steer reform and modernisation, they are expected to take actions with others in the administration to bring in the agreed reforms. The Honourable Member is no doubt aware that the Staff Regulations contain specific provisions on the requirement that staff behave with integrity and discretion, even after they have left the service.

5. The Commission agrees that, irrespective of considerations of public opinion, employees with critical views are essential for any responsible organisation to be able to identify and remedy the weaknesses which inevitably occur in systems and structures of any degree of complexity. Various means of reporting such weaknesses are regularly used effectively within the Commission.

6. The Commission would refer to the answer to question No 5 above. Its organisation, its systems, procedures and activities are under close and continuous scrutiny of the Court of Auditors, the Council, the Parliament and the Ombudsman by virtue of the Treaty on the European Union and institutional arrangements.

(1) COM(2000) 200 final.
(2) Adopted under No C (2002) 845.
(3) The new regime reinforces and extends the arrangement introduced in 1999 (Decision 396/1999 of 2 June 1999 — OJ L 149, 16.6.1999).

(2003/C 242 E/030)

WRITTEN QUESTION E-2560/02

by Erik Meijer (GUE/NGL) to the Commission

(13 September 2002)

Subject: Conflicting concerns and views regarding the consequences for teeth and bones of fluorine intake by human beings

1. Is the Commission familiar with an article entitled 'Fluorine causing early ageing among Indian peasants' that appeared in the Netherlands daily paper 'De Volkskrant' on 21 August 2002 and in which it was reported that inhabitants of Jharana Khurd and other villages in the central part of the Indian state of Rajasthan are showing rapid signs of ageing at a young age as a result of contracting the disease fluorosis from the drinking of water naturally containing fluorine? Is it aware that, as reported in the article, fluorosis gradually leads to brittle bones and teeth and a crooked back and knees, and that, whilst it is possible to halt the process of deterioration with the help of vitamins C and E, calcium and antioxidants, the damage cannot be reversed?

2. Does the Commission recall that, in the 1950s and 60s, in a number of European countries, it was argued that fluorine waste from the steel, aluminium and nuclear power industries should be used to combat tooth decay in children by adding it to drinking water, following the example of the Americans? Does it also recall that this proposal met with a great deal of opposition because of fears of brittle and swollen bones, damage to the nervous system, hyperactivity in children and possibly cancer, with the result that fluorine ultimately did not automatically become a component of drinking water?

3. What is the Commission's view regarding the proposal announced at the end of July 2002 by the then Belgian Minister for Public Health and the Environment to actively discourage or to prohibit the use of fluorine in toothpaste, chewing gum, fluorine-containing food supplements for human consumption, fluoride tablets and fluoride drops? Would implementation of this measure contravene EU rules and if so, why?

4. Does the Commission have information available for comparing the effects on the health of those living in areas of the EU where the drinking water naturally contains fluorine, or where fluorine has been added to the drinking water, with those living in areas where that is not the case? Does that lead to the generally accepted conclusion that fluorine is in general bad for health, but that, where used only in small quantities which are not swallowed, it can be good for teeth?

5. Does the Commission consider, based on experience to date, that it is desirable to introduce more stringent precautionary measures to prevent the occurrence of symptoms of disease caused by fluorine naturally present in, or added to, drinking water or food?

(2003/C 242 E/031) **WRITTEN QUESTION E-2639/02**

by Kathleen Van Brempt (PSE) to the Commission

(18 September 2002)

Subject: Ban on fluoride supplements

Belgium will shortly become the first EU Member State to ban fluoride supplements. This will also make Belgium the first country in the world to introduce such a ban. The Federal Minister of Public Health says that he has asked the Commission to ban fluoride supplements throughout the EU. According to the minister, the Commission has so far refused to do so. The minister also wishes to see a general ban on fluoride at a later stage.

1. Does the Commission agree with the reasoning of the Belgian minister that fluoride and fluoride supplements present a risk to physical and mental health?

2. What is the Commission's precise reason for refusing to follow Belgium's example?

3. The minister claims that the number of cases of fluoride poisoning is rising. Is the Commission aware of any cases of fluoride poisoning in the EU? If so, how many cases have there been, exactly? What were the consequences for the victims?

4. Will the Commission in future take measures to ban fluoride supplements and later fluoride in general? If so, when?

Joint answer
to Written Questions E-2560/02 and E-2639/02
given by Mr Byrne on behalf of the Commission

(30 October 2002)

The Commission received on 2 August 2000, in the framework of Directive 98/34/EC establishing a procedure for the provision of information in the fields of technical standards and regulations [1], the Belgian draft 'Royal decree amending the Royal Decree of 3 March 1992 concerning trade in nutrients and in foodstuffs to which nutrients have been added'. In particular, the draft intended to remove chromium and fluorine from the approved list of nutrients. The Commission reacted to the notification noting that with regard to the use of chromium and fluorine in the form of food supplements, the draft concerned a subject covered by the proposal for a Directive on food supplements [2] which was submitted to the Parliament and the Council on 8 May 2000. The Belgian authorities were required, in conformity with the provisions of Article 9, paragraphs 3 and 4 of Directive 98/34/EC, to defer the adoption of the draft in question for twelve months from the date the Commission received the notification. The Belgian authorities respected their obligation of postponing at that time the adoption of the draft which they adopted in July this year.

The Commission does not intend to propose a ban on fluoride in food supplements. It is important to note that the Union legislation on food supplements, Directive 2002/46/EC of the Parliament and the Council on food supplements [3], was adopted on 10 June 2002. The adopted text was based on the Common Position (EC) No 18/2002 [4] that had been finalised and adopted under the Belgian Presidency in December 2001. The Directive entered into force on 12 July 2002 and Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 31 July 2003. It should also be noted that fluoride is one of the vitamins and minerals, listed in annex I of the Directive, which may be used in the manufacture of food supplements under specific conditions.

The Commission is aware of certain concerns regarding high intakes of fluoride. The Scientific Committee for Food in its 1992 opinion on nutrient and energy intakes for the European Community [5] noted that fluoride is beneficial to dental health, although chronic exposure to intakes of 10-25 mg per day can have effects on the muscles and skeleton that can manifest as debilitating musculo-skeletal deformities. The Scientific Committee on Food is currently undertaking risk assessments on the tolerable upper levels of intake for all the nutrients listed in the Directive on food supplements, including fluoride. Maximum levels for vitamins and minerals in food supplements will therefore be established at the Union level on the basis of the scientific risk assessments and calculations of intakes from other food sources, with due account taken of reference intakes of vitamins and minerals for the population.

Regarding drinking water, its quality is regulated in the Community by Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption [6], which will be replaced by 25 December 2003 by the drinking water Directive 98/83/EC of the Council of 3 November 1998 [7]. In both Directives there is a limit concerning the maximum admissible concentration of fluoride in drinking water, regardless of its origin, i.e. naturally present or artificially added. The limit set out in the drinking water Directive is 1,5 milligram per litre, which according to the view of the World Health Organisation (WHO) as expressed in its drinking water quality guidelines [8] represents a good balance between the positive and negative effects of fluoride. At present the Commission is not considering revision of the legislation.

The Commission is not able to provide the requested data on the impact of fluoride on dental health or other effects on health in the population of the Union as it does not have the responsibility for collecting such data. However, it is expected that the new health programme 2003-2008 will lead to the development of a system for the collection by Member States of comparable data on the impact on health of individual substances in the diet.

(1) OJ L 204, 21.7.1998.
(2) OJ C 311 E, 31.10.2000.
(3) OJ L 183, 12.7.2002.
(4) OJ C 90 E, 16.4.2002.
(5) Reports of the Scientific Committee for Food 31st series. Nutrient and energy intakes for the European Community (Opinion expressed on 11 December 1992). Office for Official Publications of the European Communities, Luxembourg 1993.
(6) OJ L 229, 30.8.1980.
(7) OJ L 330, 5.12.1998.
(8) World Health Organisation. Guidelines for drinking water quality. Second edition, volume 2. Geneva, 1996.

(2003/C 242 E/032) **WRITTEN QUESTION E-2727/02**

by Gerhard Schmid (PSE) to the Commission

(30 September 2002)

Subject: Border guard units

Replying to my Question E-1887/02 [1] of 2 July 2002 in the debate on the Commission Communication 'Towards Integrated Management of the External Borders of the Member States of the European Union' [2], the Commission regrets that it cannot answer the questions as it does not have any information on the matter, which falls within the competences of the relevant authorities of the Member States.

Why is the Commission proposing European border guard units if it is unfamiliar with the present situation?

(1) OJ C 28 E, 6.2.2003, p. 148.
(2) COM(2002) 233.

Answer given by Mr Vitorino on behalf of the Commission

(29 November 2002)

At its meeting on 14/15 December 2001 the Laeken European Council asked 'the Council and the Commission to work out arrangements for cooperation between services responsible for external border control and to examine the conditions in which a mechanism or common services to control external borders could be created'.

To meet these expectations of the European Council, the Commission adopted its communication, 'Towards integrated management of the external borders of the Member States of the European Union' [1], setting out the possible principles for a common policy in order to establish a structured framework for operational activities and set long-term guidelines. The Commission's proposals are based on the practical knowledge and experience acquired in past years, as described in Part II of the communication.

'Burden-sharing between Member States in the run-up to a European Corps of Border Guards' is a key component of the proposed common policy. This desirable goal must not, however, be isolated from the communication's other key components. The Commission is in favour of the creation of a European corps of border guards in the medium term, but the communication also makes it clear that 'at the appropriate juncture, the Commission will evaluate the institutional and legal nature of this structure.'

[1] COM(2002) 233 final.

(2003/C 242 E/033) **WRITTEN QUESTION E-2876/02**

by Stavros Xarchakos (PPE-DE) to the Commission

(14 October 2002)

Subject: Health and welfare in Greece

Recently there have been several references in the Greek press to problems concerning the progress of the Health and Welfare operational programme, which is managed by the Ministry of Health and Welfare with funding from the third CSF.

It is well known that some of the Health and Welfare operational programme's resources come from the European Regional Development Fund (ERDF). Could the Commission give details of exactly which projects funded by the third CSF in the health sector have started in Greece? What amounts (either automatic advance payments or payments made on receipt of applications) have been provided by the ERDF (detailed on a project-by-project basis) in the health sector (Axes 1 and 2)? Could the Commission give details of exactly which projects funded by the third CSF in the welfare sector have started in Greece? What amounts (either automatic advance payments or payments made on receipt of applications) have been provided by the ERDF (detailed on a project-by-project basis) in the welfare sector (Axis 3)? Could the Commission give details of exactly which projects funded by the third CSF in the supporting measures area have started in Greece? What amounts (either automatic advance payments or payments made on receipt of applications) have been provided by the European Funds (detailed on a project-by-project basis) in this sector (Axes 4 and 5)?

What comments does the Commission have to make on the criticisms made by Mrs Verstraete (European Commission Director-General) during her recent visit to Athens (19 June 2002), when she said that the proposals made by the Greek Ministry of Health and Welfare for projects for 2001 were disturbing? What was the reason for the disagreement between Mrs Verstraete and Mr Sofianos (Secretary-General of the Ministry of Health and Welfare) on 19 June at the second meeting of the monitoring committee in Athens, where Mr Sofianos spoke of investments of EUR 60 million while the Commission — represented by Mrs Verstraete — did not foresee more than EUR 7,5 million for Greece in 2002 under any circumstances? What are the total amounts of resources utilised by the Health and Welfare operational programme in its two years of operation?

(2003/C 242 E/034)

WRITTEN QUESTION E-2877/02

by Stavros Xarchakos (PPE-DE) to the Commission

(14 October 2002)

Subject: Health and welfare in Greece

Recently there have been several references in the Greek press to problems concerning the progress of the Health and Welfare operational programme, which is managed by the Ministry of Health and Welfare with funding from the third CSF.

It is well known that some of the Health and Welfare operational programme's resources come from the European Social Fund (ESF). Could the Commission give details of exactly which projects funded by the third CSF in the health sector have started in Greece? What amounts (either automatic advance payments or payments made on receipt of applications) have been provided by the ESF (detailed on a project-by-project basis) in the health sector (Axes 1 and 2)? Could the Commission give details of exactly which projects funded by the third CSF in the welfare sector have started in Greece? What amounts (either automatic advance payments or payments made on receipt of applications) have been provided by the ESF (detailed on a project-by-project basis) in the welfare sector (Axis 3)? Could the Commission give details of exactly which projects funded by the third CSF in the supporting measures area have started in Greece? What amounts (either automatic advance payments or payments made on receipt of applications) have been provided by the European Funds (detailed on a project-by-project basis) in this sector (Axes 4 and 5)?

What comments does the Commission have to make on the criticisms made by Mrs Verstraete (European Commission Director-General) during her recent visit to Athens (19 June 2002), when she said that the proposals made by the Greek Ministry of Health and Welfare for projects for 2001 were disturbing? What was the reason for the disagreement between Mrs Verstraete and Mr Sofianos (Secretary-General of the Ministry of Health and Welfare) on 19 June at the second meeting of the monitoring committee in Athens, where Mr Sofianos spoke of investments of EUR 60 million while the Commission — represented by Mrs Verstraete — did not foresee more than EUR 7,5 million for Greece in 2002 under any circumstances? What are the total amounts of resources utilised by the Health and Welfare operational programme in its two years of operation?

Joint answer
to Written Questions E-2876/02 and E-2877/02
given by Mrs Diamantopoulou on behalf of the Commission

(26 November 2002)

The operational programme 'Health and social welfare' was approved by the Commission on 4 April 2001. Total Community aid comes to EUR 385 million, of which EUR 220 million will come from the European Social Fund (ESF) and EUR 165 million from the European Regional Development Fund (ERDF).

To date, the Commission has committed EUR 110 million to this programme (EUR 61 million from the ESF and EUR 49 million from the ERDF) and has made an advance payment of EUR 27 million (EUR 15,5 million from the ESF and 11,5 million from the ERDF).

Applications for interim payments submitted to the Commission concern a total amount of EUR 8,8, of which EUR 565 000 has been paid to date by the Commission. The remainder, which is the subject of a recent application, is under examination.

The Commission will send directly to the Honourable Member and the Secretariat-General of the Parliament the list of all the actions taken under the operational programme, broken down by measure and area of focus, as well as the relevant financial information for each fund.

At the meeting of the programme's Monitoring Committee held in Athens on 19 June 2002, there was a debate on how the programme had progressed, during which Mrs Verstratete and Mr Sofianos had an exchange of views on what had been achieved in 2001 and on expenditure forecasts for the programme up to 31 December 2002. The Commission was concerned because, at the time of the meeting, it had not received any application for interim payment — possibly reflecting a delay in the implementation of the

programme. Moreover, the Commission was basing its arguments on the implementation forecasts for the period up to 31 December 2002 which had been presented by the Ministry of Economic Affairs a few weeks before the meeting. These forecasts showed a sum of EUR 7,5 million from the ESF for this programme, whereas during the meeting the Secretary-General of the Ministry of Health presented implementation forecasts which were considerably higher and which could amount to EUR 60 million for the programme as a whole.

(2003/C 242 E/035) **WRITTEN QUESTION E-2978/02**

by Paulo Casaca (PSE) to the Commission

(22 October 2002)

Subject: Adulteration of butter in the European Union

On 6 July 2000, an OLAF press release announced the smashing of a butter-adulteration network in the EU, which had adulterated several tens of thousands of tonnes of butter between 1995 and 2000.

On 19 March 2001, the Commission revealed that it could not name the companies involved, since the information was exclusively in the possession of OLAF, and the issue was 'sub judice' in accordance with the rules of the Member States. The Commission has not, to date, announced that its position has changed. Is the Commission still prevented from knowing the names of the companies involved, and therefore unable to take the appropriate measures to protect the Community budget, consumers and farmers?

When does the Commission intend to learn the names of these companies, and what measures does it intend to take when it does so?

Could the Commission specify just what it means by 'sub judice' and likewise state the specific legal reasons preventing it from learning the names of the companies concerned and thus taking the requisite action?

Answer given by Ms Schreyer on behalf of the Commission

(20 January 2003)

The Honourable Member is hereby informed that criminal proceedings are under way in two Member States (France and Italy) in respect of the matter to which he refers, and that the principle of secrecy of judicial proceedings applies.

This principle, which in Italy is governed by Article 329 of the Code of Criminal Procedure and in France by Article 11 of the Code of Criminal Procedure, applies to any person not involved in the investigation proceedings.

With regard to Belgium, the documents obtained from the Italian authorities by the European Anti-Fraud Office (OLAF) as part of its coordination and assistance activities were transmitted, with the agreement of those authorities, to the Belgian paying agency, which is currently considering whether to pass them on to the national judicial authorities.

The Member States concerned are bound by a due diligence requirement as regards the recovery of aid paid unlawfully in the form of indirect subsidies funded by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF). Nevertheless, the Commission will carefully monitor follow-up to these cases. It should be noted that OLAF has set up a Magistrates Unit whose responsibilities include helping to ensure more effective follow-up for criminal and judicial proceedings.

The Commission would also refer the Honourable Member to the answer given to Written Question E-2702/02 [1], which provides a detailed description of measures adopted to combat the serious problem of food adulteration.

---

[1] OJ C 110 E, 8.5.2003, p. 92.

(2003/C 242 E/036)

WRITTEN QUESTION E-3003/02

by Erik Meijer (GUE/NGL) to the Commission

(23 October 2002)

Subject: The quality, effectiveness and costs of the bookkeeping systems used by the European Commission

1. Does the Commission still have a contract with the German software enterprise SAP to provide the software for the bookkeeping system?

2. Has your current bookkeeping system been developed by two different companies on the basis of different and non-compatible principles, especially concerning double entry? Why?

3. Did SAP provide maintenance and training, and is it still continuing to do so?

4. Is there any supplier of the software needed other than SAP?

5. Do you apply one single system of invoices or different systems?

6. Was the system SI 2 developed by accountants or by others?

7. Who will decide what computer system should be implemented?

8. Are systems developed to conform to computers or vice versa?

9. What was the cost of developing SI 2 instead of using the original SAP / R3, especially developed for you, for all purposes?

10. How many SAP licences will be used by the Commission in the near future? Is this more or less than you use today?

11. How many licences would be needed to deploy the system SAP / R3 to the whole European Commission for all purposes if you use it as the only and sole system?

12. What would be the investment needed for those licences if the Commission does what is meant in question 11?

13. How do you try to limit the continual costs of buying and renewing systems?

14. How do you try to achieve the most transparent and integrated results from your present bookkeeping system?

Answer given by Mrs Schreyer on behalf of the Commission

(31 January 2003)

1. and 3. Following an invitation to tender (open procedure) published in the Official Journal [1], a framework contract was concluded with the company SAP.

A new framework contract was concluded with SAP in July 2000, under the negotiated procedure, for a six-year period.

The contract covers:

— purchase of licences for using the software,

— software maintenance and support,

— provision of services for the purpose of analysing needs and ensuring that they are met by the application, training and technical assistance for installing new versions, and monitoring operation of the system.

2. The architecture of the Commission's financial systems is based on two interfaced components — SAP R/3 (the official accounting system) and Si2 (the tool used by the spending departments to register their transactions). The version of SAP R/3 used by the Commission was developed on its behalf by the firm SAP while Si2 was developed in-house by the Commission and specifically designed to link with SAP R/3. Both systems reflect the rules and principles governing the Commission's activities.

Si2 was designed as a standard tool to enable the spending departments to register and approve their transactions before transfer into the official accounting system R/3, where the accounting treatment takes place. Budgetary accounting in SAP R/3 is on a single-entry basis, while the general ledger in R/3 is a double-entry accounting system.

4. The Commission uses other Budget Directorate-General and Informatics Directorate framework contracts for sourcing IT services (applications development, system administrators, user support, etc.) in the SAP field and for the other technologies used within the Commission.

The Commission also uses SWIFT software (SWIFT-Alliance) to supplement SAP for issuing payments via the SWIFT interbank network.

5. All payments (including payments of invoices) are processed via Sincom2.

6. The Sincom2 project leader was also the Head of the Accounting Unit, so that Si2 was developed with the needs of accountants in mind.

7. First of all, the Accountant will fix the accounting rules which will be put in place. Based on these rules and the requirements specified by other users of the system, the project team will make a proposal to the Commission on the actual system to be implemented to respect these rules and requirements.

8. The financial and accounting rules under which the Commission must operate are set out in the Financial Regulation and the implementing rules. These rules must be respected within the computerised systems which are put in place. As regards accounting standards and principles, these are fixed by the Accountant and are taken into account in systems design.

9. The costs of developing Si2 are as follows:

— initial development cost (1994-1997): EUR 1 500 000;

— annual development cost: EUR 250 000;

— annual maintenance cost: EUR 370 000.

These costs are unaffected by the number of users (currently 4 000).

10. According to the results of the project on modernising the accounting system and the decisions to be taken on the financial information systems architecture, the number of users of SAP could vary significantly in future.

11. In theory, all Commission staff if 'for all purposes' means replacing all existing IT applications. If the system were used for financial management and bookkeeping, around 4 000 licences would be necessary.

12. The price of SAP licences (framework contract BUDG/2000/01) varies between some EUR 1 400 (consultation only) and EUR 2 500 according to user type and user profile.

This amount is payable in the first year, after which a 17 % maintenance fee is due annually.

A discount is granted according to the size of each order.

The following costs have to be added to the price of the licences:

— reorganisation and business re-engineering for adapting all the procedures in line with the possibilities offered by the standard package,

— conversion of data for all systems,

— provision of training, documentation and user assistance,

— technical infrastructure and servers at the Computer Centre.

13. The Commission seeks to obtain the best value for money when procuring systems. This forms part of the negotiations over the price and specifications of new systems. Systems are also designed to be adaptable — that is to say that they can be modified to meet changed requirements without undue cost. It is not true to say that there is a 'continual' buying and renewing of systems. Sincom1 needed to be replaced because the system was not year 2000 compliant, one of the software packages used (Millennium) was no longer supported by the supplier, accounting for receipts was not managed by Sincom1, and the system was composed of five different modules from different suppliers and using different technology. Sincom2 replaced Sincom1 from 1997.

The Commission now envisages the development by 2005 of an integrated accounting system to support the move towards accrual accounting.

14. The budgetary accounts provide a transparent presentation to the budgetary authority comparing the voted budget with the implemented expenditures and collected revenues each week. So, this will also be an important information tool in the future. The integrated accrual accounting system is being set up and will improve the reporting on the financial situation. For this reform the steps and decisions are outlined in the recent communication of the Commission on the modernisation of the accounting system which has been sent to the Parliament.

(1) OJ C 54, 22.2.1994.

(2003/C 242 E/037) **WRITTEN QUESTION E-3029/02**

by Concepció Ferrer (PPE-DE) to the Commission

(23 October 2002)

Subject: Persecution of Catholics in Russia

The Moscow Patriarchy's Foreign Relations Department has accused the Roman Catholic church of proselytising and has decided to deny it the right to preach the gospel in the lands under the Patriarchy's dominion.

Does the Commission know any more about this decision, which constitutes a blatant attack on freedom of thought and belief?

Is the Commission intending to take any action vis-à-vis the Russian authorities with a view to ensuring that Russia upholds the above freedom?

Answer given by Mr Patten on behalf of the Commission

(28 November 2002)

The Commission refers to the answer it gave to Oral question H-688/02 by Mr Gil-Robles Gil-Delgado during question time at Parliament's October 2002 session (1).

The Commission is not aware of any such decision by the department of external relations of the Moscow Patriarchate. Nevertheless, the Commission is fully conscious of the present difficult situation facing Catholic and other religious groups in the Russian Federation.

In this regard, the Commission fully shares the concern of the Honourable Member over recent restrictions on freedom of religion affecting the Catholic and other churches in Russia. Since April 2002, at least five Catholic priests (three Polish, one Italian and one Slovak) have been expelled from Russia following a decision by the Vatican to seek to upgrade the four temporary church structures in Russia to permanent Roman Catholic dioceses. Other churches have also been the target of restrictions, including a Swedish Protestant pastor and a number of Protestant missionaries which were similarly expelled. Furthermore, in 2001 the Moscow branch of the Salvation Army was disbanded, the Moscow office of the Jehovah's Witnesses is engaged in a four year long court case which could lead to its closure in Russia, and the Moscow Department of the Justice Ministry has recently filed a lawsuit against an association belonging to the Pentecostals. These restrictions cannot be easily reconciled with Russian commitments on human rights. In particular, the Joint Statement of the last European Union-Russia Summit in Moscow (29 May 2002), states its common goal of strengthening a society based on respect for democratic principles and human rights.

Within the framework of its intensive political dialogue with Russia, the Union has repeatedly raised its concerns regarding freedom of religion in Russia. In this context, the Commission will continue actively to promote the principle of religious freedom as part of its dialogue on human rights issues with Russian authorities. Furthermore, the Commission will continue to press the message that the effective partnership that the Union and Russia are trying to establish necessarily has to be based on a series of fundamental core values, which include full respect for Human Rights. In accordance with the major international and European Human Rights conventions that Russia has ratified, this respect for Human Rights and fundamental liberties includes freedom of religion or belief. In parallel, the promotion of Human Rights in Russia will continue to be a priority in the framework of the European Initiative for Democracy and Human Rights (EIDHR). Russia is among the 'focus countries' that have been identified for 2002-2004.

(1) Oral reply, 22.10.2002.

(2003/C 242 E/038) **WRITTEN QUESTION E-3049/02**

by Wolfgang Ilgenfritz (NI) to the Commission

(24 October 2002)

Subject: Effectiveness of the peer review procedure

The European Commission recommends that all persons who draw up annual accounts on behalf of firms should be covered by a quality control system designed to guarantee a uniformly high standard in the preparation of statutory end-of-year accounts. Two arrangements are regarded as appropriate to this purpose: either monitoring by the relevant authorities, or the peer review procedure, under which the quality checks are carried out practising auditors, the peers. The Commission has given the Member States three years in which to introduce systems of this kind and regards a ten-year interval between checks as acceptable for small auditing firms.

At present, quality checks of this kind are mandatory in only a very few European countries. In Austria, auditors who draw up annual accounts for firms quoted on the stock market, credit institutions or insurance companies have been subject since 2002 to a peer review procedure carried out at four-year intervals. As from 2003, this arrangement will apply to auditors who draw up annual accounts for major corporations. It is not yet clear whether the original proposal to extend peer review procedures to cover all other auditors as from 2004 will be implemented.

The professional association representing Austrian auditors has quite rightly criticised the fact that the mandatory introduction of overly strict quality control systems generates disproportionately high costs for small auditing firms, placing them at a serious disadvantage vis-à-vis their larger competitors. Many smaller firms may be forced to close, thereby automatically increasing the market share enjoyed by the bigger companies. The smaller firms would merely be forced to take on extra administrative staff and the additional costs they incur in connection with each auditing exercise would increase enormously, whereas the peers would enjoy a steadily increasing turnover.

The peer review procedure does not eliminate the real causes of errors or shortcomings in the auditing of firms' accounts, i.e. the lack of independence enjoyed by auditors vis-à-vis the firm whose books they are checking, since the auditors are frequently also tax advisers or management consultants, and the poor qualifications of the low-cost staff often used to carry out the relevant audits. The peer review procedure will thus merely serve to force highly reputable small and medium-sized auditing firms from the market, without establishing guarantees of quality.

This argument is now gaining ground in the light of developments in the USA, where peer review has been employed for decades. The auditing firms caught up in the recent scandals in the USA involving balance sheet manipulations, the so-called Big Five (now reduced to the Big Four), have been subject to peer review procedures for many years. The Steuer und Wirtschaftskanzlei (Tax and Business Journal), one of the oldest and most respected specialist publications in Austria, has reported that the USA is responding by implementing fundamental reforms: in late July the peer review procedure was abolished, on the grounds of its blatant ineffectiveness, and replaced by strict governmental supervision of auditing firms.

1. What conclusions will the Commission draw from the abolition of the peer review procedure in the USA?

2. Does this development also mark the beginning of the end for peer review in the EU?

Answer given by Mr Bolkestein on behalf of the Commission

(5 December 2002)

Quality assurance is the audit profession's principal means of reassuring the public and regulators that auditors and audit firms are performing at a level that meets the established auditing standards and ethical rules. Quality assurance also allows the profession to encourage quality improvements.

The Commission Recommendation of 15 November 2000 ([1]) recognises both basic forms of quality assurance systems, the 'Monitoring' and the 'Peer Review', to be in general equivalent.

The Sarbanes-Oxley Act which came into force at the end of July 2002 resulted in the end of self-regulation in the American audit profession. This included an end to what used to be the usual practice of peer reviews. Instead the Sarbanes-Oxley Act foresees for the auditors of listed companies the introduction of an inspection program by the newly created board, the PCAOB. This is close to the idea of monitoring. Sarbanes-Oxley only contains framework provisions. The members of the PCAOB appointed on 28 October 2002 will have to fill in the details of the Sarbanes-Oxley Act by making concrete rules on inspection mechanisms.

This clearly represents developments in the United States that do not have a prejudicial effect on the Union. The Commission Recommendation includes all auditors — i.e. listed and non-listed companies —, whereas the Sarbanes-Oxley Act affects only auditors providing services for listed companies. The Recommendation does not impose such far reaching requirements on statutory auditors not auditing public interest companies.

The implementation of the Recommendation on quality assurance will be reviewed after a three year period. This review will take place in 2003. Preparations for this will be discussed in the Community Committee on Auditing. The further applicability of the peer review methodology in the Community will be subject to a closer examination during this review.

According to the Recommendation, possible concerns over the missing independence of the peer reviewer shall be prevented by sufficient public oversight on the administration, execution and presentation of the results of peer reviews. The actual application of such measures will play an important role in the assessment of peer review methodology which will take place in 2003.

The Commission is also planning to bring forward a wider communication on the statutory audit function in the near future.

([1]) OJ L 91, 31.3.2001.

(2003/C 242 E/039)

WRITTEN QUESTION P-3055/02

by Claude Moraes (PSE) to the Commission

(18 October 2002)

Subject: General Agreement on Trade in Services

When does the Commission intend to consult fully with European Parliamentarians on the EU's negotiating position, and name the countries where the EU is demanding offers in basic service sectors such as water, energy, postal services and transport? The requests made to other WTO members should be made available and the Parliament consulted before any EU offers are made.

The November 2001 WTO Ministerial meeting in Doha set a tight timetable for current GATS negotiations. The EC has said that it is trying to conduct negotiations in a way that 'allows time and policy space for third countries to develop their own positions'. There are eight months between the submission of requests and the offers timeline. How does the Commission explain the rationale behind setting the time period for countries to consult, and assess future binding GATS commitments? Does the Commission agree that the period is insufficient?

Answer given by Mr Lamy on behalf of the Commission

(4 November 2002)

The Commission made the Union's initial requests for improved market access to third countries in the services negotiations available to the Parliament's Committee on Industry, External Trade, Research and Energy early July 2002. Given their confidential nature, they were transmitted to the Chairman of the Committee according to the special procedure agreed to ensure that the confidentiality of 'Union-restricted' documents is respected.

More generally, the Commission is fully committed to ensuring that Members of the Parliament are regularly briefed on trade policy issues and consulted on key questions in accordance with the Framework Agreement of 5 July 2000.

However, whilst the Commission's aim is to be as transparent as possible with all stakeholders, an appropriate balance must be struck between transparency and the Commission's ability to conduct trade negotiations in an atmosphere conducive to frank and open discussions. In other words the necessary transparency vis-à-vis the Parliament and vis-à-vis civil society has to go hand in hand with the Commission exercising its responsibilities. This is the basis on which the Parliament, as the body responsible for exercising political control of the Commission action, can judge the Commission. The ultimate objective of transparency is, after all, to ensure effective democratic control.

The Commission will shortly publish on Directorate General Trade's web site [1] a detailed consultative document that summarises the requests received from third countries and compares these to the Community's current commitments.

With respect to the question of whether the timeline agreed in Doha between the submission of requests and the initial offers is sufficient 'to allow time and policy space for third countries to develop their own positions', it should be noted that the new negotiations on services were launched in February 2000. Although the negotiations have undoubtedly gathered new momentum with the adoption of the Doha Declaration at the Fourth Ministerial Conference in December 2001, Members have in fact had almost three years to develop their policy positions, a period all Members found sufficient when agreement was reached in Doha. Since February 2000 more than 50 World Trade Organisation Member Governments have tabled written negotiating proposals, either individually or jointly, and a majority of these are by governments representing developing countries. Negotiating proposals are written proposals in which Members describe in general terms how they believe particular issues should be dealt with during the course of the negotiations. The high number of submissions illustrates the extensive preparatory work that has preceded the actual negotiations.

[1] http://europa.eu.int/comm/dgs/trade/index_fr.htm.

(2003/C 242 E/040) **WRITTEN QUESTION E-3078/02**

by Ulpu Iivari (PSE) to the Commission

(28 October 2002)

Subject: Double taxation of orchestras

Under Community legislation and in particular Article 49 of the EC Treaty, Member States are forbidden to restrict the freedom to provide services by means of double taxation. Avanti!, a Finnish chamber orchestra financed mainly by public funds, was subjected to double taxation in Germany, in the Land of Schleswig-Holstein, when it performed at the Schleswig-Holstein music festival in August 2001. It had to pay tax to the Land on its appearance fees, even though, in accordance with the taxation agreement between Germany and Finland, it produced evidence supplied by the Finnish authorities to the effect that its activities were subsidised, the tour that it was making had been publicly funded, and it functioned as an employer, in other words it paid the musicians' wages, from which it deducted tax, and was responsible for the employer's contributions. The orchestra has already been in correspondence with the Land tax authorities about the double taxation for nearly two years, and there is no end in sight.

Does the Commission consider that cases of this kind impede the operation of the internal market? What will it do to improve its operation and specifically to tackle the problems linked to double taxation?

Answer given by Mr Bolkestein on behalf of the Commission

(9 December 2002)

The Commission is pleased to inform the Honourable Member that, according to information received from the German tax authorities, the case of the Finnish orchestra Avanti! is being settled in favour of the orchestra so that no German tax has to be paid.

The Commission is aware that there are specific tax issues related to cultural cross-border performances. These have to do with the fact that under most double taxation treaties taxing rights are attributed to the performance State; insofar they follow Article 17 of the Organisation for Economic Cooperation and Development Model Convention. This means in practice that a cross-border performing artist will normally have to deal with more than one tax system.

Where the Commission believes that the national tax rules applied are discriminatory, it is ready to take action under Article 226 of the EC Treaty. In this context it should also be mentioned that a case is pending with the Court of Justice (case C-234/01 — Gerritse [1]) concerning the German taxation of non-resident artists. A judgement will probably be rendered in 2003.

[1] OJ C 245, 1.9.2001.

(2003/C 242 E/041) **WRITTEN QUESTION E-3098/02**

by José Ribeiro e Castro (UEN) to the Commission

(28 October 2002)

Subject: Representative for cooperation with Macau

In the Commission communication to the Council and Parliament of 12 November 1999 entitled 'The European Union and Macau: Beyond 2000', it was stated that a cooperation officer would be designated, and that this person would have the task of supporting the process of coordinating bilateral cooperation, for a limited period of time.

Parliament gave its full support to this proposal, and, in paragraph 18 of its resolution of 15 February 2001 on that communication [1], called on the Commission 'to appoint an EC-Macau cooperation officer to Macau, as announced in its abovementioned communication, to contribute to the coordination of bilateral

cooperation, in order to demonstrate its commitment to consolidating relations between the two sides'. Parliament had made a similar demand in an earlier resolution, adopted on 16 December 1992 [2] at the time of the transfer of the territory of Macao from Portuguese administration to the People's Republic of China, with the status of a Special Administrative Region.

In the course of the debate in Parliament, Commissioner Nielson mentioned the difficulties surrounding the process of appointing this Community officer, but nonetheless stated: 'We continue to consider the appointment of the technical cooperation officer very important'.

On 19 July 2001, in reply to Written Question P-1961/01 [3] by the author of the present question, Commissioner Patten, having evoked those same difficulties affecting the appointment process, declared: 'The Commission has been preparing the required multiannual cooperation programming for Macau, including the Cooperation Officer appointment. In this context, the Commission is pleased to be able to report that this programming is now in its final stages and the question of the Cooperation Officer will be resolved shortly'.

Recent information, however, suggests that no such officer has yet been appointed (it should be stressed that what is called for is the appointment and establishment, for Macau, of an officer having specific responsibility for EC-Macau cooperation, and not for Hong Kong and Macau together).

Can the Commission state whether such an officer, with specific responsibility for EC-Macao cooperation, has been appointed and has started work? If this is not the case, can the Commission explain why and provide information on the state of the procedure? If such an officer has been appointed, can the Commission state the nature of the main lessons and conclusions to be drawn from that officer's first year in the post?

[1] OJ C 276, 1.10.2001, p. 268.
[2] OJ C 296, 18.10.2000, p. 190.
[3] OJ C 364, 20.12.2001, p. 232.

Answer given by Mr Patten on behalf of the Commission

(29 November 2002)

Since cooperation projects with Macao (European studies, Tourism, Offshore services) which were started in 1997-1998 came to an end in 2001, and the current Community cooperation portfolio for Macao includes just one single project (on legal cooperation, just about to start), it has not been possible for the Commission to proceed with the recruitment of a cooperation officer for Macao.

The Commission remains nevertheless committed, as it has been stressed at the ninth meeting of the Community-Macao Joint Committee held in Brussels on 18 October 2002, to maintain close relations with Macao. To this end, it is presently exploring ways and means to further develop with the Macao Special Administrative Region cooperation activities within the existing budgetary instruments.

(2003/C 242 E/042) **WRITTEN QUESTION E-3099/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(28 October 2002)

Subject: Genocide by AIDS in poor countries as a result of President Bush's insistence on American condoms

Population Action International, an independent research group, has drawn attention to the sharp rise in AIDS victims in poor developing countries and in eastern Europe and concludes that the spread of the disease is in part due to a great shortage of condoms. According to PAI's report, the needs of these countries are estimated to be 8 billion condoms a year, whereas in reality 950 million were distributed in 2000 (as opposed to 970 million in 1990), at a time when there are 14 000 new victims of AIDS every day worldwide.

The Bush Administration in the USA firstly forces USAID, in the context of the 'Buy American' campaign, to buy American condoms at twice the world price and therefore in half the quantity. Secondly, the Administration has suspended its contribution to the UN Population Fund, one of the biggest suppliers of condoms to poor countries worldwide. Thirdly, it has suspended assistance to any organisation involved with family planning and information on abortion.

In what way will the Commission intervene to improve the supply and distribution systems to enable these communities to be provided with condoms at the lowest market price? Will it finance their distribution in the poor countries where the problem is particularly acute? What representations will it make to the US authorities?

Answer given by Mr Nielson on behalf of the Commission

(20 January 2003)

The Commission is very concerned about the human immunodeficiency virus and acquired immune deficiency syndrome (HIV/AIDS) pandemic, and agrees that support for actions against HIV/AIDS must be a high priority in severely affected regions. Lack of access to condoms is an important factor in the failure to curtail the spread of HIV in many developing countries.

The Commission has declared its support for the increased untying of Community aid, and recommends that ongoing efforts concerning untying among all donors should be continued and extended in view of a complete untying — based on the principle of full reciprocity. This will help ensure that medicines and other health-related products, including condoms, are available in developing countries at the best possible price. Community aid for medicines and medical products is already untied.

A decision to fund the supply and distribution of condoms in any given country would be made in the context of the Country Support Strategy, in response to a request from national authorities and coordinated with other development partners active in that country. For example, in Zimbabwe the Community is supporting the supply of essential drugs, the United Kingdom Department for International Development the supply of condoms and United States Agency for International Development (USAID) the supply of other reproductive health commodities.

In many developing countries, the Commission's main support for health is via macroeconomic support or through sector support programmes. In these, the recipient country sets its own priorities and uses common procurement procedures. The Commission is engaged in dialogue with national authorities on expenditure priorities and where relevant will highlight the need for condoms. The Commission is aware that providing condoms alone is not sufficient to prevent the spread of HIV/AIDS. Condom provision must be part of a package of measures, including informing, educating and sensitising the population, both women and men.

The Community also supports technology transfer and capacity building for the production of drugs and supplies in developing countries. To this end the Commission has facilitated discussions concerning financial support from the European Investment Bank for the local production of condoms in South Africa.

Specific funds for actions against HIV/AIDS, including provision of condoms, are available from the Global Fund against AIDS, tuberculosis (TB) and Malaria. The Community, as a member of the Board of the Global Fund, is using its influence to obtain the best possible procurement conditions for developing countries.

The Commission deplores the decision by the United States authorities to suspend its contributions to United Nations Fund for Population Activities (UNFPA) and other organisations which support abortion and abortion counselling (the so-called Mexico City Policy), and it has repeatedly and publicly criticised this decision and expressed concern for the consequences it will have. The Commission has decided to increase funding to those organisations most affected by the United States decision. Finally, the Commission will continue to address this issue and that of tying of United States aid in appropriate fora, such as the Union/United States meetings, the Organisation for Economic Cooperation and Development (OECD) and the Group of Eight.

(2003/C 242 E/043) **WRITTEN QUESTION E-3148/02**

by Sebastiano Musumeci (UEN) to the Commission

(4 November 2002)

Subject: Pakistani terrorists in the Mediterranean

According to information obtained by the Italian police a 'ghost' ship — the 'Cristi' — with a group of Islamic terrorists linked to Osama Bin Laden on board is allegedly heading through the Mediterranean towards Europe with a view to carrying out terrorist attacks.

Both the Italian secret services and their counterparts from the US Navy are endeavouring to intercept the 'ghost' ship, which reportedly belongs to the shipping firm Nova Spirit Incorporation, whose headquarters are in Delaware, USA, but which also has offices in Romania.

On 19 February and 4 August 2002, in Trieste and Gela, Sicily, respectively, the vessels 'Twillinger' and 'Sara' — also apparently belonging to Nova Spirit Incorporation — were impounded. On board were, respectively, eight and 15 Pakistanis, claiming to be crewmen, who were found to be in possession of false passports and telephone numbers of persons already wanted by the police for arms trafficking.

According to the inquiry carried out by the Italian police, the 15 Pakistanis arrested on the 'Sara' in Gela may be members of Laskar i Jhangui, a terrorist group which has concluded a pact with al-Qa'ida with a view to carrying out attacks in Europe.

The Commission:

1. What steps can it take to establish whether the news released by the Italian police through the Caltanissetta police chief is accurate?

2. In the light of the Communication from the Commission to the Council and Parliament entitled 'Towards the integrated management of the external borders of the Member States' of the European Union' ([1]), what practical steps can realistically be taken to combat the ferrying of Islamic terrorists to Europe by means of vessels which act as huge taxis and which pose a serious threat to the security of the Western world?

([1]) COM(2002) 0233 final.

Answer given by Mr Vitorino on behalf of the Commission

(4 December 2002)

The Commission does not have the legal power to check the authenticity of police reports released by the authorities of the Member States responsible for maintaining public order and safeguarding internal security.

The Commission would, however, recall the ideas set out in its communication Towards the integrated management of the external borders of the Member States, to which the Honourable Member refers.

Bearing in mind conclusion No 42 of the Laeken European Council (14/15 December 2001), one of the objectives announced by that Communication was 'to propose mechanisms for working and cooperation at European Union level which will permit practitioners of the checks at the external borders to come together around the same table to coordinate their operational actions in the framework of an integrated strategy which takes progressively into account the multiplicity of aspects to the management of the external borders'. This multiplicity is illustrated by the definitions of 'security at external borders', 'internal security in the common area of freedom of movement' and 'management of external borders' which are annexed to the Commission communication. The definitions refer to terrorism as one of the various threats which should prompt the Member States to move towards more integrated management of their external borders.

It can be stressed that the Plan for the management of the external borders of the Member States ([1]) adopted by the Council (Justice and Home Affairs, JHA) on 13 June 2002 is very broadly based on the Commission communication. In particular, all the definitions proposed in the annex to the communication were adopted as they stood by the Council. The line of thought and action proposed by the Commission communication underlies the structure of the Plan adopted by the Council and, from the outset, lends it an

ambition going beyond the simple fight against illegal immigration: '(…) The control and surveillance of borders contribute to managing flows of persons entering and leaving that area and helps protect our citizens from threats to their security. Besides, they contribute a fundamental element in the fight against illegal immigration'.

As one of the aspects of integrated management of external borders likely to contribute to the fight against terrorism, the Commission communication recommends the adoption of an 'common integrated risk evaluation' based on a multidisciplinary definition of indicators considered as relevant to external borders. To that end, the Commission has advocated synergy between Europol and the police cooperation bodies. The Plan for the management of external borders adopted by the Council has made it a common objective, while the Seville European Council (21/22 June 2002) called for the preparation, before June 2002, of a 'common risk analysis model, in order to achieve common integrated risk assessment'. The risk of terrorist infiltration will certainly be included among the indicators of common risk assessment affecting external borders.

The Commission also suggests that a procedure or code of conduct be developed in order to enable an exchange and permanent processing of information and intelligence between the services responsible for the control and surveillance of external borders and the security services of the Member States operating within their borders. Here, the Communication states that 'the intelligence services of a Member State should be able to supply all border guard services and consulates of the Member States without delay with sufficiently relevant and precise information to enable them to exercise targeted surveillance of certain types of individuals, of objects, of geographical origins or modes of transport for a given period'. This scenario appears closely akin to the situation described by the Honourable Member.

In the longer term, the Commission communication suggests using technological innovations and gives as an example the Galileo system with a view to improving the surveillance of coastlines by satellite.

(1) OJ L 161, 19.6.2002.

(2003/C 242 E/044) **WRITTEN QUESTION E-3168/02**

by Patricia McKenna (Verts/ALE) to the Commission

(6 November 2002)

Subject: Carrier liability

Responding to a series of questions on carriers' liability raised by MEP Glyn Ford (E-1587/02 — E-1594/02 (1)), Commissioner Vitorino affirmed on 9 July 2002 that the European Commission 'has never called for fully harmonised carriers' liability legislation applied to all means of transport', as suggested in one of these questions. However, in the verbatim of the debate on a draft Directive on carriers' liability put forward by the French presidency on 13 March 2001, Commissioner Vitorino said, 'The draft (Directive) we are considering today is only a first step. In the long run it will be necessary to go further and look coherently at all means of transport, including freight transport. Therefore, the Commission, for its part, will assume its responsibility on this issue and we will try to prepare the ground in close cooperation with all interested parties for a more harmonised European approach. We think that we will be able to bring along a proposal covering all means of transport and build upon close cooperation with humanitarian organisations, with the carriers themselves, and, of course, with law enforcement agencies'.

If this does not mean that the European Commission was calling for 'fully harmonised carriers' liability legislation applied to all means of transport', can the European Commission explain exactly what was meant in the afore-mentioned statement by Commissioner Vitorino?

The European Commission has been holding a series of round-table discussions by experts to look into the consequences of carriers' liability legislation. Such discussions are normally held before a piece of

legislation is put before Parliament for approval and not six months after the final approval of the Directive in question. Can the Commission explain why such discussions were taking place after the approval of the relevant Council Directive, particularly given that the legislative measure is new to several Member States?

The afore-mentioned draft Directive was formally adopted on 27 June 2001 and two Member States, namely Ireland and Sweden, which do not have a law on imposing hefty fines on carriers found, willingly or unwillingly, transporting insufficiently documented passengers are now obliged to introduce one or be referred to the European Court of Justice by the European Commission for failing to transpose an EU Directive. Does it not appear to the European Commission that we are faced here with a democratic deficit and that the due process of democratic procedures has not been respected? If this is not the view of the European Commission, can it explain its position?

Although the points raised in the written questions by Mr Ford refer to the main legitimate and real concerns caused by carriers' liability legislation, the use of the future tense by the Commission in its replies appears to suggest that they have not yet been discussed by the said round-table meetings of experts. Can the Commission provide an exhaustive list of what has indeed been discussed so far?

(1) See page 2.

Answer given by Mr Vitorino on behalf of the Commission

(20 December 2002)

It needs to be recalled that the Commission has already given an exhaustive overview on the Commission position and activities relating to carriers liability in its answers to a series of written questions (E-0488/02 to E-0493/02 [1] and E-1587/02 to E-1594/02 [2]) submitted by Mr Ford. The queries raised by the Honourable Member in the present written question relate to a large extent to the same issues and reference is therefore being made to the content of the above mentioned answers.

On the detailed points raised by the Honourable Member:

— Being aware of the complexity of the issues involved, the Commission is indeed convinced that a gradual development towards a more harmonised regime of carriers liability at European level is the right way forward and it therefore welcomes the currently ongoing trilateral expert meetings on carriers liability as an important fact finding exercise.

— Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 [3] was based on an initiative of the French Republic [4] and not on a Commission proposal. The Commission is not in a position to give information or to comment on preliminary consultations which may have been carried out by the French Republic before submitting its initiative.

— Council Directive 2001/51/EC was adopted according to the procedure foreseen in Article 67 of the EC Treaty (inserted into the EC Treaty by the Amsterdam Treaty). The Commission does not consider it appropriate to comment on an alleged 'democratic deficit' of a procedure foreseen in the EC Treaty within the context of the present written question.

— Article 7 of Directive 2001/51/EC obliges Member States to take the necessary measures to comply with this Directive not later than 11 February 2003 and to inform the Commission thereof. Following the expiry of this deadline, the Commission will be obliged under Article 211 of the EC Treaty to ensure that the provisions of this Directive are correctly applied by Member States.

— Four expert meetings (focusing on a legal overview, the humanitarian dimension, codes of conduct/memoranda of understanding and technical information exchange) have been scheduled for 2002. The last of these meetings will take place in December 2002.

(1) OJ C 301 E, 5.12.2002, p. 45.
(2) See page 2.
(3) OJ L 187, 10.7.2001.
(4) OJ C 269, 20.9.2000.

(2003/C 242 E/045) **WRITTEN QUESTION E-3177/02**

by Charles Tannock (PPE-DE) to the Commission

(7 November 2002)

Subject: The Integrity of the Growth and Stability Pact

As right-of-centre governments took power in a number of Member States, including France, Italy and Portugal, it became clear that the budgetary deficits in these countries had been seriously underestimated. In the case of Portugal the figure of 2,2 % claimed by the outgoing Socialist government has given way to a figure of 4,1 %. In the case of Italy, a figure of 1,4 % has been revised upwards to 2,2 %. For the record, can the Commission indicate what it now believes were the correct figures for each of the Member States where there has been an upward revision following a change of government, does the Commission believe that the upward revision of the Italian budgetary deficit was due entirely to the application of Eurostat's recent decision on the calculation of securitisation operations undertaken by general government (c.f. Euro-Indicators news release 116/2002) and how was it possible for so many left-of-centre governments to pull the wool over the Commission's eyes using what many would regard as Enron-style accounting procedures?

Does the Commission believe that it has now identified the principal methods used to disguise true budgetary deficits and, if so, what measures has it taken to ensure that similar methods are not being used in Member States where there has been no recent change of government?

Finally, according to the Maastricht Treaty Protocol on the Excessive Deficit Procedure, government deficit (surplus) means the net borrowing (net lending) of the whole general government sector (central government, state government, local government and social security funds), and is calculated according to national accounts concepts (European System of Accounts, ESA95). Government debt is the consolidated gross debt of the whole general government sector outstanding at the end of the year, whilst primary surplus means the government deficit/surplus excluding interest charges. In his answer to Written Question E-1620/02 ([1]), Commissioner Solbes Mira pointed-out that the British government's finances 'have been close to balance or in surplus in recent years,' thus upholding the requirements of the Growth and Stability Pact while at the same time conforming to the British government's own fiscal rules, including the so-called 'golden rule', which stipulates that investment expenditure by government should not be counted as expenditure for the purposes of the Growth and Stability Pact. Can the Commission clarify whether or not such investment expenditure constitutes net borrowing under the terms of the Pact as defined by the aforementioned Maastricht Treaty Protocol?

([1]) OJ C 28 E, 6.2.2003, p. 125.

Answer given by Mr Solbes Mira on behalf of the Commission

(4 December 2002)

According to the protocol on the excessive deficit procedure, the deficit figure must be in line with the European system of integrated economic accounts, the current version of which is ESA95 ([1]). Experience accumulated over the years by both Member States and the Commission have led to an increase in the quality of data and it must be acknowledged that the EDP has given a major impetus for improving the quality and comparability of Community government accounts. The ESA95 government accounts are now more reliable, complete, transparent and detailed, and are published in a more timely fashion than a few years ago. Moreover, co-ordinated efforts have been made to harmonise the accounting rules and to check the respective implementation. Thus, the government accounts of the different Member States are now of better quality and more comparable than they used to be.

However, weaknesses can still be identified, as highlighted recently by the significant revision of figures and therefore late identification of the excessive deficit in Portugal for 2001.

Improvements can therefore be introduced in different aspects of the budgetary collection and verification process. Additional steps are therefore needed to further improve the reliability and timeliness of the budgetary statistics which are the foundation on which the fiscal surveillance is built. The Commission will soon propose to the Council a set of best practices on the reporting of government data. The purpose is to

clarify the role and responsibilities of different actors in order to increase transparency, quality and timeliness of the budgetary data (both statistics and forecasts) used in the surveillance process.

The Commission published its 2002 autumn forecast on 13 November 2002. The 2002 deficit in Germany is now forecast to be 3,8 % of gross domestic product (GDP), in France 2,7 % of GDP, in Italy 2,4 % of GDP and in Portugal 3,4 % of GDP. In Italy, the 2001 deficit has been revised upward by 0,6 % of GDP due to the Eurostat decision on the accounting of securitisation operations.

As regards the treatment of government investment expenditure in the calculation of net-lending, the ESA and the EC Treaty are very clear: the recording in the accounts of investment expenditures are in no way different to any other government expenditure. That is, recorded government investment expenditure has an impact on net lending.

(1) Council Regulation (EC) 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community (ESA 95) — OJ L 310, 30.11.1996.

(2003/C 242 E/046) **WRITTEN QUESTION E-3180/02**

by Charles Tannock (PPE-DE) to the Commission

(7 November 2002)

Subject: The Extension of the Block Exemption from Competition Law

Could the Commission indicate why it felt it necessary to extend the Block Exemption from Competition Law for the motor trade for three years, even though there had been plenty of time for the industry to prepare for its termination in September of this year?

The Commission retains wide-ranging residual powers in the area of Competition Law. Does it intend to use them against motor manufacturers deemed to have violated EU Competition Law, and, if so, will it respond only to complaints or will it initiate its own investigations?

One of my London constituents experienced problems which occur all too frequently to those who try to purchase right-hand-drive vehicles on the continent.

He tried to purchase a Chrysler Grand Voyager in Holland given the very substantial price differential (more than 30 %) but discovered that:

(a) Chrysler dealers in Holland require a full deposit for the vehicle as opposed to a small percentage deposit if it is a left-hand-drive vehicle;

(b) they cannot deliver in less than twelve months (although delivery time for a left-hand-drive vehicle in Holland is three months and delivery time for a right-hand-drive vehicle in the UK is three months);

(c) a surcharge of EUR 2 000 is levied in Holland for right-hand-drive vehicles (surely not a reflection of the true costs).

Are such practices legal, and, if not, has the Commission considered hiring teams of independent investigators to investigate how widespread they are so long as the Block Exemption is maintained?

Answer given by Mr Monti on behalf of the Commission

(20 December 2002)

The first point raised by the Honourable Member, relating the reasons why the Commission felt it necessary to adopt Regulation (EC) No 1400/2002 (1), has already been dealt with by the Commission in detail in the reply to the Honourable Member's Written Question E-0292/02 (2).

The second point raised by the Honourable Member concerns the Commission's willingness to enforce Community competition law against motor manufacturers. The Commission's powers in this area are not residual, but are rather granted to the Commission by the Council pursuant to Article 83 of the EC Treaty. The Honourable Member's attention is drawn in particular to Article 83(2)(d) of the EC Treaty.

Council Regulation (EEC) No 17/62 ([3]) gives the Commission wide powers to investigate alleged breaches of the competition rules, either on its own initiative or following complaints. The Commission does not hesitate to use these powers where it deems it appropriate to do so. In recent years, the Commission has carried out extensive investigations using the powers given to it by the Council. So far these investigations have resulted in the Commission imposing a total of around EUR 250 million in fines in four separate cases against three major vehicle manufacturers.

In other individual cases, where consumers complain about problems they have encountered while trying to buy vehicles abroad, the Commission finds it appropriate and more effective from the consumer's point of view to take the matter up with the carmaker concerned.

The Honourable Member should also note that the powers of national competition authorities to enforce Community competition rules will be substantially enhanced by the upcoming modernisation of the procedural rules.

The third point raised by the Honourable Member relates to the level of deposit required by dealers in the Netherlands before they will place an order for a right-hand-drive car. The Honourable Member will be aware that deposits are often used in commercial transactions to cover one party's losses in the event that the other party pulls out of the transaction. Where a consumer no longer wishes to purchase the vehicle that he has ordered, the dealer may be left with a car that he can not immediately re-sell. This risk is higher for vehicles with specifications different to those normally sold by the dealer. It is therefore normal commercial practice for dealers on the continent to ask for a higher deposit before accepting an order for a right-hand-drive vehicle. Despite its monitoring of the market, the Commission is not aware of the practice of full deposit mentioned by the Honourable Member. Should this practice be established and result from an agreement, it would deserve further examination with regards to competition rules.

The Honourable Member's fourth point relates to delivery times. Delays for right-hand-drive vehicles supplied to a continental dealer should normally be comparable to those for left-hand-drive vehicles supplied to the same dealership. The Commission regularly deals with consumer complaints relating to this point. In many cases, contacts with relevant carmakers have led to satisfactory results for consumers in this respect.

The fifth point raised by the Honourable Member relates to right-hand-drive surcharges. There is no rule of Community competition law that obliges a manufacturer to make right-hand-drive vehicles available on the continent at the same price as vehicles with local specifications. The amount that a given variant of a vehicle costs to develop, produce and deliver will depend, amongst other things, on the number of units involved. Since, for example, more left-hand-drive vehicles are generally produced than their right-hand-drive equivalents, production costs for left-hand-drive vehicles are usually lower. To take account of this, most manufacturers impose a surcharge on right-hand-drive vehicles delivered to dealerships in mainland Europe. The level of this surcharge must, however, be objectively justifiable.

The Commission has never considered hiring teams of independent investigators to investigate the matters raised by the Honourable Member. In the Commission's view, the methods already employed to detect and punish infringements of the competition rules have proved themselves adequate.

The new framework laid down by Regulation (EC) No 1400/2002 will reduce the scope for abuse and will make it easier for consumers to buy vehicles in other Member States.

([1]) Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector — OJ L 203, 1.8.2002.

([2]) OJ C 277 E, 14.11.2002, p. 30.

([3]) EEC Council: Regulation No 17: First Regulation implementing Articles 85 and 86 of the Treaty, OJ P 13, 21.2.1962.

(2003/C 242 E/047) **WRITTEN QUESTION P-3184/02**

by Robert Evans (PSE) to the Commission

(31 October 2002)

Subject: Disability Living Allowance

In response to my previous question E-1347/02 [1] Commissioner Diamantopoulou stated that the Commission was examining the continued exclusion of certain benefits (including the Disability Living Allowance) from Regulation (EEC) 1408/71 [2].

Could the Commission inform me of any progress it has made in this matter or when it expects to conclude its investigation?

[1] OJ C 277 E, 14.11.2002, p. 191.
[2] OJ L 149, 5.7.1971, p. 2.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(6 December 2002)

The Commission has held bilateral discussions with a number of Member States concerning the benefits they have listed in Annex IIa to Regulation (EEC) No 1408/71 [1], which are exempt from the principle of exportation. In the case of the United Kingdom this includes Disability Living Allowance (DLA). These discussions have allowed the Commission to further its detailed understanding of the benefits in question.

The Commission is now considering a legislative proposal amending Regulation (EEC) 1408/71, in particular its Annex IIa. The aim of such a proposal would be to remove from Annex IIa benefits which do not meet the criteria of being 'special' and non-contributory as defined by the European Court of Justice. The forecasts are that the Commission will consider this proposal by the Spring 2003, and, when adopted, it will then present it to the Council and Parliament.

[1] Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, updated by Regulation (EC) No 118/97 of 2 December 1997 — OJ L 28, 30.1.1997.

(2003/C 242 E/048) **WRITTEN QUESTION E-3208/02**

by Kathleen Van Brempt (PSE) to the Commission

(12 November 2002)

Subject: Internet voting

What is the Commission's view of conducting elections via the Internet?

When will all voters be able to vote via the Internet in European elections?

Are pilot projects in the pipeline for 2004? If so, where?

Is the Commission funding these projects? If so, what is the amount involved?

Answer given by Mr Vitorino on behalf of the Commission

(23 December 2002)

The Honourable Member's question concerns voting via internet in elections to the Parliament. Voting methods, like internet voting, are part of electoral procedures, which, pursuant to Article 7(2) of the 1976 Act [1], shall be governed in each Member State by its national provisions. This principle was not changed but confirmed by recent Council Decision 2002/772/EC amending the 1976 Act [2].

Therefore, it is up to the Member States to decide, whether they will introduce internet-voting mechanisms for the parliamentary elections.

There have been some pilot projects on multi-channel and electronic voting in the Member States. It was, for example, possible to vote via internet for certain local authorities at local elections of May 2002 in the United Kingdom. However, the Commission is at the moment not aware of any Member State, or of any candidate country, whose citizens should be able to participate to the next elections to Parliament, which would plan pilot projects on electronic voting for the elections to the Parliament in June 2004.

In the context of the Information Society Technologies (IST) programme of the 5th Framework Programme, the Commission has been supporting research and technological development (RTD) projects on electronic democracy, including on-line voting. The RTD projects addressing the issue of on-line voting include Cybervote (an innovative cyber voting system for Internet terminals and mobile phones), E-POLL (Electronic polling system for remote voting operations), and EURO-CITI (European cities platform for on-line transaction services). An accompanying measure called EVE (Evaluating practices and validating technologies in e-Democracy and e-Voting) aims at leveraging individual efforts for common benefits in the field of electronic democracy.

(1) Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC — OJ L 278, 8.10.1976.

(2) Council Decision 2002/772/EC, Euratom of 25 June and 23 September 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage — OJ L 283, 21.10.2002.

(2003/C 242 E/049)

WRITTEN QUESTION P-3217/02

by Arlene McCarthy (PSE) to the Commission

(7 November 2002)

Subject: Competition policy and collective management societies

While EU competition policy recognises the role of copyright management societies in safeguarding the rights and interests of its members, does the Commission consider in the case of BIEM (Bureau Internationale des Sociétés Gérant les Droits d'Enregistrement et de Reproductions Mechaniques) that the fixing of royalty rates at EU level, different to those operated in either Japan or in the UK, constitutes an abuse of a dominant position?

Does the Commission believe that such exclusive rights of copyright management are being exploited in a manner that is both restrictive to competition, contributing to unfair trading and commercial practices, and are detrimental to the consumer?

What steps is the Commission taking to investigate such practices by BIEM?

Would the Commission agree that in light of technological and commercial developments, in particular digital distribution, that the practices and operations of collecting societies should be made more transparent to identify the origin, destination and purpose of royalties charged, in line with EU competition policy?

Answer given by Mr Monti on behalf of the Commission

(9 December 2002)

The application of different royalty rates in the EU constitutes abuse of a dominant position within the meaning of Article 82 of the EC Treaty only if the highest rates are regarded as excessive and the differences are not justified for objective reasons. It is therefore not possible to lay down as a general and abstract rule that there is abuse of a dominant position simply because different royalty rates are charged, without taking account of the particular features of each case. As the Court of Justice held in Tournier and Lucazeau, 'Article 82 (ex 86) of the Treaty must be interpreted as meaning that a national copyright-

management society holding a dominant position in a substantial part of the common market imposes unfair trading conditions where the royalties which it charges to discothèques are appreciably higher than those charged in other Member States, the rates being compared on a consistent basis. That would not be the case if the copyright-management society in question were able to justify such a difference by reference to objective and relevant dissimilarities between copyright management in the Member State concerned and copyright management in the other Member States'.

Both the Commission and the Court of Justice have in the past considered that, in specific cases, certain practices of collective management societies were restrictive of competition. At the same time, it is generally acknowledged that the societies in question play an important role in the management of copyright and related rights, notably because they are able to provide their members and users with a 'one-stop shop' which considerably facilitates access to works and other protected objects. It is not therefore possible to claim that the activities of collective management societies are inherently restrictive of competition. Such a conclusion can be reached only following an investigation into an agreement or specific conduct.

The Commission has not launched an investigation on its own initiative into BIEM. However, it recently received a complaint concerning BIEM. Its inquiries are still at the preliminary stage and it has not yet adopted a position on the complaint.

The Commission considers that, in the light of technological and commercial developments in digital distribution in particular, the practices of collective management societies should be transparent as regards the exploitation of copyright and related rights on the Internet. This position was clearly set out in the recent decision on 'Simulcasting' of 8 October 2002 Case COMP/C2/38 104. The text of the decision is available on the Commission's website: http://europa.eu.int/comm/competition/antitrust/cases/decisions/38014/en.pdf.

Furthermore, as the competition aspects and the rules of the internal market are very closely linked, the Commission would inform the Honourable Member that it has been studying the question of the management of intellectual property rights, and collective management in particular, for several years. It considers that collective management must be fully effective within the internal market and is therefore preparing a notice on the management of intellectual property rights. The notice will take stock of the situation in the sector, the questions raised and possible answers.

(2003/C 242 E/050) **WRITTEN QUESTION E-3261/02**

by Margrietus van den Berg (PSE) to the Commission

(19 November 2002)

Subject: Capacity for maintaining the rule of law in the Netherlands

1. Is the Commission aware that in the Netherlands the police have been notified of 1,3 million criminal offences, that only 14,6 % of them have been solved and that two thirds of the offences of which the police are notified are not investigated at all?

2. Is not this state of affairs an affront to people's sense of justice, and does it not call into question the quality of the rule of law in the Netherlands?

3. If the Copenhagen criteria for applicant countries were to be applied to the Netherlands, would it not face serious problems because of the above facts?

4. If a European judicial stability pact existed, would it not be appropriate for the Netherlands to be shown the yellow card by way of warning and for a discussion to be held between the Commission and the Netherlands Government about these alarming facts? And ought not the capacity of the Netherlands' judiciary to be dramatically increased in consequence?

Answer given by Mr Vitorino on behalf of the Commission

(23 December 2002)

1. It is not the duty of the Commission to be aware of the precise statistics relating to offences committed and crimes solved in the Member States, nor the decisions by national police forces not to investigate offences notified to them. This follows from Article 33 (ex Article K.5) of the Treaty on European Union which provides 'This Title shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.'

2. Pursuant to Article 33 of the Treaty on the European Union, cited above, even allowing that these statistics are accurate, it is entirely a matter for the authorities in the Netherlands.

3. The Treaty on the European Union requires Member States to 'respect fundamental rights' (Article 6) and provides sanctions in the event that a Member State is found to be in breach of that obligation (Article 7). The fact that no investigation has been requested in relation to the Netherlands suggests that the Netherlands is not prima facie in breach of the obligation to respect fundamental rights.

4. This part of the question calls for conjecture since no such 'European judicial stability pact' exists. The Commission is being invited to criticise the judicial system of a Member State and this is not appropriate. It is not the role of the Commission to intervene in such cases. The Hhonourable Member should take the matter up directly with the appropriate Dutch authorities.

(2003/C 242 E/051) **WRITTEN QUESTION E-3287/02**

by Carlos Coelho (PPE-DE) to the Commission

(20 November 2002)

Subject: Principle of non-discrimination and respect for different cultures and traditions

A Portuguese citizen has complained that the law on registration of names currently in force in Spain (Law 40 of 5 November 1999) discriminates against the children of marriages between Spanish and Portuguese people, since the names and order of names of the children are altered without the parents' consent.

The problem arises when a child born of a Spanish mother or father is registered at a Spanish registry office or consulate in order to obtain Spanish nationality. When registering the child both registry offices and Spanish consulates alter children's names (by changing the order of the surnames) without authorisation, almost always against the parents' will and without recognising identity cards, birth certificates or any other Portuguese official document.

In view of the principles underpinning the European enterprise, namely a Europe where people have freedom of movement and there is mutual recognition of educational qualifications and court judgments, does this not constitute an infringement of a basic right, i.e. people's right to choose what name to give their children? Does it not constitute lack of respect for a person's identity (name), culture and traditions — in this case a valued tradition which entails passing on the names of the father and grandfather?

Answer given by Mr Vitorino on behalf of the Commission

(21 January 2003)

The complaint from the Portuguese citizen to which the Honourable Member refers, and which calls the current Registration of Names Act in Spain (Act No 40/1999 of 5 November 1999) into question, has been received by the Commission direct. The complainant considers that Spanish legislation which provides that parents may decide by mutual agreement the order in which their first family name shall be transmitted to their child, discriminates against children of Portuguese citizens who also have Spanish nationality, because, under current Spanish rules, when they are registered in Spain such children lose the father's last family name, which is the one transmitted to children in Portugal. According to the complainant, the legislation is prejudicial to such children because it entails changing their names and the order of their names in Spanish registers, and ignores identity cards, birth certificates or any other Portuguese official document.

The Court of Justice has been asked for a preliminary ruling by Belgium's Council of State in a similar case. The request relates to the interpretation of Articles 17 and 18 of the EC Treaty in a dispute between a Spanish national and the Belgian authorities over Belgian legislation on the registration of children's names. The case concerns a Spanish male national who is married to a Belgian female national (both are resident in Belgium) and their children, who have dual nationality and to whom the lex fori, i.e. Belgian law, is being applied in accordance with the rules of private international law.

In its observations to the Court of Justice, the Commission has argued that the principles of Community law on citizenship of the Union and the free movement of persons, which are enshrined in particular in Articles 12 and 17 of the EC Treaty, should be interpreted as precluding legislation that prevents an administrative authority, when faced with an application to change a family name in the case of minor children residing in the Member State of that authority and having the nationality of that State through their mother and the nationality of another Member State through their father, from applying the legal rules of that other Member State concerning the attribution of the family name on the grounds that in the host Member State children normally take their father's family name, where the application of that other Member State's legal rules cannot reasonably be considered as conflicting with the public interest in the host Member State.

The Commission considers that any decision on what action to take in this matter should wait until the Court of Justice has made its position known.

(2003/C 242 E/052) **WRITTEN QUESTION E-3332/02**

by Glenys Kinnock (PSE) to the Commission

(26 November 2002)

Subject: Afghanistan

Would the Commission clarify how the proposal from Council to repatriate Afghan refugees currently living in the EU would be funded? Is the Commission aware that there are concerns about legal and humanitarian aspects of this proposal?

Answer given by Mr Vitorino on behalf of the Commission

(21 January 2003)

The Commission is strongly committed to the reconstruction and recovery of Afghanistan. Since September 2001, it has been one of the largest contributors to the reconstruction effort. In 2002, development assistance will be over EUR 205 million. In addition, the Commission will finance humanitarian support of about EUR 73 million.

The massive return of refugees is widely seen an indicator of the achievements of the leadership of the Afghan Interim and Afghan Transitional Authority. Up to 2,5 million refugees are thought to have returned from the region, including internally displaced persons returning to their place of origin. The Commission is determined to support the sustainability of these returns both through its humanitarian aid, and through its development assistance which is especially aimed at rural recovery, physical reconstruction, human and social capital and finally, governance and security.

As requested by the European Council in Seville, the Council of Ministers adopted on 28 November 2002 a plan to support returns to Afghanistan. This plan seeks to establish methods to support those wishing to return. Its principles are modelled on the existing tri-partite agreements brokered by United Nations High Commissioner for Refugees (UNHCR) and concluded between the Afghan authorities and the host-country concerned.

The plan adopted by the Council sets up a division of labour between the Member States and the Commission. All pre-departure and transport costs will be covered by the host countries while the Commission will undertake certain co-ordination functions and will bear the cost of reintegration measures. Earlier in 2002, the Commission earmarked EUR 3,6 million to support qualified Afghan nationals' return to positions in the Afghan administration and to the private sector. In addition, with

regard to the return plan, the Commission has indicated that it is ready to earmark an indicative amount of EUR 7 million out of budget line B7-667 to support measures facilitating reintegration of returnees from Europe. The Commission will also devote some EUR 10 million to ensure sustainability of returns regardless of whether these are returns from the region or further afield.

Regarding legal and protection issues, the return plan states clearly that the focus will be on voluntary returns and includes legal and other safeguards. Forced returns can take place only in full compliance with the 1951 Geneva Convention on the rights of Refugees and if all other legal possibilities for remaining in the Union have been exhausted. Furthermore, it should be considered only if the person in question has not, within a reasonable period of time, taken advantage of any assisted voluntary return programme.

The return plan also establishes a so-called Afghanistan Return Co-ordination Group. One of the main terms of reference of this group is to set in motion the part of the return plan which states that 'the identification of returnees and the pace of return shall take into consideration the best available information of the situation on the ground, the possibilities of matching returns with reconstruction efforts and the partnership between the Union and the Transitional Government of Afghanistan.' The Commission will chair this co-ordination group and take into consideration all relevant humanitarian aspects and best-practice on phased return that duly reflect the situation on the ground. In this framework, close cooperation will be ensured with other relevant parties for the implementation of the return plan, in particular UNHCR.

(2003/C 242 E/053) **WRITTEN QUESTION E-3335/02**

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

(26 November 2002)

Subject: Vaccinations and safety

During their lifetime, and for a variety of reasons, productive livestock are injected with a wide variety of pharmaceutical preparations and vaccines.

In the Netherlands, it is routine veterinary and agricultural practice for as many injections as possible to be given with the same needle. Needles are replaced only if they break or if they cannot penetrate an animal's hide for some other reason.

According to the WHO-Unicef-UNFPA Joint Statement (WHO/V&B/99.25), such methods of vaccination are not applicable to human beings because of the high risk of infection, especially in the case of mass vaccination campaigns. With regard to current veterinary practice, the risks of (cross) infection are much too great.

Does the Commission take the view that, in the very near future, the precautionary principle should also be applied in the case of (preventive) mass vaccinations?

Does the Commission share my view that, with regard to the vaccination of productive livestock, needles should be totally sterilised or disinfected?

Answer given by Mr Byrne on behalf of the Commission

(13 January 2003)

The Commission shares the views of the Honourable Member to a large extent.

Recourse to the precautionary principle will always apply if potentially dangerous effects deriving from a phenomenon, product or process have been identified and if scientific evaluation does not allow the risk to be determined with sufficient certainty.

The use of sterile or adequately disinfected needles on animals to be injected with drugs or vaccines, as well as many other veterinary actions, is a good veterinary practice aimed at preventing transmission of disease agents between animals.

However, a proper implementation of the hygienic measures that are necessary in case of mass vaccination of livestock is a primary responsibility of each veterinarian or other adequately trained personnel applying vaccination. These measures must be inter alia proportional and based on balancing costs and benefits.

(2003/C 242 E/054) **WRITTEN QUESTION P-3364/02**

by José Ribeiro e Castro (UEN) to the Commission

(20 November 2002)

Subject: Portuguese on Euronews

The important role played by the Euronews television channel has been acknowledged by Parliament on several occasions. This view is doubtless shared by the Commission. For that reason, the Euronews channel receives significant financial support from the Community even though it is privately owned.

The main justification for Community funding rests on the importance of a multilingual channel with a European focus, not only in terms of communication among Europeans but also in the interest of communicating the European project and its development at world level.

It was recently reported in the press that 16 Portuguese members of staff responsible for Portuguese-language Euronews broadcasts were about to be dismissed and that programmes would no longer be broadcast in Portuguese. At present there is also a Portuguese version of the website www.euronews.net, and it is to be feared that its future may likewise be in doubt.

With more than 200 million speakers, Portuguese is the sixth most widely spoken language at world level and stands in third place among European languages used as world languages, after English and Spanish.

According to the most recent records consulted, Euronews can currently be seen in 125 million homes in 78 countries throughout the world.

Does the Commission have any information on the alleged impending dismissal of 16 Portuguese members of the Euronews staff? Which members of staff are involved, and on what grounds are they to be dismissed? Will the Commission take any initiative aimed at ensuring that Euronews continues to be broadcast in Portuguese? What amounts of Community funding were received by Euronews in 2000, 2001 and 2002? Does the Commission not believe that Community funding for the Euronews channel must be conditional on Euronews' continuing to broadcast multilingual programmes, at least in the most widely spoken European world languages, which must necessarily include Portuguese?

Answer given by Mr Prodi on behalf of the Commission

(3 January 2003)

Over the last three years, the Commission has contributed for more than EUR 4,1 million to Euronews (EUR 2 063 933 in 2000; EUR 1 375 956 in 2001; and EUR 687 978 in 2002).

On 23 October 2001, a convention was signed by the Commission and Euronews, with the full association of the Parliament. Under the convention it was agreed that co-operation between the Commission and Euronews would continue for the next three years and during this period the financing would be gradually phased out so that co-production would have to increase.

The convention did not cover any questions related to staff, which remains an internal matter for Euronews.

The Commission is involved in ongoing discussions about the evolving structure of Euronews. To date Euronews has been uniquely pan-European in its coverage and the Commission would like to ensure that this continues under the new regime, together with the use of a maximum of Union languages, including Portuguese.

(2003/C 242 E/055)

WRITTEN QUESTION E-3368/02

by Olivier Dupuis (NI) to the Commission

(27 November 2002)

Subject: Nature of the aid granted to Laos

The European Commission recently granted EUR 730 000 in humanitarian aid to the Lao People's Democratic Republic in order to 'help displaced vulnerable people and possible victims of resettlement policies' (improvements to water and sanitation systems, the construction of an access road and the distribution of hygiene kits and education in mine-awareness) with the underlying aim of 'boosting ethnic minorities' access to a sustainable livelihood as an alternative to resettlement'.

Does the Commission not feel that these projects bear all the hallmarks of cooperation projects, and that by granting assistance in the form of humanitarian aid all it is doing is quietly fuelling the parasitism (and antidemocratic tendencies) of the Laotian governing classes? Is it aware that the failure of the economic reforms tentatively launched by the Laotian authorities in the late 1980s, which was largely due to the absence of any political reform, has resulted in these authorities pursuing what can only be described as a policy of international begging? Does it realise that the (blind) generosity shown by the European Union and several of its Member States in response to this policy is simply exacerbating the difficulties experienced by the peoples of Laos and making the prospect of that country's democratisation more distant?

Answer given by Mr Nielson on behalf of the Commission

(20 January 2003)

Under Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid [1], the Commission grants aid to people in distress who have a right to international humanitarian assistance where their own authorities prove unable to provide effective relief. This applies to the beneficiaries of the projects financed under Decision ECHO/LAO/210/2002/02000.

The projects concerned are directly implemented by the partner NGOs of the Humanitarian Office (ECHO) and by UN agencies and cannot therefore in any way be considered financial assistance to the Laotian government. The operations are intended to improve the harsh living conditions of the most vulnerable sections of the country's population, in particular ethnic minorities who are often the victims of forced resettlement.

For some beneficiaries the projects mean drinking water supplies and improved sanitary conditions, for others access to primary health care services, education and greater food security. A local public information campaign on 'Unexploded Ordnance' (UXO) is being conducted as part of a food security project.

The Commission's decisions on humanitarian aid are taken impartially and regard solely the needs and interests of the victims. The presence of relief workers in Laos is, moreover, a positive and moderating factor in negotiations between local authorities and the public.

On the matter of the attitude of the Laotian government to international assistance, the Commission takes care to ensure that the aid it provides in the context of development cooperation is effective in combating poverty without removing the onus from the State. With that in mind the Commission has carried out an evaluation of economic and political developments in Laos and of the nature of Community aid to the country. The results and recommendations of the evaluation are included in the Country Strategy Paper on Laos, adopted in 2002.

It should be noted that Laos is the poorest country of South-East Asia, with a GDP per capita of only USD 350 and 30 % of the population living on less than one dollar a day. The development programmes run by the Commission and the Member States accordingly focus on the most vulnerable sectors of the

population. The main focal areas are rural development, health and basic education, with special attention paid to human rights and good governance initiatives.

The Commission maintains a consistent policy of constructive political dialogue with the Laotian Government as well as continuously assisting the people of the country through the Community's development aid programmes, designed to bolster and speed up the process of national democratisation, and humanitarian aid programmes which, in accordance with international humanitarian principles, provide relief to the most vulnerable sections of the population, the victims of forcible resettlement.

(1) OJ L 163, 2.7.1996.

(2003/C 242 E/056) **WRITTEN QUESTION E-3378/02**

by Margrietus van den Berg (PSE) to the Commission

(27 November 2002)

Subject: State aid for Dutch football clubs

The European Commission has indicated to the Netherlands Government that it is not happy with the government aid being granted to football clubs in the Netherlands.

Does the Commission share my view that, given the social significance of sport — acknowledged in the Treaty of Nice — a yardstick is required that is different from the manifest disapproval of aid to football clubs?

Is the Commission prepared to discuss the matter again, bearing in mind the Treaty of Nice which acknowledges the role which sport plays in society and which does not refer to sport as being a subject to be dealt with in the context of unfair competition?

Answer given by Mr Monti on behalf of the Commission

(8 January 2003)

The Dutch government sent the Commission in June 2002 a letter stating that state aid to football clubs in whatever form is not be considered as state aid. The Commission has responded that it could not agree with this observation in general. According to jurisprudence of the Court of Justice, professional football clubs have to be regarded as undertakings. Therefore, financial support to these undertakings falls in principle under the state aid rules. The Commission added that, however, without a full examination of the details in a specific case, the Commission is not in the position to take a view on the question whether or not public support for football clubs is compatible with these rules on state aid.

The Declaration of Nice acknowledges the principle that sport as such entails social, as well as educational and cultural functions. The European Council, therefore, requests the Community institutions and the Member States to implement their policies, in compliance with the EC Treaty, in accordance with their respective powers and in the light of this principle.

In the letter mentioned above, the Commission has actually asserted that for example subsidies granted by the French authorities for the purpose of giving school education to young people combined with sports training performed by professional football clubs does not constitute aid. The Commission herewith acts in line with the principles referred to in the Declaration of Nice.

However, at the same time under certain circumstances aid to professional football clubs might involve state aid elements.

(2003/C 242 E/057)

WRITTEN QUESTION E-3400/02

by Antonios Trakatellis (PPE-DE) to the Commission

(29 November 2002)

Subject: Downturn in Greek economic indicators and growth prospects

The fact that the GDP growth rate for Greece (4 % for 2001), presented as indicative of sound economic performance compared with the European average, is in fact being achieved through EU budget-based redistribution, since, according to the Commission's information, the figure for 2001 is in fact 3,5 %, lends credence to concerns regarding prospects for sustained economic growth in Greece following expiry of the third CSF (2006) and the reduction or halting of large injections of Community funding. Furthermore, this is accompanied by an increase in the balance of payments current account deficit (Bank of Greece statistics for January − August 2002), resulting from a 13 % drop in trade figures and a substantial decline in transfers, that is to say remittances from emigrants, and in net revenue from the EU.

Whereas the fact that Greek products are being squeezed out of foreign markets is leading to a loss in production figures and an increase in unemployment:

1. What does the Commission estimate will be the level of public debt following the revised Eurostat figures for the years 2000, 2001, 2002 and 2003?

2. What will be the impact of these revised figures on the public deficit for the years 2000-2002 and what are the Commission's estimates for the year 2003?

3. What state guarantees have been provided in the form of loans for public-sector undertakings (public enterprises and bodies, Olympic Airways, Greek railways), and through social funds and local authorities and what percentage of the public deficit does this constitute?

4. What measures does the Commission recommend to rationalise the Greek economy (public debt rescheduling, reduction of public deficit) while continuing to implement the programme of public investment at the same rate?

Answer given by Mr Solbes Mira on behalf of the Commission

(20 December 2002)

1. The methodological changes to data reporting agreed between the Greek authorities and the Commission in the course of 2002 implied that the government debt ratio stood at 106,2 % of the gross domestic product (GDP) in 2000 and 107 % of GDP in 2001. On this revised basis, the Commission Autumn 2002 forecasts estimate the government debt ratio to GDP at 105,8 % in 2002 and project a further reduction to 102 % of GDP in 2003 based on the elements included in the draft State Budget for 2003 and on the assumption of unchanged policies.

2. The recent methodological revision of reported data revealed a general government deficit of 1,8 % of GDP in 2000 and 1,2 % of GDP in 2001. The Commission Autumn 2002 forecasts estimate the general government deficit at 1,3 % of GDP in 2002 and project a deficit of 1,1 % of GDP in 2003.

3. According to information provided by the 2002 State Budget document, the stock of State guarantees was equal to 6,1 % of GDP in 2001 while new State guarantees were equal to EUR 1 080 million in 2001 (or 0,8 % of GDP). According to information provided by the Greek government in the second reporting under the excessive deficit procedure (November 2002), debt taken over by the government due to guarantees falling due for payment in 2001 amounted to EUR 494 million in 2001 (or 0,4 % of GDP) and are estimated at EUR 330 million in 2002 (or 0,2 % of GDP).

4. The budgetary position of Member States is assessed by the Commission on the basis of the stability/convergence programmes and their updates prepared by the Member States under the requirements of the Stability and Growth Pact. Following the submission of the 2001 updated stability programme of Greece, the Council, on a recommendation by the Commission, issued an opinion on 12 February 2002. According to this 'the Council strongly encourages the Greek authorities to set promptly a clear binding norm for current primary expenditure as it was recommended in its opinion on the 2000 stability

programme'; in addition, 'the Council considers it is appropriate to keep high primary surpluses above 6 % of GDP and to pursue, if necessary, further budgetary adjustment effort, taking into account the high level of debt'. Furthermore, 'taking into consideration the still very high level of the government debt ratio, as well as the perspective of increasing budgetary costs stemming from the ageing population, the Council urges the Greek government to take advantage of the current favourable macroeconomic situation to reduce the government debt as fast as possible'. The 2002 update of the Greek stability programme, 2002-2006, was submitted on 2 December 2002. The Commission will issue a recommendation for a Council opinion in early 2003, assessing the compliance of the budgetary position and its prospects with the requirements of the Stability and Growth Pact.

(2003/C 242 E/058) **WRITTEN QUESTION E-3413/02**

by Kathleen Van Brempt (PSE) to the Commission

(29 November 2002)

Subject: Government aid for professional clubs

Many European professional sports clubs manage to survive only thanks to local authority assistance. With municipalities providing subsidies, standing surety for bank loans, funding the building of stadiums etc.

What view does the Commission take of this?

Is public funding for professional clubs covered by European rules regarding competition and government aid?

If so, what does this mean for the local authorities and professional clubs?

Are professional clubs required to inform the Commission of government aid and do they all do so?

In the Commission's view, what type of government aid falls under Community rules? For example, can subsidies for youth teams be made subject to the same rules as subsidies for professional clubs?

Can the Commission ask professional clubs to reimburse government aid?

Is government aid to Belgian professional clubs in accordance with European legislation? If not, in which cases are infringements occurring?

Answer given by Mr Monti on behalf of the Commission

(27 January 2003)

According to constant jurisprudence by the Court of Justice, professional sports clubs have to be regarded as undertakings, as they perform an economic activity [1]. Therefore, any type of public support to these undertakings falls in principle under the state aid rules provided that all other criteria of Article 87(1) of the EC Treaty are also fulfilled. For example, aid granted to professional sports clubs, which does not have an effect on trade between Member States, does not fall under the aforementioned article.

If, however, all the criteria of Article 87(1) of the EC Treaty are fulfilled, the same rules apply as if aid is granted to any other kind of undertaking. This implies an obligation to the Member State to notify aid to the Commission. The aid may only be granted to the undertaking upon approval of the Commission. In case the aid is incompatible, the Commission may order the Member State to recover the aid from the beneficiary, if it has been illegally paid out in breach of the above mentioned prohibition.

The assessment of financial support to professional sports clubs will vary depending on the characteristics. It might, for example, be considered not to be aid for an economic activity, as in the case of compensation for the education of young players [2]. Under certain strict conditions, financial support for stadiums may also be considered as funding for infrastructure and not constitute aid.

Accordingly, the Commission cannot state in general terms whether state aid, within the meaning of Article 87(1) of the EC Treaty, has been granted to Belgian professional sports clubs. It needs to be assessed on a case by case basis whether forms of public support constitute State aid and whether they are compatible with the EC Treaty.

[1] Cases C-415/93, Bosman and C-41/90, Höfner.
[2] Commission Decision N 118/2000, France, state aid for professional sports clubs — OJ C 333, 28.11.2001.

(2003/C 242 E/059) **WRITTEN QUESTION P-3454/02**

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

(27 November 2002)

Subject: The establishment of a European Public Prosecutor

How much money does the Commission estimate establishing a European Public Prosecutor will cost?

Answer given by Mrs Schreyer on behalf of the Commission

(7 January 2003)

The establishment of a European Financial Prosecutor has been recently addressed in the Green Paper on protection of the financial interests of the Community by criminal law and the establishment of a European Financial Prosecutor [1]. This paper is only a consultative document to be used as a basis for an open discussion.

The Green Paper presents various options for the establishment of a European Financial Prosecutor, which can be combined in many ways. Each combination of choices would have a different financial impact. As a consequence and in the absence of a legal basis enshrined in the EC Treaty, full preparatory legislative work, including a financial impact assessment, is not possible at this stage.

One of the proposals made in the Green Paper is the organisation of the European Financial Prosecutor on a decentralised basis. In such a case, the European Financial Prosecutor's own resources would be small.

The Green Paper also proposes that the European Financial Prosecutor have his/her own budget, charged to the general budget of the Communities. This budget would be managed on a totally independent basis by the European Financial Prosecutor in accordance with the rules of the EC Treaty and the financial legislation implementing them.

Finally, the Commission underlines that the creation of the European Financial Prosecutor is in the interests of the European taxpayer, as the aim is to protect EU finances.

[1] COM(2001) 715 final.

(2003/C 242 E/060) **WRITTEN QUESTION E-3479/02**

by Philippe Herzog (GUE/NGL) to the Commission

(6 December 2002)

Subject: Extension of the Lamfalussy process and financial supervision

In the debate on extension of the Lamfalussy process and financial supervision at the plenary sitting in Strasbourg on 20 November 2002, the Commissioner responsible for the single market expressed his intention of replying to each of the speakers. But he made one exception, omitting to answer the author of

this question, who would like to know whether or not the omission was deliberate and now requests an answer to a concern expressed in his speech. He had expressed concern at the Union's tendency to converge in the direction of the United States rules, in the prospect of an integrated transatlantic financial market, without the European Parliament ever having debated any such objective.

According to the preparatory documents for the TABD meeting of 6 and 8 November 2002, the Commissioner for the internal market apparently stated on 29 May 2002, in a consultation with the President of the SEC, that he intended 'to provide the transatlantic world with one liquid and integrated financial market'.

My question to the Commission is twofold:

1. Does this statement correspond to a mandate from the Council? Or from the Commission? Or is it a personal position? Has it been discussed, and if so, in what forum?

2. How does the Commissioner or the Commission justify this position?

Answer given by Mr Bolkestein on behalf of the Commission

(16 January 2003)

The Member of the Commission in charge of the Internal Market did indeed declare after his meeting with the former Chairman of the Securities and Exchange Commission (SEC) his long term objective to work towards providing 'the world with one liquid and integrated financial market' and has made a number of similar public statements both before and since, most recently in a speech given on his behalf on 10 December 2002.

The reason why he called for such an integrated financial market is threefold.

Recent studies have pointed to the huge economic and social benefits to all sides from European financial market integration and the removal of regulatory barriers. The same should be true for transatlantic market integration.

European investors, companies and consumers are being punished by the status quo. The Lamfalussy Report listed external trade barriers, and in particular barriers in the United States' market (e.g. no access for trading screens) as one of the major factors slowing European market integration. In contrast, European markets are relatively open to United States companies and exchanges. These barriers are unacceptable and need to be addressed in the interests of companies and investors on both sides.

Most importantly, recent events have highlighted how actions in one country can and do have direct effects on companies in other countries. The Sarbanes-Oxley Act in the United States is a classic example of this.

The Commissioner believes that the solution to these issues is firm and effective upstream co-operation between authorities on both sides of the Atlantic. The aim should be mutual convergence around common principles whenever practicable, whilst recognising and respecting the right of each side to use different means of regulation. Contrary to what the Honourable Member's question suggests, this does not imply the adoption of United States rules. As part of this, the European Union-United States Positive Economic Agenda launched by Presidents Prodi and Bush in May 2002 called for a Financial Markets Dialogue on regulatory matters. Commission officials met with United States authorities on a number of occasions in 2002 and expect to have regular meetings in 2003 with a view to resolving these issues.

As such, while the statements referred to by the Honourable Member reflect the personal point of view of the Commissioner, they are totally consistent with European Union policy and Council mandates.

The Commission will continue to inform the Parliament of any progress made in this regard.

(2003/C 242 E/061) **WRITTEN QUESTION E-3521/02**

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

(10 December 2002)

Subject: Port inspections

On 14 November it was stated on the Gibraltar Government's web page (www.gibraltar.gov.uk) that the MV Prestige, wrecked off the Galician coast on 13 November, entered Gibraltarian waters only once in the last four years, simply to refuel (bunkering), without coming into harbour.

This statement indicates that when a vessel is bunkering in those waters from a tank-ship operating as a fixed port installation, the Gibraltarian authorities do not consider themselves obliged to carry out the inspections provided for under international and Community legislation (Port State Control).

Does the Commission agree with this interpretation?

Does the Commission consider that bunkering is in fact a port activity and therefore subject to all obligations stemming from the legislation governing such activities?

Answer given by Mrs de Palacio on behalf of the Commission

(3 February 2003)

It is the Commission's opinion that it would be wrong to consider that refuelling operations may not give rise to inspections pursuant to Community legislation on port State control as, in accordance with Article 3 of Council Directive 95/21/EC [1], port State control obligations apply to any ship and its crew calling at a port of a Member State or at an off-shore installation or anchored off such a port or such an installation.

With regard to oil bunkering activities in Gibraltar, the Honourable Member is asked to refer to the Commission's answer to Oral Question No H-0800/02 by Mr García Margallo y Marfil at the December 2002 plenary session of the Parliament.

[1] Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions — OJ L 175, 7.7.1995.

(2003/C 242 E/062) **WRITTEN QUESTION E-3567/02**

by Bart Staes (Verts/ALE)
and Jan Dhaene (Verts/ALE) to the Commission

(12 December 2002)

Subject: Applications for '.eu' domain names

Regulation (EC) No 733/2002 [1] refers to the introduction of an '.eu' top level domain. It states that the introduction of such a domain should increase choice and competition and promote the internal market. Article 4(2)(b) mentions the various parties who may apply for and register domain names. Article 5(2) rightly provides that, within three months of publication, Member States may notify a list of domain names with regard, for example, to geopolitical concepts. Subsequently, from 2003, a process of delegated registration is to begin via ICANN, according to the information note of November 2002 on the '.eu' top level domain. In the course of 2003, the various organisations, businesses and natural persons may register for a domain name. However, inquiries among a limited sample of the population suggest that not enough information is reaching the public as yet. Moreover, it has become apparent that the various internet providers have not yet arrived at a uniform price for an '.eu' domain name.

Can the Commission confirm the above and indicate how it intends to promote the dissemination of information to the public?

For non-governmental purposes, is the Commission in possession of an exact, predetermined schedule and procedure for applications for '.eu' domain names?

Does the Commission distinguish among applications for '.eu' domain names on the basis of whether the applicant is profit-making or non-profit-making?

If so:

— What does the Commission consider an equitable price for an application for an '.eu' domain name by an organisation which is profit-making and by one which is not?

— Are not public-spirited organisations such as European umbrella organisations for students, human rights organisations and European citizens' initiatives eligible for a free domain name?

If not:

— How will the Commission give non-profit-making organisations a fair chance of applying?

(1) OJ L 113, 30.4.2002, p. 1.

Answer given by Mr Liikanen on behalf of the Commission

(3 March 2003)

As underlined by the Honourable Members, the .eu Top Level Domain (TLD) should become operational in the course of 2003.

Timetable for the availability of .eu domain names

Further measures of implementation are required before the Registry effectively becomes operational. The remaining procedural steps are outlined in the .eu webpage on the Information Society website (1) and involve notably the designation of the .eu TLD Registry and the conclusion of a contract between the Registry and the Commission, the delegation of the .eu TLD to the Registry and the adoption of public policy rules.

Considering the implementation measures still required and given the need to adopt public policy rules in accordance with the procedure provided in Regulation (EC) No 733/2002 of the Parliament and of the Council of 22 April 2002 on the implementation of the .eu Top Level Domain and after consultation of the Registry, a precise timetable for the availability of domain names in the .eu TLD cannot be provided at this stage.

Information about the .eu Top Level Domain

Information about the .eu Top Level Domain is already available from various sources which include notably the Commission website (2), press releases and the Official Journal (publication of the Regulation (EC) No 733/2002 and the Call for Expressions of Interest for the selection of the .eu TLD Registry) (3). A large part of this information is also made available through search engines. Answers to questions are directed through information services such as the 'infso-desk' available on the Europa website (4) or Euro Info Centers.

Dissemination of information about the .eu TLD shall, in addition, be a task to be undertaken by the .eu TLD Registry. The Regulation itself imposes a consultation of the interested parties by the Registry on the initial registration policy. Recital 21 of the Regulation clarifies that interested parties involve undertakings,

organisations and natural persons in addition to public authorities. As part of the Call for Expressions of Interest for the selection of the .eu TLD Registry, applicants were requested to provide information about the measures envisaged to promote effectively the .eu TLD.

Difference between requests of .eu domain names on the basis of non-profit or for-profit organisations

The Registry will be entrusted with the organisation, the administration and the management of the .eu TLD. The Regulation provides that the Registry shall impose fees directly related to costs incurred and the Commission is reserving the means to control the management of the .eu TLD, including its pricing policy.

(1) http://europa.eu.int/information_society/topics/telecoms/internet/page2/text_en.htm.
(2) http://europa.eu.int/information_society/topics/telecoms/internet/eu_domain/index_en.htm.
(3) OJ C 208, 3.9.2002.
(4) http://europa.eu.int/information_society/newsroom/press_services/contact/text_en.htm.

(2003/C 242 E/063) **WRITTEN QUESTION E-3595/02**

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

(13 December 2002)

Subject: Measures to stop the sunken remains of the 'Prestige' tanker spilling more fuel oil

What measures are being taken to stop the sunken remains of the 'Prestige' tanker spilling more fuel oil, so as to ensure the protection and preservation of the coastline in Galicia and elsewhere in Europe from the consequences of further spills?

Answer given by Mrs Wallström on behalf of the Commission

(20 February 2003)

The Commission fully shares the preoccupation expressed by the Honourable Member regarding the problem caused by the oil in the wreck of the Prestige which represents a threat not only for the coast of Galicia, but more widely for the marine and coastal environment of France, Spain and Portugal.

Immediately after the accident of the Prestige, the Commission has been in close contact with the Spanish authorities, in order to make the expertise and combating equipment of other Member States available.

More particularly, concerning the problem of the wreck of the Prestige, the Commission has proposed the participation of European experts to the Scientific Committee that has been established by the Spanish authorities in order to assess issues relating to the wreck.

(2003/C 242 E/064) **WRITTEN QUESTION E-3596/02**

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

(13 December 2002)

Subject: Clean-up vessels and 'Prestige'-type disasters

When the 'Prestige' disaster hit the Galician coast, the Spanish state was unable to supply a single clean-up vessel capable of dealing with fuel oil. The vessels which arrived later from France, the Netherlands, Germany, the UK and Belgium could not start operations for several days, as they were not equipped to confront waves over 2,5 metres high. How was this lack of facilities allowed to arise? What measures will

the Commission take to make good this vital component in the fight against the disastrous consequences of accidents of this type? What measures will it introduce, specifically, for a particularly sensitive area such as Galicia?

Answer given by Mrs de Palacio on behalf of the Commission

(6 February 2003)

With regard to the clean-up operation, the assistance arrangements agreed between the Commission and the national structures responsible for handling this type of disaster ensured immediate access to the resources available around the Community.

The authorities in the affected areas were able to make rapid use of the available assistance, including vessels and other special clean-up equipment.

In addition, there are plans to invest the European Maritime Safety Agency with the authority and the means to tackle pollution. A proposal to amend the Regulation which established the Agency is to be put forward for that purpose.

(2003/C 242 E/065) **WRITTEN QUESTION E-3597/02**

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

(13 December 2002)

Subject: EU funding to deal with the economic, social and ecological consequences of the 'Prestige' disaster for the Galician coastline

What specific and additional EU financial resources will be allocated to dealing with the economic, social and ecological consequences of the 'Prestige' disaster? Will recourse be had to the Solidarity Fund which was created following the natural disasters in Germany and Austria? Will an additional fund be created if necessary? Will there be full and swift compensation for the economic losses suffered, not only by the activities directly affected but also by all the other economic operators related to those activities?

(2003/C 242 E/066) **WRITTEN QUESTION E-3598/02**

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

(13 December 2002)

Subject: Estimated cost of the 'Exxon Valdez' disaster to the economy of the Alaskan coastline and expected costs of the 'Prestige' disaster for the Galician coastal areas

The cost of the 'Exxon Valdez' disaster to the economy of the Alaskan coastline, in accordance with the US authorities' determination of Exxon's liability, is estimated at USD 1 billion in damage to the natural environment, plus a further USD 2 billion in depollution measures and other necessary action. Given that the impact of the 'Prestige' disaster on Galicia's coastal areas exceeds that caused by the 'Exxon Valdez', what is the Commission's estimate for Galicia? What mechanisms and legal procedures will the Commission employ to demand the necessary compensation?

Joint answer
to Written Questions E-3597/02 and E-3598/02
given by Mrs de Palacio on behalf of the Commission

(26 February 2003)

The Commission would refer the Honourable Member to its answers to parliamentary questions H-0848/02 [1], E-3362/02 and E-3404/02 [2], E-3439/02 [3], E-3590/02 [4], E-3591/02 [5], E-3593/02 [6], E-3594/02 [7], E-3599/02 [7]OJ C 161 E, 10.7.2003, p. 111, E-3602/02, E-3603/02 and E-3604/02 [8], E-3655/02 and E-3656/02 [9] and P-0001/03 [10], which cover all aspects of the Prestige disaster, including the issues of 'compensation' and 'costs' raised by the Honourable Member.

[1] Written answer given on 14.1.2003.
[2] OJ C 161 E, 10.7.2003, p. 85.
[3] OJ C 161 E, 10.7.2003, p. 90.
[4] OJ C 222 E, 18.9.2003, p. 91.
[5] OJ C 222 E, 18.9.2003, p. 92.
[6] OJ C 161 E, 10.7.2003, p. 110.
[7] OJ C 161 E, 10.7.2003, p. 111.
[8] OJ C 192 E, 14.8.2003, p. 124.
[9] OJ C 161 E, 10.7.2003, p. 123.
[10] OJ C 161 E, 10.7.2003, p. 166.

(2003/C 242 E/067) **WRITTEN QUESTION E-3600/02**

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

(13 December 2002)

Subject: State of implementation by the EU Member States of the 'ERIKA' legislative package

What is the state of play as regards implementation by the EU Member States of the 'ERIKA' legislative package? Which were the Member States that, at a certain moment, blocked an agreement to bring implementation forward? On what grounds did they justify such a position?

(2003/C 242 E/068) **WRITTEN QUESTION E-3660/02**

by Rosa Miguélez Ramos (PSE) to the Commission

(18 December 2002)

Subject: Black tide in Galicia: statements by the Transport Commissioner

During the debate at Parliament's plenary sitting of 21 November 2002, the Transport Commissioner called the Member State governments an illogical bunch because they said at the Nice summit two years ago that the implementation of the ERIKA I and II packages of legislation should be brought forward, and then failed to apply them. The Commissioner stated that, if the governments had not delayed bringing the measures proposed by the Commission into force, the Prestige accident would not have happened.

Can the Commission say which States opposed the adoption in the Council of Ministers of the proposals and deadlines put forward by the Commission in the ERIKA I and ERIKA II packages of legislation?

Joint answer
to Written Questions E-3600/02 and E-3660/02
given by Mrs de Palacio on behalf of the Commission

(7 February 2003)

The Honourable Members are reminded how the Commission deplored the fact that the initially proposed timetable for phasing out single-hull tankers was not retained. The proposal would have meant category 1 single-hull tankers such as the ERIKA or the Prestige being phased out at 23 years of age.

Under the Regulation finally adopted by the co-legislators, the Prestige would have been phased out by 15 March 2005 at the latest. If the timetable proposed by the Commission had been retained, the Prestige would have had to be decommissioned on 1 September 2002 (date of application of the final Regulation) as it was 26 years old on the date of the accident.

In this context, the Commission welcomes the unanimous support of the Member States, as expressed in the conclusions of both the Transport Council of 6 December 2002 and the European Council in Copenhagen, for the measures it presented in its Communication of 3 December 2002.

On 20 December 2002, the Commission presented a proposal for a Regulation [1] to Parliament and the Council on the accelerated phase-out of single-hull tankers and return to the originally proposed timetable. The Commission hopes that the proposal will be adopted during the Greek presidency.

[1] COM(2002) 780 final.

(2003/C 242 E/069) **WRITTEN QUESTION E-3605/02**

by Helle Thorning-Schmidt (PSE) and Torben Lund (PSE) to the Commission

(16 December 2002)

Subject: The euro and nickel allergy

The one and two euro coins contain a high level of nickel and the two-tone design consisting of two alloys makes the coins galvanic elements which corrode heavily when they become electricity conductors on contact with perspiration. This has proven to trigger allergic reactions in people who are allergic to nickel.

Bank employees, shop staff etc., who have a great deal of daily contact with the coins, are a particularly vulnerable group who may run the risk of developing an allergy to nickel in the long term. Moreover, anyone who is allergic to nickel may suffer a worsening condition.

What does the Commission intend to do to remedy the above complaints associated with the use of euro coins? Has the Commission launched an investigation into the effects on health of the use of the current euro coins? Does the Commission intend to withdraw the current coins and replace them with coins which do not produce allergic reactions?

Answer given by Mr Solbes Mira on behalf of the Commission

(28 January 2003)

The question of the Honourable Members refers to a study published in the magazine 'Nature' in September 2002, where the release of nickel from euro coins in a galvanic environment was tested. The conclusion drawn by the authors of this study is misleading, as the results were generated by sticking EUR 1 and EUR 2 coins to the skin of patients with a known nickel allergy for 48-72 hours. After this period they showed an allergic reaction. As these conditions clearly do not at all reflect the normal use of the euro coins, the Commission does not see the need to revise its opinion, that the normal use of euro coins does not represent any risk for European citizens. Even citizens who frequently touch coins (e.g. bank employees and cashiers) are by far not exposed to the conditions simulated in the test, as a galvanic environment of a coin could only be created by permanent contact with the human skin.

The introduction of the euro coins reduced the share of coins in circulation containing nickel from 75 % to 15 %. The Commission is not aware of any particular cases of patients suffering from nickel allergy which can be traced back to the handling or use of EUR 1 and EUR 2 coins. Neither is there evidence of a recent increase in nickel allergies among European citizens.

A recent independent study, conducted under the authority of Professor Pierre-Gilles de Gennes, winner of the Nobel Prize of Physics showed that the amount of nickel released from the EUR 1 and EUR 2 coins is significantly lower than from the national coins used prior to the introduction of the euro.

(2003/C 242 E/070) **WRITTEN QUESTION P-3620/02**

by Wolfgang Ilgenfritz (NI) to the Commission

(9 December 2002)

Subject: Position of Jersey in the EU

Is Jersey a member of the European Union?

Do businesspeople in Jersey have a sales tax identification number for tax-free purchases in the European Union?

If Jersey has a special status in the EU, the Commission is asked to forward the relevant provisions.

Answer given by Mr Prodi on behalf of the Commission

(14 January 2003)

Jersey, a British Crown dependency, is part of the Union in so far as the United Kingdom is responsible for its external relations. It does, however, have a special status. Pursuant to Article 26(3) and Article 27(d) of the Act concerning the conditions of accession to the Communities of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, a new paragraph was added to Article 299 of the EC Treaty and Article 198 of the Treaty establishing the European Atomic Energy Community. The paragraph reads as follows:

> This Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of new Member States to the European Economic Community and the to European Atomic Energy Community signed on 22 January 1972.

The special arrangements laid down for the Channel Islands and the Isle of Man are set out in Protocol No 3 attached to the Act of Accession, of which, under Article 158 of the Act, they form an integral part.

As regards VAT, Jersey does not belong to the tax territory as defined in Article 3(2) of the Sixth VAT Directive [1]. Firms in Jersey do not therefore have an individual Union VAT identification number. However, deliveries of goods from or to the Channel Islands are treated as exports and are exempt from VAT as set out in Article 33a of that Directive.

[1] 77/388/EEC: Sixth Council Directive of 17 May 1997 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax; uniform basis of assessment — OJ L 145, 13.6.1977.

(2003/C 242 E/071) **WRITTEN QUESTION E-3661/02**

by Rosa Miguélez Ramos (PSE) to the Commission

(18 December 2002)

Subject: Black tide in Galicia: Natura 2000 network

The pollution caused by the accident involving the Prestige and its subsequent sinking has already seriously affected ten natural sites put forward as 'sites of Community interest' by the Galician administration and is threatening a further six. All of them form part of the Natura 2000 European network.

The sites already affected are Betanzos-Mandeo, in the Betanzos estuary; Carnota-Monte Pindo; Corrubedo; Costa Ártabra; Costa da Morte; Costa de Dexo; Estaca de Bares; Monte and Lagoa de Louro; Río Xubía-O Castro and Río Anllons.

The sites at serious risk are Ría de Ortigueira-Mera, Ría de Foz-Masma, Río Eo, Río Ouro, and Esteiro do Tambre.

What environmental measures will the Commission take to regenerate these areas, which are of high ecological value?

Answer given by Mrs Wallström on behalf of the Commission

(26 February 2003)

The Honourable Member has expressed her concern in relation to the accident caused by the Prestige and its impact on the Natura 2000 network in Galicia, Spain. The incident poses a serious threat to marine wildlife and coastal habitats in Galicia.

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1] is the main Community instrument for safeguarding European bio-diversity. The preservation, protection and improvement of the quality of the environment, including the conservation of natural habitats and of wild fauna and flora, are essential objectives of general interest for the Community. The main instrument to reach these goals is the Natura 2000 network of protected areas. Therefore, any site included in the Natura 2000 network has to be considered as of high ecological value. Each Member State is responsible for identification, designation and conservation of the sites, which are important for the protection of the species and habitats of Community interest.

In the provisions of the aforementioned Directive, it is stated that Member States shall take the appropriate steps to avoid the deterioration of natural habitats and habitats of species as well as the maintenance and restoration at a favourable conservation status.

However, the Commission is aware of the exceptional circumstances of this situation. Although the Commission is not itself answerable for restoration activities, it is clear that the Commission recognises that some measures have to be reinforced, in particular those linked to the establishment of effective systems to protect the European environmental heritage from similar incidents.

In addition, the Commission would like to remind the Honourable Member that, under the regulation in force, the Spanish government has the possibility of using certain appropriations of the European Regional Development Fund (ERDF) and of the Cohesion Fund which have already been allocated to Spain for the period 2000-2006 in order to counter the consequences of the disaster.

The Commission would like to inform the Honourable Member that, to date, the Spanish authorities have only indicated that they intend to use the measure 3,5 ('Actuaciones medioambiental in costas') of the Operational Programme Galicia 2000-2006. It has a budget of EUR 64 516 472 to carry out some rehabilitation measures.

The Spanish Authorities submitted a formal request to the Commission on 14 January 2003 to mobilise the European Union Solidarity Fund (EUSF) and to seek immediate financial assistance to deal with the consequences of the Prestige accident.

The Commission will proceed immediately with a thorough examination of this application on the basis of the information received. It will respond as quickly as possible in accordance with the requirements of the EUSF Regulation.

The Honourable Member is also referred to the Commission's reply to Written Question E-3659/02 [2] on aid to those affected by the oil slick caused by the sinking of the oil tanker Prestige.

(1) OJ L 206, 22.7.1992.
(2) OJ C 161 E, 10.7.2003, p. 125.

(2003/C 242 E/072) **WRITTEN QUESTION E-3727/02**

by Patricia McKenna (Verts/ALE) to the Commission

(19 December 2002)

Subject: Enriched cages for egg-laying hens

Is the Commission aware of the 1989 study by Dawkins and Hardie that shows that hens require, on average, 1 272 square centimetres in which to turn, 893 for wing-stretching and 1 876 for wing-flapping? The EU Laying Hens Directive (1999/74/EC [1]) as currently formulated provides only for so-called 'enriched' cages of 600 square centimetres per hen after the phasing out of conventional battery cages in 2012. Scientific literature shows that these enriched cages will offer no worthwhile welfare benefits for hens as compared to conventional ones.

It would be a tragic waste of an opportunity to advance animal welfare in Europe if the EU were to allow farmers to change from battery cages to enriched ones which do not allow hens to perform important basic behaviours.

Will the Commission therefore propose and support a ban on these enriched cages when the Hens Directive is reviewed in 2005 — something which Germany has already done with effect from 2012?

[1] OJ L 203, 3.8.1999, p. 53.

Answer given by Mr Byrne on behalf of the Commission

(3 February 2003)

When preparing its Report on the welfare of laying hens, the Scientific Veterinary Committee referred to, among others, the scientific study by Dawkins and Hardy from 1989 mentioned by the Honourable Member. This report, published on 30 October 1996, served the Commission as a scientific basis for the elaboration of the proposal to improve the legislation for the protection of laying hens.

Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens, invites the Commission to present a report to the Council on the different farming systems for laying hens by 2005. This report will be based on a scientific opinion covering all systems in use, including enriched cages. Furthermore, the economic implications of Directive 1999/74/EC will have to be taken into account based amongst others on a comprehensive study to be financed by the Commission and to be started in 2003. On this basis the Commission will then evaluate the different options for improving the current Community legislation, if necessary.

(2003/C 242 E/073) **WRITTEN QUESTION E-3738/02**

by Ilda Figueiredo (GUE/NGL) to the Commission

(19 December 2002)

Subject: Redundancies at Euronews

On 12 November 2002 the Portuguese newspaper 'Público' reported, in an article entitled 'Journalists threatened with redundancy', that the sixteen Portuguese professionals responsible for the national version of the television channel 'Euronews' could be made redundant.

Given that Euronews is a pan-European channel which receives EU support:

1. Is the Commission aware of these developments at Euronews? Does any threat exist to the continuation of Portuguese-language broadcasting by the channel?

2. What measures have been taken or will be taken to ensure the continuation of the Portuguese-language version of Euronews?

Answer given by Mr Prodi on behalf of the Commission

(5 February 2003)

The Commission would refer the Honourable Member to its answer to written P-3364/02 by Mr Ribeiro e Castro [1]

[1] See page 54.

(2003/C 242 E/074) **WRITTEN QUESTION E-3740/02**

by Gabriele Stauner (PPE-DE) to the Commission

(19 December 2002)

Subject: Annual accounts for the financial year 2001

In Official Journal [1], the Commission published the European Communities' annual accounts for the financial year 2001 (consolidated statements on budget implementation and balance sheet).

Can the Commission forward a list of all the changes made to the annual accounts as now published in relation to the version forwarded to Parliament on 30 April 2002?

[1] OJ C 296, 28.11.2002.

Answer given by Ms Schreyer on behalf of the Commission

(29 January 2003)

No changes have been made. The annual accounts are published in the Official Journal on the same day as the Court of Auditor's annual report.

(2003/C 242 E/075) **WRITTEN QUESTION E-3752/02**

by Kathleen Van Brempt (PSE) to the Commission

(20 December 2002)

Subject: Palladium

In its next version of Windows, Microsoft wants to incorporate a 'virtual lock' called Palladium. Microsoft claims that this will protect PCs against viruses and filter spam. It may also provide a means of preventing the illegal copying of software. Palladium is also supposed to provide PCs with a unique identification code. There is a fear that an identification code of this nature developed by Microsoft will make the running of competitors' software impossible.

1. How will the Commission ensure that Microsoft does not misuse Palladium in order to eliminate competitors? Will Palladium jeopardise the development of free software/open source development?

2. PCs equipped with Palladium will be able to operate only with Palladium-compatible software. It is lawful for a company which itself sells software to make the rules relating thereto? Does not the Commission see it as its role as the authority in charge of competition issues to lay down the requisite rules?

Answer given by Mr Monti on behalf of the Commission

(12 February 2003)

1. The Commission is aware of Microsoft's Palladium initiative. This project is still in its early stages. As such, and in the absence of any formal complaint, the Commission is not investigating Palladium. The Commission is nevertheless fully aware of the potential impact of technologies such as Palladium on a range of areas, including the development of open source software, user control and user rights issues, privacy issues and content provision. The Commission is committed to act within its powers in favour of innovation and is actively engaged in dialogue with all parties expressing views on Palladium.

2. Palladium is not currently incorporated in any Microsoft products on the market, and it is therefore premature for the Commission to make an assessment of its effects. As the authority in charge of competition issues, the Commission is committed to ensuring that conduct in the market is in compliance with the Community's anti-trust rules, such that market outcomes which are beneficial to consumers, competition and innovation are attained.

(2003/C 242 E/076) **WRITTEN QUESTION P-3770/02**

by Bart Staes (Verts/ALE) to the Commission

(16 December 2002)

Subject: Conversion of the arms industry

Before the reform of the Structural Funds, the Konver programme was implemented. It made funding available to the arms industry, if the latter so wished, to enable arms manufacturers to switch to civil production. Such conversion measures for the arms industry now form part of the normal budget for the Structural Funds.

How much money has been spent on assisting conversion measures in the arms industry in the past 15 years? Can the Commission indicate, for each Member State, how these funds have been used?

In the specific case of Belgium, can it indicate which companies or authorities have taken advantage of this assistance?

Has overall assistance with the conversion of the arms industry been evaluated, and can the Commission accordingly state how many jobs have been transferred from the arms industry to the civil sector?

Supplementary answer
given by Mr Barnier on behalf of the Commission

(11 March 2003)

The Konver Community Initiative was set up in 1993, carrying on from the Perifra I and II special measures adopted in 1991 and 1992. It was devised at the end of the Structural Funds' 1989-93 budget period, as part of an annual programme linking with the 1994-99 period. This Community Initiative was

initially allocated a budget of ECU 130 million. In 1994 it was decided to extend Konver. The budget of ECU 500 million allocated to this Initiative for the 1994-1999 period broke down as follows:

B	DK	D	GR	E	F	IRL	I	L	NL	P	UK	Total
11,45	2,35	219,4	12,75	23	70,15	–	45,3	0,35	11,45	7,80	95,7	500

Konver was designed to enable regions strongly dependent on the defence industry to speed up diversification of their economic activity. The programmes linked to this Initiative have not yet been financially closed.

Subject to the programmes' final closure, the following information relating to Belgium can nevertheless be passed on to the Honourable Member:

– During the 1994-1999 period, the Flemish Region benefited from a Konver programme concerning the administrative districts Brugge, Leuven, Hasselt, Turnhout and Tongeren. At the end of January 2003, a total of EUR 5 806 098,82 was committed under part-financing by the European Regional Development Fund (ERDF).

– Most of the projects part-financed comprised renovating disused military land or buildings. Other projects related to converting industrial land or development sites. The Flanders Konver programme did not part-finance armament firms wishing to switch to non-military production.

– An initial Konver programme for Wallonia was approved in 1993. It gave rise to Structural Funds support of EUR 1 096 million. For the 1994-1999 period, EUR 6 119 million were part-financed in this context. About a hundred businesses were involved, mainly small and medium-sized enterprises. The Konver programme helped them to open up their markets to new areas of activity. The Commission estimates that 68 new jobs were created thanks to this Community assistance.

Lastly, the Commission would draw the Honourable Member's attention to the fact that conversion measures can also be provided for under the Structural Funds' operational programmes, since firms affected by the problems of switching away from the military sector are among those eligible for part-financing from the Structural Funds under the rules applicable.

(2003/C 242 E/077) **WRITTEN QUESTION E-3795/02**

by Robert Goebbels (PSE) to the Commission

(7 January 2003)

Subject: Global poverty statistics

In its texts concerning globalisation, sustainable development and development aid, the Commission often uses statistics on poverty which show that 1,2 billion people have to live on less than a dollar a day and that 1,6 billion people have to live on less than 2 dollars a day.

How reliable are statistics such as these (which more often than not are gleaned from the World Bank)? Is it possible to assess average incomes in countries where trade essentially takes the form of bartering, and where production and consumption take place in an informal economy?

Are anodyne statistics such as these of any real value? Might it be possible to find a more reliable way of measuring global poverty?

Answer given by Mr Nielson on behalf of the Commission

(28 February 2003)

The Honourable Member raises a set of important issues on how to best measure and capture poverty, which is a multidimensional phenomenon that encompasses monetary, social and cultural aspects.

Research and empirical work on poverty has developed dramatically in recent years, along with a greater focus by policy makers on this issue. This is reflected in the fact that for most bilateral and multilateral donor agencies, including the Community, poverty reduction is now the stated overall objective for development assistance.

There are different approaches to poverty measurement, each emphasising one of the dimensions of poverty, as poverty is recognised as multidimensional, linked to income, employment, health, education, housing etc.

If the monetary criterion is kept, some options have still to be chosen to determine the threshold, which income or consumption will be compared in order to assess whether the person has to be considered as poor or not.

The two most frequently used methods to determine the monetary threshold are the relative and the absolute:

— The relative threshold is expressed as a proportion of the mean or the median [1] of the income distribution. The poverty rate is then defined as the share of the population whose income/consumption is lower than X % of the median/mean income of the society where he/she lives. This method is more often used in industrialised countries. For the Member States, 60 % of the median income have been chosen as the main criterion for the calculation of the poverty rate (used in National action plans and most of the documents of the Commission (Spring Report, Joint inclusion report and so on)).

— The absolute threshold is based on an amount of money [2] considered as minimal, but not directly related to the general level of the society where the individual lives. One of the well known absolute poverty thresholds is the two dollars per day used by the World Bank.

Subjective, administrative or food-share based threshold can also be used.

Once the definition is determined, the question of the data source to compute the poverty rate is of particular importance.

Consumption, expenditure or income data are usually derived from household surveys. These surveys are generally implemented by the national statistical office in each country, sometimes with donor support.

Even though the Commission hopes that these surveys are statistically representative and of good statistical quality, it has to be kept in mind that, as pointed out by the Honourable Member, transfers in kinds, bartering and transactions in the informal economy are imperfectly translated in the income or expenditure data in most of the countries (due to the difficulty to collect such information)

Non-monetary measures of poverty can also be used. These include human development and social indicators, typically based on health (e.g. mortality, nutrition) and education (e.g. enrolment) data generated by statistically representative national household surveys. The advantage of such indicators is that they provide direct measure of wellbeing, more easily to be surveyed.

The disadvantages are due to the fact that, although such variables are also influenced by current services and policies in a country, they are largely determined by long-term factors (e.g. child health, measured through nutrition and mortality, is strongly influenced by the long-term health status of the mother). This makes it difficult to use these results as a basis for short-term policy analysis and decisions.

Qualitative (contextual) studies are sometimes used. They are often based on participatory techniques, that capture experiences, perceptions, livelihood issues, social conditions, political issues, etc.

Often used by non-governmental organisations, these studies provide rich, detailed and contextual findings. But they are slow to implement, to summarise in indicators and not always representative of the whole population.

Several efforts have been made to build bridges between these different approaches and to arrive at a combined method of assessing poverty. However, this has raised methodological problems for which there is still no consensual solution.

Meanwhile, the Commission in its development policy will continue to favour the simultaneous use of the results from these complementary methods whenever possible, and depending on the availability of reliable data.

At the international level, the use of these complementary methods is reflected by the agreement to use a set of five indicators to track progress toward the 1st Millennium Development Goal (eradication of extreme poverty), which are: proportion of the population below USD 1 a day; poverty gap ratio; share of poorest quintile in national consumption; prevalence of underweight children (under-five years of age) and proportion of the population below the minimum level of dietary energy consumption.

Despite the disadvantages mentioned above, and rightly pointed out by the Honourable Member, monetary measures of poverty are bound to remain an important element of any discussion on the consequences of economic policies and reforms on the poor, as they provide such a useful tool for policy makers, both in developing countries and among donors. In addition, the information provided through this methodology is more readily comparable across countries. This explains, therefore, why such measures are favoured when trying to capture poverty on a global basis.

(1) A key advantage of the median is that it is not influenced by extreme values, i.e. extremely low or high incomes.
(2) This amount can be determined on the basis of a basket of goods and services considered as minimal.

(2003/C 242 E/078) **WRITTEN QUESTION E-3798/02**

by Christos Folias (PPE-DE) to the Commission

(7 January 2003)

Subject: Progress in implementation of the third CSF

The third year of implementation of the third CSF for Greece has already finished.

What is Greece's take-up to date in the CSF national operational programmes and in the regional programmes, by region?

More specifically, what is the take-up for the programmes concerning competitiveness, the information society, fisheries, the programme for the modernisation of the Greek railways and the European Social Fund (national section)?

Is the Commission satisfied with progress to date in the implementation of the third CSF by the Greek public administration? In the Commission's view, how far should the Greek Government go and what sort of action should it take to improve the implementation of the CSF?

Answer given by Mr Barnier on behalf of the Commission

(12 February 2003)

The Honourable Member is asked to refer to the table being sent directly to him and also to Parliament's Secretariat. This gives precise information on the state of advance of the national and regional operational programmes of the 3rd Greek CSF.

The level of the Commission's satisfaction over progress in implementing the CSF and any proposals for improving implementation will depend on the findings of the mid-term evaluation to be made (Article 42 of the Regulation laying down general provisions on the Structural Funds [1]) before the end of 2003.

[1] Council Regulation (EC) No 1260/1999 of 21 June 1999.

(2003/C 242 E/079) **WRITTEN QUESTION E-3805/02**

by Michl Ebner (PPE-DE) to the Commission

(7 January 2003)

Subject: Alpine transit

The International Year of Mountains means that particularly frequent reference is being made to the desirability of conserving the mountain landscape. However, an ever increasing number of private cars and lorries are traversing the Alps and polluting the environment to an ever increasing extent.

Does the Commission not believe that it would make sense to shift road transport to rail by means of an intensified information campaign?

If so, will it then make a special effort to achieve rapid implementation of the Brenner base-level tunnel which is included in the list of trans-European networks and which would considerably alleviate congestion on a section of the transit route? If so, what exactly does it intend to do?

Answer given by Mrs de Palacio on behalf of the Commission

(27 February 2003)

The European Transport policy encourages in the White Paper for Transport [1] the modal shift in favour of railways especially in the Alps. Therefore, the Alpine region receives a special attention in the framework of Trans-European Transport Network (TEN-T) policy. Two of the 14 Essen priority projects, Lyon-Turin and Verona-Munich (Brenner axis) were selected with the aim to transfer part of the alpine road traffic to rail. Also, the Commission has presented a proposal to increase up to 20 % of the maximum co-finance from the TEN-T budget for railways projects in areas with natural barriers like Alps and Pyreneans, for which it has obtained the support of the Parliament in first reading.

The rapid preparation and construction of the Brenner base tunnel remains one of the highest priorities of the trans-European transport network. This is reflected in the Community Guidelines for the development of the trans-European transport network.

The responsibility for implementing these priorities falls on the Member States concerned. For its part, the Commission has been closely involved in the preparatory activities for the Brenner base tunnel project: the Commission co-signed several Memoranda of Understanding, confirming the priority status of the project and calling upon the parties involved to accelerate and facilitate its preparation, financing and construction. Commission representatives also participate actively in the work of an intergovernmental

committee which co-ordinates and supervises project preparation. This committee played a decisive role in the process towards the setting-up of a Brenner Base Tunnel European Economic Interest Grouping (BBT EEIG) — the independent project authority in charge of the studies that aim at the development consent for the tunnel (technical, environmental, geological, economical). Amongst the areas studied by BBT are also legal/financial options for project implementation (to be proposed to the governments concerned for decision).

Besides its advisory and stimulating role throughout the past years, the Commission has co-financed the above studies at 50 % of their cost in the framework of the trans-European transport network. Provided the forthcoming study phase (detailed technical, environmental and geological studies, to be launched in 2003) will go ahead as planned, the Commission intends to grant further significant financial aid.

(1) COM(2001) 370 final.

(2003/C 242 E/080) **WRITTEN QUESTION E-3818/02**

by Erik Meijer (GUE/NGL) to the Commission

(9 January 2003)

Subject: The competitive position of public transport and the effect of taxation of fuels, infrastructure and ticket sales

1. Is the Commission aware of the request by the EU Committee of the Union Internationale des Transports Publics (UITP) concerning its document 10979/02 of 22 July 2002 on climate protection and harmonisation of energy taxes, which draws attention to the importance of public transport in protecting the environment and the financial obstacles which such transport is likely to encounter if it is treated on a par with car transport for purposes of taxation?

2. Does the Commission agree with the UITP's prognosis that the competitive position of public transport will deteriorate because it is already the case in nine of the 15 EU Member States, and from 2007 will be the case in all of them, that diesel fuel for public transport in urban areas may no longer be exempted from tax, while moreover urban tram and underground train networks are not regarded as railways, for which exceptions may be made?

3. Does the Commission consider that, even now, electricity, natural gas and LPG can render the use of diesel fuel in urban public transport completely superfluous, and that moreover it is impossible to achieve the same environmental effect using modern diesel technology as with natural gas or LPG, so that from the point of view of environmental protection it is defensible permanently to place diesel at a disadvantage and to ban it?

4. If it is unavoidable that diesel should continue to play a part in urban public transport for the time being, how will the Commission prevent the public transport which uses it from being placed at a competitive disadvantage in relation to motorised private transport, which is far more damaging to the environment?

5. What other taxes help to prevent the expansion of public transport, such as VAT and levies on infrastructure, and to what extent do they differ between Member States?

6. What else will the Commission do in the field of harmonisation of taxation in EU Member States to give public transport an advantage over air transport and motorised private road transport?

Answer given by Mrs de Palacio on behalf of the Commission

(28 February 2003)

The Commission is aware of UITP's position paper. It shares UITP's view that environmental objectives demand a growing role for public transport.

The Commission does not share UITP's view that public transport operators' competitive position will necessarily worsen as a result of changes in energy taxation.

At present, Member States may exempt public transport operators from excise duties on mineral oils, or reduce the rate of the duties. After 2007, the situation will depend on the draft Directive on the taxation of energy products [1] which is currently under consideration. Regardless of the final outcome of this process, it is important to emphasise that the key determinant of public transport operators' competitive position is not their fuel costs but the use they make of their most important and costly asset — their staff. In many cases there is a good deal of room for improvement here. The Commission's draft Regulation [2] on public services in public transport will, if adopted, encourage this.

Many public transport services receive financial compensation from public authorities. In one sample of 24 cities in the Member States, this covered 48 % of operating costs. In general, this compensation should increase if taxation of fuel raises the cost of providing the services. The proceeds of the taxation could be used to cover this cost.

The Commission does not consider that electricity, natural gas and Liquified Petroleum Gas can render the use of diesel fuel in urban public transport completely superfluous for the time being. The Commission's objective for 2020 is to replace 20 % of the diesel and petrol used for road transport with alternative fuels. The new fuels should enhance security of supply and reduce greenhouse gas emissions without increasing emissions of pollutants. The Commission believes that biofuels, natural gas and hydrogen will play the biggest part. The question of the proportion of these fuels that will be consumed by (a) specialised urban vehicles such as buses and (b) ordinary cars and lorries needs more study. So does the question of the impact on emissions of greenhouse gases and pollutants of a switch from diesel to natural gas. The Commission has asked an Alternative Fuels Contact Group (of which UITP is a member) to advise on these questions among others. A first report is expected in the coming months. However, the Commission believes it unlikely that diesel will cease to be an important fuel for buses in the medium term.

The Member States have adopted a wide range of taxes that affect public transport operators and competing modes of transport such as cars. According to the information available to the Commission, notably a study led by Oscar Faber in 2000, certain tax provisions provide incentives for sustainable mobility while others provide disincentives.

Charges and taxes identified by the study that promote the development of public transport include employee taxes; property taxes, developer levies; parking charges; road user charges, local motor taxes, and consumption taxes.

In the case of VAT, Member States have the right to subject passenger transport companies to a reduced rate or exempt them altogether.

The Commission does not intend to submit a specific proposal on the taxation of aircraft fuel, as in its opinion this issue is sufficiently covered by its proposal on taxation of energy products.

[1] OJ C 139, 6.5.1997.
[2] OJ C 365 E, 19.12.2000.

(2003/C 242 E/081)

WRITTEN QUESTION E-3847/02

by Erik Meijer (GUE/NGL) to the Commission

(9 January 2003)

Subject: Availability to the public throughout Europe at the beginning of November 2003 of a railway timetable containing information on international and long-distance services

1. Is the Commission aware that, when the new timetables of the European railways were introduced on 15 December 2002, various railway companies did not have their international timetables ready in time or had even decided not to publish one at all?

2. Is the Commission furthermore aware that the German railway company DB, which has on the contrary published a full 'Kursbuch Europa' since 2001 in cooperation with the 'European Timetable' which has been produced by Thomas Cook Publishing since 1873 and which it was previously only possible to obtain in small numbers in the form of monthly issues distributed by post or through bookshops specialising in travel, has been unable, because of a legal dispute with its competitor Connex, to sell the domestic and foreign timetables valid from 15 December 2002 to the public before or immediately after the date of their entry into force?

3. From the point of view of consumer protection and enabling the railways to compete with air transport, is it acceptable that users of international rail services should find it more and more impossible to compare for themselves the full range of available services, routes, connections, waiting times, direct overnight services and fares before selecting a particular train, because they are becoming increasingly dependent on the limited information which they can obtain by making inquiries in person at stations or by telephone or using the Internet, to which by no means everybody has access, and are becoming correspondingly dependent on the choices which others make for them and which may be less advantageous or less well-considered?

4. Will the Commission, in cooperation with the railway companies in the present and future EU Member States, take measures to ensure that, at least a month before the next set of new railway timetables comes into force on 14 December 2003, a railway timetable listing the principal direct international long-distance services and the connecting or interconnecting ferry services — comparable or identical to what the German railway company DB used to publish — is available and accessible to all at all main railway stations in the EU?

5. Will the Commission include in its regulation on passengers' rights in 2003 a penalty clause for railway companies which do not make timetables available to the public in time?

Answer given by Mrs de Palacio on behalf of the Commission

(26 February 2003)

The Commission is aware of the changes introduced by the European railway undertakings in international rail services as of 15 December 2002. The Commission regrets that some railway undertakings have not been able to issue their timetables for international services in due time, especially as this is one of the main tools to make known the services they offer for travellers in Europe. The Commission fears that this omission will not contribute to the achievement of one of the goals of the common transport policy, the maintainance of the modal share of rail, and even a shift from road to rail of passenger transport.

In the framework of interoperability a Technical Specification for Interoperability (TSI: a description of the essential requirements necessary to ensure the interoperability of the trans-European conventional rail system under the Directive 2001/16/EC) ([1])) on telematics applications for passengers will be developed. This TSI must guarantee the interoperability of the exchange of information on rail passengers services, particularly in terms of technical compatibility, and it should support an easy access to the information on the rail services to the users.

The Commission intends to include in its forthcoming proposal on passengers' rights and obligations in international rail services, provisions on the integration of information on international rail services and tickets, as well as the possibility to offer tickets on sale for journeys carried out by several railway

undertakings ('integrated tickets'). The current situation on the passenger rail market does not make it necessary to impose financial sanctions on railway undertakings who do not publish their timetables in due time.

The Commission would also like to point out that the International Union of Railways (UIC) has launched on 3 December 2002 the Merits- database (Multiple European Railway Integrated Timetable Storage). The database shall centralise timetable data on trains operating at both national and international level (approximately 180 000 trains of 32 European railways undertakings) in Europe. The UIC also started the development of the Prifis-project (Price and Fare Information System), which will provide potential customers and sales staff with all the information they need to plan a trip and conclude a sale, i.e. timetable details, prices including fares and conditions (sale, travel, and after-sale) for each product, and the availability of seats and berths. Prifis is expected to be operational by 2005.

Furthermore, the Community of European Railways (CER), recently launched an initiative to improve service levels offered for international rail services, one of them being the intention to improve information to be provided to potential customers through integrated information and ticketing systems.

(1) Directive 2001/16/EC of the Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system — OJ L 110, 20.4.2001.

(2003/C 242 E/082) **WRITTEN QUESTION E-3870/02**

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

(10 January 2003)

Subject: Withdrawal of public access to the Eurodicautom facility

Can the Commission state whether it is true that, as various media sources claim, public access to Eurodicautom, its terminology database, is to be withdrawn?

Answer given by Mr Kinnock on behalf of the Commission

(21 February 2003)

The Commission has made no decision to withdraw public access to this database. It would however, take this opportunity to inform the Honourable Member that Eurodicautom will soon be integrated into a new interinstitutional terminology database, which is intended to incorporate the contents of the databases already existing in the various institutions and bodies of the European Union.

The aim of this project is to meet the challenge of the forthcoming enlargement, which will expand the problems associated with terminological data to some twenty languages.

In the context of this project, the Commission will — in consultation with the other Institutions and other partners in this project — be examining the question of access to the new database, bearing in mind the need for sound management of public funds. Users will, of course, be kept informed of developments in this project through the appropriate channels including the existing websites.

(2003/C 242 E/083)

WRITTEN QUESTION E-3883/02

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(13 January 2003)

Subject: Use of Global Information System in Greece to provide data regarding take-up of Community funding

The web page of the 'Ergorama' Global Information System, which receives assistance under the third Community support framework, provides financial data regarding central and regional operational programmes and projects included in these programmes. However, to date at least, no information has been provided regarding commitments or expenditure effected. As a result, aside from statements issued by the Greek authorities, the relevant information is not available to the relevant organisations and individuals.

Can the Commission provide the following information:

1. Does it consider it desirable to publish regularly on the Ergorama web page information regarding take-up of funding under the third CSF?

2. Is the use of such electronic information systems by the competent authorities to provide data concerning the take-up of Community funding current practice in other Member States?

Answer given by Mrs Schreyer on behalf of the Commission

(18 February 2003)

1. The site of 'Ergorama' (http://www.mnec.gr/ergorama/defaultx.asp) is the main point of access to the Management Information System (M.I.S. or 'Ο.Π.Σ.-Ολοκληρωμένο Πληροφοριακό Σύστημα'), for all the parties (Managing Authorities, Single Paying Authority, Beneficiaries, Ministries, as well as every Greek citizen). Much information is available about the Community Support framework (CSF) structure, Operational Programmes and Priority Centre (formatted in a number of Excel tables, Word and Acrobat documents), but, to date, no information about expenditure and the absorption of the funds has been made available in the site.

However, information about expenditure can be found in either the site of the Ministry of Economy (http://www.mnec.gr/ypourgeio/default.asp) or in the site specifically designed for the CSF (http://www.hellaskps.gr/). The information contained in these sites is derived from the data stored in the MIS, and is updated every two-three months.

During discussions between the Greek authorities and the Commission, the possibility of directly publishing expenditure information in the 'Ergorama' site has been addressed several times. This is being considered by the Greek Authorities.

2. MIS applications are mandatory requirements for all Member States. However, the amount of information that is publicly available through their sites (or the relevant sites of the corresponding Ministries of Finance) varies greatly from Member State to Member State. All Member States conform to the minimum requirements (regarding the information that is publicly available), but each Member State has decided in its own right to provide additional information in their own MIS sites. While some Member States have chosen to publicise only the minimum information required, others have additional information and multiple links.

Greece's site ('Ergorama') is amongst the most detailed and informative sites. Not only that, but recent additions, like the ability for the Final Beneficiaries to directly connect to it, or the ability to use an Oracle tool (Discoverer) in order to obtain all the necessary information in real time via a direct link with the database, are ground-breaking features.

It is also useful to note that the Commission publishes every year an 'Analysis of the budgetary implementation of the Structural Funds', which covers all Union countries. The last issue concerns 2001 and was published in April 2002.

(2003/C 242 E/084) **WRITTEN QUESTION E-3885/02**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(13 January 2003)

Subject: Take-up of Community funding in the EU Member States at the end of 2002

Can the Commission state the level of commitments and expenditure effected at the end of 2002 under the Community support framework for each EU Member State?

Answer given by Ms Schreyer on behalf of the Commission

(21 February 2003)

The information requested is set out in the table which is being sent direct to the Honourable Member and to Parliament's Secretariat. It should be noted that the sum of payments to each Member State in the case of the Community initiative 'Interreg' cannot be compared with the amount earmarked per country (allocations column) since, for Community accounting purposes, payments are made to the country that coordinates the programmes. This is why the table does not give the breakdown by Member State, in contrast to the situation with regard to other Community initiatives.

(2003/C 242 E/085) **WRITTEN QUESTION E-3889/02**

by Olivier Dupuis (NI) to the Commission

(13 January 2003)

Subject: Request for the extradition of Mr Khemais Toumi from France to Tunisia

Following a request by Tunisian judicial authorities, France has arrested Mr Khemais Toumi, a Tunisian entrepreneur who has been resident in France for several years, and is preparing to extradite him to Tunis. According to well-informed sources, Mr Toumi has been imprisoned and is threatened with extradition on the basis of two rulings, the first of which is no longer in force, the second concerning a case of defamation. Formerly an activist of the far left during his studies in Montpellier, Mr Khemais Toumi has in recent years provided unfailing support for the victims of political repression at the hands of President Ben Ali's regime, and has consistently condemned the regime's corrupt nature, particularly with regard to cases involving persons close to the President in Switzerland and the European Union.

What information does the Commission have regarding the Khemais Toumi affair? What does the Commission intend to do to avoid a person who is the object of politically motivated charges, as is manifestly the case with Mr Toumi, being extradited to a country, Tunisia, where he would be subject to degrading treatment and where he would face trial without the least guarantee that international standards would be respected? Furthermore, what does the Commission think of the dramatic increase in violations of fundamental rights that has struck Tunisia in recent weeks?

Answer given by Mr Vitorino on behalf of the Commission

(26 February 2003)

The Commission has the same information concerning Mr Khemais Toumi as the Honourable Member does.

Cases of reported human rights violations in Tunisia are being followed by the Commission, in conjunction with the Member States. The political dialogue with the Tunisian authorities on this issue is also conducted locally by the Union embassies and the Delegation of the Commission.

Regarding the possible violation of fundamental rights in a Member State the situation is the following: Although it is the duty of the Commission to ensure observance of Fundamental Rights in the field of Community law, it has no power to examine the compatibility with the European Convention of Human Rights of national legislation and practice lying outside the scope of Community law. This is derived from the case law of the Court of Justice (inter alia, in the cases Demirel, Wachauf and E.R.T.) and reflected in Article 51(1) of the Charter of Fundamental Rights of the European Union.

The Commission has no competence to intervene in decision of Members States regarding the handling of extradition requests from third countries, such as the case of Mr Khemais Toumi from France to Tunisia. The competent authorities of the Members States deal with these cases.

Furthermore, if Mr Toumi would have applied or would apply for asylum in France, it has to be stressed that there are no Community provisions, based on Article 63 of the EC Treaty, in place yet. In particular, the two proposals for a Directive on minimum standards for asylum procedures and for a Directive on the qualification as a refugee or as a person otherwise in need of international protection are still under negotiation in the Council. At present there is, therefore, no Community law in place that would enable the Commission to make inquiries about individual asylum and immigration cases and, therefore, there is no power to intervene on that basis with the French authorities.

(2003/C 242 E/086) **WRITTEN QUESTION E-3927/02**

by Graham Watson (ELDR) to the Commission

(15 January 2003)

Subject: Patenting of software

What can the Commission do to ensure that its proposals for the patenting of software do not deprive internet users of the benefit of superior applications and operating systems developed through 'free' and 'open source' software?

Answer given by Mr Bolkestein on behalf of the Commission

(11 February 2003)

Computer software as such is excluded from patentability under the European Patent Convention and the laws of the Member States, and the Commission has no intention of changing this situation.

Thus, the Commission's proposal for a Directive on the patentability of computer-implemented inventions made in February 2002 [1] is not intended to extend the scope of what may be patented. Rather, what it sets out to do is to establish uniform rules for patent offices and courts to follow in assessing the patentability of inventions involving apparatus or methods which involve the use of computer software. This is necessary because, while the Member States are bound by the European Patent Convention, it is not currently part of Community law, and in practice it is not always the case that the respective national laws are uniformly interpreted, especially on specialised points of detail.

A directive that does not change the overall balance of what is or is not patentable will not deprive internet users of anything they might otherwise have been able to enjoy. However, both users and developers of computer software, whether it be supplied as 'free', 'open source' or under any other business model, should experience the benefits which will arise from the increased legal certainty and uniformity of practice that the directive should bring.

Certain of the amendments which have been discussed in the course of consideration of the proposal in the Council would produce still greater legal certainty by defining more precisely what subject-matter should be excluded from patentability on the grounds of making no technical contribution. The Commission has indicated that it would consider these amendments in the course of the ongoing negotiations.

There is moreover an important safeguard for software developers in Article 6 of the proposal, which will have the effect that the exercise of patent rights cannot interfere with the exceptions which are provided under Council Directive 91/250/EEC of 14 May 1991, on the legal protection of computer programs [2] by copyright in connection with the purpose of achieving interoperability.

Finally, according to Articles 7 and 8 of the proposal, the Commission is called upon to monitor and report to the Council and Parliament on the impact of computer-implemented inventions on innovation and competition both in Europe and internationally. This provision, which is cast in terms broader than mere consideration of the effects of the directive, provides a valuable mechanism for responding to unforeseen future developments in this sector.

[1] OJ C 151, 25.6.2002.
[2] OJ L 122, 17.5.1991.

(2003/C 242 E/087) **WRITTEN QUESTION P-0010/03**

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

(10 January 2003)

Subject: European Water Authority

Member States are faced increasingly frequently with high water levels and flooding of rivers, particularly the Danube, Elbe, Meuse and Scheldt.

This problem can be partially explained by the absence of an overall water management body. Such a body would not be concerned primarily with the quality of the water. Considerable progress has been made in that area in the past few decades, particularly in the form of the Water Framework Directive (2000/60/EC [1]), which comes into force on 22 December 2003. This EU law states only (Annex I) that the water quantity must be registered, but not that it must be regulated.

Alongside this, international water control bodies, such as the Rhine Commission and the Danube Commission, already exist. However, the existing international water management bodies have no powers as regards the management of water quantity. In managing the quantity of river water, too many of the bodies responsible at regional and national level pay too little attention to creating natural retention areas, with careful management of forelands and a sustainable policy for embankments. This neglect often has devastating effects on downstream rivers, as we experienced in 2002 in the case of the Elbe and Danube, and as happens almost every year in the case of the Rhine, the Meuse and the Scheldt.

Does the Commission agree that management of the water quantity in the basins of rivers that flow through more than one country is a cross-border problem that can only be effectively dealt with at European level?

Is the Commission prepared in the short term to investigate whether there is an appropriate legal basis in the European Treaties to establish a European authority for the basins of the major cross-border rivers, beginning with the Elbe, Rhine, Meuse and Scheldt, with a view to addressing the cross-border problem of water quantity?

If the existing laws and regulations do not, in the opinion of the Commission, provide an adequate basis for this, is it prepared to state what steps it believes must be taken to create a legal basis which does make it possible to tackle cross-border issues of water quantity in the major European rivers?

[1] OJ L 327, 22.12.2000, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(6 February 2003)

The Water Framework Directive [1] addresses selected aspects of water quantity such as water quantity being a mandatory part of good groundwater status, providing for a sustainable long-term balance between resources available and abstractions. Whilst it will contribute to mitigating the effects of floods and droughts (cf Article 1(e)), it does not per se set operational targets for flood prevention and flood protection, not least with a view to the legal basis of article 175(1) of the EC Treaty.

The International River Conventions mentioned by the Honourable Member (Rhine, Elbe, Schelde, Maas) do have flood prevention among their statutory objectives and are actively involved in addressing flood prevention and flood protection [2]. The Commission representing the Community in the bodies of these conventions is proactively supporting these efforts.

The Commission, Member States and Candidate Countries have in 2002 started comprehensive cooperation on the issue of flooding. Beyond the formal scope of the Water Framework Directive, exchange of information, knowledge and experience on flood prevention and flood protection will, during 2003, lead to a joint document on best practices in flood prediction, prevention and mitigation. At the same time the Commission is working on a horizontal initiative addressing environmental risks (forest fires, earthquakes, flood events, and technological risks), with a Commission Communication foreseen during the first half of 2003. Following discussion on this Communication and the collating of best practices, the Commission will consider the need for and the scope of possible legislative frameworks. In parallel, the Commission's Joint Research Centre has developed a flood prediction and modelling instrument for the Oder river basin. This instrument is now to be applied to and made operational for the Elbe and Danube basins as well.

In the context of Community funding, the Community Initiative Interreg III of the European Regional Development Fund (ERDF) for the period 2000-2006 can, on the operational level, contribute to support ongoing actions at international level for flood prevention and protection. In particular its strand B, for transnational co-operation, promotes the good management of natural resources, in particular water resources, following an integrated spatial planning approach.

Transnational programmes cover cross-border river basins, such as the Rhine-Meuse (North West Europe programme) and the Danube or the Oder-Neiss (Cadses programme — Central, Adriatic and South -Eastern Europe) or the Alpine Space covering the alpine regions. These programmes include among their priorities actions to prevent natural disasters, such as flooding.

The types of actions that can be funded on a transnational basis include:

— formulation of joint strategies for risk management in areas prone to flooding;

— drawing up and implementation of integrated strategies and actions for the prevention of flooding in transnational river-catchment areas;

— infrastructure investments, for instance for creating retention and overflow areas or for the Restoration of the natural course of tributaries and of overflow areas;

— improvement of observation, forecasting, data exchange, monitoring and risk management as well as testing new technologies (e.g. simulation models, meteorological monitoring etc.) on various scales;

— development of new and more efficient planning tools (danger zone plans, models) for the prevention of natural disasters in areas prone to flooding;

— development of information systems for an optimum spreading of information in order to protect population from flooding, thus raising public awareness on risks;

— improving existing forecasting/warning systems. Promotion and realisation of good practice e.g. enhancement of monitoring, warning and protection systems.

In the framework of these programmes, several projects are already addressing these issues and bringing together different actors, working together to improve flooding prevention.

In the previous structural Funds programming period (1997-1999), the Initiative IRMA (Interreg Rhein-Meuse Activities) already provided financial support for the prevention of flooding in the Rhine-Meuse basin (over EUR 130 million from the ERDF for a total funding of over EUR 400 million).

In the present period, from 2000 to 2006, the programme North West Europe has by far reserved the most important budget for flood prevention — its measure for 'The prevention of flood damage' amounts to some EUR 92,3 million, of which EUR 46,2 million from the ERDF. The Cadses programme, in its priority for 'Environment protection' reserves about EUR 28,5 million for possible actions in the field of 'environment protection', 'risk management' and 'integrated water management'. Finally, the Alpine Space programme, its measure 'Co-operation in the field of natural risks' foresees a total of EUR 17 million, of which EUR 8,5 million from the ERDF.

(1) 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.

(2) Rhine: action plan flood protection adopted, implementation ongoing. Elbe: flood protection strategy adopted, draft action programme currently validated following the 2002 flood disaster, adoption foreseen end-2003. Danube river: minimisation of impacts of floods as part of the adopted action programme, follow-up evaluation ongoing. Maas and Scheldt: flood prevention and protection is key part of the recently signed new Conventions.

(2003/C 242 E/088) **WRITTEN QUESTION E-0013/03**

by Theresa Villiers (PPE-DE) to the Commission

(20 January 2003)

Subject: Investment Services Directive

What is the Commission's intention with regard to the extent to which the Investment Services Directive, as revised, should prohibit the making of rules which would permit the sale of investment products or services where they have not been preceded by measures to ensure that they are suitable to individual potential customers?

Answer given by Mr Bolkestein on behalf of the Commission

(12 February 2003)

The Commission's intention is to strengthen the Community's legislative framework to protect investors by enhancing obligations of investment firms when providing services to clients.

To this end, Article 18 of the proposal (1) requires Member States to ensure that investment firms obtain the necessary information from the client regarding its knowledge and experience in the investment field, its investment objectives and financial situation so as to enable the investment firm to determine the investment services and financial instruments suitable for that client. The Commission's approach is based on the current Article 11 of the existing Investment Services Directive (2). This approach is in line with the harmonised conduct of business rule-book agreed by CESR.

The Commission believes it is indispensable for an investment firm acting on behalf of a client, in order to properly fulfil its agency obligations to its clients, to obtain that information and to assess the suitability, for that client, of services or transactions in financial instruments which are being considered. Having said that, the Commission fully accepts that the intensity of this assessment and the manner in which it is undertaken needs to be carefully worked out to take into account, inter alia, the nature of the service (what would be appropriate for an automated execution-only service might not be for a discretionary portfolio management service) and of the financial product.

Article 18 clearly provides for a differentiation in the level of suitability and 'know your customer' requirements, taking into account the nature of the investment service. This will ensure that the form and extent of this assessment are implemented in a way which is appropriate for the provision of low cost and flexible brokerage formats to clients, while still taking account of the extent to which transactions in different financial products represent different degrees of market risk for the investors.

(1) COM(2002) 625 final.
(2) Council Directive 93/22/EEC of 10 May 1993 on investment services in the securities field – OJ L 141, 11.6.1993.

(2003/C 242 E/089)

WRITTEN QUESTION E-0015/03
by Christopher Huhne (ELDR) to the Commission

(20 January 2003)

Subject: Employees of the Commission

Will the Commission please give figures for the total numbers of employees in post for each of the last five years (including 2002 if available), together with the total wage bill and average paid per employee?

Will the Commission also give figures for the number of employees of the Commission as a percentage of total employees of the Commission, Council and Parliament together, and as a percentage of total employees of all EU Institutions?

Answer given by Mr Kinnock on behalf of the Commission

(3 April 2003)

1. The table below shows the total number of employees of the Commission, the total wage bill (total payments charged against the various budget lines including all associated costs and contributions) and the average paid per employee. Figures are only readily available for the last four years.

(In euro)

I	II	III	Year
	Commission Total number of employees (officials and temporary staff, auxiliary and local staff, special advisers and others)	Total wage bill	Average payment per employee per year
1999	24 877	1 709 133 547	68 703
2000	25 027	1 767 988 924	70 643
2001	25 585	1 856 899 099	72 578
2002	26 394	1 954 456 016	74 049

2. Since the Commission does not have access to the figures for numbers of employees of the other Institutions, the Honourable Member will find below the proportion of posts in the Commission's establishment plan compared to the total number of posts in the establishment plans of all the institutions. The establishment plan only includes officials and temporary agents' posts.

Year	Commission (permanent and temporary posts)	Total EU institutions (permanent and temporary posts)	%
1998	21 495	30 384	70,74
1999	21 603	30 599	70,60
2000	21 703	30 819	70,42
2001	22 306	31 604	70,47
2002	22 453	31 861	70,58

Commission: all budgets (Administration, Research and Technological Development, Office for Official Publications, OLAF, European Centre for the Development of Vocational Training and the European Foundation for the Improvement of Living and Working Conditions)

Institutions: Commission, Parliament and European Ombudsman, Council, Court of Justice, Court of Auditors, Economic and Social Committee and Committee of the Regions and Joint organisational structure.

(2003/C 242 E/090) **WRITTEN QUESTION E-0039/03**

by Renato Brunetta (PPE-DE) to the Commission

(21 January 2003)

Subject: A major accident, within the meaning of Article 3 of Directive 96/82/EC of 9 December 1996 ('Seveso II'), at the petrochemical works in Porto Marghera on 28 November 2002

Knowing that:

— on 28 November 2002 there was a major accident — as defined in Article 3 of Directive 96/82/EC [1] of 9 December 1996, known as 'Seveso II' — inside the petrochemical works at Porto Marghera (Venice, Italy), where a large explosion, followed by a fire, occurred in two stores of chlorinated pitch, causing the uncontrolled release of toxic substances such as dioxins. Four people were injured in the explosion and the entire population of the built-up areas of Marghera and Mestre (around 200 000 people) were put on a state of alert and urged to stay at home;

— DCE and VCM are carcinogenic substances included in Annex I, Part I of the 'Seveso II' Directive;

— in June 2000 the company owning the plants submitted to the Ministry for the Environment an environmental compatibility application for a project to step up the production capacity of both VCM and DCE;

— the assessment carried out by the National Committee for Environmental Impact Assessment concluded with a negative opinion (1 August 2002) and the opinion of the Ministry for Cultural Assets and Activities was also negative;

— environmental impact assessment is an instrument allowing the population and institutions to be acquainted with the contents of the investigation report and the final opinion adopted by the committee, thereby implementing one of the fundamental principles of environmental impact assessment — informing the public.

Can the Commission say:

— why, more than five months after the EIA committee delivered its opinion, has the Minister for the Environment not taken steps to issue a decree announcing the environmental incompatibility of the application to increase the production of VCM and DCE;

— why, in the current Community legislative context, it has not yet launched a global inspection of all the chemical plants in Porto Marghera, which pose a real danger to security and the health of the resident population and workers?

---

[1] OJ L 10, 14.1.1997, p. 13.

Answer given by Mrs Wallström on behalf of the Commission

(3 March 2003)

The Commission's powers are limited to those conferred on it by the EC Treaty. Under Article 211, the Commission is responsible for ensuring that Community law is properly applied within all Member States. Therefore, it has the power to check how Member States apply Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances [1], but it has not the power

to replace Member States in their responsibilities. Under Article 18 of Directive 96/82/EC, it is up to the authorities of the Member States to organize a system of inspections, or other control measures appropriate to the type of establishment concerned. Therefore, the Commission is not competent to launch inspections of plants covered by the Directive.

However, as it is not aware of the specific 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, the compliance with Community law.

The Italian decree finalising the environmental impact assessment (EIA) procedure on the project to increase the production capacity of both vynil chloride monomer (VCM) and dichloretane (DCE) at Porto Marghera (EIA decree) is not relevant, at this stage, in itself under Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ([2]), after amendments by Council Directive 97/11/EC of 3 March 1997 ([3]). It may become relevant if and when a development consent is granted.

Under Article 9 of the Directive 'When a decision to grant or refuse development consent has been taken, the competent authority or authorities shall inform the public thereof in accordance with the appropriate procedures and shall make available to the public the following information:'

— 'the content of the decision and any conditions attached thereto,'

— 'the main reasons and considerations on which the decision is based,'

— 'a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects.'

Based on the information given by the Honourable Member, the Commission observes that the decision to grant or refuse development consent has not been adopted yet in this specific case. Therefore, at present, the lack of publication of the Italian EIA decree is not relevant under the Directive and no breach of Directive 85/337/EEC, as amended, can be identified.

([1]) OJ L 10, 14.1.1997.
([2]) OJ L 175, 5.7.1985.
([3]) OJ L 73, 14.3.1997.

(2003/C 242 E/091) **WRITTEN QUESTION E-0071/03**

by Erik Meijer (GUE/NGL) to the Commission

(23 January 2003)

Subject: Storage of peak discharges of river water and fair burden sharing between upper and lower reaches of rivers in Member States

1. Does the Commission consider that flooding of European rivers can no longer be regarded as isolated incidents but as a growing structural problem caused by the felling of forests, draining of agricultural land, canalisation and narrowing of the upper reaches of rivers, the more rapid melting of glaciers in the Alps, higher rainfall as a result of global warming caused by the greenhouse effect, the settlement of land and the 1,2 cm a year rise in the sea level?

2. Is the Commission aware that many of these problems originate in the upper reaches of the rivers Oder, Elbe, Rhine, Maas, Scheldt and Danube, whereas so far virtually the entire responsibility for finding solutions has been left to the countries in the lower reaches of these rivers, which means that some present or future Member States of the EU are passing the problems on to other Member States?

3. Is the Commission aware that, as a last resort to protect towns from flooding, the Netherlands is investigating the possibility of using ten thousand hectares of low-lying farmland and nature protection areas as a water storage area when the Rhine and Maas are at high water, as a result of which farms and even whole villages will disappear. The cost of creating this water storage area will be EUR 15 billion in addition to the EUR 4,5 billion required for major works to protect the coast and river banks?

4. What possibilities are there of using the EU Disaster Fund (solidarity fund) in the near future for preventive measures designed to increase significantly the possibilities of holding rain water and melt water in the ground longer in the upper reaches of rivers, thereby preventing ever-increasing peaks in water discharges leading to more frequent and worse disasters in the lower reaches and the need for countries located in the lower reaches to take extremely expensive measures for which there is no public support?

5. What other measures does the Commission envisage to ensure fairer burden sharing of efforts and costs between the upper and lower reaches of cross-border rivers in the Member States concerned?

Source: Netherlands 1 TV channel, Zembla programme, 2 January 2003, 'The new water crisis'.

Answer given by Mrs Wallström on behalf of the Commission

(10 March 2003)

1. to 3. and 5. Within the river basins addressed by the Honourable Member (Oder, Elbe, Rhine, Maas, Schelde and Danube) International River Conventions have been established. The Community is Contracting Party in most of them, whilst observer status prevails in the case of Maas and Schelde. These Conventions do have flood prevention among their statutory objectives and are actively involved in addressing flood prevention and flood protection [1]. Assessments done, and action agreed within these Conventions, do inter alia address the question of 'upstream — downstream' cooperation and sharing of responsibilities. The Rhine 'Action Plan Flood Protection', agreed within the International Rhine Commission, is an example of such an agreement, currently being implemented.

Following legislative decisions by the Parliament and the Council, the Community has recently restructured its water policy by the Water Framework Directive [2]. Whilst it will contribute to mitigating the effects of floods and droughts (cf. article 1(e)), it does not per se set operational targets for flood prevention and flood protection, not least with a view to the legal basis of article 175(1) of the EC Treaty.

However, the Commission, Member States and Candidate Countries have in 2002 started comprehensive cooperation on the issue of flooding. Beyond the formal scope of the Water Framework Directive, exchange of information, knowledge and experience on flood prevention and flood protection will, in first step during 2003, lead to a joint document on best practices in flood prediction, prevention and mitigation. Whilst flood events have been occurring across Europe for centuries, and will continue to occur, the impacts of such events have in many cases drastically increased, due to human activities such as cutting off rivers from their natural floodplains, changed land-use and increasing sealing of surface, designation of areas for housing and/or economic activities in areas with a potential of flooding.

At the same time the Commission is working on a horizontal initiative addressing environmental risks (forest fires, earthquakes, flood events, technological risks etc.), with a Commission Communication foreseen during the first half of 2003. Following discussion on this Communication and the collating of best practices, the Commission will consider need and scope of possible legislative frameworks.

The Commission has been supporting European research on floods throughout its Framework Programmes for Research and Technological Development [3]. During the Fifth Framework programme (1999-2002) over 30 multi-national projects were financed under the 'Environment and Sustainable Development Programme'. Advances has been made particularly in the areas of flood forecasting and flood risk in relation to climate change. Research under the 'Global Change Priority' of the Sixth Framework Programme (2003-2006) focusses on a more holistic approach in which flood hazard, vulnerability and risk assessment are addressed in an integrated manner with the aim of mitigating the evironmental, social and economic effects of floods. In addition, research is also to be performed in the context of improved integrated watershed management strategies, and where relevant, taking into account the transboundary nature and impacts of floods.

In parallel, the Commission's Joint Research Centre has developed a flood prediction and modelling instrument for the Oder river basin. This instrument is now, as a basis for flood defence strategies in river basins across administrative and political borders, to be applied to and made operational for the Elbe and Danube basins and to other European basins.

In the context of Community funding, the Community Initiative Interreg III of the European Regional Development Fund (ERDF) for the period 2000-2006 can, on the operational level, contribute to support ongoing actions at international level for flood prevention and protection. In particular its strand B, for transnational co-operation, promotes the good management of natural resources, in particular water resources, following an integrated spatial planning approach. Further, the Common Agriculture Policy (CAP), through its second pillar (Rural Development Regulation (EC) No 1257/1999 of the Council of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations) [4] can already finance measures which have a particular relevance for flood prevention if Member States choose to include such measures into their Rural Development programmes. Currently, some of these programmes foresee direct or indirect measures for the prevention or reduction of environmental risks. Measures that will help to increase the water retention capacity of the soil (e.g. afforestation of arable land, maintenance of grassland, organic matter incorporation) will have a direct reduction effect on floods. Likewise, any measure aimed at climate change mitigation (e.g. promotion of renewable energies such as bio-gas, reduction of animal stocking) is likely to have a positive (indirect) effect, since it is suspected that global warming contributes to increasing the frequency of extreme weather events.

For the future, the Commission proposals for a CAP reform, as set out in a Communication [5] recently published would, if adopted, result in an increased budget being available through pillar II, which Member States could use to increase their support for risk prevention activities. This would be brought about by using modulation to shift money from pillar I to pillar II. The introduction of mandatory cross-compliance for farmers receiving direct payments will reinforce the respect of statutory management requirements and the maintenance of good agricultural conditions, which comprise e.g. anti-erosion measures. It is proposed to exclude changes in the land use of permanent pastures, in particular no conversion to arable land. The single payment scheme can contribute to extensification, which would have positive consequences e.g. on water retention capacity of soils. The CAP reform proposals also introduce support for energy crops (pillar I) with a view to achieving carbon dioxide substitution.

4. The European Union Solidarity fund (EUSF) [6] was created to give immediate financial assistance in the event of a major disaster to help people, regions and countries concerned to return to living conditions that are as normal as possible.

Intervention can only take place to help finance making good public damage not covered by insurance. The EUSF can not be utilised to fund long-term preventive measures. In the context of disasters eligible for EUSF assistance the funding of preventive measures is only permissible in the case of essential emergency operations for the immediate securing of preventive infrastructures and measures of immediate protection

of the cultural heritage. Countries that receive assistance from the Solidarity Fund are obliged to submit a report to the Commission not later than 18 months after the date of disbursement of the grant. This report shall detail the preventive measures introduced or proposed by the beneficiary State in order to limit damage and to avoid, to the extent possible, a recurrence of similar disasters.

(1) Rhine: action plan flood protection adopted, implementation ongoing. Elbe: flood protection strategy adopted, draft action programme currently validated following the 2002 flood disaster, adoption foreseen end-2003. Danube river: minimisation of impacts of floods as part of the adopted action programme, follow-up evaluation ongoing. Maas and Scheldt: flood prevention and protection as key part of the recently signed new Conventions.
(2) Directive 2000/60/EC of the Parliament and of the Council, of 23.10.2000 — OJ L 327, 22.12.2000.
(3) SEC(2002) 907, COM(2002) 481.
(4) OJ L 160, 26.6.1999.
(5) COM(2003) 23 final.
(6) Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund — OJ L 311, 14.11.2002.

(2003/C 242 E/092) **WRITTEN QUESTION E-0080/03**

by Encarnación Redondo Jiménez (PPE-DE) to the Commission

(23 January 2003)

Subject: Agronomic research into tobacco growing

Council Regulation No 546/2002 (1) has now modified the COM in tobacco (Regulation (EC) No 2075/92 (2)), excluding agronomic research from the actions financed by the Tobacco Fund. The Cunha report (A5-0065/2002), adopted by Parliament on 14 March 2002, favoured 'stepping up agronomic research with a view to promoting the gearing of tobacco production towards varieties and cultivation and drying methods less harmful for human health, better adapted to market conditions and more environment-friendly, as well as the development of alternative uses for raw tobacco'.

Given the importance of the research programmes aimed at gearing Community production towards the varieties and qualities of tobacco that damage human health the least, and also with the objective of continuing the work done so far and not losing the synergies that have been created, the Commission has recommended that the sectors affected by the change regarding the Tobacco Fund should seek the support of research policy, as administered by the Directorate-General for Research.

The recent presentation of the Sixth Framework Programme for Research and Development, on 11-13 November 2002, did not make it possible to identify the heading(s) under which research projects for tobacco cultivation could be financed.

Can the Commission identify the headings relating to the funding of agronomic research projects for tobacco under the Sixth Framework Programme for Research and Development? Can it ensure that, in the selection procedures for agronomic research projects, those projects that concern tobacco will receive equitable treatment?

(1) OJ L 84, 28.3.2002, p. 4.
(2) OJ L 215, 30.7.1992, p. 70.

Answer given by Mr Busquin on behalf of the Commission

(26 February 2003)

Community Research project funding is exclusively based on multi-annual Framework Programmes co-decided by the Parliament and the Council. The 6th Research Framework Programme 2002-2006, which determines the research priorities for the next four years, is the result of a priority setting by the Parliament and the Council, on the basis of the Commission proposal

In the priority setting process, seven thematic priorities were defined. None of these priorities is the exclusive domain of a certain science sector. Agricultural Sciences are invited to contribute to all thematic priorities, where they can make a contribution, specifically, priorities five (Food Quality and Safety), six (Sustainable development, global change and ecosystems) and to Scientific Support to Policies. Inter-disciplinary research will be essential to fulfil the requirements. Agronomic research on tobacco was not retained as a specific priority.

The scientific community was invited to further sharpen the priorities in an invitation to submit expressions of interest. By the deadline in July 2002, more than 10 000 expressions of interest have been received and have been evaluated with the assistance of eminent scientists from Europe and outside Europe. This process has helped to set-up the workprogrammes and the subsequent call for proposals, which was published on the 17 December 2002.

The Commission can reassure the Honourable Member that all received research project proposals, which fall within the research priorities of the 6th Framework Programme as decided by the Parliament and Council will receive equitable treatment.

(2003/C 242 E/093) **WRITTEN QUESTION E-0087/03**

by Kathleen Van Brempt (PSE) to the Commission

(28 January 2003)

Subject: Trade in endangered species of animals

The general public in the EU is increasingly interested in rare and exotic protected species of animals. There is now a real international network of shrewd operators trading in such species. The continuing existence of an illegal market is undermining the efforts of those traders who comply with the law.

Has the Commission any knowledge of the smuggling of animals into the EU? If so, can it provide figures for the smuggling of animals into the EU during the past five years?

What proportion of this illegal trade in animals is accounted for by Belgium? Can the Commission provide figures for the smuggling of animals into or via Belgium during the past five years?

What is the Commission doing to combat the smuggling of animals and is it giving animal traders who want to find out about their obligations the means to do so? If so, what means and how often?

Is the Commission giving encouragement, imposing requirements and/or providing financial assistance to Member States to enable them to improve the implementation and enforcement of legislation?

Is the Commission encouraging Member States to cooperate in the implementation and enforcement of legislation through the exchange of information, knowledge and experience?

What is the Commission doing to help minimise the differences between Member States and harmonise criminal law provisions, for example?

Answer given by Mrs Wallström on behalf of the Commission

(10 March 2003)

Information about seizures and confiscations in the Member States from the years 1997-2000 is contained in the Biennial Reports 1997/1998 and 1999/2000 on the implementation and enforcement 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].

The Commission cannot provide information on the proportion of illegal trade accounted for by Belgium. However, there is information on confiscations and seizures in Belgium.

While combating the smuggling of animals is mainly the responsibility of Member States, the Commission provides assistance. It has contracted Traffic Europe, the wildlife trade monitoring programme of the World Wildlife Fund (WWF) and the International Union for Conservation of Nature (IUCN), to monitor the implementation of the wildlife trade regulations in the Union and to assist the responsible authorities in Member States on questions related to enforcement. The Commission also chairs an 'Enforcement Group' in which Member States come together to examine technical questions related to enforcement.

The most obvious contacts for animal traders are the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Management Authorities in Member States. The Commission itself has a webpage concerning CITES and the Union wildlife trade regulations on Europa (http://www.europa.eu.int/comm/environment/cites/home_en.htm). It is also currently planning an information campaign for wildlife trade controls in the Union which should make commercial operators, such as wildlife importers, wholesalers and retailers, more aware of the detailed provisions in the wildlife trade Regulations regarding commercial activities as well as the provisions regarding the proper care of live specimens. This campaign should start in spring 2003. This specifically targeted campaign will complement a previous information effort aimed at the general public.

The Commission works closely with Member States in the Committee on Trade in Wild Fauna and Flora, the Scientific Review Group and in the above-mentioned Enforcement Group. The meetings of these Groups provide the possibility of exchanging information, knowledge and experience. The improvement and harmonisation of implementation measures is one of the tasks of the Committee on Trade in Wild Fauna and Flora.

With regard to sanctions these are largely within the competence of Member States and Article 16 of Regulation 338/97 provides that Member States 'take appropriate measures to ensure the imposition of sanctions' for a number of infringements. The Commission has subsidized a 'Workshop on the Enforcement of Wildlife Trade Controls in the Union' in 2001, where the issue of sanctions was discussed.

At a broader level, it should be mentioned that, in 2001, the Commission proposed a Directive of the Parliament and the Council on the Protection of the Environment through Criminal Law [2] which proposes criminal sanctions for offences against the environment. This also covers the trading of protected wild fauna and flora species or parts thereof. This proposal for a directive is limited to requiring that Member States impose criminal penalties for breaches of environmental law. It leaves Member States considerable freedom to decide what type of criminal penalties they wish to impose, provided they are effective, proportionate and dissuasive, in accordance with the rulings on penalties issued by the Court of Justice. The legislative procedure to adopt this proposal for a Directive is stopped for the moment. The Council adopted on 27 January 2003 a Framework-decision on the protection of the environment through criminal law in the context of judicial cooperation. It obliges Member States to punish intentional and negligent offences to the environment, including the trading of protected wild fauna and flora species or parts thereof.

[1] OJ L 61, 3.3.1997.

[2] Proposal for a Directive of the Parliament and the Council on the Protection of the Environment through Criminal Law – OJ C 180, 26.6.2001 and amended proposal for a Directive of the Parliament and the Council on the Protection of the Environment through Criminal Law – OJ C 20 E, 28.1.2003.

(2003/C 242 E/094) **WRITTEN QUESTION P-0091/03**

by Fausto Bertinotti (GUE/NGL) to the Commission

(20 January 2003)

Subject: Extension of the tourist port at San Felice Circeo (Latina, Italy)

The municipality of San Felice Circeo has decided to double the size of the local tourist port. It has not, however, heeded the counsels of the regional advisers, notably with regard to the planning, coastal erosion and urban development aspects. The project has not been subjected to an environmental impact assessment, nor has there been a proper study concerning current flows and erosion risks. Equally, no

account has been taken of the natural beauty dimension of the Circeo promontory (the area concerned by the project falls within the Circeo National Park, which is an SCI [Site of Community Importance]). The Lazio Regional Administrative Court has annulled the procedure for approval of the project, on the grounds of the site's environmental importance; but, despite this, the mayor of San Felice Circeo has already announced that he will appeal to the Council of State, even though the tourist port project involves private enterprise only.

Does the Commission not believe that the entire administrative history of this project, and the project itself, entail breaches of basic environmental law, especially given the absence of an environmental impact assessment?

Does the Commission not consider that, in view of the serious risks of habitat damage which the project would involve, there is an urgent need for the EU to intervene with the municipal authorities, so as to ensure that this enormously important area is protected?

Does the Commission not believe that all procedures relating to these projects should be suspended as of now?

Answer given by Mrs Wallström on behalf of the Commission

(25 February 2003)

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 [1], after amendments by Council Directive 97/11/EC of 3 March 1997 [2], 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. Projects listed in Annex I are made subject to an environmental impact assessment procedure. For projects listed in Annex II, Member States are obliged to determine through a case-by-case examination or by setting criteria or thresholds whether a project is to be made subject to an environmental impact assessment procedure.

Based on the information given by the Honourable Member, the Commission considers that, since marinas are projects of Annex II of the Directive, the work to which the Honourable Member refers could fall within the scope of Directive 85/337/EEC as amended, and, in particular, into categories 13 of Annex II of the Directive [3]. In the light of the above, the Italian authorities should have determined through a case-by-case examination or by applying thresholds or criteria set by the Italian legislation, whether the project had to be made subject to an environmental impact assessment procedure.

Article 6 of Council Directive 92/43/EEC of 21 May 1992, on the conservation of natural habitats and of wild fauna and flora [4], provides for the protection of Sites of Community Importance which will, according to the procedure laid down by the Directive, be designated as Special Conservation Areas. These obligations apply to all authorities of the Member States, at national, regional or local level. In particular, under Article 6, paragraph 3, 'any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.'

The above-mentioned provision applies to Sites of Community Importance (SCI) under Directive 92/43/EEC and Special Protection Areas (SPA) under Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [5]. Even if it may not, at present, be fully binding for proposed Sites of Community Importance (pSCI) under Directive 92/43/EEC, these being sites which have been proposed by Member States but not yet included in an official list of sites of Community interest adopted by the Commission, Member States have an obligation to act in a way that does not jeopardise the objectives of the Directive and ensure therefore that measures are taken to prevent the deterioration of proposed sites.

Should the project mentioned by the Honourable Member be likely to have significant effects on the SPAs and/or pSCIs contained in the area of the 'Parco nazionale del Circeo', the Italian authorities should have complied also with the above-mentioned obligations under Directives 92/43/EEC and 79/409/EEC.

As the Commission is not aware of the specific situation described by the Honourable Member, it will take the appropriate steps in order to gather detailed information 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 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 the compliance with relevant Community law.

(1) OJ L 175, 5.7.1985.
(2) OJ L 73, 14.3.1997.
(3) Any change or extension of projects listed in Annex I or Annex II, already authorized, executed or in the process of being executed, which may have significant adverse effects on the environment.
(4) OJ L 206, 22.7.1992.
(5) OJ L 103, 25.4.1979.

(2003/C 242 E/095)

WRITTEN QUESTION E-0104/03

by Luciano Caveri (ELDR) to the Commission

(28 January 2003)

Subject: Modification of lorry engines

The Community authorities have, with the series of engines that perform increasingly well on the scale known as Euro 0, 1, 2 and 3, and which is soon to be Euro 4, devoted great attention to framing rules which ensure that lorry engines are less and less polluting. Along with the laboratory tests, are there any field studies which provide assurances as to the lower levels of pollution emitted by these new-generation engines? Is there any risk of these engines being modified by lorry drivers in order to improve their performance to the detriment of the environment?

Answer given by Mr Liikanen on behalf of the Commission

(5 March 2003)

With the use of electronic engine controls there are possibilities to manipulate how an engine performs on the road, usually to the benefit of fuel consumption but at the expense of higher pollutant emissions, notably emissions of oxides of nitrogen (NO_X). The manipulations allow an engine to fulfill all emission standards under test conditions but then behave differently on the road.

In 2000, the Commission became aware that some heavy-duty engines with a Euro III type-approval were being manipulated even though Parliament and Council Directive 1999/96/EC (1) (amending Council Directive 88/77/EEC (2)) contains requirements to protect against the use of what are known as 'defeat devices'. Therefore, steps were taken to introduce Commission Directive 2001/27/EC (3) to strengthen the requirements against the use of defeat devices. These new requirements require manufacturers to disclose, at the time of type-approval to the type-approval authority and technical services, all their electronic strategies and justify why certain manipulations may be used (for valid reasons such as engine protection and cold starting) but within closely defined operating conditions (altitude, ambient temperature, oil temperature). The commercial confidentiality of such information has to be respected by the type-approval authority and technical services.

The Commission is working through the United Nations forum in Geneva (UN-ECE) to develop a Global Technical Regulation detailing measures to protect against the use of defeat devices on new heavy-duty vehicles.

The Commission is preparing proposals to supplement the Euro IV emission standards with new technical tests (as required in Directive 1999/96/EC) and Community research projects are studying the differences between actual in-use emissions and the type-approval limits. As part of the supplement to the Euro IV emission standards, a test for in-use conformity of a heavy-duty vehicle emission control system is being

assessed and it is most likely that a procedure will be developed allowing authorities to fit a heavy-duty vehicle with a data recording device to measure emissions while a vehicle is actually used on the road. When used in combination with the type-approval test, this additional on-road test will provide a strong control of emissions under all possible operating conditions.

However, heavy-duty vehicle operators and drivers may still tamper with their engine or emission control systems to improve performance and can easily purchase, through magazines or on the internet, 'performance chips' or download new engine calibrations offering better fuel consumption or power. A forthcoming amendment to Directive 88/77/EEC will offer improvements against tampering, especially with engine management systems.

Finally, heavy-duty commercial vehicles and buses are covered by annual roadworthiness testing and random roadside inspections (Council Directive 96/96/EC [4] and Parliament and Council Directive 2000/30/EC [5]). Both Directives require progressively higher roadworthiness exhaust emission standards for vehicles approved to higher type-approval standards. Indeed, both Directives are currently undergoing technical adaptation in order to incorporate tighter roadworthiness standards specifically for Euro IV diesel vehicles.

---

(1) Directive 1999/96/EC of the Parliament and of the Council of 13 December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC — OJ L 44, 16.2.2000.

(2) Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous pollutants from diesel engines for use in vehicles — OJ gL 36, 9.2.1988.

(3) Commission Directive 2001/27/EC of 10 April 2001 adapting to technical progress Council Directive 88/77/EEC on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles — OJ L 107, 18.4.2001.

(4) Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers — OJ L 46, 17.2.1997.

(5) Directive 2000/30/EC of the Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community — OJ L 203, 10.8.2000.

(2003/C 242 E/096)

WRITTEN QUESTION E-0105/03

by Luciano Caveri (ELDR) to the Commission

(28 January 2003)

Subject: Expansion of the Mont Blanc and Fréjus road tunnels

While the Turin-Lyons rail link unfortunately seems to have hit the doldrums yet again, the Italian government has embarked on the immediate expansion, in the shape of new shafts, of the current Mont Blanc and Fréjus tunnels, which are part of the Trans-European Transport Network. However, it has not taken into consideration the Transport White Paper or the Alpine Convention and its transport protocol, which state that priority should be given to rail in the Alpine Arc rather than to further development of the road system. At the same time, the local populations on both sides of the tunnels are completely opposed to this idea and the French Government is half-hearted about it. Does the Commission have any information on this matter and what is its assessment of it?

Answer given by Mrs de Palacio on behalf of the Commission

(7 March 2003)

The Commission has no information about any programme for the immediate construction of second road tunnels for the Mont Blanc and Fréjus tunnels, but there is a project to build an evacuation tunnel parallel to the current Fréjus tunnel.

Among other things, the guidelines adopted by the Commission for the programmes under the Structural Funds and the Cohesion Fund for the period 2000-2006 encourage a balance between modes of transport.

The Commission attaches great importance to finding a solution for the transit of goods across the Alps, in particular between France and Italy. It therefore remains very concerned by the consequences — in terms of safety, environment and quality of life of the local communities — of the ever-growing recourse to road transport in the Alps. In this context, the new Lyon-Turin transalpine rail link is extremely important in order to cope with the increase in congestion in this area. This position has been repeated on numerous occasions by the Commission before Parliament and to the authorities of the two countries concerned by the project. In addition, the inevitable enlargement of the EU towards the East now puts the Lyon-Turin route in a pivotal position to meet the growing need for mobility of goods and persons between the EU's western regions and the countries of the Danube and the Balkans, across the dynamic regions of the north of Italy. This link is at present the only major East-West rail project giving priority to freight that is at an advanced planning stage. To this end, EUR 100 million has already been earmarked for the carrying-out out of studies on the Montmélian-Bussoleno section in the framework of the Indicative Multiannual Programme (IMP) under the budget for the trans-European transport network. In order to contribute more effectively to the programme of studies in progress, it has been decided to increase the financial support for 2002 significantly by earmarking for that year appropriations initially intended for a longer period. So far, the Community support has always been topped up by co-financing — 50/50 — by the two States in question.

On 13 February 2002, the French National Assembly adopted on first reading a proposal for a law authorising the approval of the Agreement of 29 January 2001 between the French and the Italian Governments on the completion of the Lyon-Turin line by 2015. The Italian Parliament did likewise on 18 September 2002.

Mention should be made, by way of information, of the conclusions of a study conducted by Lyon Turin ferroviaire (LTF), Réseau ferré de France (RFF) and Reta Ferroviaria Italiana (RFI), forecasting the saturation of the France-Italy rail route within fifteen years and a considerable increase in pressure on roads on all the French crossings, if the Lyon-Turin project is not completed, unlike the situation in Switzerland where rail projects will make it possible to control road traffic flows within thirty years.

(2003/C 242 E/097)

WRITTEN QUESTION P-0111/03

by Arlene McCarthy (PSE) to the Commission

(21 January 2003)

Subject: Benefits of intellectual property rights to the EU economy

To what extent does the EU economy benefit from intellectual property rights in the field of copyrights, patents and designs? Can the Commission quantify benefits to the EU economy?

Answer given by Mr Bolkestein on behalf of the Commission

(11 February 2003)

Intellectual and industrial property rights (IPRs) are part of the infrastructure of modern society. Like laws designed to protect other forms of property, such as personal or immovable property, IPRs are closely bound up with every area of economic and cultural activity, and so it is not easy to quantify the overall benefits they provide. However, they have very great value through providing protection and encouragement for the investment made by enterprises and individuals in creative and innovative activity, as well as in activities aimed at the building up of goodwill and reputation. It is beyond question that large sections of the economy of the Union are dependent for their competitive advantage upon the various types of IPR available to protect against unfair exploitation of their investments by imitators and copiers. Of particular note are the fields of pharmaceuticals and other high-tech inventions, entertainment, software, publishing and luxury goods.

An indication of the value placed on patents by their owners has been estimated using an economic model in a study carried out for the Danish Ministry of Trade and Industry [1], in which it was concluded that the average value of a patent in Denmark is approximately EUR 20 000. While caution must be exercised in extrapolating this figure to Europe as a whole, it does suggest that the total value of all patents currently in force in Europe could run into the hundreds of billions of Euros.

The above analysis takes no account of the benefit that society at large derives from having access to new technologies, but one clear example of this can be found in the pharmaceutical industry, which is known to be particularly dependent upon patents because of the very high costs associated with research and development relative to the costs of production. In this case, investment in the development of new medicines, which was estimated by the industry to amount to EUR 18,8 billion in Europe in 2001, would be seriously affected, if not halted altogether, in the absence of the patent system.

In the field of copyright, the Commission is awaiting the results of a study that it has commissioned 'The economic importance of copyright' which should be completed by October 2003. Previous estimates of the production of the main copyright industry e.g. publishing, records, films and software) range from 3-5 % of the Community's Gross Domestic Product. However such estimates are often based on total production of particular industries, without further analysis. This study should present an economic analysis of all the 'core' copyright industries (literature and the press, music, theatre, film and video, photography, visual arts, radio and television, software and databases, architecture, advertising and industrial design) and 'copyright-dependent' industries (manufacture and distribution of electronics, computers, music instruments, photographic and cinematographic equipment, networks, intermediaries). This analysis will be based on the Gross Value Added per country and the share of employment in each sector and revenues generated. It should also include an analysis of the contribution made by the legal protection given to copyright and related rights. The Commission will make the study available upon its completion.

[1] Mette Gørtz & Merete Konnerup 'Welfare Effects of a Patent Insurance — Microeconomic Evaluation and Macroeconomic Consequences' (June 2001).

(2003/C 242 E/098) **WRITTEN QUESTION E-0116/03**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(28 January 2003)

Subject: Need to gain public confidence in the safety of nuclear power stations

The nuclear power industry, along with the aviation sector, is the most closely regulated and safest of all industries. However, no other industrial activity gives rise to so many reservations nor to such demand for guarantees of safety.

The future of the nuclear industry will depend, to a large extent, on the way it is perceived by the general public. Political leaders must therefore act to ensure that the public respects and has confidence in the nuclear industry. Hence the importance of conveying to the man in the street that nuclear power is a necessity and that it can quite feasibly be used alongside other forms of energy.

What steps has the Commission taken to provide EU citizens with information, by way of open and objective information campaigns, as regards the safety of nuclear power and the fact that it is essential if Community industry is not to be weakened?

Answer given by Ms de Palacio on behalf of the Commission

(26 February 2003)

The Commission launched a major debate on the future of the European Union's energy supply with the adoption on 29 November 2000 of the Green Paper Towards a European strategy for the security of energy supply [1], in which, stressing that the Union must take better charge of its energy destiny, it considers the contribution of nuclear energy as well as that of all other energy sources. The final report on the Green Paper, presenting the conclusions of the debate, was adopted by the Commission on 26 June 2002 [2].

Fully aware that public confidence depends on the assurance of a high level of safety and a clear and transparent answer to the question of radioactive waste processing, the Commission put forward a package of legislative measures in the field of nuclear safety on 6 November 2002 ([3]). This consists of two proposals for Directives, one concerning the safety of nuclear installations in operation or undergoing decommissioning and the other concerning the management of spent nuclear fuel and radioactive waste. Having obtained the opinion of the group of experts provided for in Article 31 of the Euratom Treaty, the Commission requested the opinion of the Economic and Social Committee, which is due to be delivered shortly. The texts of the proposals for Directives can be found on the website of the Commission's Directorate-General for Energy and Transport, under the heading 'Nuclear Safety'.

With a view to transparency in energy matters, the Commission regularly posts the documents it produces on the Internet. The above proposals will help considerably to reassure the public by showing that the Commission is paying close attention to nuclear safety issues and doing what needs to be done to set rules at Community level.

It is not the Commission's role to defend or impose one source of energy or another, but it needs to present the pros and cons of each energy source in a responsible and quantified manner. Energy choices have to be made by the Member States, and it is the Member States and the industry which are best placed to carry out public information campaigns. The Commission's task is to ensure compliance with all the primary and secondary legislation in the various fields.

([1]) COM(2000) 769 final.
([2]) COM(2002) 321 final.
([3]) COM(2003) 32 final.

(2003/C 242 E/099)

WRITTEN QUESTION E-0132/03

by Fiorella Ghilardotti (PSE) and Giovanni Pittella (PSE) to the Commission

(28 January 2003)

Subject: Resumption of the train service between Brussels and Milan

The train service between Brussels and Milan has been cancelled. This decision is causing serious inconvenience to those people from Belgium, Luxembourg or France wanting to travel to Italy and in particular Italians living in central and northern Europe.

The decision is clearly at odds with EU transport policy which is aimed at developing the major communications routes and is also a serious obstacle to tourism and education for the many children of Italians living abroad and studying in Milan.

What is the European Commission's position on this matter and what measures does it intend to take to secure the resumption of this service in full, or at least on a weekly basis?

(2003/C 242 E/100)

WRITTEN QUESTION E-0252/03

by Cristiana Muscardini (UEN) to the Commission

(5 February 2003)

Subject: Discontinuation of the Brussels-Milan overnight train service

At a time when Europe is enlarging eastwards and upgrading lines of communication would provide the public with the first sign of genuine proximity, Belgium is managing to discontinue the overnight couchette train service from Brussels to Milan, which also caters for vehicles. This service is run jointly with the French, German, Luxembourg and Swiss railways and is of vital importance to Italian workers in particular, who use this service in steady numbers. Should Belgium have been experiencing difficulties in continuing operations on its section of the line, it could have sought contacts with the governments of the countries rather than slashing the service. In view of this, can the Commission urgently reinstate the Brussels-Milan train service, thereby ensuring that the needs and expectations of Community citizens are met?

Joint answer
to Written Questions E-0132/03 and E-0252/03
given by Mrs de Palacio on behalf of the Commission

(27 February 2003)

The Commission is aware that the Brussels-Milan train service was discontinued with effect from 15 December 2002. The Commission regrets the reduction in international services which may be decided upon by the railway undertakings concerned, although it recognises that they are entitled to seek to optimise their organisation, including by not losing money on this kind of service, as required by Article 5 of Directive 91/441 [1].

According to the information supplied to the Commission, this service was not cost-effective for the five undertakings concerned.

The Commission would nevertheless like to point out that, if the main reason for discontinuing the service is financial, Regulation 1191/69 [2] allows the competent national authorities of the Member States to conclude a public service contract with a railway undertaking to operate train services on routes which would not be cost-effective without financial support from the public authorities.

The Commission intends to present a proposal for a regulation in 2003 on the rights and obligations of passengers in international rail traffic which would, moreover, contain provisions concerning the consultation of passengers by railway undertakings in cases of major changes to the services offered. The Commission will also present a proposal for a directive to enable railway undertakings to become more competitive by facilitating access to the market in international passenger services. The many questions raised following the discontinuation of this train service and the announcement that many other international services will be discontinued will be taken into account when these legal instruments are drawn up, as discontinuing services will certainly not contribute to achieving one of the objectives of the common transport policy, which is to maintain and even increase the modal share of rail in transport as a whole.

[1] Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways — OJ L 237, 24.8.1991.

[2] Council Regulation (EEC) No 1191/69 of 26 June 1969 on action by Member States concerning the obligation inherent in the concept of a public service in transport by rail, road and inland waterway — OJ L 156, 28.6.1969.

(2003/C 242 E/101) **WRITTEN QUESTION E-0145/03**

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

(28 January 2003)

Subject: EU-Iceland international fisheries agreement and development cooperation

In the context of the current EU-Iceland international fisheries agreement, can the Commission indicate:

1. How much the EU has earmarked for the development of the fisheries sector in Iceland?

2. How much the EU pays by way of a financial contribution in exchange for fishing rights for the Community fleet?

3. How much Community shipowners have to pay in fees for fishing licences and fishing rights?

Answer given by Mr Fischler on behalf of the Commission

(4 March 2003)

The Honourable Member has raised three questions regarding economical transactions and fees for licences within the Community-Iceland Agreement. The Agreement contains no financial transactions between the Community and Iceland and no provisions on fees for fishing licences.

(2003/C 242 E/102) **WRITTEN QUESTION E-0157/03**

by Ilda Figueiredo (GUE/NGL) to the Commission

(29 January 2003)

Subject: Alterations to a radar installation on the island of Madeira

With reference to Mrs Wallström's answer dated 4 November 2002 to my Written Question E-2734/02 [1] on the construction of a radar installation on Pico do Areeiro, on the island of Madeira, what is the Commission's position on the announcement that the above radar installation is still to be located in the same area, only a matter of metres away from the site previously planned, bearing in mind that this minor alteration still poses all the disadvantages of the earlier plan?

[1] OJ C 110 E, 8.5.2003, p. 96.

Answer given by Mrs Wallström on behalf of the Commission

(5 March 2003)

Further to its answer to Written Question E-2734/02 by Mrs Figueiredo [1], the Commission can inform the Honourable Member that it has since been able to register the case as a complaint and question the Portuguese authorities about the situation.

At a meeting with the Commission, the Portuguese authorities were able to give a number of clarifications regarding the project. They explained that the radar project had been imposed by NATO and that the nature of the installation was such that it could only be located on one of the two highest peaks on the island — Pico Ruivo and Pico do Areeiro. The Pico Ruivo option was rapidly abandoned, given the obvious adverse impact. The Pico do Areeiro area was chosen because other constructions and telecommunications installations are already located there. The Portuguese authorities also indicated that the radar's radiation field would not reach the nesting site of Pterodroma madeira, being located well above it.

In any event, the project has been made subject to an environmental impact study, whose conclusions are still pending. Lastly, the Portuguese authorities indicated that they would send the Commission a copy of the impact study.

The Commission will wait to receive the study before pronouncing on the situation.

[1] OJ C 110 E, 8.5.2003, p. 96.

(2003/C 242 E/103) **WRITTEN QUESTION P-0165/03**

by Paul Lannoye (Verts/ALE) to the Commission

(24 January 2003)

Subject: Guided bombs

The new generation of guided bombs developed in the United States has been designed to penetrate and destroy reinforced underground targets. On the basis of purely military logic, the high density metal used to make these weapons as effective as possible is depleted uranium. Are weapons of this type produced in the European Union? If not, are they available to the armed forces of certain Member States?

Answer given by Mr Liikanen on behalf of the Commission

(13 February 2003)

The Commission has no legal competence to intervene in the choice and nature of arms to be produced or even monitor the use of such munitions.

Given the military character of the written question, the Honourable Member may wish to seek supplementary information from the Secretariat General/High Representative for Common Foreign and Security Policy, Mr Solana.

(2003/C 242 E/104) **WRITTEN QUESTION E-0175/03**

by Lousewies van der Laan (ELDR) to the Commission

(30 January 2003)

Subject: EU support for maintaining biological diversity

Technological developments such as selection and genetic modification have led to the development of high-yielding agricultural crops which are becoming increasingly widespread throughout the world. As a result, the diversity of agricultural crops is decreasing as traditional local crops are disappearing. However, this also poses a threat to the genetic data of these 'ancient crops'.

It would, however, be of great benefit to future generations if there continued to be the greatest possible diversity of crops as their genetic data is an important source for creating new crops. In the future, climate change and changing economic, social and environmental circumstances will continue to require new crops with new characteristics. It is thus of literally vital importance that old crops should survive.

An organisation such as De Oerakker (Foundation for biodiversity in agriculture) in the north of the Netherlands collects seeds from as many different crops as possible. Some species can be kept in deep-freeze cells at the Agricultural University of Wageningen, whereas others have to be sown and harvested each year. The foundation has managed this very successfully so far but it can no longer continue to do so on financial and human resources grounds (it is staffed by volunteers).

1. Does the Commission share my view that maintaining the genetic data of old crops is extremely important for future generations?

2. Does it agree that this matter is of such great importance to society that it is essential to have an approach that will guarantee continuity?

3. What possibilities are there at European level to support projects of this kind, be it in financial or organisational terms, through exchanges with similar projects elsewhere in Europe, or otherwise?

Answer given by Mr Fischler on behalf of the Commission

(13 March 2003)

The Commission regards biological and genetic diversity in agriculture as essential to the sustainable development of agricultural production and rural areas. Council Regulation (EC) No 1467/94 of 20 June 1994 on the conservation, characterisation, collection and utilisation of genetic resources in agriculture [1] made it possible to carry out an initial programme spread over the period 1994-1999 relating mainly to ex situ conservation of genetic resources. This approach constitutes a key element of any strategy to conserve biodiversity to the extent that it enables safeguarding of older local varieties relatively neglected by farmers for food production. Thanks to the work undertaken by the institutions responsible for conserving genetic material, the data and genetic characteristics of these local varieties have been preserved and enhanced. Their conservation is essential to the future of modern agriculture.

In accordance with the recommendations contained in the report [2] to the Commission by the independent expert group on the implementation of Regulation (EC) No 1467/94, the Commission drafted a new Regulation which has been discussed on several occasions in the relevant bodies at the Council and Parliament. In the light of those discussions, the Commission is amending its proposal with a view to presenting it again during the first half of 2003.

The forthcoming implementation of this new Regulation introducing a Community programme for the conservation, characterisation, collection and utilisation of genetic resources in agriculture should make it possible to provide financial support for activities such as those undertaken by the De Oerakker Foundation (ex situ and in situ conservation of certain seed species), provided that they are carried out in cooperation with institutions or bodies located in other Member States.

The Community's Biodiversity Action Plan for Agriculture (BAP-AGRI) supports the development of a successor regulation to Regulation (EC) No 1467/94 as the key Community instrument for the conservation of genetic resources in agriculture. The BAP-AGRI calls for this future programme to extend beyond the ex situ focus of Regulation (EC) No 1467/94 and to make a major contribution also to in situ conservation and on-farm management, and specifies that this entails greater integration of non-governmental organisations and farmers in the genetic resource conservation process.

The BAP-AGRI also highlights the importance of Council Directive 98/95/EC of 14 December 1998 [3] which created the legal framework needed to open up the possibility of allowing the marketing of seed of landraces and like varieties, which are naturally adapted to the local and regional conditions and threatened by genetic erosion, with the aim of contributing to in situ conservation. The Commission has established draft guidelines for the implementation of the Directive and is now taking steps to prepare measures regarding Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed [4] and Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species [4].

The Second Report on the Implementation of the Community Biodiversity Strategy and Action Plans, due in 2003, will review the extent to which the targets of the BAP-AGRI have been achieved. This review may lead to new recommendations with regard to the conservation of genetic resources in agriculture.

In the 6th Framework Programme for Research and Technological Development (RTD) (FP6), it is foreseen that in the specific programme for Thematic Priority 5: Food Quality and Safety, there may be a call for proposals in 2004 on Exploitation of Plant Biodiversity to reduce pesticide application for disease control. The objective would be to make use of stored biodiversity, in particular for the development of disease-resistant plants that will lead to a decrease in the use of plant protection products and the associated risks to human health and the environment.

In the 6th Framework Programme, in the specific programme for Policy-Oriented Research, it is indicated that the list of tasks for further calls includes biodiversity. The objective would be to develop and apply tools to determine the relative biodiversity within and between Community local breeds of animals, and to develop and apply tools to determine the useful characteristics of crop germplasm conserved in the Community.

Lastly, it should be pointed out that the Commission is likewise engaged in the conservation, characterisation, collection and utilisation of genetic resources at world level, in particular as a signatory of the International Treaty on phytogenetic resources for food and agriculture — under the auspices of the United Nations Food and Agriculture Organisation (FAO) — and through its input to the Advisory Group on International Agricultural Research (AGIAR) system, which mainly benefits developing countries.

---

(1) OJ L 159, 20.6.1994.

(2) COM(2001) 617 final.

(3) Council Directive 98/95/EC of 14 December 1998 amending, in respect of the consolidation of the internal market, genetically modified plant varieties and plant genetic resources, Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species — OJ L 25, 1.2.1999.

(4) OJ L 193, 20.7.2002.

(2003/C 242 E/105) **WRITTEN QUESTION E-0179/03**

by Patricia McKenna (Verts/ALE) to the Commission

(30 January 2003)

Subject: Council Directive 97/11/EC amending Directive 85/337/EEC

Council Directive 97/11/EC [1] amending Directive 85/337/EEC [2] on Environmental Impact Assessments does not contain an expiry date. In other words, once a developer has completed the EIA, they can wait for an indefinite period of time before starting the project.

The effects of this are twofold:

— Firstly, in the time between the completion of the EIA and the start of the project, the characteristics of the environment may change. For example, if the population of an area increases dramatically over a five-year period, then the information in the EIA may be out of date. It is, however, still deemed to be valid;

— It allows well-resourced developers to complete the EIA process on a number of projects and wait indefinitely before commencing construction. Local communities are then left in limbo. Depending on the type of project proposed, this may have an adverse effect on the economic, social and physical health of the community.

What is the Commission's opinion on this issue?

Does the Commission have any plans to amend the Directive to close this loophole?

[1] OJ L 73, 14.3.1997, p. 5.
[2] OJ L 175, 5.7.1985, p. 40.

Answer given by Mrs Wallström on behalf of the Commission

(6 March 2003)

The Honourable Member asks the Commission's opinion regarding the length of time which may elapse between the completion of an Environmental Impact Assessment (EIA) under 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 and the commencement of the project.

The Honourable Member says that once a developer has completed the EIA, they can wait for an indefinite period of time before starting the project and in this case sometimes the characteristics of the environment may change but the information in the EIA is still deemed to be valid. She also says that this leaves local communities in limbo.

It is not clear from the information provided if the Honourable Member refers to the length of time between the completion of the EIA and the granting of the development consent or between the completion of the EIA and the granting of the development consent and the actual start of the project.

The Directive requires an EIA to be carried out before consent is given for projects likely to have significant effects on the environment. It does not specify a time limit for the intervening period; or for the period between the grant of consent and the start of the project. These matters are left to the discretion of Member States, many of which have imposed time limits on one or both of these periods. In addition, powers to request fresh information, or a new environmental impact statement, or to apply conditions to consents exist in some Member States.

When no time limit has been imposed, there may be delays between carrying out the EIA and the grant of consent, and between the grant of consent and the start of the project. So far as the first case is concerned, the EIA must identify and assess the effects which the project is likely to have on the environment. If the state of the environment has changed between the time the assessment was undertaken and the time

consent is granted, it follows that the assessment may need to be updated or extended accordingly, taking into accout the legitimate expectations of the public and the principle of good administration. Hence, new information relating to likely significant environmental effects of the project must be taken into account during the development consent procedure.

As regards the change of environmental characteristics after granting of the development consent, the Directive does not regulate the time in which the project must be started. However, it should be stressed that the Directive requires that all factors likely to have significant effects on the environment are assessed and taken into account in the development consent procedure.

The Commission does not envisage amending the Directive at this stage but this could be one of the issues to be considered in any future amendment.

(2003/C 242 E/106) **WRITTEN QUESTION E-0184/03**

by Antonios Trakatellis (PPE-DE) to the Commission

(31 January 2003)

Subject: Construction of a technical road project (bridge) in the Herakleion-Knossos area

Inhabitants of the Herakleion region have complained about a bridge under construction along the historic route linking Herakleion to Knossos: it blatantly disregards the historic importance of this route, is extremely expensive, is of little value from the traffic point of view and is based on an arbitrary decision, since it is not mentioned in Law 2947/01 on Olympic Games projects and has not been approved by the competent directorate of the Ministry of the Environment, Regional Planning and Public Works, the Directorate for Road Construction Projects and Studies.

Bearing in mind the above and the protests of the local bodies and inhabitants, will the Commission say:

1. Is the construction of this project in line with Community legislation on viability and sustainable traffic planning in urban environments?

2. What measures does it intend to take should it find that the above project is illegal and arbitrary and that there is a readily available alternative which would meet the traffic, urban planning, functional, aesthetic, environmental and cultural needs of the region?

3. Is this project receiving Community funding? If so, have the functionality and necessary viability of the project been established?

Answer given by Mr Barnier on behalf of the Commission

(4 March 2003)

Construction of the viaduct along the route linking Herakleion to Knossos in Crete, to which the Honourable Member refers, is not being part-financed by Community Funds.

Nevertheless certain infrastructure projects, whether or not part-financed by Community Funds, must satisfy the requirements 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], as amended by Council Directive 97/11/EC of 3 March 1997 [2], as regards drawing up an environmental impact study.

Article 2(1) of that Directive stipulates 'Member States shall adopt all measures necessary 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.' These projects are defined in Article 4, which refers to Annexes I and II of the Directive. However, projects to construct viaducts are not expressly listed in any of the Annexes to the Directive.

The Commission therefore considers, on the basis of the information supplied by the Honourable Member, that Directive 85/337/EEC is not applicable.

However, if the viaduct could be regarded as forming part of a road or railway, which are listed in Annex II.10.e to the Directive, it is possible that Greek legislation requires the project to undergo an environmental impact assessment procedure. If the Honourable Member knows of any factors which might show there to be an infringement, the Commission would ask him to supply all the relevant information so that it can examine whether the project fully complies with the requirements deriving from Directive 85/337/EEC.

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

(2003/C 242 E/107) **WRITTEN QUESTION E-0193/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(31 January 2003)

Subject: Traffic problem in Athens

According to reports in the Greek press, the Commission has funded programmes (such as Euronet, Europrice, Afford etc.) to evaluate road charging schemes in some European cities, including Athens, which is an Olympic city and in less than 19 months hosts the 2004 Olympic Games. One of the proposals was to introduce a system of additional charges (tolls) to use the roads in the centre of Athens. Remarkably, in Athens no tunnels are built for underground traffic as they are in other European cities such as Brussels, a system which would certainly relieve the congestion.

Is it true that the introduction of tolls in Athens is under consideration? In which Member States are there no tolls at all on motorways or other roads? What is the Commission's view regarding the construction of underground tunnels as part of the works which it jointly funds in Athens? Does the Commission know whether the co-funded works on the Athens Metro are proceeding in due and proper manner, in particular on the basis of detailed surveys, following the recent subsidence in Chalandri in Attica which left a crater in the middle of the road directly above the construction site of a metro line?

Answer given by Mrs de Palacio on behalf of the Commission

(2 April 2003)

The Commission has funded several projects under the 4th and the 5th Framework Research Programmes on transport pricing. The cities and policies to be analysed in these projects are selected by the study team, not by the Commission. The fact that pricing in Athens is addressed by several projects reflects the success of Greek researchers in the calls for proposals.

The decision to introduce an urban road pricing system in Athens is a decision that, in line with the subsidiarity principle, should be taken by the competent authorities and not by the Commission. The Commission is not aware of any plans for Athens.

Directive 1999/62/EC of the Parliament and of the Council of 17 June 1999, on the charging of heavy goods vehicles for the use of certain infrastructures (1) is the Community legal instrument for the levying of taxes, tolls and user charges on lorries above 12 tonnes (T). Member States levying tolls and user charges on vehicles below 12 T do not have to comply with the provisions contained in Directive 1999/62/EC as such tolls and user charges fall outside its scope. As a rule, tolls and user charges shall be imposed only on users of motorways or other mufti-lane roads with characteristics similar to motorways, or users of bridges, tunnels and mountain passes. At present, Member States relying solely on taxation instruments

instead of user charges or tolls on interurban roads are Ireland, Finland and the United Kingdom. In urban areas, London introduced a congestion charging scheme in February 2003. Similar systems are already in place in some Norwegian cities and are being planned or tested in other European cities.

Concerning urban transport, according to Article 9 of Directive 1999/62/EC, nothing prevents Member States from imposing other charges as parking fees, urban traffic charges and congestion charges. Consequently, the urban charges in question seem to be in conformity with this Directive.

As indicated in the White Paper 'European transport policy for 2010: time to decide' ([2]) the Commission plans to present a Community framework providing for a new structure of infrastructure use charging. This was also requested by the European Council of March 2003 (point 54 of Conclusions).

The Commission has at its disposal positive cost-benefit analysis for the underground projects of extensions of the Athens Metro. These extensions are currently under construction or under design and are co-financed by the Community Support Framework 2000-2006 for Greece.

On the basis of information provided by the Greek Authorities to the Commission, the failure of the soil which occurred in the works of one extension of the Athens Metro, in January 2003, is due to the non-respect of construction rules and steps provided by the design of the project, by the contractor. The contractor will assume the full cost of all the measures which are taken to restore the consequences of this failure and to ensure the follow up of works in safety.

The Greek Authorities responsible for the construction of the Athens Metro must have proceeded to all the necessary studies, including soil investigations and soil protection measures, for the tendering and contracting of the projects of the Athens Metro. The Commission has no evidence that this is not the case.

([1]) OJ L 187, 20.7.1999.
([2]) COM(2001) 370 final.

(2003/C 242 E/108) **WRITTEN QUESTION E-0202/03**

by Maurizio Turco (NI) to the Commission

(3 February 2003)

Subject: Investigation by OLAF and the Bari Public Prosecutor's Office into the use by the Puglia Regional Council of funds earmarked for professional training

The answer to Question P-0656/01 ([1]) indicates, with regard to the use by the Puglia Regional Council of funds earmarked for professional training, that:

— OLAF opened an investigation on 28 July 2000;

— the Commission has given its authorisation for one of its officials, an expert in European Social Fund financial procedures, to be interviewed by the Bari Public Prosecutor's Office.

1. Has OLAF interviewed the lawyer Giuseppe Di Donna, former member of the Puglia Regional Executive with responsibility for professional training?

2. Has the OLAF investigation been completed? If so, what were its findings?

3. Has the judicial investigation by the Bari Public Prosecutor's Office been completed? If so, what were its findings?

([1]) OJ C 235 E, 21.8.2001, p. 234.

Answer given by Ms Schreyer on behalf of the Commission

(17 March 2003)

In its reply to Question P-0656/01, the Commission indicated that the European Anti-Fraud Office (OLAF) launched an investigation on 28 July 2000 which is still under way. OLAF is continuing to provide assistance to the Bari Public Prosecutor's Office in this connection.

The Commission would draw attention to OLAF's statement that under Regulation (EC) No 1073/99 [1] it cannot pass on information relating to the investigation, including the names of the people who may have been or may be interviewed.

It suggests that the Honourable Member contact the Bari Public Prosecutor's Office about the judicial investigation which it is conducting.

However, it would point out to the Honourable Member that it has initiated a procedure to suspend the Community contribution to projects which have had assets seized by the Italian magistrature.

This procedure, which has already been completed, should result in a few days' time in the adoption of a decision to suspend the contribution from the European Social Fund (ESF) to the 1994-1999 Puglia operational programme (OP), which totals EUR 12 996 932, pending the outcome of the judicial investigation.

[1] Parliament and Council Regulation (EC) No 1073/1999 of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) — OJ L 136, 31.5.1999.

(2003/C 242 E/109) **WRITTEN QUESTION E-0212/03**

by Christine De Veyrac (PPE-DE) and Hugues Martin (PPE-DE) to the Commission

(3 February 2003)

Subject: Prestige disaster and European civil protection

Have the Member States affected by the oil slick resulting from the Prestige accident made use of the European mechanism for coordinating civil protection assistance interventions?

Can the Commission give details of the aid mobilised to date, the time needed for this and the States that have provided aid?

Answer given by Mrs Wallström on behalf of the Commission

(19 March 2003)

Member States affected by the oil slick from the Prestige requested assistance via the EU Response Centre for civil protection [1] that was activated on the day of the accident (13 November 2002).

The EU Response Centre, following the request of the Spanish, the Portuguese and the French authorities, launched eight different requests for assistance of specialised vessels, aircraft, equipment and experts to deal with the response to the pollution. The first request was launched on 14 November 2002, the last on 9 January 2003. Following the accident, an impressive quantity of resources, including 15 oil-combating vessels, more than 20 kilometres (kms) of booms and a number of specialised surveillance aircraft, were put at the disposal of the competent national authorities.

The Response Centre of the Commission, in co-ordination with the Spanish authorities, also acquired satellite images of the area in the framework of the Charter 'Space & Major Disasters'.

In co-ordination with the Spanish authorities, the Commission promptly set up a mission of observers from the majority of the Member States who visited Galicia from 24-27 November 2002. The Community's mission enabled 24 experts, appointed by the national governments, to acquire specific experience in dealing with this type of emergency.

The possibility of sending a Community task force, consisting of experts made available by the Member States, was offered to the Spanish authorities.

Moreover, the Commission has proposed the participation of European experts in the Scientific Committee established by the Spanish authorities in order to assess issues relating to the wreck of the Prestige.

An environmental impact assessment survey will probably be carried out, pending confirmation from the Spanish authorities. The Commission will contribute up to EUR 300 000 to such a survey.

The Commission adopted on 5th of March a report [2] concerning past, present and future actions undertaken at the Union level in order to remedy the consequences of the Prestige disaster and to prevent similar accidents from occurring in the future. This report will be submitted to the European Council of 21 March.

[1] Council Decision 2001/792/EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions — OJ L 297, 15.11.2001.
[2] COM(2003) 105 final.

(2003/C 242 E/110) **WRITTEN QUESTION E-0227/03**

by Roberto Bigliardo (UEN) to the Commission

(3 February 2003)

Subject: Management of European Funds by the region of Basilicata

Can the Commission explain why the regional council of Basilicata, which comes under Objective 1, has used all the funding of ITL 41 billion allocated for the six-year period (1994-1999) for the measures required up to September 1997 in its Regional Operational Programme — POR 1994-1999, and has used a further ITL 13 869 370 279 billion granted under the Ministry of Labour Decree of 5 June 2001 to promote the declaration of the black economy for the period 2000-2003, to cover the employment creation measures for the period October 1997 — 31 December 1997? Why, moreover, is Basilicata indebted, now and for 1998 and 1999, in respect of employment and self-employment schemes, for which those eligible have been given approval, for a further amount of ITL 113 298 590 000 and, to meet these payment commitments for the years 1998 and 1999 which were entered into without financial cover, seems intent on using funds that the EU will be granting it to finance the Regional Operational Programme for the period 2000-2006?

Does the Commission intend to verify and clarify how the region of Basilicata is managing and using funds provided by the European Union, how and with what resources it intends to meet payment commitments so irresponsibly entered into without available funds or avoid a situation in which, in order to meet commitments entered into for the years 1997-1999, it has to draw on the financial resources granted by the European Union for other purposes and for measures of a different kind?

What steps does the Commission intend to take to prevent the cronyism and irresponsible management of funds by the region of Basilicata in recent years from disappointing legitimate expectations arising from support measures officially approved for the period 2000-2006?

(2003/C 242 E/111)

WRITTEN QUESTION E-0486/03

by Giuseppe Brienza (PPE-DE) to the Commission

(20 February 2003)

Subject: Management of European Funds by the Basilicata Regional Council

Does the Commission know why, in the context of the 1994-1999 Regional Operational Programme (ROP), the regional government of Basilicata, an Objective 1 region:

1. used the entire funding of ITL 41 billion covering a six-year period (1994-1999) for payments requested up to September 1997;

2. used a further ITL 13 869 370 279 billion, granted by virtue of the Decree of the Minister for Labour of 5 June 2001 to make unofficial labour more transparent in the period 2000-2003, to cover payments for starting up work due for the period from October 1997 to 31 December 1997;

3. currently owes payments already granted to the beneficiaries of over ITL 113 298 590 000 in respect of employment and self-employment measures for 1998 and 1999;

4. apparently plans to use the funds which the Commission will allocate for the 2000-2006 Regional Operational Programme to cover these commitments made without financial cover?

Does the Commission intend to ascertain and clarify in what way the Basilicata Region has been managing and utilising European Union funding? Will it verify how and with what funds the Region intends to meet the financial commitments it has made in such an offhand manner, without having the necessary funds, and will avoid seeking to meet its commitments for 1997-1999 with resources granted by the European Union for an altogether different purpose?

What action will the Commission take, and when will it do so, to verify the above facts and to prevent the Basilicata Region's favouritism and unlawful management of funds over the last few years from undermining the benefits expected from aid officially granted for the 2000-2006 period?

Joint answer to Written Questions E-0227/03 and E-0486/03 given by Mr Barnier on behalf of the Commission

(14 March 2003)

Responsibility for the management of Structural Funds programmes is decentralised to the Member States once the Commission has approved their strategic priorities. The system for funding projects part-financed by these Funds is governed by national legislation on budgetary matters.

As regards finance for projects in 2000-2006, Article 30 of Council Regulation (EC) No 1260/1999 laying down general provisions on the Structural Funds [1] states that expenditure, including that on projects begun earlier, is eligible from the date of submission of the programme to the Commission. The starting date for the eligibility of expenditure under the Operational Programme for the Basilicata is 5 October 1999.

This means that the fact that the Region of Basilicata could begin operations in 1998 and undertake expenditure after 5 October 1999 does not contradict Community rules on the implementation of the Structural Funds.

The Commission is continuing to monitor and inspect the use made of the Structural Funds and compliance with the rules, particularly those on the use made of contributions, and the dates when expenditure begins and ceases to be eligible.

[1] OJ L 161, 26.6.1999.

(2003/C 242 E/112)

WRITTEN QUESTION E-0233/03
by Eluned Morgan (PSE) to the Commission

(4 February 2003)

Subject: Waste as topsoil

What is the Commission's current position on the disposal of waste as topsoil on landfill sites, due to BSE fears? When will the Commission come to a decision on this issue? When will Member States be informed? Does this policy apply just to the UK or to the EU as a whole?

Answer given by Mrs Wallström on behalf of the Commission

(18 March 2003)

Member States must ensure under Article 4 of 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] that waste is disposed of or recovered without endangering human health or the environment.

Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [3] lays down special requirements for the landfilling of waste, including provisions for the construction and covering of landfills.

In addition, as of 1 May 2003, Regulation (EC) No 1774/2002 of the Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption [4] will ban the landfilling of transmissible spongiforme encephalopaties (TSE) positive or suspect materials. Other materials that are likely to harbour the TSE agents, such as specified risk materials must have been treated to high standards of pressure cooking to inactivate the TSE agents before landfilling.

[1] OJ L 194, 25.7.1975.
[2] OJ L 78, 26.3.1991.
[3] OJ L 182, 16.7.1999.
[4] OJ L 273, 10.10.2002.

(2003/C 242 E/113)

WRITTEN QUESTION E-0248/03
by Joan Colom i Naval (PSE) to the Commission

(5 February 2003)

Subject: Application of the n+2 rule to the Structural Funds in 2003

Article 31(2) of Regulation (EC) No 1260/1999 [1] states that 'the Commission shall automatically decommit any part of a commitment which has not been settled by the payment on account or for which it has not received an acceptable payment application, as defined in Article 32(3), by the end of the second year following the year of commitment …'.

The 2001 budget contained not only the commitment appropriations adopted during the budgetary process, but also EUR 8 000 million carried over by the Commission from the financial year 2000.

Could the Commission supply information on:

— the commitment appropriations allocated in 2001;

— the amounts paid in respect of these commitments at 31.12.2002;

— the appropriations (if any) already decommited by the Commission;

— the amounts still to be settled in respect of these commitments in the current financial year;

and give a breakdown of these figures by country, region, objective and fund?

[1] OJ L 161, 26.6.1999, p. 1.

(2003/C 242 E/114)

WRITTEN QUESTION E-0249/03

by Joan Colom i Naval (PSE) to the Commission

(5 February 2003)

Subject: Application of the n+2 rule to the Structural Funds in 2002

Article 31(2) of Regulation (EC) No 1260/1999 [1] states that 'the Commission shall automatically decommit any part of a commitment which has not been settled by the payment on account or for which it has not received an acceptable payment application, as defined in Article 32(3), by the end of the second year following the year of commitment …'. This rule became applicable as from 31 December 2002.

Under the n+2 decommitment procedure, Member States may, up to 31 December of the year n+2, submit applications to the Commission and provide it with information concerning operations to which decommitment is not automatically to be applied. The procedure ends at the end of May in the year n+3.

Could the Commission supply information on:

— the commitment appropriations allocated in 2000;

— the amounts paid in respect of these commitments at 31.12.2002;

— the declarations submitted by the Member States up to 31.12.2002;

— the appropriations already decommited by the Commission;

and give a breakdown of these figures by country, region, objective and fund?

[1] OJ L 161, 26.6.1999, p. 1.

Joint answer
to Written Questions E-0248/03 and E-0249/03
given by Mr Barnier on behalf of the Commission

(1 April 2003)

Under Article 31(2) of Council Regulation (EC) No 1260/1999 laying down general provisions on the Structural Funds, the 'N+2' rule should be applied at the end of 2002 to commitments made during 2000.

As requested, the Honourable Member will find in the annexes, which will be sent to him direct and to Parliament's secretariat:

— the commitments for 2000 likely to be affected by application of the 'N+2' rule on 31 December 2002; it should be noted that the commitments listed are only those likely to be affected by the 'N+2' rule on 31 December 2002 and not all the commitment appropriations for 2000;

— the amounts paid in respect of these commitments by 31 December 2002.

The Commission can inform the Honourable Member that the amounts not yet paid in the annexed table do not correspond to the amounts which the Commission should decommit under the 'N+2' rule at the end of 2002. There are two reasons for this.

Firstly, amounts not paid at 31 December 2002 include:

— amounts relating to acceptable applications for payment sent up to 31 December 2002 but not yet paid;

— amounts relating to operations where legal proceedings or administrative appeals which have the effect of suspending application of the 'N+2' rule (Article 31(2) of Regulation (EC) No 1260/1999) are in progress.

Secondly, there are also amounts which, under the implementing rules on the application of the 'N+2' rule [1], are not subject to that rule at the end of 2002.

These include:

— commitments (in full or partial) concerning major projects or aid schemes whose implementation requires a Commission decision which was not taken until after the year of the commitment;

— amounts concerning declarations of expenditure not yet paid by the Commission following application of the part-financing rate by measure or by priority;

— declarations of expenditure which have given rise to a suspension or interruption of payments by the Commission.

It is only after considering and dealing with these exceptional cases and after completion of the exchange of views with any Member States concerned — from the end of February to the end of May 2003 — that the Commission will be able to determine the exact amount to be decommitted, programme by programme and Fund by Fund, and undertake the corresponding operations for budgetary decommitment.

The latest information available on the Structural Funds as a whole (ERDF, EAGGF Guidance Section, ESF, FIFG) [2] on 17 March 2003, suggests that the impact of the 'N+2' rule at the end of 2002 will be no more than 0,2 % to 0,4 % of the commitments for 2000.

The Commission will begin the 2002 procedure for decommitment under the 'N+2' rule for the following cases and amounts (without prejudice to the conclusions of the on-going consideration of other cases likely to give rise to similar proceedings or to the final results of the exchange of views):

— ESF:
  — Denmark — Objective (Obj) 3, National programme: EUR 598 351,04;
  — Italy — Obj 1, South: EUR 1 124 019,70;
  — Netherlands — Obj 3, National programme: EUR 22 to EUR 25,7 million;
  — Portugal — Obj 1, Health: EUR 1 069 113,52.

— EAGGF Guidance Section:
  — Ireland — Obj 1, Border, Midland and Western Region: EUR 812 410,00;
  — Ireland — Obj 1, Southern and Eastern Region: EUR 4 247 324,00;
  — Netherlands — Obj 1, Flevoland: EUR 71 758,00;
  — UK — Obj 1, Highlands & Islands: EUR 2 420 861,60.

— FIFG:
  — Belgium — Obj 1, Hainaut: EUR 88 200,00.

The Commission would like to make the following clarifications to the forecasts of the impact of the 'N+2' rule on the Structural Funds in 2003:

— the commitment appropriations for 2000 carried over to 2001 gave rise to commitments in 2001 and so will fall under the 'N+2' rule on 31 December 2003;

— the commitments made on the structural Funds operations in 2001 amount to EUR 37 829 million (including credits carried forward from 2000). Of this amount, EUR 23 455 million has already been paid, and therefore there remains, at the present moment, EUR 14 374 million to pay in 2003 to avoid losing credits under the n+2 rule;

— the Commission intends to send to Member States a report on the position in the beginning of April 2003;

— so far, there have been no de-commitments made against 2001 commitments.

A breakdown per country and fund, as well as the complete information commitment by commitment, sorted by country and objective, is sent directly to the Honourable Member and to Parliament's secretariat.

(1) As defined in communication C(2002)1942 of 17 May 2002 from Mr Barnier, in agreement with Mr Fischler, Ms Schreyer and Ms Diamantopoulou.

(2) ERDF: European Regional Development Fund; EAGGF: European Agricultural Guidance and Guarantee Fund; ESF: European Social Fund; FIFG: Financial Instrument for Fisheries Guidance.

(2003/C 242 E/115) **WRITTEN QUESTION E-0256/03**

by Caroline Jackson (PPE-DE) to the Commission

(5 February 2003)

Subject: Landfill in Moncorneil-Grazan, France — Directive 1999/31/EC on the landfill of waste

It has been brought to my attention that a landfill in Moncorneil-Grazan, France, may not be operating in compliance with requirements as laid down in Article 8 and Annexes I and III of the Landfill Directive (1999/31/EC [1]). Has the Commission received a formal complaint concerning the above case and if so, has it requested further information from the French Government?

[1] OJ L 182, 16.7.1999, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(6 March 2003)

The Commission has received a complaint concerning the landfill in Moncorneil-Grazan. The case is currently being examined with a view to assessing compliance with Council Directive 75/442/EEC of 15 July 1975 on waste [1] as amended by Council Directive 91/156/EEC of 18 March 1991 [2] and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [3]. The Commission has requested further information from the French Government.

[1] OJ L 194, 25.7.1975.
[2] OJ L 78, 26.3.1991.
[3] OJ L 182, 16.7.1999.

(2003/C 242 E/116) **WRITTEN QUESTION E-0262/03**

by Torben Lund (PSE) to the Commission

(5 February 2003)

Subject: Health criteria for award of EU eco-label

One of the aims of the EU's eco-label is to promote more environment-friendly production and consumption but the scheme can be improved in several respects. The Danish press reported on 23 January 2003 that consumers are surprised that products bearing the eco-label might well contain allergenic substances such as the preservative methyldibromo glutaronitrile.

The fact that the scheme focuses only on environmental criteria and does not take health issues into account in awarding the label is not, it is argued, in line with consumer expectations. Will the Commission therefore say what its future plans are for a revision of the eco-label scheme and whether it is aware of any investigations concerning problems with the awarding of the EU eco-label? Will the Commission also say whether it has carried out or intends to conduct surveys into consumers' and producers' wishes concerning the incorporation of health criteria and/or other factors into the scheme?

Answer given by Mrs Wallström on behalf of the Commission

(6 March 2003)

The press article on which the written question is based does not reflect the nature of the Union eco-label accurately, since the scheme does take health issues into account. The eco-label criteria that have to be met for a product to be awarded the eco-label also cover, in most cases, health and safety aspects, such as not allowing the use of chemicals with health-related risks.

The Commission has, however, acknowledged that the health-related benefit of the Union eco-label needs to be highlighted and actively communicated to the European consumer. It is therefore envisaged to reinforce the health-related criteria in the various Decisions establishing the eco-label criteria for the different product groups and to improve communication on the combined health and environment quality advantages of eco-labelled products to the European consumers and other stakeholders. In addition, the Commission intends to reinforce the emphasis on health aspects when the eco-label Regulation comes up for revision in 2005.

Against this background, the Commission does not intend to conduct surveys into consumers' and producers' wishes concerning the incorporation of health criteria and/or other factors into the scheme. However, discussions with all relevant stakeholders in the Union Eco-labelling Board on the forthcoming revision have already been launched in order to obtain a comprehensive overview of their experience with the instrument and their views on future developments. These discussions will be stepped up over the next two years and should provide an important input for the revision of the scheme.

(2003/C 242 E/117) **WRITTEN QUESTION E-0272/03**

by Rosa Díez González (PSE) to the Commission

(6 February 2003)

Subject: Commissioning of a specified risk material (SRM) incinerator

Over 1 000 inhabitants of the villages of Térmens and Vallfogona de Balaguer in the province of Lleida have signed a petition against plans for an incinerator that is to be constructed by the Grefacsa company.

The application to construct an incinerator to burn around 40 000 tonnes per annum of animal meal originating from animals and organs classified as SRMs (specified risk materials) was published in the Official Journal of the Generalitat de Catalunya on 5 November 2002. I understand this SRM classification to mean that these animals were liable to have suffered diseases such as the transmissible spongiform encephalopathies commonly known as 'mad cow' diseases.

Various scientific reports indicate that incinerators produce carcinogenic synthetic substances which remain stable for long periods in the air, water and soil.

Is the Commission aware of the construction of this incinerator?

How many such incinerators are there in Europe?

What current legislation governs this area and has or will a Community directive be issued in this regard?

What are the maximum permissible emissions?

To what extent might the incinerator affect the environment and especially the health of people living under 10 kilometres away?

Answer given by Mrs Wallström on behalf of the Commission

(17 March 2003)

The incineration of waste is regulated by several legal instruments, aimed at preventing or limiting as far as practicable its negative effects on the environment and the resulting risks to animal and human health. As regards the incineration of animal by-products to which Directive 2000/76/EC of the Parliament and of the Council of 4 December 2000 on the incineration of waste [1] does not apply, Article 12 of Regulation (EC) No 1774/2002 of the Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption [2] will apply as from 1 May 2003.

The granting of permits for waste incinerators falls under the responsibility of national authorities, and does not need to be notified to the Commission. The Commission is therefore not aware of the request to construct the incinerator mentioned by the Honourable Member.

The Commission does not know exactly the total number of waste incinerators operated within the Community. Technical publications suggest that the total number must be in the range of some hundreds.

As far as applicable, Directive 2000/76/EC lays down limit values for conventional pollutants, e.g. for oxides of nitrogen (NO_x) emissions into the air, as well as values for persistent and/or toxic substances, e.g. for heavy metals and dioxins, into air and water.

The limit values are set in order to prevent as far as practicable negative effects on the environment and the resulting risks to human health. The actual risk at local level has to be assessed for each individual case within the permitting procedure.

(1) OJ L 332, 28.12.2000.
(2) OJ L 273, 10.10.2002.

(2003/C 242 E/118) **WRITTEN QUESTION E-0285/03**

by Chris Davies (ELDR) to the Commission

(7 February 2003)

Subject: Rising sea levels in South Pacific

What evidence exists of rising sea levels in the South Pacific?

Is the Commission offering any assistance to the island of Tuvalu and surrounding islets to deal with the effects of climate change?

Answer given by Mrs Wallström on behalf of the Commission

(6 March 2003)

The best and most reliable scientific assessment of climate change is the Third Assessment Report (TAR) prepared by the Inter-governmental Panel on Climate Change (IPCC) in 2001. This report contains the combined scientific knowledge of the world. Its authority and reliability has been recognised by almost all the countries of the world, including the United States.

The Third Assessment Report indicates that an average sea level rise of 0,1 to 0,2 million has been observed in the 20th century and that there are signals that global warming has significantly contributed to this rise.

However, current models are still not able to forecast sea level rise giving just a single figure rather than a range of possible results. So according to the IPCC TAR for the periods from 1990-2025 and from 1990-2050, the projected rises are expected to be from 0,03 to 0,14 million and from 0,05 to 0,32 million respectively.

The consequences of these possible scenarios are indeed a cause for concern, as also recognised by the Council conclusions of 17 October 2002. Large-scale impacts of climate change on oceans are expected to include a rise in the global sea level with the possible consequence of increased levels of flooding, accelerated erosion, loss of wetlands and mangroves, and seawater intrusion into freshwater sources. Small island states, including Tuvalu, are particularly vulnerable to the negative effects of climate change, which could also result in loss of land and property, dislocation of people, increased risk from storm surges and would require high resource costs to respond to and to adapt to these changes.

The greater part of the Community development assistance is provided through the framework of Country Strategy Papers (CSP). The CSPs outline a strategy for development assistance in each country with priority areas for assistance identified by the beneficiary country.

The Country Strategy Paper for Tuvalu was signed on 14 August 2002, and it will cover the period between 2002 and 2007. Development aid will consist of EUR 4 million over the identified period of time mainly focused on social sector development. In the past, however, some projects related to energy efficiency, coastal protection and the use of renewable energy sources were financed through Community programmes under the Lomé Convention.

Furthermore, the Commission follows constantly the evolution of the environmental situation in Tuvalu through regular contacts with the Government, inter alia in occasion of Joint Annual Reviews, and missions in the field carried out by the staff of the Commission's Delegation in Fiji.

(2003/C 242 E/119) **WRITTEN QUESTION E-0294/03**

by Rosa Díez González (PSE), Pedro Aparicio Sánchez (PSE), María Izquierdo Rojo (PSE) and Fernando Pérez Royo (PSE) to the Commission

(7 February 2003)

Subject: Sinking of the lighter Spabunker IV in Algeciras Bay

Although the surface area of the Mediterranean Sea amounts to just 1 % of the total surface area of the world's oceans, 20 % of the world's petrol tankers and 28 % of its oil transit through its waters. The situation calls for especially protective Community and international rules. Algeciras Bay, with the port of Gibraltar, is a particularly vulnerable enclave owing both to its high density of oil traffic and its special legal status. It is estimated that in recent years it has seen over forty major oil spillages. The last of these followed the sinking of the lighter Spabunker IV, which was carrying over a thousand tonnes of fuel oil.

1. Can the Commission indicate whether bunkering (the transfer of fuel from one vessel to another) and the 'floating refuelling stations' habitually found in Algeciras Bay are permitted under international and Community rules, and whether Gibraltar and the Member States are complying with these rules;

2. Also whether it will gather information on the sinking of the Spabunker IV and establish whether the accident involved any non-compliance with the rules? In any event, will the Commission tighten up the legislation as it stands?

Answer given by Mrs de Palacio on behalf of the Commission

(19 March 2003)

The Commission has been informed about the sinking of Spabunker IV in Algeciras Bay on 21 January 2003 and regrets that it led to the death of the vessel's master. According to the information the Commission has, the vessel did spill some of its fuel when it sank. However, no leakage of heavy fuel oil seems to have been detected.

The information available to the Commission indicates that the Spanish authorities have now finished pumping the cargo out of the vessel. This does not seem to have been too difficult in view of the shallow depth at which the wreck lies and its position on the seabed.

As regards the risks of bunkering in Algeciras Bay and Gibraltar, the Honourable Members are referred to the Commission's answer to oral question H-0800/02 from Mr García Margallo y Marfil during the Parliament's plenary session in December 2002 [1].

The Commission intends to be particularly vigilant as regards compliance with good practice and to make sure that those who cause pollution are effectively held to account. It is with this in mind that, on 5 March 2003, the Commission adopted a legislative proposal [2] to apply criminal sanctions to any shipowner, shipper, classification society or any other person responsible for pollution as a result of gross negligence.

Furthermore, the Commission does not intend to investigate this incident. This is a matter for the national authorities, which will have to determine exactly what happened. For its part, the Commission is continuing with the action it started in the wake of the sinking of the Prestige.

In line with the Council's conclusions, the Commission has therefore proposed banning the carriage of heavy oil products by single hull oil tankers of more than 600 tonnes deadweight. The Commission's proposal (amendment of Regulation (EC) No 417/2002 [3]) is currently before the Council and Parliament.

(1) Oral answer of 17.12.2002.
(2) COM(2003) 92 final.
(3) Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 — OJ L 64, 7.3.2002.

(2003/C 242 E/120) **WRITTEN QUESTION E-0311/03**

by Karl von Wogau (PPE-DE) to the Commission

(10 February 2003)

Subject: Harmonisation of certain social legislation relating to road transport

Is the Commission aware that, owing to foot-and-mouth disease, local markets for live animals have almost collapsed over the last few years and that animal breeders therefore bringing the animals directly to their customers and that, as a result, the derogation provided for in Article 13, paragraph 1 (e) of Council Regulation (EEC) No 3820/85 [1] of 20 December 1985 on the harmonisation of certain social legislation relating to road transport, as interpreted literally, applies increasingly rarely in practice? Does it consider that the article in question may also be applied to the transportation of live animals from farms directly to customers instead of to local markets?

In the case in question a farm which has specialised in pig-breeding regularly transports live animals with its own vehicle issued with an agricultural permit. The driver was recently told during traffic controls that the vehicle had to be fitted with recording equipment (a tachograph) except in certain exceptional cases. The above Regulation was cited as the justification for this. No other exceptions apart from that provided for in Article 13, paragraph 1(e), of the Regulation applied to the present case. Article 13, paragraph 1(e) provides that 'vehicles used for carrying live animals from farms to the local markets' may be exempted from the requirement to fit recording equipment. Through the collapse of local markets, animals have to be transported directly from breeding to fattening farms. This provision should therefore also apply to the transportation of animals directly between farms and not only through the intermediary of local markets.

(1) OJ L 370, 31.12.1985, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(26 March 2003)

The Commission can confirm that the current Article 13(1)(e) of Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport cannot be used to exempt the direct transport of live animals from farms to clients. Given the road safety purpose of the Regulation, the exemptions should in any case be interpreted restrictively.

The proposal submitted to the Parliament and to the Council to amend the above mentioned Regulation [1] indeed recognizes the fact that this exemption is an anomaly and has therefore proposed its deletion. A more general derogation is foreseen for vehicles used amongst others by agricultural and farming undertakings in the new Article 13(1)(b) as long as they carry their goods within a 50-kilometer radius from their base. This would enable direct short distance deliveries. Longer distances would fall within the

Regulation's driving time and rest period rules, which are monitored by a tachograph installed within the vehicle and can be checked at the roadside and indeed on the premises by the enforcement authorities.

(1) OJ C 51, 26.2.2002.

(2003/C 242 E/121) **WRITTEN QUESTION P-0323/03**

by Salvador Jové Peres (GUE/NGL) to the Commission

(4 February 2003)

Subject: Environmental impact of the Segarra-Garrigues irrigation project

What criteria have been followed to determine the exclusion zones defined for the Segarra-Garrigues irrigation project? Is the defined exclusion zone the sole habitat for the steppe fauna which is to be protected? Could the exclusion zone not be distributed in a less concentrated and more balanced way?

Is the Commission sure that these zones have been determined using exclusively scientific, and in particular ecological criteria? Is the Commission sure that these zones have not been determined on the basis of political criteria?

Answer given by Mrs Wallström on behalf of the Commission

(3 March 2003)

It is for the Spanish authorities alone to determine the exclusion zones defined for the Segarra-Garrigues irrigation project. Nonetheless, as this project could affect the conservation of several bird species referred to in Annex I to Directive 79/409/EEC (1), the Commission will ensure that the provisions of that Directive and of Directive 92/43/EEC (2) are complied with in this particular case.

(1) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds — OJ L 103, 25.4.1979.
(2) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora — OJ L 206, 22.7.1992.

(2003/C 242 E/122) **WRITTEN QUESTION P-0342/03**

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

(5 February 2003)

Subject: Procedure for awarding contracts for projects financed by ISPA

Is it true that the procedure used for assessing tenders when awarding contracts for projects cofinanced by ISPA and the EBRD is the one laid down by the latter institution, despite the fact that the EBRD only finances a small proportion of each project?

How can the Commission ensure adequate supervision of the awarding of such contracts in the candidate countries (and especially Poland and Romania, where this type of situation has already arisen), bearing in mind that the EBRD procedures are deemed less restrictive and transparent than those which ISPA applies to the other projects it finances?

Why does the Commission not apply its own assessment and selection procedures, which are subject to the control of other Community institutions? Why does it elect to follow the procedures of third party institutions?

Answer given by Mr Barnier on behalf of the Commission

(4 March 2003)

The 'ISPA Regulation' ([1]) authorises the use of public procurement procedures that traditionally apply to cases involving Community assistance.

Funding provided by the European Bank for Reconstruction and Development (EBRD) often contributes to financing large ISPA projects in the environment sector in the countries concerned including Romania and Poland. The opening to EBRD procurement rules is only granted to the parts financed through the EBRD loan. EBRD rules are not applied to the part of the project that is financed under ISPA.

EBRD procurement policies and rules follow international standards and are based on principles similar to those applying to Community rules, namely, non-discrimination, fairness and transparency. They are in line with the General Agreement on Tariffs and Trade (GATT) agreement on government procurement.

For technical reasons, the EBRD is unable to apply Community procurement rules applicable to external aid which are, in any event, relatively untested for large work tenders.

EBRD is an essential source of co-financing, without which it would not have been possible to realise many large projects, especially in the environmental sector, in many Central and Eastern Europe countries. This explains why the ISPA Regulation was modified in order to establish the legal basis to allow the application of EBRD procurement rules (or those of other international financing sources that co-finance ISPA measures).

([1]) Council Regulation (EC) No 2382/2001 of 4 December 2001 amending Regulation (EC) No 1267/1999 establishing an Instrument for Structural Policies for Pre-Accession — OJ L 323, 7.12.2001.

(2003/C 242 E/123) **WRITTEN QUESTION E-0355/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(12 February 2003)

Subject: Allegations concerning Greek carriers

The Hellenic Federation of International Road Transport Operators alleges that some Greek carriers are mounting operations in a foreign country of their choice in order to obtain an authorisation there to pursue the occupation of road transport operator, together with approval for registration of their goods vehicles.

Specifically, they rent offices, nominate a location as their headquarters, have the required books and data certified and fulfil any additional requirements in the country of establishment with the aim of obtaining registration documents, plates and Community level 5 permits for their lorries. To conclude the procedure, they leave the country, discontinuing all the above-mentioned activities, and return to Greece, their real country of establishment. With lorries which are not registered in Greece, they operate both international and national transport illegally. In addition, it appears that they do not pay income tax, road tax or other taxes in any country, that their books and other data cannot be checked, since these are not kept in the undertaking's head office, and that checks cannot be carried out to verify whether the technical checks have been completed.

Does the Commission have any information confirming these allegations? What steps does it intend to take to verify the facts and to combat the phenomenon, if it is proved to exist?

Answer given by Mrs de Palacio on behalf of the Commission

(14 March 2003)

The Commission is aware of the situation reported by the Honourable Member.

The Honourable Member refers in particular to cabotage operations that are lawful if carried out in accordance with Council Regulation (EEC) No 3118/93 of 25 October 1993 [1]. Article 1(1) of this Regulation provides that any road haulage carrier for hire or reward who is a holder of the Community authorisation provided for in Regulation (EEC) No 881/92 [2] must be entitled to operate on a temporary basis national road haulage services for hire or reward in another Member State.

It is the task of the national authorities to verify compliance with the Community rules on access to the road transport market and to put an end to any illegal practices. According to the information at the Commission's disposal, the Greek authorities are taking action to this effect.

[1] Council Regulation (EEC) No 3118/93 of 25 October 1993 laying down the conditions under which non-resident carriers may operate national road haulage services within a Member State — OJ L 279, 12.11.1993.

[2] Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States — OJ L 95, 9.4.1992.

(2003/C 242 E/124) **WRITTEN QUESTION E-0360/03**

by Roberta Angelilli (UEN) to the Commission

(12 February 2003)

Subject: Rome urban planning scheme

On 18 June 2002 Rome City Council approved the new general urban planning scheme which, however, far from providing an opportunity to improve conditions in the city, is yet another example of exploiting land and damaging the environment. The scheme envisages a 20 % increase in construction work, using 70 million cubic metres of concrete, thereby flouting the rule on proportionality between volume of building and population, or the ratio between incentives for building work and the provision of services. In actual fact Rome's population is 2,4 million, not 5 million as stated in the scheme, but despite this no provision has been made for adequate facilities, which are currently lacking, such as sewerage systems, pipelines, water supply, lighting and city transport. The least appropriate aspect is the heavy involvement of areas in the city's hinterland and the acquisition, for this purpose, of large tracts of agricultural land for building, which will damage the historical and archaeological heritage, the environment and farming. In addition to this speculative building work, there are also the remaining elements of the existing Urban Parking Plan (PUP), which, because of its dangerous environmental impact, was the subject of a previous question by the same author (25 July 2000) and the Commission's answer (P-2518/00 [1]), in which it stressed precisely that the 'possible cumulative effects of different projects should be sufficiently taken into account'. In this context it should be emphasised, in the light of recent Court of Justice case-law (inter alia Case C 319/01 — Commission v Belgium and C 348/01 — Commission v France) that another city traffic scheme (PGTU) presenting a high environmental risk is being carried out in Rome. A further irregularity in the urban planning scheme concerns the consultation and participation of the public which, according to Article 3(7) and Article 6(5) of Directive 2001/42/EC [2] should always be involved, together with the relevant authorities, when decisions concerning environmental impact are taken. On the contrary, Rome City Council received the details of the scheme ten days after its adoption, and thus only had a few weeks to consider them, formulate proposals and subject the scheme for appropriate consideration and debate.

In the light of the above and the recent joint proposal (PE-CONS 3667/2002) to amend Directive 90/313/EEC [3], approved by the Conciliation Committee on 8 November 2002, can the Commission answer the following questions:

1. Does it not consider that the environmental impact assessment of the urban planning scheme, if one was carried out, shows substantial irregularities?

2. Have not the rules on informing and consulting the public been infringed?

3. What is the Commission's opinion on the matter?

[1] OJ C 103 E, 3.4.2001, p. 170.
[2] OJ L 197, 21.7.2001, p. 30.
[3] OJ L 158, 23.6.1990, p. 56.

Answer given by Mrs Wallström on behalf of the Commission

(14 March 2003)

On the basis of the information provided by the Honourable Member, it is not possible to conclude that the PRG, General Regulatory Plan for Rome, may be considered as a project under 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], after amendments by Council Directive 97/11/EC of 3 March 1997 [2] (EIA Directive). Therefore, the Honourable Member is kindly requested to refer to the previous response given by the Commission to Written Question E-3921/2002 of Mrs Angelilli [3].

As regards the possible cumulative effects of different projects, it is to be stressed that it is not relevant where the EIA Directive is not applicable.

[1] OJ L 175, 5.7.1985.
[2] OJ L 73, 14.3.1997.
[3] OJ C 222 E, 18.9.2003, p. 129.

(2003/C 242 E/125) **WRITTEN QUESTION E-0362/03**

by Roberta Angelilli (UEN) to the Commission

(12 February 2003)

Subject: EIB financing for education in Rome

The report of the Committee on Economic and Monetary Affairs on the EIB's Annual Report for 2001 states that, with reference to efforts to increase economic and social cohesion, 16 % of the loans for regional development projects were allocated to health and education.

The rapporteur, Mrs van den Burg expresses regret concerning the practicalities for using these loans, since only 1,1 % of the total was invested in health and education, and calls for the promotion of a social policy focused on these objectives.

With particular reference to the education sector and the questioner's earlier question concerning security in Roman schools, can the Commission answer the following questions:

1. Is it possible to include, among the aims of EIB funding for education, the improvement of school facilities?

2. Can Rome City Council, as a public authority, have access to investments in this sector and, if so, has it availed itself of this opportunity?

3. Has the Commission considered what position to adopt with regard to the above request made by the EP?

Answer given by Mr Solbes Mira on behalf of the Commission

(13 March 2003)

1. and 3. The Economic and Monetary Affairs Committee (EMAC) report regrets that, in accession countries, only 1,1 % of European Investment Bank (EIB) loans was allocated to health and education. It is only since 2001 that the EIB has extended funding for these sectors to the accession countries. In 2002 four projects were financed for an amount of EUR 230 million (against EUR 75 million in 2001) and the EIB expects continued growth in these sectors.

As to the specific questions on Rome, EIB funding for education can, in fact, address the improvement of school facilities. The financing of schools could also be carried out under urban environment/regeneration schemes in favour of local authorities.

Discussions are currently ongoing between the EIB and the Rome City Council for a new facility targeting social investments including schools and nursery centres for the elderly.

2. To a very limited extent, Rome City Council is eligible for funding from the European Regional Development Fund (ERDF) for the 2000-2006 programming period under Objective 2. The areas concerned are: zone L of the 'piano regolatore' (XII Circoscrizione), the Selcetta di Trigoria biomedical and biotechnological research park, and the Settecamini area (urban zones 5I and 5L), with a total population of approximately 13 500 inhabitants.

The 2000-2006 single programming document (SPD) for the Lazio region does not explicitly provide for the funding of investment in education. It should be remembered that the regional administration is responsible for implementing SPD operations and managing the programme, particularly as regards project selection. It appears from the initial information submitted by the regional authorities that Rome City Council has not submitted any projects in this connection.

(2003/C 242 E/126) **WRITTEN QUESTION E-0364/03**

by Cecilia Malmström (ELDR) to the Commission

(12 February 2003)

Subject: Age limit for pilots in France

The upper age limit for airline pilots pursuing their profession in France is reportedly 60 years of age. In other Member States, the age limit is 65. Consequently, pilots between the ages of 60 and 65 are unable to perform their duties when the aircraft crosses French airspace, which entails problems for the airlines.

What will the Commission do to bring the upper age limit for pilots in France and the other Member States into line with each other?

Answer given by Mrs de Palacio on behalf of the Commission

(28 March 2003)

In accordance with Article 7 of Regulation (EC) No 1592/2002 [1], the Commission is preparing a proposal for an amendment of that Regulation to extend the remit of the European Aviation Safety Agency (EASA).

This extension should encompass aircraft pilots' licences, to ensure uniform application of the rules within the Union.

[1] Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency — OJ L 240, 7.9.2002.

(2003/C 242 E/127) **WRITTEN QUESTION E-0373/03**

by Torben Lund (PSE) to the Commission

(13 February 2003)

Subject: Animal welfare and consumer information

The European Union is facing a flood of cat and dog fur items in the form of toys, clothing, lining and homeopathic treatments, all of which are mislabelled, not labelled or made to appear as faux fur or other fur.

Now that 10 Agriculture Ministers of the EU have asked the Commission to ban this consumer fraud under internal market considerations, would the Commission please state why it continues to ignore this and claim it cannot do anything about animal welfare concerns, when the Ministers have clearly stated they want consumer fraud tackled and it is an internal market crisis?

(2003/C 242 E/128) **WRITTEN QUESTION E-1145/03**

by Charles Tannock (PPE-DE), Generoso Andria (PPE-DE), John Bowis (PPE-DE), Chris Davies (ELDR), Jean Lambert (Verts/ALE) and Lennart Sacrédeus (PPE-DE) to the Commission

(1 April 2003)

Subject: The trade in cat and dog fur

The Commission has been made aware that animal welfare organisations have provided evidence of extraordinary cruelty in certain Asian countries regarding the killing of cats and dogs for their fur, which is then exported to other countries including the European Union. This involves on occasion the hanging and skinning alive of these animals and other appalling acts of cruelty. The fur is often substituted illicitly for other types of fur or even sold as artificial fur.

Fur produced from any animal within the European Union must be obtained in a manner which is consistent with the requirements of Council Directives 93/119/EEC [1] and 98/58/EC [2]. These Directives insist on a respect for the welfare of animals which is clearly absent from the treatment of cats and dogs in countries such as China.

In response to Written Question E-1203/02 [3] by Mr Whitehead, Commissioner Byrne states that:

> Since a complete ban on the production, use, trade and import of those furs — as imposed by certain Member States — would apply regardless of the conditions under which the animals are kept and killed, it is evident that such measures are not motivated by solely animal welfare concerns. The motivation is primarily an ethical question, whether to use products derived from animals which are mainly regarded as companion animals.

The Commission has already explained in its answer to Written Question E-3981/00 [4] that a ban on importation of cat and dog fur that was not accompanied by a ban on internal EU trade in such items would probably fall foul of W.T.O. rules. Therefore, to be W.T.O. compliant, any ban on importation of these products would have to be accompanied by a total trade ban within the EU itself. Given that a complete ban of this kind is the only way to prevent such appalling cruelty, on what basis does the Commission say it is evident that a desire for such a ban is not motivated by solely animal welfare concerns? Moreover, does the Commission not accept that a desire to prevent cruelty to animals, quite separate from any desire not to use products derived from companion animals, can be seen as an attempt

to prevent a 'breach of public morality' which could justify a restriction of trade in the form of a Commission Directive?

(1) OJ L 340, 31.12.1993, p. 21.
(2) OJ L 221, 8.8.1998, p. 23.
(3) OJ C 301 E, 5.12.2002, p. 104.
(4) OJ C 163 E, 6.6.2001, p. 232.

Joint answer
to Written Questions E-0373/03 and E-1145/03
given by Mr Byrne on behalf of the Commission

(29 April 2003)

The Commission does not ignore the issue of imports of cat and dog furs. The Commission is currently examining the questions raised taking into consideration the respective requirements of World Trade Organisation (WTO) law, legal bases under Community law and the interplay with existing legislation to prevent consumer deception.

(2003/C 242 E/129) **WRITTEN QUESTION E-0381/03**

by Wilhelm Piecyk (PSE) to the Commission

(13 February 2003)

Subject: Enforcement of Directive on port reception facilities for ship-generated waste and cargo residues

The European Parliament and Council Directive on port reception facilities for ship-generated waste and cargo residues came into force with its publication in the Official Journal on 28 December 2000. The aim of this Directive is to reduce sea pollution caused by ship-generated waste and cargo residues through the development of availability and use of reception facilities throughout the Community.

In Article 16 of the Directive, Member States were given a period of two years in which to bring into force the laws, regulations and administrative provisions necessary to implement the Directive. This period came to an end on 28 December 2002.

Can the Commission answer the following:

1. In which Member States of the Community have the laws, regulations and administrative provisions already been brought into force and adequate port reception facilities provided?

2. What action has the Commission taken, or will the Commission take, to ensure that the Directive is incorporated into the national law of all Member States as swiftly as possible?

Answer given by Ms de Palacio on behalf of the Commission

(20 March 2003)

On the deadline for transposition, the Directive had been transposed into German and Greek law. The Commission therefore sent a letter of formal notice to all the other Member States, in accordance with Article 226 of the EC Treaty.

By 26 February 2003, the Commission had been informed that Denmark, Spain and Luxembourg had also transposed Directive 2000/59/EC (1).

On the basis of this information, the Commission is planning to initiate infringement proceedings against Belgium, France, Ireland, Italy, the Netherlands, Austria, Portugal, Finland, Sweden and the United Kingdom for failure to notify national implementing measures.

(1) Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues — OJ L 332, 28.12.2000.

(2003/C 242 E/130) **WRITTEN QUESTION E-0382/03**

by Mihail Papayannakis (GUE/NGL) to the Commission

(13 February 2003)

Subject: Environmental pollution caused by a factory in the Larissa area

In the Larissa area (6 kilometres along the regional road linking Larissa and Sykourio) there is a brick and tile factory, Terra Ltd — Viokeral, which uses the fuel Pet Coke without any sulphur dioxide filters. This fuel has been found to have serious consequences for the environment because of the increased sulphur content and sulphur dioxide emissions which are over the permitted limits.

Does the Commission consider that this constitutes a violation of Directive 96/61/EC [1]? If so, how does it intend to intervene so as to prevail upon Greece to comply with this Directive and put an end to the pollutant emissions of sulphur dioxide from the factory in question and any other similar emissions by other factories on Greek territory?

(1) OJ L 257, 10.10.1996, p. 26.

Answer given by Mrs Wallström on behalf of the Commission

(20 March 2003)

On the basis of the situation reported by the Honourable Member, the Commission has launched an own-initiative investigation to determine whether the factory in question complies with the Community's environment legislation.

A letter has been sent to the Greek authorities asking them for information on compliance with Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control and 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.

Once it has received a reply from the Greek authorities, the Commission will examine whether there is any violation of the aforementioned Community acts and will take the necessary steps to ensure that Community law is observed in this instance.

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

(2003/C 242 E/131) **WRITTEN QUESTION E-0388/03**

by Markus Ferber (PPE-DE) to the Commission

(13 February 2003)

Subject: Appointment of Morten Jung-Olsen as Head of Unit and Chief Negotiator for Bulgaria

1. Is it true that the Commissioner for Enlargement, Günter Verheugen, has appointed Morten Jung-Olsen Head of Unit and Chief Negotiator for Bulgaria?

2. Is there any truth in the allegations that Mr Olsen was held in custody in Denmark over alleged activities for the State Security Service of the former GDR?

3. If so, what is the Commission's view of these facts?

4. Does the Commission hold a general position regarding its employees' past secret service activities?

Answer given by Mr Kinnock on behalf of the Commission

(31 March 2003)

1. Mr Morten Jung-Olsen was appointed Head of Unit for Unit C/1 'Bulgaria' of General Direction Enlargment (ELARG) in November 2001, in full compliance with the existing rules regarding appointments.

He was appointed by the Director General for Enlargement, in line with the decentralised procedure on selection and appointment of Heads of Unit which has been in operation in the Commission since April 2001 and which provides that the appointing authority is the Director General concerned.

2. Mr Jung-Olsen has been acquitted of any allegations against him. As the Honourable Member will know, it is a basic rule in democracies that detention does not carry a presumption of guilt and that legal acquittal gives valid proof of the standing of an individual.

3. The Commission has full confidence in Mr Jung-Olsen.

4. Article 27 of the Staff Regulations provides that 'recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity […]'. To this end, officials must, upon entry into service, produce, inter alia, the appropriate character references, which are generally provided by the relevant authorities of the Member State of which he or she is a national. Recruitment does not take place if the person concerned is not able to produce these references.

(2003/C 242 E/132) **WRITTEN QUESTION E-0395/03**

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

(13 February 2003)

Subject: Building work in the IJmeer near Uitdam

It would appear from the draft regional development plan for southern North Holland that the North Holland Provincial Council is about to authorise the building of a combined marina and large-scale housing project for permanent recreational use in the IJmeer near Uitdam. This project is situated entirely outside the dyke and thus entirely within the IJmeer, which is protected under the European Birds Directive.

The project does not involve a small campsite with tents, but rather the construction of a large-scale holiday centre (250 accommodation units) and the establishment of a marina (450 harbours), as a result of which the habitat of birds and other fauna and flora in and near the IJmeer will be reduced permanently by some 3 hectares. It is highly likely that the damage will be substantial. Should this indeed be the case, either the project cannot go ahead as planned or the Netherlands Government will have to take compensatory measures elsewhere so as to ensure that the total habitat for birds and other protected fauna and flora is not reduced in size.

Does the European Commission share my view that the Netherlands authorities should investigate whether the combined project to build a marina, together with a large-scale holiday accommodation complex for permanent recreational use will not cause significant ecological damage in the IJmeer?

What view does the European Commission take of the planned project?

Answer given by Mrs Wallström on behalf of the Commission

(12 March 2003)

Following Article 6, Paragraph 3, of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1] ('Habitats Directive'), which, pursuant to its Article 7, also applies to Special Protection Areas (SPAs) classified under Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [2], any plan or project not directly connected with or necessary to the management of such a site but likely to have a significant effect thereon shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.

The SPA 'IJmeer' has a total area of ca 7 400 hectares (ha). The planned building project mentioned by the Honourable Member will directly affect an area of about three hectares within the Special Protection Area. In order to be able to decide whether or not the full protection regime under Article 6, paragraphs 3 and 4, of Directive 92/43/EEC applies to this project, it must indeed be investigated if the project is likely to have a significant effect on the site. This investigation will have to be carried out by the Dutch authorities. The information provided by the Honourable Member does not allow by itself to conclude if any significant effects are likely to occur or not.

[1] OJ L 206, 22.7.1992.
[2] OJ L 103, 25.4.1979.

(2003/C 242 E/133) **WRITTEN QUESTION E-0404/03**

by Brian Simpson (PSE) to the Commission

(17 February 2003)

Subject: Transport infrastructure charging

Can the Commission indicate when the communication on infrastructure charging within the transport sector will be submitted to Parliament?

Answer given by Mrs de Palacio on behalf of the Commission

(12 March 2003)

A draft Communication is currently being finalised within the Commission. This draft Communication comprises three parts: a common methodology for infrastructure charging, a new approach for financing of the Trans-European Networks (TENs) including public-private partnerships and a proposal for a Directive on interoperability of electronic road charging. The Communication is planned to be presented to the Parliament this Spring.

(2003/C 242 E/134) **WRITTEN QUESTION P-0407/03**

by Heidi Hautala (Verts/ALE) to the Commission

(10 February 2003)

Subject: Classification of the oil tanker Stemnitsa, operating in the Baltic, as an ice class vessel

This winter, the oil tanker Stemnitsa, sailing under the Greek flag and operated by the Greek shipping line Minerva Maríne, has on numerous occasions operated in the Baltic in exceptionally difficult ice conditions. It loads 100 000 tons at a time of Russian crude oil at the new oil terminal in Primorsk, Russia, towards the eastern end of the Gulf of Finland. The tanker has been classified by the American Bureau of Shipping as an ice class vessel, but according to Finnish experts its ice pressure resistance is not sufficient to cope with the particularly demanding conditions in the Gulf of Finland. Mainly on account of Russia's new oil

terminal projects at Primorsk and Vysotsk, the volume of oil transported through the Baltic is expected to double every five years, from 40 million tons at present to 160 million tons by 2010. Environmentally, the Gulf of Finland is a very vulnerable sea area, while socioeconomically it is an important transport route. The Finnish authorities have not found any means of preventing the Stemnitsa and other vessels which present a hazard from sailing through the international waters of the Baltic.

The Executive Director of the European Maritime Safety Agency (EMSA), Willem de Ruiter, said in an interview with the Finnish News Agency on 4 February that there were no grounds for the EU to interfere with the Stemnitsa's operations and that there was nothing the EU could do. However, according to EMSA's own home-page, EMSA is intended to 'contribute to the enhancement of the overall maritime safety system in the Community in order to reduce the risk of maritime accidents, marine pollution from ships and the loss of human lives at sea'. According to the regulation establishing EMSA, the Agency has the task of 'assist[ing] the Commission, where appropriate, in the preparatory works for updating and developing Community legislation in the field of maritime safety and prevention of pollution by ships, in particular in line with the development of international legislation in that field.'

The Commission is a member of Helcom, the Baltic Maríne Environment Protection Commission, and, at the next Helcom meeting of environment ministers in the summer of 2003, it could seek the adoption of a proposal to the International Maritime Organisation (IMO) that the Baltic be designated a Particularly Sensitive Sea Area (PSSA) and that vessels operating there should meet special requirements as regards ice pressure resistance and being equipped with double hulls. The likelihood of the Commission's being able to exert influence in Helcom and the IMO is enhanced by the fact that, except for Russia, all the coastal states will soon be EU Member States.

1. Will the Commission negotiate with the Helcom Member States on a proposal to the IMO along the above lines, with the aim of securing a decision on the matter at the ministerial meeting in the summer?

2. Will the Commission insert requirements relating to ice class vessels in its proposal for a regulation on double hulls of 20 December 2002?

3. Does the Commission consider the above quotation from the interview with Executive Director de Ruiter to be correct?

Answer given by Mrs de Palacio on behalf of the Commission

(20 March 2003)

The Commission would remind the Honourable Member that the news as reported in the press does not necessarily represent the views of the Commission or, in the case in point, of the Executive Director of the European Maritime Safety Agency.

The Commission has pointed out on many occasions that the international law of the sea places great restrictions upon the adoption and implementation of measures the European Union and individual States may take to protect their coastal waters from environmental risks due to shipping. This situation is felt most acutely in respect of the operation of vessels considered to be dangerous in international waters, including those of the Baltic Sea.

That is the reason why the Commission is calling for coordinated action by the Member States to propose and consider options enabling them to take steps to protect their coastal waters, particularly the territorial waters and exclusive economic area, against vessels which pose a risk to the marine environment.

The Commission will support initiatives by Member States within the International Maritime Organisation (IMO) to impose compulsory shipping routes and restricted zones in application of international rules.

There are no EU rules specifically on operating vessels in ice conditions. Such rules could not, in any case, cover vessels in transit not calling at EU ports. It is, furthermore, hard to harmonise rules which would be appropriate to the specific navigating and weather conditions of each region. In any event, the Commission will fully support the efforts of the Finnish authorities to come to an agreement with

neighbouring countries around the Gulf of Finland regarding safety rules for transporting oil by sea in ice conditions.

As the Honourable Member mentions, the Commission is closely monitoring the work of the Helsinki Commission. In this context, the prospect of designating the Baltic Sea as a Particularly Sensitive Sea Area (PSSA) is currently being examined by the competent working groups (Helcom Maritime and Helcom Response).

(2003/C 242 E/135) **WRITTEN QUESTION E-0417/03**

by Catherine Stihler (PSE) to the Commission

(17 February 2003)

Subject: Availability of research grants in aquaculture

The UK statutory body responsible for regulating and developing the seafish industry — the Seafish Industry Authority — has decided to sell or close their aquaculture research plant at Ardtoe, Ardnamurchan, Scotland. The timing of the announcement seems most unfortunate given the huge reduction in wild-caught cod and haddock quotas, and the need for further research both on reducing the environmental impacts of aquaculture and diversification into species now threatened in the wild.

Could the Commission inform us on the availability of research grants in aquaculture?

Answer given by Mr Busquin on behalf of the Commission

(31 March 2003)

In general terms, European research, including on aquaculture, is supported by Commission through the Research Framework Programmes.

Under the Sixth Framework Programme, research in aquaculture is covered by Thematic Priority 5 'Food quality and safety', the small and medium-sized enterprises (SMEs) specific measures, and in particular Priority 8, 'Scientific support to policy'.

Under priority 5, issues related to the quality and safety of aquaculture products, relying on fully controlled and integrated production systems, are included.

SME's specific research activities are designed to expand the knowledge base of large communities of SMEs (collective research) and to meet specific problems or needs of a more limited number of SMEs by performing transnational Research and Technological Development (R & TD) projects (cooperative research — CRAFT).

The objectives of policy-oriented research under Priority 8 are defined to support the Common Fisheries Policy including issues related to the improvement of health and environmental standards of aquaculture production.

It should be noted that Community funding is granted on a project basis, and can not guarantee the long-term operation of research facilities.

All information related to the Sixth Framework Programme is available at: http://fp6.cordis.lu/fp6/home.cfm.

Moreover, Concerning fellowships, there are a number of possibilities of training and transfer of knowledge fellowship schemes within the Human Resource and Mobility actions (Marie Curie Actions) of the framework programme. All of these actions are 'bottom-up', i.e. they are open to all fields of research, whether or not within the 'priority areas of the framework programme'. Information of Marie Curie actions is available at: http://europa.eu.int/mariecurie-actions.

(2003/C 242 E/136) **WRITTEN QUESTION E-0419/03**

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

(17 February 2003)

Subject: Spanish National Hydrological Plan (NHP): Júcar-Vinalopó transfer scheme

The construction scheme for transferring water from the basin of the river Júcar to that of the Vinalopó was approved as part of the Júcar Basin Hydrological Plan, and ratified in Annex II of the NHP in July 2001. The course to be followed by the transfer channel runs parallel to the existing Tagus-Segura link, and converges with the planned transfer of the Ebro to the Spanish south-east. The water transfer is designed to develop new irrigation areas for heavily subsidised continental crops in the upper and middle reaches of the Júcar, as well as unsustainable tourist and urban development. All this will have increased negative repercussions on the lower reaches of the Júcar and the Albufera, and on the quality of Valencia's water supplies. The scheme's environmental impact assessment did not assess alternatives, nor take account of these and other problems, such as environmental impact on the Natura 2000 Network and areas of ornithological importance.

On 4 October, the Spanish Government asked the Commission to cofund the project (EUR 54 million). The Commission indicated that its reply would be given within three months, i.e. before 4 January 2003. Without waiting for the EU decision, the Spanish Prime Minister laid the first stone of the new channel on 14 November 2002.

Can the Commission tell me what stage has been reached with regard to processing this request for aid?

Has the Commission made any assessment of the project and of the accompanying environmental impact study?

Answer given by Mrs Wallström on behalf of the Commission

(3 April 2003)

The project in question was presented for Community financing as a major project under the operational programme for the region of Valencia, and an environmental impact study was carried out.

The Commission has requested further information from the Spanish authorities, but to date they have not provided it.

We will inform the Honourable Member of their reply as soon as we receive it.

(2003/C 242 E/137) **WRITTEN QUESTION E-0435/03**

by Erik Meijer (GUE/NGL) to the Commission

(18 February 2003)

Subject: Interests of the railway companies in restricting cross-border passengers from embarking and disembarking

1. Is the Commission aware that more and more frequently railway companies are stipulating that the staging points on long-distance cross-border passenger train routes are either stations of embarkation or disembarkation, which means that passengers are now prohibited from travelling to embarkation stations or leaving from disembarkation stations; these measures are reinforced by not providing information about the stopping times and platform numbers of the trains concerned at the relevant stations?

2. Is the Commission also aware that the measures described in paragraph 1 are not restricted to passengers making short domestic journeys who are directed to another train which will soon be stopping at the same station, but that they also apply to cross-border journeys on routes hundreds of kilometres long where the volume of passenger traffic is low?

3. Is the Commission also aware that the international trains that passengers are now prohibited from using are often the first or last trains of the day on the route concerned, thereby preventing passengers from reaching their destination or transfer station as quickly as possible. To give some illustrations, in 2003 on the summer night train from Amsterdam to Paris via Brussels, boarding in Brussels will be prohibited and in 2002 similar rules were introduced for the Amsterdam-Duisburg-Mannheim-Munich/Zurich night train (where disembarkation is prohibited as far as Munich and in Basle) and on the Barcelona-Cebère-Paris/Milan route disembarkation has been prohibited for some time at the French border and transfer station of Cebère?

4. Can the Commission confirm that rules of this kind prohibiting embarkation and disembarkation have been introduced solely in the interests of the railway companies themselves, as a way of making management easier by reducing the need to check passengers embarking and disembarking?

5. In the Commission's view, are there other reasons why railway companies introduce such irritating measures that inconvenience a section of their passengers?

(2003/C 242 E/138) **WRITTEN QUESTION E-0436/03**

by Erik Meijer (GUE/NGL) to the Commission

(18 February 2003)

Subject: Criteria to protect cross-border train passengers from the restrictions on boarding or disembarking from international trains

1. Is the Commission aware that cross-border train passengers who face problems because they are denied access to some express services and are now dependent on the willingness of conductors to make exceptions to allow them to board trains, and that it is difficult to discuss the matter because train staff are under instructions to turn passengers away and to allow the trains to depart rapidly from stations?

2. Does the Commission share the view that preventing passengers from boarding or disembarking is extremely bad customer service because the potential passengers on a train bound for their destination are forced to wait a long time for another train, take a different route, travel for much longer or use a mode of transport other than the train?

3. Are measures of this kind compatible with the objectives of the White Paper 'Time to choose' on European transport policy up to the year 2010?

4. Are the increasing number of rules prohibiting the boarding or disembarking from international passenger trains the result of an agreement at European or international level? Was the Commission involved in the introduction of these measures and the relevant criteria? If so, what criteria now apply?

5. Is the Commission prepared to take steps to ensure that more passenger-friendly criteria are applied when introducing or maintaining rules prohibiting embarkation and disembarkation, so that any refusal to accept passengers, is only permissible if, for instance, the passengers can take another train bound for the same final destination within half an hour and connecting with the same through trains at the transfer stations?

6. Is the Commission including a measure of this kind in the regulation on train passenger rights it plans for 2003

Joint answer
to Written Questions E-0435/03 and E-0436/03
given by Mrs de Palacio on behalf of the Commission

(2 April 2003)

The Commission is aware of the fact that there may be conditions to passengers for embarking and disembarking a particular cross-border rail service. These conditions are part of the commercial policy of

railway undertakings on which the Commission has no influence. It is up to the Member States to impose any public service obligations on the railway undertakings in this respect, if they wish to do so.

There could be various reasons for these conditions like comfort and security for passengers in night trains or operational reasons. The Commission is not aware of any detailed arrangement in this respect from the railway undertakings. However the limitations to embark and disembark the trains could be due to the absence in Community law of the right of cabotage in international trains and to the lack of pressure put on the railway undertakings to attract passengers.

The Commission will in the preparation of a proposal for a regulation for rail passenger rights reflect on possible ways to improve the conditions of contracts for passengers. And, as requested by the Parliament, the Commission will make proposals to allow the access rights for international passenger services, in order to eliminate artificial barriers.

(2003/C 242 E/139) **WRITTEN QUESTION E-0438/03**

by Jan Mulder (ELDR)
and Toine Manders (ELDR) to the Commission

(18 February 2003)

Subject: Introduction of a national definition of veal by France

At the end of 2002 the French Government introduced a national definition of veal, which applies to all veal marketed in France. The rules say that only meat from calves less than 195 days old may be marketed under the name of veal. Meat from calves older than this arbitrary 195-day ceiling may no longer be sold as veal, as was usual before the new definition was introduced. This is causing a substantial loss of earnings for the Netherlands veal sector in particular, which has exports to France valued at EUR 300 million a year.

1. Can the Commission say whether it was notified of this measure by France in accordance with the relevant procedures?

2. Does the Commission share the view that a unilateral definition of this kind, based on an arbitrary age of 195 days not justified by any European regulations or standard practice, is in breach of European law? This conclusion is based on the case law in the 'Cassis de Dijon' case concerning the free movement of goods in the internal market, which says that a product marketed under a specific name in one Member State can also be marketed under that name in the other EU Member States.

3. In view of the major commercial interests at stake here, can the Commission give a ruling on the regularity of this unilateral measure by France and also indicate what possibilities there are for claims for damages by the Netherlands export industry and what support the Commission can provide in this connection?

Answer given by Mr Fischler on behalf of the Commission

(24 March 2003)

The Commission was informed on 7 January 2003 of the serious concern of Netherlands veal producers at the adoption by the French authorities of provisions on the labelling of veal in France.

Under Regulation (EC) No 1760/2000 of the European 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], the French authorities adopted a set of specifications restricting the age of bovine animals whose meat may be marketed as 'veal' in France to six months or 195 days.

The Commission asked the French authorities for clarification regarding the justification and legal basis for these provisions, in response to which it received a written reply. During discussions in the Management Committee for Beef and Veal, the Commission expressed reservations about the legality of the French provision.

In close cooperation with the French and Netherlands authorities, the Commission is making a detailed examination of the legal aspects of this matter and more particularly of the provisions on the voluntary labelling system provided for by the above Regulation.

In view of the serious impact the French provisions could have on trade in calves raised in the Netherlands, the Commission will endeavour speedily to obtain a legal opinion on their validity and reach an appropriate decision.

(1) OJ L 204, 11.8.2000.

(2003/C 242 E/140) **WRITTEN QUESTION E-0473/03**

by Erik Meijer (GUE/NGL) to the Commission

(20 February 2003)

Subject: Air supply for passengers in the Eurostar and other high-speed trains when the power supply is cut off

1. Is the Commission aware that on the evening of Friday, 7 February 2003, a Eurostar train en route from London to Paris broke down shortly after departure and was stationary for five hours before being towed back into London Waterloo international station six hours after it had left?

2. Is it also aware that while the train was at a standstill the passengers not only had no water and were prohibited from using the toilets, but were also deprived of fresh air and enough oxygen to breathe normally and were forced to smash the windows using the emergency hammers?

3. Was this shortage of air due to the fact that the train, unlike earlier models, is completely airtight, so that when the doors are shut the supply of air is completely dependent on a ventilation system that operates only with a continuous supply of electricity?

4. What would the consequences be if an incident of this kind occurred during a warm summer period, when there would not only be a shortage of oxygen but also a sharp rise in air temperature? Might it not be the case that many people would lose consciousness and some of them even die?

5. Can problems of this kind also occur in the other high-speed trains, such as the French TGV, which it is different from the Eurostar on the outside but is fitted with the same materials inside, the similar Thalys operated by Belgium on cross-border services, the Spanish AVE, the German ICE, the Italian ETR.500 and the Swedish X-2000?

6. What measures are being taken to protect passengers from such incidents in future? Does the Commission intend to make it mandatory for train windows always to open sufficiently in the event of an accident, as used to be the case in all trains?

Source: TV1 Flanders, late night news, 8 February 2003.

Answer given by Mrs de Palacio on behalf of the Commission

(1 April 2003)

The Honourable Member's question relates to an incident on the 17.15 Eurostar train from London to Paris on 7 February, of which the Commission was duly informed.

A formal enquiry is being carried out jointly by Eurostar and Network Rail, the infrastructure manager. According to information available to the Commission, the abnormal duration of the incident was due to a combination of factors: the difficulty of identifying the fault because of its unusual nature, the difficulty of repairing it because of the particularly unfortunate position of the train and the time of day (rush hour),

and the need to cut the electricity supply. This last factor would have meant that the emergency batteries on board the train were deployed, but they have limited capacity, hence the difficulties experienced with the air conditioning, the lighting and the passenger information system via loud-speakers.

With regard to Community law, a process of developing Community technical rules in the field of rail transport is underway, in the context of Council Directive 96/48/EEC of 23 July 1996 [1] and Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 [2] on the interoperability of the trans-European rail system. These Directives set out a procedure for the adoption of technical specifications for interoperability (TSIs). The first generation of TSIs was adopted by the Commission on 30 May 2002 in the field of high-speed trains (Directive 96/48/EC), but TSIs for conventional rail transport are still being drafted.

The TSIs are not exhaustive: they cover only the aspects which have to be harmonised to facilitate trans-frontier rail services, on the basis that what is not specified at Community level is specified by the competent authorities in the Member States.

The Commission notes the proposals made by the Honourable Member with regard to passenger protection and will certainly take them into account in its review of the first generation of TSIs, which has already started, and in its proposal on passenger rights scheduled for later this year (2003).

[1] OJ L 235, 17.9.1996.
[2] OJ L 110, 20.4.2001.

(2003/C 242 E/141) **WRITTEN QUESTION E-0482/03**

by Graham Watson (ELDR) to the Commission

(20 February 2003)

Subject: Cetacean by-catch

Is the Commission aware of the plight of cetaceans caught as a result of pair trawling mainly for sea bass primarily within the English Channel? Since the beginning of January over 120 dolphins have been washed up on the beaches of my constituency.

A limited observer programme instigated by the UK's Department for Food, Environment and Rural Affairs in 2001 showed that dolphins were being caught as a by-catch of sea bass, a luxury not a staple food.

Action is vital if we are not to lose cetaceans from our coastlines. They are currently dying a needless death in the quest to satisfy a demand for luxury food.

When I met Commissioner Fischler to discuss this issue in the autumn he assured me that action by the Commission was imminent. What action has been taken since then? What steps does the Commission intend to take to regulate pair-trawling for sea bass? If it cannot be satisfactorily regulated will the Commission confirm that it will be banned until such measures as are necessary are put in place?

When will the Commission take action to initiate an observer scheme for these trawlers working in international waters?

Answer given by Mr Fischler on behalf of the Commission

(25 March 2003)

The Commission is well aware of the problem of dead dolphins being washed ashore on the beaches of Member States, in particular in this winter period in the south of the United Kingdom.

As far as its questions concerning possible measures to regulate pair trawling for sea bass, or to address, in a broader approach, the problem of incidental catches of cetaceans in fisheries, the Commission would invite the Honourable Member to refer to its reply to Written Question P-0500/03 by Mr Davies [1].

The priority of the Commission action is orientated towards addressing the issue of cetacean by-catch within marine waters adjacent to the European territory of the Union. The geographical extent of the proposals under consideration will depend on the fishery concerned, the level of available information on its possible impacts on cetaceans, and the type of measure proposed.

However, on the basis of the information available at this stage on incidental catches of cetaceans, the Commission does not consider the placing of observers on Community vessels using pair trawlers in international waters to be a high priority. In addition, such a measure, if envisaged, should benefit from international co-ordination within the framework of the regional fisheries organisation covering the high seas concerned.

[1] OJ C 222 E, 18.9.2003, p. 209.

(2003/C 242 E/142) **WRITTEN QUESTION E-0492/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(21 February 2003)

Subject: Deterioration of the road surface along sections of the Korinthos-Tripoli-Kalamata motorway in Greece owing to subsidence

In view of the subsidence which has occurred in the last few days along the Korinthos-Tripoli-Kalamata motorway,

can the Commission provide the following information:

— Was the construction of the motorway funded by the European Union and, if so, how much funding has been provided to date?

— Has the motorway been inspected for construction defects by the ESPEL public works quality control body?

— Did the inspection reveal any construction defects and, if so, what action was taken by the Greek authorities to remedy matters prior to these recent developments?

Answer given by Mr Barnier on behalf of the Commission

(9 April 2003)

Following the extreme weather conditions in Greece in the beginning of 2003, there have been certain difficulties encountered regarding the realisation of projects, especially road works, in several regions of Greece.

The Greek authorities proposes to examine the situation with the help of expert advice. The Commission is in regular contact with the Greek authorities and has asked to be informed on the results of this examination.

Sections of the motorway Korinthe-Tripolis-Kalamata have been co-financed by the Cohesion Fund during the period 1993-1999, with an amount of EUR 37 million. The relevant designs had also been co-financed by the European Union in the framework of the budget for the promotion of the Trans-European

Networks in the years 1986-1987, with an amount of EUR 6,5 million. Other sections have been co-financed by the European Regional Development Fund, within the Regional Operational Programme 1994-1999 for Peloponese. The amount of the assistance for these sections are expected to be communicated by the Greek authorities to the Commission when the closure report for this programme is submitted.

The Commission is not informed at present about possible ESPEL controls for projects relating to the realisation of this motorway. However, such information should be included in the relevant closure report for the Operational Programme Peloponese.

(2003/C 242 E/143) **WRITTEN QUESTION E-0499/03**

by Ria Oomen-Ruijten (PPE-DE)
and Erik Meijer (GUE/NGL) to the Commission

(21 February 2003)

Subject: Environmental objectives relating to the Rhine

In her answer dated 3 June 2002 to Written Question E-1128/02 [1] tabled by Erik Meijer (GUE/NGL), Mrs Wallström states that the Commission is of the view that the existing agreement on the Rhine and the implementation of the Water Framework Directive in close cooperation with all riparian states will ensure [he attainment of] the environmental objectives relating to the Rhine both as regards ecology and the use of water from the Rhine for the abstraction of drinking water.

That statement prompts the following questions:

1. Does the Commission agree that the measures laid down in the Framework Water Directive (2000/60/EC) [2] with a view to ensuring compliance with the provisions of Article 7 of that Directive, including measures to maintain water quality in order to reduce the level of purification treatment required in the abstraction of drinking water, imply that the water companies should be cutting back their efforts instead of increasing them?

2. As the European Union's representative on the International Convention for the Protection of the Rhine, does the Commission support the 'Target' for isoproturon set by the International Commission for the Protection of the Rhine of 0,1 µg/l as the desired maximum value for the presence of this substance in the water of the Rhine?

3. In November 2001, Parliament and the European Council drew up a list of priority substances. Inter alia, water quality standards were to be established for those substances. Isoproturon is one of the 'priority hazardous substances' to be evaluated and is responsible for the suspension of water supplies to purification plants producing drinking water referred to by Mr Meijer. How does the Commission take into account the 'target' referred to above when setting the standard for isoproturon?

4. If the Commission does not take into account the 'target' referred to above when setting standards, how does it take into account the importance of drinking water abstraction from surface water when setting the standard for isoproturon?

5. In its answer to Mr Meijer's questions, the Commission states that a solution must also be sought in the proper implementation of Directive 91/414/EEC [3]. Is the Commission aware that the criterion included in the Uniform Principles for the abstraction of drinking water from surface water is currently not being implemented by any Member State in its assessment procedure for the authorisation of pesticides in general and the procedure for the authorisation of isoproturon in particular and that this state of affairs is being justified by some Member States on the grounds that no guidance document exists for a check of this nature?

6. Does the Commission have any plans to draw up in the near future a guidance document of that nature in order to counteract this failure to implement the assessment procedure for the authorisation of pesticides?

---

[1] OJ C 277 E, 14.11.2002, p. 150.
[2] OJ L 327, 22.12.2000, p. 1.
[3] OJ L 230, 19.8.1991, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(14 April 2003)

1. 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 [1]), sets as the standard objective the obligation to achieve/maintain good status for all waters. Further, it attached particular attention and particular obligations to those waters of specific use, such as those for drinking water abstraction or for bathing. The Drinking Water Directive, (Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption [2]), ensures proper drinking water quality at the tap for the consumer. Where presently drinking water of the required quality might only be ensured by a high level of treatment, achievement of the quality objectives set out in the Water Framework Directive should in those cases result in distinctly better quality of the raw water used for drinking water supply, and thus reduce the level of purification treatment required in the production of drinking water. This will make the water supplying activity more sustainable by cutting the normal costs of purification.

2. to 4. The findings of the International Convention for the Protection of the Rhine are recommendations for this river under International Law, and as such agreed by the Contracting Parties of the Convention including the Union. Under the Water Framework Directive (Article 16, paragraph 7) quality standards will be set at Union level applicable to the concentrations of priority substances for all surface waters, which will be legally binding and enforceable. The Commission is currently carefully assessing all the information available including data and experience from the Rhine basin, and is complementing these by additional scientific studies and comprehensive stakeholder consultation (Article 16.5). Once finalised, these will form the basis for the Commission proposals to the Parliament and to the Council on specific measures against pollution by individual pollutants. Individual substances such as Isoproturon, or groups of pollutants presenting a significant risk to or via the aquatic environment, including the risks to waters used for the abstraction of drinking water will be considered for risk management. Such measures will consist of environmental quality standards for priority substances, aiming at a high level of protection. In addition, in applying a combined approach, emission control measures will be proposed for priority substances to ensure progressive reduction of their discharges into water, and for priority hazardous substances phasing-out of discharges, emissions and losses, will be proposed by the Commission. In the case of Isoproturon, the review on whether it shall be classified as hazardous or not, has not yet been concluded.

5. The Commission is not aware that the criterion included in the uniform principles for the abstraction of drinking water for surface water — i.e. that surface water used for the abstraction of drinking water must comply with the provisions of Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States [3] — is not being implemented by any Member State in its assessment procedure for the authorisation of pesticides in general. Consequently, it is not aware of justifications being used by Member States for the purported non-compliance. Commission Directive 2002/18/EC of 22 February 2002 amending Annex I to Council Directive 91/414/EEC concerning the placing of plant-protection products on the market to include Isoproturon as an active substance [4], which included Isoproturon in Annex I to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market [5] provides a deadline of 1 January 2007 for Member States to amend or withdraw authorisations of plant protection products containing Isoproturon on the basis of evaluations made using the uniform principles. It may be premature to draw conclusions already at this stage on whether Member States are conforming with the provisions of the Directive for Isoproturon.

6. The Commission has no plans to develop a guidance document in relation to the implementation of Directive 91/414/EEC for two reasons. Firstly, the Commission sees no necessity and no benefit in developing a guidance document at this stage as it is not aware of a 'failure to implement' Directive 75/440/EEC as regards plant protection products and other pesticides. Secondly, given the clarity of the provisions of Directive 75/440/EEC, the added-value of additional guidance is not evident at this stage. Should the need arise, in the context of the repeal of Directive 75/440/EEC and the implementation of Directive 2000/60/EC, the question of guidance can be reconsidered.

(1) OJ L 327, 22.12.2000.
(2) OJ L 330, 5.12.1998.
(3) OJ L 194, 25.7.1975.
(4) OJ L 55, 26.2.2002.
(5) OJ L 230, 19.8.1991.

(2003/C 242 E/144) **WRITTEN QUESTION E-0504/03**

by Salvador Garriga Polledo (PPE-DE) and Jorge Hernández Mollar (PPE-DE) to the Commission

(21 February 2003)

Subject: Alcohol tests for airline pilots

The statements by the head of the Air Accident and Incident Investigation Department of the Spanish Union of Airline Pilots (SEPLA) to the effect that the alcohol tests carried out on both national and foreign — but particularly foreign — pilots are totally inadequate have understandably sparked considerable public alarm.

Having become accustomed to the recent marked impact of breath tests for car drivers, many people have discussed the need to step up alcohol tests for airline pilots.

Can the Commission say whether there is currently any specific Community legislation on alcohol tests for airline pilots, and whether it considers that such tests should be increased for those responsible for piloting planes in any part of the European Union's airspace?

Answer given by Ms de Palacio on behalf of the Commission

(3 April 2003)

There is no specific Community legislation on alcohol tests in the civil aviation sector.

However, there are extremely stringent rules regulating alcohol and drug consumption in this sector at international level (ICAO rules — International Civil Aviation Organisation) and at European level (JAR-OPS of the JAA — Joint Aviation Authorities).

The Commission has presented Parliament and the Council with a proposal amending Regulation 3922/91 [1] which transposes the JAR-OPS provisions into Community law. The proposal is now before the Council with a view to adoption of a common position.

The Commission is currently considering whether other legislative measures on alcohol levels in workers in the passenger transport sector could provide added value at Community level.

[1] Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation — OJ L 373, 31.12.1991.

(2003/C 242 E/145) **WRITTEN QUESTION E-0505/03**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(21 February 2003)

Subject: Assessment of the situation regarding the Galileo project

Following the enthusiastic reaction when the Galileo project was given the green light, there is now concern across the European Union as to whether a genuinely European project such as Galileo will ever see the light of day, and whether the European Union as a whole will be able to benefit from its numerous advantages.

The animosity aroused by the programme's adoption is well known and a degree of suspicion is unavoidable, bearing in mind that tactical ploys are still continuing with the aim of preventing Galileo from becoming a reality.

Can the Commission say whether it is in a position to carry out an assessment of the stage reached regarding the implementation of the Galileo project, and where it sees the greatest difficulties affecting its implementation?

Answer given by Mrs de Palacio on behalf of the Commission

(8 April 2003)

As the Honourable Member says, the hopes engendered by the political agreement reached at the Transport Council of 26 March 2002 on setting up the Joint Undertaking and the green light given to the launch of the development phase have not yet borne fruit because of problems within the European Space Agency concerning the respective financial contributions of its members.

The situation is becoming critical as the Galileo frequencies negotiated within the International Telecommunication Union will be lost if a satellite emitting a Galileo signal is not launched by the end of 2005.

The Commission has therefore taken the steps necessary to get the Joint Undertaking up and running so that it can start to carry out its tasks using the Community funds allocated to it.

This includes:

— Preparing the setting-up of the Joint Undertaking which will supervise the Galileo project during the development phase (until 2005). It has convened the Supervisory Board of the Joint Undertaking on several occasions. The first payments from the Community budget for the years 2001 and 2002, i.e. EUR 240 million of the EUR 550 million set aside for Galileo under the trans-European network budget, have been committed;

— Drawing up the concession arrangements which will result in the launch in 2003 of a call for a concession-holder to be selected in 2004 to manage the programme during the system deployment and commercial operation phases;

— Setting up a Security Committee whose services are currently drawing up the measures needed to set up the Security Board provided for in Article 7 of Regulation (EC) No 876/2002 [1], which will be responsible for dealing with security matters relating to the Galileo system;

— Making progress in reaching international agreements aimed at ensuring Galileo's interoperability with the American GPS and Russian Glonass systems as well as scientific, technological and industrial cooperation with many third countries, including China, Canada, Australia and the countries of the Mediterranean and Latin America.

The Commission hopes that the agreement concluded on 28 March between Italy and Germany will become effective within the European Space Agency (ASE/ESA) as quickly as possible.

[1] Council Regulation (EC) No 876/2002 of 21 May 2002 setting up the Galileo Joint Undertaking — OJ L 138, 28.5.2002.

(2003/C 242 E/146) **WRITTEN QUESTION E-0509/03**

by Joan Colom i Naval (PSE) to the Commission

(24 February 2003)

Subject: Water quality and the Spanish National Water Resources Plan

The basic aim of the Water Framework Directive is the rational and sustainable use of water, without impairing its ecological and environmental quality. The intention is thus to avert any further deterioration, improve the state of ecosystems, and guarantee a sufficient supply of clean water.

However, as far as Spanish waters are concerned, the waters of the Ebro are known to be of such poor quality that they exceed the salinity limits laid down for guidance in both Spanish legislation and WHO recommendations for pure waters. Instead of assigning absolute priority to water quality and, to that end, supplies of low salinity, the Spanish National Water Resources Plan (PHN) is focused on diversion of water from the river Ebro, with the result that future recipients, whether they use water for urban or agricultural purposes, will be doomed to suffer a deterioration in their resources. In the light of the foregoing, will the Commission advocate funding for a project such as the one described above, the consequences of which would be diametrically opposed to those being sought by European legislation?

Answer given by Mrs Wallström on behalf of the Commission

(28 March 2003)

With regard to the proposed transfer of water from the river Ebro into other river basins in Spain, the Commission has been engaged in an extensive dialogue with the Spanish authorities in order to ensure that the design and eventual implementation of the transfer are compliant with Community environmental legislation and policy.

The Commission is aware that there are some potential problems with the quality of the water in the lower Ebro. However, with regard to conductivity, the current average values in the lower Ebro are around 1000 microSiemens per centimetre. Council Directives 75/440/EEC of 16 June 1975 concerning the quality of surface water intended for the abstraction of drinking water in the Member States [1] and 98/83/EC of 3 November 1998 on the quality of water intended for human consumption [2] set down values of 1000 and 2500 microSiemens per centimetre, respectively, as indicator (non-obligatory) parameters. Therefore, the transferred water is suitable for pre-drinking and drinking water supply at least as far as the conductivity is concerned. In addition, the conductivity, of the water in the lower Ebro is lower than the majority of the surface and groundwater resources in the projected receiving basins. In conclusion, from the data currently available to the Commission it is unlikely, at least as far as the question of conductivity is concerned, that there will be a deterioration of the water quality of the receiving basins as a result of the proposed transfer.

[1] OJ L 194, 25.7.1975.
[2] OJ L 330, 5.12.1998.

(2003/C 242 E/147) **WRITTEN QUESTION E-0510/03**

by Joan Colom i Naval (PSE) to the Commission

(24 February 2003)

Subject: Danger of zebra mussel infestation if the Ebro diversion project is carried out under the PHN

The zebra mussel is a bivalve mollusc, a species that can cause large-scale ecological disruption because it covers every substratum in its path, thus damaging ecosystems. It can even seriously interfere with the operation of water supply infrastructure. It is posing a severe problem for the Ebro, and the nuisance would spread if infested river waters were diverted. From the legal point of view, it is forbidden to introduce exotic species which upset the ecological balance. Despite this, diversion of the Ebro into other basins is still provided for under the Spanish National Water Resources Plan (PHN) but is not subject to the stringent environmental impact assessment required to guarantee that the project would be safe.

Does the Commission intend to grant financial aid for a project that would entail disastrous consequences for the environment? In any event, should it support a plan which infringes the guidelines of the Water Framework Directive not only because it takes no account of the effects on the ecological state of ecosystems, but also because it disregards the principle that a basin should be treated as a unified whole, as well as failing to properly enforce the principle of recovery of costs?

Answer given by Mrs Wallström on behalf of the Commission

(28 March 2003)

The Commission would refer the Honourable Member to previous answers to Written Questions E-2708/02 and E-2819/02 by Mr Davies [1]; E-0638/02 by Mr Mayol i Raynal [2]; E-3205/01 by Mr de Roo and others [3]; E-2614/01 by Mrs Sornosa Martinez and others [4]; and E-2568/00 by Mr Varela Suanzez-Carpegna [5]. In summary, the Commission is engaged in an extensive dialogue with the Spanish authorities to ensure that the design and eventual implementation of the Spanish National Hydrological Plan is in conformity with Community environmental legislation including the Water Framework Directive [6].

With regard to the possible use of Community funding (structural funds and cohesion funds), the regulations associated with these funding programmes require that projects should be consistent with Community legislation and policy. It is the Commission's role to monitor that these rules and regulations are respected.

With regard to the issue of the Zebra mussel, the Commission is aware of its presence in the lower Ebro. The Commission is also aware of the significant environmental and economic damage, which can result from the introduction of this species into river systems. If water were to be transferred from the lower Ebro into other river basins there is a clear risk that the Zebra mussel would be transferred along with the water. The Spanish authorities will need to take this important issue into account when carrying out environmental impact assessments of the proposed inter-basin transfers.

(1) OJ C 92 E, 17.4.2003, p. 201.
(2) OJ C 277 E, 14.11.2002.
(3) OJ C 174 E, 20.6.2002.
(4) OJ C 134 E, 6.6.2002.
(5) OJ C 136 E, 8.5.2001.
(6) 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 — OJ L 327, 22.12.2000.

(2003/C 242 E/148) **WRITTEN QUESTION E-0511/03**

by María Rodríguez Ramos (PSE) to the Commission

(24 February 2003)

Subject: TSE surveillance programme

According to the Commission's reply to Oral Question H-0896/02 (1), the lower amount allocated to Spain under the TSE surveillance programme is due to the reduction in the Community contribution to the cost of individual tests.

Have the amounts allocated to other Member States likewise been reduced?

Has the Spanish allocation been cut because the funds earmarked for 2002 were underused on account of the failure to carry out the full complement of tests?

Have larger amounts been allocated to other Member States which have shown that they are conducting more tests?

Can the Commission give details of the new share-out of funding among the 15 Member States?

(1) Written answer of 11.12.2002.

Answer given by Mr Byrne on behalf of the Commission

(28 April 2003)

Commission Decision 2002/934/EC of 28 November 2002 approving the transmissible spongiform encephalopathy (TSE) monitoring programmes of certain Member States for 2003 and fixing the level of the Community's financial contribution (1) establishes the maximum financial contribution to the TSE monitoring programme in each Member State for 2003.

The maximum amount allocated to each Member State was calculated based on a maximum contribution of EUR 10,5 per test and the actual number of tests carried out in that Member State in the second half of 2001 and the first half of 2002. Compared to 2002, the maximum allocations have been reduced by 7-30 %, depending on the Member State. In the case of Spain, the reduction was 29 %.

Originally the maximum allocation to each Member State for 2002, as laid down in Commission Decision 2001/854/EC [2], was based on the size of the bovine population in that Member State. The amounts were increased by Commission Decision 2002/246/EC [3] in March 2002 following an expansion of the monitoring programme in small ruminants and changed monitoring programmes in Austria and Finland.

From Member State reports, it soon became evident that some Member States were overspending and other were not using the full amount allocated to them. According to reports from the Commission's Food and Veterinary Office, the bovine spongiform encephalopathy (BSE) monitoring programme is generally well implemented and cases where animals would have been slaughtered without testing have not been reported. Failure to test all slaughtered animals is therefore not the reason why some Member States are testing a lower percentage of their adult cattle population annually than others. The reason for the variation is that in some Member States cows are kept to a higher age, and thereby a smaller percentage of the total adult cattle population is slaughtered each year.

The allocations for 2002 were adjusted for the second time in November 2002 by Commission Decision 2002/945/EC [4] with a view to transfer money from Member States not using the full amount allocated to them to those which were overspending. Details of the maximum amounts allocated to each Member State for 2002 and 2003 can be found in the table sent directly to the Honourable Member and to Parliament's Secretariat.

[1] OJ L 324, 29.11.2002.

[2] 2001/854/EC: Commission Decision of 3 December 2001 approving the programmes for the monitoring for TSE presented for 2002 by the Member States and fixing the level of the Community's financial contribution (notified under document number C(2001) 3819) — OJ L 318, 4.12.2001.

[3] 2002/246/EC: Commission Decision of 27 March 2002 amending Decisions 2001/730/EC and 2001/854/EC on the Community's financial contribution to the Member States' TSE monitoring programmes for 2002 (notified under document number C(2002) 1266) — OJ L 84, 28.3.2002.

[4] 2002/945/EC: Commission Decision of 28 November 2002 amending Decisions 2001/730/EC and 2001/854/EC as regards the allocation of the Community's financial contribution to Member States' TSE monitoring programmes for 2002 (notified under document number C(2002) 4594) — OJ L 326, 3.12.2002.

(2003/C 242 E/149)

WRITTEN QUESTION E-0541/03

by Charles Tannock (PPE-DE) to the Commission

(26 February 2003)

Subject: Structural inspections of ships

Does the Commission accept that European citizens are entitled to know whether the current inspection regime for ships is likely to be effective in preventing tragedies like the sinking of the ERIKA and Prestige?

The Commission in its answer to Written Question P-3484/02 [1] has entirely failed to address the issue of structural inspections referred to in the penultimate paragraph. Could the Commission now address those issues?

[1] OJ C 161 E, 10.7.2003, p. 95.

Answer given by Mrs de Palacio on behalf of the Commission

(10 April 2003)

The Commission considers it unrealistic to expect current port-State control procedures to be sure to detect structural damage to ships such as that which affected the ERIKA and the Prestige.

For this reason, International Maritime Organisation instruments and Community regulations on single-hull tankers provide for the introduction of a system of structural inspections of ships, known as the condition assessment system (CAS).

The condition assessment system (CAS) introduced under Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 [1] is an additional reinforced inspection scheme, specifically developed to detect structural weaknesses in single-hull oil tankers over 20 000 tonnes which have not yet attained their age limit. It is carried out every two and a half years by the flag State and by classification societies acting on its behalf.

Following the wreck of the Prestige, the Commission drew up a proposal for an amendment to Regulation (EC) No 417/2002 (see the Communication of 20 December 2002) [2] on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers, and reinforcing the inspection procedures. Accordingly, from 2005, the Commission proposes the extension of that measure to single-hull oil tankers of all categories still in use, including those below 20 000 tonnes, once they have attained the age of 15 years. Political agreement was reached on the proposal at the Transport Council on 27 March 2003.

In order to apply these measures beyond the Member States, the Commission plans to coordinate action against flags of convenience by improving the supervision of maritime administrations and recognised bodies which check the structural integrity of ships. The first steps were taken to create an audit procedure at the Tokyo ministerial conference in January 2002 and the idea was supported by the Commission in its White Paper on 'European transport policy for 2010: time to decide' [3].

[1] OJ L 64, 7.3.2002.
[2] COM(2002) 780 final.
[3] COM(2001) 370 final.

(2003/C 242 E/150) **WRITTEN QUESTION E-0543/03**

by Elisabeth Schroedter (Verts/ALE) to the Commission

(26 February 2003)

Subject: Bridge linking the island of Rügen with the mainland

Working on behalf of the Federal German Government, DEGES is planning to link the island of Rügen to the mainland by means of a bridge incorporating pylons built to a height of 126 metres. The project will damage the unspoilt landscape of the island and neighbouring mainland areas. Rügen's uniqueness and its rich plant and animal life have for generations offered a guarantee of high-quality tourism and income for the island's inhabitants. Half of the funding for the project is to be provided from the ERDF, even though there is clearly no need for a new bridge. The number of people using the existing link fell substantially between 1992 and 2000.

1. (a) Is the Commission aware that there is no need for the project referred to above, since the capacity of the existing bridge is generally sufficient, with the risk of traffic congestion confined to a small number of days at the beginning and end of the holidays?

(b) Is the Commission aware that the parallel rail link offers substantial unused capacity which has not been properly taken into account thus far?

2. (a) How does the Commission assess the financing arrangements for the bridge, which provide for the repayment of loans from toll proceeds?

(b) Is the Commission aware that this toll can be avoided, since the existing link will remain toll-free in the interests of the local population?

3. What view does the Commission take of the fact that the bridge will stand right in the middle of a route linking two European protection areas (DE 1543-401, DE 1747-401) for migratory birds and seabirds under the bird protection directive, 79/409/EEC?

4. (a) Despite the facts outlined above, does the Commission take the view that the project should be funded using ERDF resources?

(b) If so, on what grounds?

Answer given by Mr Barnier on behalf of the Commission

(9 April 2003)

The Commission is aware of plans of the government of Mecklenburg-Vorpommern to build a new bridge across the Ziegelgraben and Strelasund — to the west of the existing road-rail drawbridge. The new bridge is designed as a suspension bridge, held by two pylons, designed to allow ships to pass underneath. It is intended as a toll bridge. The planning and financing of the bridge, which was subject to a public tender procedure, is the responsibility of the German federal and state authorities, not of the Commission.

Regarding the possible effects of the bridge on bird life in the area as mentioned by the Honourable Member, the Commission is currently investigating this issue. Based on the available information, the Commission has taken action to ensure that the Federal Republic of Germany fulfils its obligations under 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] with regard to the possible effects of the planned bridge. As a result, the German authorities are conducting an additional assessment of the possible effects of the bridge on the movements of birds.

The German authorities have not requested support for the project from the Union under the Structural Funds.

[1] OJ L 206, 22.7.1992.

(2003/C 242 E/151) **WRITTEN QUESTION E-0545/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(26 February 2003)

Subject: Compensation for fire damage in Pilion in 2000

In July 2000, the area of Pilion in Greece suffered major damage to olive trees in the areas of Xynovrisi, Argalasti and Siki situated in the municipality of Argalasti and Afetai, destroying the property and, in many cases, the sole livelihood of hundreds of inhabitants. Initially, the Greek Government announced payment of damages in the order of GRD 16 000 per olive tree. Those affected initially received an advance payment of GRD 5 000 per olive tree and the ministry responsible announced that the remaining amount would be paid following Commission authorisation.

When was the relevant file submitted to the Commission informing it of the extent of the damage?

Was the Greek Government seeking Commission authorisation to meet the damages from national funds (in ELGA — Farmers Insurance Organisation), or was it seeking Community funding under the CSF Operational Programme for Agricultural Development?

What stage has now been reached by the proceedings?

If the request by the Greek Government has not yet been approved by the Commission, to what can this delay be attributed?

Answer given by Mr Fischler on behalf of the Commission

(26 March 2003)

The scheme for compensating Greek farmers who suffered losses caused by the fires in 2000 was notified to the Commission by letter of 7 December 2000, received on 11 December.

The Greek draft interministerial decision constituting the legal basis for the compensation scheme provides for a budget of GRD 25 billion (EUR 73 367 572), to be financed as follows:

— GRD 17 billion (EUR 49 889 949) from the public investment programme of the Ministry of Agriculture (SAE 082/3); on the basis of the Commission's conclusions when examining other compensation cases, this appears to be eligible for part-financing,

— GRD 8 billion (EUR 23 477 623) from the ordinary budget of the Ministry of Agriculture, in other words State aid.

The Commission must therefore decide whether two sources of financing can be used, i.e. it must consider this case in the light of two sets of rules.

The Greek authorities were recently asked to provide additional information. The Commission is awaiting their reply before drawing up a draft decision.

There are several reasons for the time taken to examine the compensation scheme:

— Under Article 4(5) of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty [1], when the Commission examines State aid, it has two months from the day following the receipt of a complete notification to reach a decision.

— When the Greek authorities notified the compensation scheme, they announced their intention of not waiting for the Commission's approval before making advance payments. These advance payments began without the Commission's agreement, and became illegal aid under the above-mentioned Regulation (EC) No 659/1999. Article 13(2) of the Regulation provides that in cases of possible unlawful aid the time-limit mentioned above does not apply. As pointed out above, the Commission must in any case await the reply of the Greek authorities before drafting a proposal for a decision.

— If the Greek authorities are intending to finance the compensation scheme for farmers from part-financed funds, they must present an amended version of their national 'Rural development' operational programme for 2000-2006 drawn up under the Community Support Framework for Greece, re-drawing the profiles of the financial tables of the programme to take account of the funds transferred between priorities. The profiles should be redrawn not only as a function of the use of the part-financed funds under the scheme we are concerned with here, but also to take account of all transfers of funds in the framework of other compensation schemes set up by the Greek authorities. The Commission has not so far received an amended version of the programme, or the new profiles for the financial tables. Until these documents are available, the Commission cannot take any decision concerning the use of the part-financed funds under the compensation scheme.

[1] OJ L 93, 27.3.1999, p. 1.

(2003/C 242 E/152) **WRITTEN QUESTION E-0554/03**

by Philip Bradbourn (PPE-DE) to the Commission

(27 February 2003)

Subject: Community Initiative Programmes

In view of the low take-up of various Community Initiative Programmes by the United Kingdom, could the Commission please supply details, broken down by region, of submissions made by the UK on the Leader+ and Urban II programmes (by value).

Would the Commission also comment on what steps it intends to take in respect of the Government's submitted forecasts for spending under these programmes whose outturn is over 25 % different to the forecasts and what sum of money, actually committed for UK projects, will be subjected to such action?

Answer given by Mr Barnier on behalf of the Commission

(14 April 2003)

In accordance with the principle of subsidiarity, the management of the programmes financed under the Structural Funds is a responsibility that is decentralised to the authorities in the Member States. Once the broad strategic priorities for each programme have been decided in agreement with the Commission, it is the responsibility of the Member States to select individual projects for support and to monitor implementation. The Commission does not therefore receive requests for funding for individual projects and does not consequently commit financial resources at the project level.

Financial support from the Structural Funds to the programmes is delivered via payments on account and following payment applications submitted by the relevant authority in the Member State. In accordance with Article 31.2 of Council Regulation (EC) No 1260/1999 of 21 June 1999, laying down general provisions on the Structural Funds, the Commission shall automatically decommit any part of a Community budget commitment which has not been settled by the payment on account or for which it has not received an acceptable payment application by the end of the second year following the year of commitment. For the United Kingdom, no decommitments have been made at this stage in respect of Leader+ and URBAN II. For both programmes, the initial budgetary commitments were not made until 2001. Therefore, in accordance with Article 31.2 the possibility of a decommitment will not arise until the end of 2003.

As far as forecasts for payment applications are concerned, the Commission has asked Member States through the Committee for the Development and Conversion of Regions (CDCR) to stress to their payment authorities the importance of reliable forecasts in view of a sound and efficient budget execution.

(2003/C 242 E/153) **WRITTEN QUESTION E-0565/03**

by Luciano Caveri (ELDR) to the Commission

(27 February 2003)

Subject: Rules on reversing alarms

It is interesting to note that studies conducted by the NHTSA (National Highway Transportation Authority) in the United States show a high rate of accidents in which pedestrians, many of them children, have been killed by reversing vehicles. Unfortunately, no similar statistics are available in Europe. Reversing alarms can prove effective, as has been shown in Anglo-Saxon countries. However, in Europe, such devices are prohibited by some highway codes (e.g. in France) and not even mentioned in others (e.g. in Italy).

Does the Commission not consider that rules should be introduced on the subject at Community level with respect to lorries, buses, camper-vans, caravans and any other vehicles whose driver's view is restricted when reversing?

Answer given by Mr Liikanen on behalf of the Commission

(3 April 2003)

The Commission is concerned that as far as is practicable and necessary, blind spots in the driver's field of view to the front, side, and rear of the vehicle should be eliminated. To this end, the Commission has proposed a draft Directive [1] which aims at increasing the field of indirect vision for drivers of passenger cars, buses and lorries by upgrading the performance of rear view mirrors and accelerating the introduction of new technologies for detecting other road users or pedestrians within the blind spots around motor vehicles.

The Commission proposal adds specific blind spot reduction requirements to the existing Directive on rear-view mirrors.

The key changes would entail:

— mounting additional mirrors on certain vehicles;

— upgrading technical characteristics of mirrors;

— replacing certain mirrors with other indirect vision systems, such as camera/monitor systems and introducing additional systems like detection sensors.

Nonetheless, the Commission is aware that blind spot mirrors may not be sufficient to entirely solve the problem of road users being hit by reversing trucks. Therefore, the Commission will analyse the accident data collected in all Member States (EU CARE database) with regard to these types of accidents. On the basis of this analysis it could be decided whether further countermeasures are appropriate. Because of the adverse environmental impact of audible reversing alarms, especially in areas surrounding car parks and industrial/commercial premises, where such alarms would be audible for most of the day, consideration will also be given to other countermeasures such as vehicle mounted sensors.

(1) OJ C 126 E, 28.5.2002.

(2003/C 242 E/154) **WRITTEN QUESTION E-0571/03**

by Mihail Papayannakis (GUE/NGL) to the Commission

(28 February 2003)

Subject: National park in the Nestos Delta

As the Association for the Protection of the Ecological Development of the Nestos has pointed out, six years after its foundation (Greek Government Gazette 854/16.9.96), the National Park of Macedonia and Thrace is still not operational, while the wetlands it comprises are at serious risk. The national park includes the wider area of the Nestos Delta, Lakes Vistonida and Ismarida, the salt marshes at Almyra, Lafri and Lafrouda and the intervening coastal areas. Also within its boundaries are seven areas included in the Natura 2000 network. However, despite the announcement that a national park was to be set up under the management of a single body, no measures have been taken towards implementation of the project and, moreover, recent years have seen a significant deterioration in the ecosystem owing to the installation of fuel storage tanks.

Can the Commission give assurances that it will intercede with the Greek authorities to reach an agreement based on the sound and balanced management of this site of European importance, within the meaning of Directive 92/43/EEC (1), and does it possibly intend to co-finance the creation of this national park?

(1) OJ L 206, 22.7.1992, p. 7.

Answer given by Mrs Wallström on behalf of the Commission

(3 April 2003)

The common ministerial decision 5796/1999 designating the zones of the delta of Nestos, the lake Vistonida and the lake Ismarida as a National Park is no longer in force. According to the Greek law, the necessary legal framework aiming at the protection of the sites and complying with the objectives set out in Directives 79/409/EEC (1) and 92/43/EEC (2) is composed of an approved management plan (specific environmental study), a Presidential Decree and a Management Body.

Currently, the Commission is assessing several complaints related to the deterioration of the Delta of Nestos, principally due to the absence of an appropriate legal framework for its protection and its conservation. The Commission will not hesitate to take all the appropriate measures, including the initiation of an infringement procedure under Article 226 of the EC Treaty, in order to ensure the correct application of Community environmental law.

According to available information, the Greek authorities have adopted Law 3044/2002 which provides for the establishment of 25 management bodies for a number of sites that Greece has already proposed for inclusion in the Natura 2000 network under Directive 92/43/EEC. According to the provisions of this Law, a management body for the 'Delta of Nestos-Vistonida-Ismarida' area has to be established. The creation and full operation of all the 25 management bodies has not yet been finalised. The full establishment of these management bodies is expected to contribute towards the conservation objectives for these areas, the implementation of the approved management plans for the areas and their efficient protection.

The Commission confirms that there is a possibility of financial assistance to Greece through the Structural Funds for the establishment of all these 25 management bodies. The above action is foreseen in the Greek Operational Plan for the Environment 2000-2006 (Measure 8,1). On the other hand, actions aiming at Biotope protection are foreseen in the framework of the Greek Regional Operational Programmes of the same period. The Commission would like to assure the Honourable Member that it will continue to monitor the progress to be achieved on the protection of the Greek Biotopes and on the establishment of the Management Bodies for the Natura 2000 sites in Greece.

(1) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds — OJ L 103, 25.4.1979.
(2) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

(2003/C 242 E/155) **WRITTEN QUESTION E-0580/03**

by Erik Meijer (GUE/NGL) to the Commission

(28 February 2003)

Subject: Fire danger and technical vulnerability of high-speed trains and assessment of technical justification for monopolies

1. Does the Commission reject the requirement laid down in the Netherlands by the fire service, the Ministry of Transport and Public Works, the Ministry of the Interior and the Project Organisation High-speed Line South (Hogesnelheidslijn Zuid) that all trains on the Amsterdam-Rotterdam-Breda-Antwerp high-speed rail link must be capable of resisting smoke and fire for 15 minutes?

2. Does the Commission fear that the Dutch safety requirements will create a monopoly for the sixteen double-decker trains for frequent service between Amsterdam-Breda and Amsterdam-Brussels soon to be ordered by High Speed Alliance (consortium of Netherlands Railways (Nederlandse Spoorwegen) and the airline KLM), because currently the requirements are still not being met by the Amsterdam-Paris Thalys trains (owned jointly by the Dutch, Belgian, French and German railways), which have been in service since 1997, and which will be using the same tracks?

3. Has the Commission noted that a de facto monopoly exists elsewhere in the EU, namely on the new high-speed line with steep inclines between Cologne and Frankfurt Airport, on which the only trains meeting the technical requirements, the ICE-3s, run partly on international routes to Amsterdam, Brussels and Basle, and that this situation is problematic because the head of DB-Systemtechnik sometimes records 700 breakdowns per day on the fifty ICE-3 trains, because the advanced, but insufficiently tested, electronic system does not appear to be mastered even by the supplier Siemens, and each solution tried causes a new problem?

4. Does the Commission agree with the author that it is more important to break the monopoly of the trains on the Cologne-Frankfurt line, which are constantly breaking down, than to cut back the fire safety requirements in the Netherlands for fear they will bring about a monopoly?

5. What measures does the Commission intend to take to ensure that fire safety is placed ahead of combating monopolies, and that for all international high-speed trains, therefore, the risk in the event of fire is reduced to a level corresponding to that prescribed by the strictest measures applied by a Member State to its own internal traffic?

Sources: De Stem of 9 February 2003 and Handelsblatt News am Abend of 13 February 2003

Answer given by Mrs de Palacio on behalf of the Commission

(25 April 2003)

As already indicated in the Commission's answer to Written Question E-0473/03 [1] by the Honourable Member, the first set of technical specifications for interoperability (TSIs) for high-speed train services was adopted by the Commission on 30 May 2002. The technical specification for rolling stock contains several fire safety provisions, including the one mentioned by the Honourable Member concerning fire resistance. These TSIs apply to all new rolling stock and, under certain conditions, upgrading/renewal projects. They will, in future, ensure not only greater standardisation of rolling stock and better movement across frontiers, but also genuine competition on markets which traditionally used to be de facto monopolies. However, change will take place gradually over several years, and it is quite normal that there are anomalies such as those mentioned by the Honourable Member.

With regard to the adoption by a Member State of safety rules stricter than the Community rules and the possible resulting distortion of competition, this problem is being discussed in the context of the second railway package [2] presented by the Commission on 23 January 2002 on which the Transport Council reached political agreement on 28 March 2003.

[1] See page 134.
[2] OJ C 126, 28.5.2002.

(2003/C 242 E/156) **WRITTEN QUESTION E-0583/03**

by Erik Meijer (GUE/NGL) to the Commission

(28 February 2003)

Subject: Various characteristics of high-speed lines that prevent their use by high-speed trains of a different type

1. Can the Commission confirm that following the differences in track gauges in the early years of the railways and the wide variations in voltage existing since electrification, there is now a third generation of obstacles to interchangeability and cross-border movement of rolling stock, caused by the fact that high-speed trains of one type seem to have difficulty running on tracks designed for trains of a different type, even when these trains are equipped to use power from overhead cables with different types of voltage?

2. Is the Commission aware that this problem first became apparent on the new high-speed line opened in 2002 in Germany and Belgium, in that no trains except the German ICE-3 can run on the new line between Cologne and Frankfurt Airport, while on the Frankfurt-Brussels line this same ICE-3 cannot at the moment make use of the new line between Liège and Leuven, so that the journey takes 14 minutes longer, although, in addition to seven train pairs, a Thalys train with a maximum speed of 300 km/h and frequent internal Belgian trains with a maximum speed of 200 km/h make use of this line?

3. Is it apparent from this that the technical specifications of the various high-speed trains that have been designed in Europe over the past 25 years are so divergent that there is no possibility at present of fulfilling the EU ambition of interoperability?

4. How does the Commission intend, in respect of intra-European long-distance rail passenger transport, to bridge the period between the present unsatisfactory situation and the time when the current differences, resulting in limited accessibility, are over?

Answer given by Mrs de Palacio on behalf of the Commission

(8 April 2003)

The problem of rail interoperability raised by the Honourable Member is not new. The Maastricht Treaty called on the Community to take the necessary measures to promote the interoperability of the trans-European transport network. This launched a process of formulating Community rules, firstly with Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail

system [1], then with Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system [2]. These Directives introduced a procedure for adopting technical specifications for interoperability (TSIs). The first generation of TSIs for the high-speed system was adopted by the Commission on 30 May 2002 and has applied to all new projects since 1 December 2002.

Given that the railways have, throughout their history, been developed on a purely national basis, harmonisation of the rail system is a major undertaking. That is why the Community has chosen a gradual, step-by-step approach, tackling the top priority issues: loading gauge, track gauge, power supply voltage, line safety, and operating and maintenance rules.

Achieving interoperability involves a complex migration strategy for each of the technical aspects involved. The more rapidly the TSIs are available the shorter the transition period will be, especially if the TSIs are accompanied by appropriate action at Community level.

[1] OJ L 235, 17.9.1996.
[2] OJ L 110, 20.4.2001.

(2003/C 242 E/157) **WRITTEN QUESTION E-0584/03**

by Erik Meijer (GUE/NGL) to the Commission

(28 February 2003)

Subject: Danger to passengers escaping from fires represented by the power supply running alongside underground railway tracks in narrow tunnels without footpaths

1. Is the Commission aware that most metro systems for underground public transport in cities work on an electricity supply carried by a third rail running alongside the rails on which the trains travel, and that some of these raised electricity rails, although partially covered by wood (Hamburg) or synthetic material (most cities), nevertheless represent a contact risk which would be fatal to human beings?

2. Is the Commission also aware that although in the event of fire in metro tunnels caused either by technical faults or deliberate attempts to cause disasters, passengers must be able to escape quickly, inter alia because of the rapid burning up of the already scarce oxygen supply in tunnels, no underground railway tunnels built before 1980 have a special raised footpath for escaping passengers?

3. Does the Commission recognise that passengers who have to make their escape through old, narrow tunnels over rails running alongside the live current rail run an unacceptably high risk because they not only have to escape quickly from the fire, but also have to avoid any contact with the power rail that acts as a low fence?

4. Does the Commission agree with me that this is not a purely local problem, but a Community safety problem of growing importance, which is present in many European cities, and that we cannot wait for local solutions, which are usually only sought after a disaster has occurred in any given city?

5. Is the Commission prepared to ensure that before a date to be decided all underground railway tunnels in the EU must have a safe escape path that is not identical with the railway, and that where tunnels are too narrow or cannot be widened, the power supply may only come via an overhead cable (as in the case of a tram or electric train) or through an overhead power rail (like the one in Madrid)?

Answer given by Mrs de Palacio on behalf of the Commission

(8 April 2003)

The design of subway systems, to which the Honourable Member refers, remains under the direct responsibility of the national and local authorities. Without doubt, the Commission attributes high importance to passenger safety. To this end, increased public concern regarding the risks to which the public is potentially exposed has been addressed by the Commission in the recent 'second railway package'. Within the package, the Commission has presented a draft Directive [1] promoting common safety targets and common safety methods for community railway systems in the Member States, (currently examined by the Council). The proposed Directive clearly provides a certain margin for Member States in the adoption of implementation measures for subways, tramways and other light rail infrastructures. It also leaves the possibility to Member States to extend such safety requirements, to urban rail infrastructures in order to enforce higher levels of protection.

Furthermore, following the recommendations of a recent study commissioned by the Commission on 'Obstacles to the Internal Market on Rail Mass Transit' (RMT) [2], the Commission is evaluating the possibility of launching a consultation with all the concerned parties on the harmonisation of safety requirements for RMT installations. This is to ensure that all views are heard before considering whether to embark on a legislative proposal covering the issue.

[1] OJ C 126 E, 28.5.2002.
[2] http://europa.eu.int/comm/enterprise/rail_guided_transport/rail_mass_transit.pdf.

(2003/C 242 E/158) **WRITTEN QUESTION E-0585/03**

by Erik Meijer (GUE/NGL) to the Commission

(28 February 2003)

Subject: Progress towards standardisation and interchangeability of high-speed trains in Europe

1. How can the Commission be certain that the French LGV-Est, which in 2006 will link Paris to Nancy, Metz and Strasbourg, can, as planned, be used in cross-border services not only with modernised French TGV PDSE, but also with German ICE, equipment?

2. How can the Commission be certain that the cross-border Perpignan-Figueres route via the Pertuis tunnel, which is due to be opened in 2006, can be used both by variants of the French TGV and the Spanish Velaro/AVE S 103 and Talgo 350?

3. How are the technical specifications of body-tilt coaches, axle drives, couplings, platform height and maximum speed of high-speed trains geared to each other in such a way that, provided they are equipped for use with different voltages, they can run on all the high-speed lines in Europe?

4. Are the recently designed Spanish Talgo 350 and French Elisa/Automotrice à Grande Vitesse the first trains to meet the standards of complete interchangeability and the highest safety standards, or is this only true of trains of the next, or a still later, generation?

5. How is it to be achieved that tracks and rolling stock throughout Europe will in the short term meet the highest safety standards and be fully interchangeable and accessible? What is the role in this context of the SNCF, DB and Trenitalia High Speed Europe project, which claims to be working towards one single type of high-speed train? Why are other European countries with high-speed trains (Spain, Sweden) not involved in it?

6. By what date does the Commission expect the results of the project referred to in point 5 to be available as regards existing equipment, and by what date as regards new equipment?

Answer given by Mrs de Palacio on behalf of the Commission

(25 April 2003)

As the Commission indicated in its answers to Written Questions E-0473/03 [1], E-0580/03 [2], E-0583/03 [3] and E-0584/03 [4] by the Honourable Member, the process of formulating Community rules began on the basis of Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system [5] and Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system [6]. These Directives introduced a procedure for adopting technical specifications for interoperability (TSIs). The first generation of TSIs for the high-speed system was adopted by the Commission on 30 May 2002 and has applied to all new infrastructure and rolling stock projects since 1 December 2002. In certain circumstances, these TSIs also apply to upgrading and renewal projects.

Accordingly, the network should not present any technical barriers to the various track and rolling stock the Honourable Member mentions, due to come into service as of 2006.

The aim of the 'High Speed Europe' project would appear to be for the undertakings taking part to come up with a common set of specifications with a view to ordering a new generation of high-speed trains. If this is so, this project would contribute to the objectives of interoperability and a single market set by the EC Treaty. However, the Commission does not yet have the information with which to answer the Honourable Member's questions regarding the project; moreover, that information is of a commercial nature.

[1] See page 134.
[2] See page 149.
[3] See page 150.
[4] See page 151.
[5] OJ L 235, 17.9.1996.
[6] OJ L 110, 20.4.2001.

(2003/C 242 E/159) **WRITTEN QUESTION E-0589/03**

by Miquel Mayol i Raynal (Verts/ALE) to the Commission

(28 February 2003)

Subject: Freedom of association in Romania

Following the reply of 27 June 2002 to my question E-1377/02 [1], in which the Commission states that freedom of association is covered by the Copenhagen criteria, new developments have occurred in Romania. The Bucharest Court of Appeal has just confirmed the decision to refuse registration to Romania's first regional party, the Liga Transilvania-Banat. The Court stated, inter alia, that regionalism and subsidiarity are principles that run counter to the unitary and indivisible character of the Romanian state.

Is the banning of a democratic political party compatible with the spirit of the accession criteria defined in Copenhagen? Does the Commission intend to ask the Romanian authorities for an explanation?

[1] OJ C 28 E, 6.2.2003, p. 100.

Answer given by Mr Verheugen on behalf of the Commission

(3 April 2003)

The Commission's reply to question E-1377/02 noted that the Romanian constitution prohibits giving a legal status to organisations whose goals and activities are against the principles of the Romanian state. These principles include respect for the sovereignty and the territorial integrity of Romania.

The Commission does not have the legal competence to assess whether or not the Romanian constitution, as interpreted by this level of the Romanian court system, places an unjustified prohibition of the freedom

of association. However, Article 6 paragraph 2 of the Treaty on European Union (as amended by the Treaty of Amsterdam) does state that 'The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms …'.

It is the Commission's understanding that the possibility exists to appeal against the ruling of the Bucharest court. Once domestic avenues of appeal have been exhausted, and since Romania is a party to the European Convention of Human Rights, the appropriate body to make such an assessment is the European Court on Human Rights.

The Commission will continue to use the findings of the European Court on Human Rights as one of its main sources when assessing respect of the Copenhagen accession criteria.

(2003/C 242 E/160) **WRITTEN QUESTION E-0591/03**

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

(28 February 2003)

Subject: Structural Funds or Cohesion Fund contribution for road building in Spain

A stretch of motorway is currently being built from Malaga to Cadiz in the Spanish province of Andalusia.

Can the Commission answer the following questions:

1. Is this motorway, which runs parallel to the N-340 coastal road, being co-financed with appropriations from the Structural Funds or the Cohesion Fund?

2. Will tolls also be charged on the co-financed stretches of this motorway?

3. Is it permitted to charge tolls on co-financed stretches of motorway?

Answer given by Mr Barnier on behalf of the Commission

(4 April 2003)

There is currently a national main road, the N-340, linking Málaga and Cadiz. It splits at Fuengirola where the more northerly part becomes the A-7 toll motorway and the more southerly part constitutes the N-340 dual carriageway. They become one again between Marbella and Puerto Banus, where they divide once more: as far as Guadiaro the higher-level section becomes the A-7 toll motorway and the lower level part the N-340 main road. At Guadiaro they again join and retain the designation N-340 as far as San Roque.

Both sections of the A-7 motorway charge tolls. They were not part-financed by Community funds.

The N-340 is toll-free. The section from Guadiaro to San Roque was part-financed by the Cohesion Fund (85 % contribution to a total cost of just under EUR 40 million).

In any case, the Union may part-finance toll motorways. Such investments are regarded as 'infrastructures generating substantial net revenue' and the rate of the Community contribution is capped and modulated in accordance with Article 29(4) of Council Regulation (EC) No 1260/1999 ([1]) in the case of the ERDF and with Article 7(2) of Council Regulation (EC) No 1164/1994 ([2]) (as amended by Regulations (EC) Nos 1264/1999 ([3]) and 1265/1999 ([4])) in the case of the Cohesion Fund.

([1]) Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds — OJ L 161, 26.6.1999.
([2]) Council Regulation (EC) No 1164/1994 of 16 May 1994 establishing a Cohesion Fund — OJ L 130, 25.5.1994.
([3]) Council Regulation (EC) No 1264/1999 of 21 June 1999 amending Regulation (EC) No 1164/1994 of 16 May 1994 establishing a Cohesion Fund — OJ L 161, 26.6.1999.
([4]) Council Regulation (EC) No 1265/1999 of 21 June 1999 amending Annex II to Regulation (EC) No 1164/1994 of 16 May 1994 establishing a Cohesion Fund — OJ L 161, 26.6.1999.

(2003/C 242 E/161) **WRITTEN QUESTION E-0593/03**

by Armando Cossutta (GUE/NGL) to the Commission

(28 February 2003)

Subject: VI Framework Programme

First calls for proposals for indirect RTD actions under the 6th Framework Programme of the European Community for research, technological development and demonstration activities were published on 17 December 2002 [1]. The closure date for the priority thematic area of research 'Sustainable development, global change and ecosystem, (i) sustainable energy system; (ii) research activities having an impact in the medium and longer term' is 18 March 2003. Today, despite more than two years available for preparation, 30 days before the closure date, the final version of the model contract is not yet available.

1. New instruments introduced in the 6th FP as Integrated Projects and Networks of Excellence imply a very large financial commitment from both the Commission and the proposal coordinator and participants; how can they prepare proposals and undertake the required commitment without the final version of the contract?

2. Is the Commission considering the opportunity of postponing the closure date in order to allow the potential participants to prepare proposals based on a clear and firm contractual framework?

3. Has the Commission identified where the responsibility lies for the unacceptable delay in making the contract model available?

[1] OJ C 315, 17.12.2002, p. 1.

Answer given by Mr Busquin on behalf of the Commission

(31 March 2003)

The Commission regrets the delay in making available the model contract to be used for the 6th Framework Programme (6FP). An important amount of work was necessary to ensure that the text completely fulfils the objectives of the European Research Area and the interests of participants, while taking into account the protection of the financial interest of the Community. Nevertheless, numerous documents on the details relating to the nature, type, size, content and impact of the new instruments, in particular, have been available on the web site of the Commission for the 6FP since mid-2002 [1]. These documents describe in detail most of the aspects necessary to prepare a clear, scientifically excellent proposal within the bounds of the legal framework established by the Framework Programme and the Specific Programmes. In addition, the work programmes for the Specific Programmes, which clearly set out the research goals for the particular priorities and the instruments which they will use to implement their priorities, have been available from the time of the publication of the calls for proposals. In addition, the Rules for Participation, which establish the basic principles for the research contracts, were published in the Official Journal on 30 December 2002. In addition, a web site available to the public has been used to update, to the extent possible, the progress made on the development of the model contract [2]. Also, there have been constant communications with the representatives of the Member States and Associated States on the development of the final text of the model contract.

Although some proposers may legitimately feel uncomfortable not knowing all the details of the draft model contract for research and technological development (RTD) projects prior to the submission of their proposal, it is not necessary to have the contract details in order to make an estimate of the expected costs of the proposal to be submitted. The aspects relating to cost reimbursement are primarily addressed after the positive evaluation of the proposal and are discussed in detail during the negotiation phase. There is therefore no intention to postpone the closing date for the submission of proposals because of this.

[1] http://europa.eu.int/comm/research/fp6.
[2] http://europa.eu.int/comm/research/fp6/working-groups/model-contract/index_en.html.

(2003/C 242 E/162) **WRITTEN QUESTION E-0595/03**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 February 2003)

Subject: Conditions of government aid to Swedish State Railways (SJ)

In Sweden, the crisis-hit railways need almost SEK 1 billion in government aid to put their finances in order, otherwise they may be threatened with closure.

However, a Swedish government rescue operation may be stopped by the Commission, depending on what form the aid takes. According to newspaper reports, the Commission can envisage a Swedish government loan to SJ but on market terms and for a limited period.

Can the Commission propose ways in which the Swedish government could somehow offer SJ a chance to survive?

Answer given by Mrs de Palacio on behalf of the Commission

(8 April 2003)

At the outset it should be recalled that it is the competence of the Member State to inform the Commission of any plans to grant State aid before it is put into effect (notification). Indeed, if a Member State puts into effect a State aid measure prior to an authorisation by the Commission, such aid is deemed unlawful and the Member State may be asked to recover the aid from the beneficiary. In this respect it must, however, be kept in mind that only State aid within the meaning of Article 87(1) of the EC-Treaty is subject to the notification procedure. Having said this, it should be noted that Sweden has so far not notified the Commission of any plans to make any financial intervention in favour of the Swedish Railways.

Furthermore, it is up to the Member State to decide the means and/or form of any possible public intervention, whereas the role of the Commission is to examine and assess this intervention's compatibility with the common market in light of the applicable legal framework. It follows, therefore, that although the Commission is ready to discuss different possible measures with a Member State and to give guidance, its role is not to suggest such measures, which remains the competence of the Member State.

(2003/C 242 E/163) **WRITTEN QUESTION P-0600/03**

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

(25 February 2003)

Subject: Electricity connections between the Iberian peninsula and the Balearics

One of the priority projects listed in the Council common position of 6 February 2003 on guidelines for trans-European energy networks is a project to increase electricity interconnection capacities between France, Spain and Portugal and for the Iberian peninsula and grid development in island regions.

Can the Commission confirm that electricity connections between the peninsula and the Balearic Islands are considered a priority project within the framework of the trans-European energy networks?

Answer given by Ms de Palacio on behalf of the Commission

(24 March 2003)

Within the framework of the codecision procedure currently under way, and on the basis of the Council's common position of 6 February 2003 on a series of revised guidelines on trans-European energy networks [1], endorsed by the Commission [2], electricity connections between the Balearic islands and the mainland are considered a priority project.

[1] COM(2001) 775-2 final.
[2] Communication from the Commission to Parliament on the common position adopted by the Council with a view to the adoption of a Decision of Parliament and of the Council laying down a series of guidelines on trans-European networks in the energy sector — SEC(2003) 164 final.

(2003/C 242 E/164) **WRITTEN QUESTION P-0624/03**

by Robert Evans (PSE) to the Commission

(25 February 2003)

Subject: Aggregation of insurance and Regulation (EEC) 1408/71

Is the Commission aware of the adverse effects many EU citizens are suffering resulting from the German voluntary payment scheme of the 1990s which credited insurance for a period (1939 onwards) often covered by insurance in other countries?

One of my constituents came to the UK in the 1940s and has remained during the last sixty years. He was initially not entitled to a German pension despite insurance payments made during his three-year apprenticeship (1936-1939). When the law was changed in Germany in the 1990s he made his voluntary payment to the German authorities in 1996 and became entitled to a pension payment.

However, the duplication in credits, with the UK insurance taking precedence, has led to payment from the German state which is less than he could have expected otherwise.

It appears that both countries are currently respecting the EU regulations as they stand (Regulation (EEC) 1408/71 [1], Implementing Regulation (EEC) 574/72 [2] — Article 15), and citizens including my constituent are losing out.

Is the Commission aware of this unfortunate situation and are there any plans to provide a resolution?

[1] OJ L 149, 5.7.1971, p. 2.
[2] OJ L 74, 27.3.1972, p. 1.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(24 April 2003)

Regulations (EEC) No 1408/71 [1] and (EEC) No 574/72 [2] coordinate but do not harmonise Member States' social security schemes so that Member States remain competent to determine the details of their schemes. Although Regulation (EEC) No 1408/71 provides that a person does not have to pay double social security contributions in two different Member States at a time, it also provides that a person may join a voluntary pension insurance in one Member State even if he already has an obligatory pension insurance in another Member State, provided that the legislation of the first Member State allows for such overlapping. Under German legislation a person can make such voluntary contributions if he has already at some point previously contributed — compulsorily or voluntarily — to this scheme. The Commission is not aware of any changes made in German legislation in this regard in the 1990s.

If voluntary pension contributions overlap with obligatory pension contributions in another Member State, the voluntary contributions are not lost. As a matter of fact, the social security institutions of each country where a worker has been insured are obliged to calculate a national pension and a pro rata pension, to compare the two figures and to grant the migrant worker the amount most favourable to him.

The national pension is the pension calculated in accordance with the national rules only, taking into account solely the periods completed in this country. Therefore periods of voluntary pension contributions are included in this calculation and should in principle increase the amount of the national pension.

In order to determine the proportional or pro rata pension, it is first necessary to calculate the theoretical amount, which takes the whole of a person's working life into account as if the periods spent abroad had been completed in the country in question. Overlapping periods are counted only once, and it is in this context that Article 15 of Regulation (EEC) No 574/72 stipulates that periods of compulsory insurance in one Member State take precedence over periods of voluntary insurance in another Member State. The pro rata pension is then obtained by multiplying this theoretical amount by a fraction whose numerator represents the duration of the periods of work in the country and denominator all the periods taken into account in determining the theoretical amount.

As these provisions therefore ensure that voluntary pension contributions are not lost, the Commission wonder why the constituent to whose case the Honourable Member was referring would actually even receive a lower German pension because of the voluntary contributions. If the Honourable Member has more detailed information on the specific case, he is invited to send them to the Commission to be examined by its services.

(1) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community.
(2) 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.

(2003/C 242 E/165) **WRITTEN QUESTION E-0635/03**

by Kathleen Van Brempt (PSE) to the Commission

(4 March 2003)

Subject: Intelligent headlights

The car industry would like to introduce intelligent headlights for vehicles. These swivelling 'car eyes', as they are termed, increase the field of vision and are considered by the industry to be a road safety enhancement. All that the car industry is waiting for is for European legislation to be adapted.

Is the Commission planning to adapt the ECE Directive and make the use of intelligent headlights possible?

If so, can it say what its plans and objectives are?

If not, what are the Commission's objections to intelligent headlights?

Answer given by Mr Liikanen on behalf of the Commission

(3 April 2003)

The United Nations Economic Commission for Europe (UN/ECE) Regulation 48 concerning the installation of lighting and light-signalling devices has already been adapted to permit the use of headlamps whose beam pattern can be modified to provide additional light in the direction that the vehicle is turning, known as 'bend lighting'. In addition, two other Regulations dealing with headlamps as components have also been adapted to include provisions for bend lighting.

As the Community is a signatory to the UN/ECE Agreement under which these Regulations were made, and having acceded to these particular Regulations, the Member States are obliged to permit the placing on the market of vehicles and components that comply with these provisions. Indeed, a number of vehicles have already obtained Community whole vehicle type approval with bend lighting installed, and the Commission is not aware of any problems being experienced by any manufacturer in getting such approvals.

(2003/C 242 E/166) **WRITTEN QUESTION P-0638/03**

by José Mendiluce Pereiro (PSE) to the Commission

(26 February 2003)

Subject: Report on the Spanish National Hydrological Plan

The Commission is in the process of examining the Spanish National Hydrological Plan, and in particular the large-scale plan to divert 1 050 hm^3 of water from the River Ebro to other water catchment areas. The main recipient of the water diverted under the project will be the catchment areas in the Autonomous Community of Murcia. The regional government of Murcia is devoting significant time and resources, in conjunction with the Spanish central government, to persuading the Commission to approve these diversions and cofinance their implementation. It has to this end appointed Mr Amalio Garrido, its commissioner for sustainable development, as its representative in Brussels.

The Polytechnic University of Cartagena (Murcia) recently published a report dated 7 January 2003 and entitled 'A Technical Review of the Spanish National Hydrological Plan (Ebro River Out-of-basin Diversion)', which the Commission is currently examining.

The authors of this report state that the European Union asked Alexander J. Horne and John Dracup to form a team of six experts with a view to drawing up the report, with their client and contact person being Amalio Garrido.

This begs the following questions:

1. Did the Commission or members of its staff play a part in the decision to prepare this report, in the choice of its authors, in its drafting or in anything relating to it?

2. If so, what part did the Commission or members of its staff play, and what was the aim of this involvement?

3. What relationship developed between the European Commission or members of its staff, the Regional Government of Murcia's commissioner for sustainable development and the University of Cartagena with regard to the preparation of this report?

(2003/C 242 E/167) **WRITTEN QUESTION P-0653/03**

by Miquel Mayol i Raynal (Verts/ALE) to the Commission

(27 February 2003)

Subject: Report on the Spanish National Hydrological Plan

The Commission is in the process of examining the Spanish National Hydrological Plan, and in particular the large-scale plan to divert 1 050 hm^3 of water from the River Ebro to other water catchment areas. The main recipient of the water diverted under the project will be the catchment areas in the Autonomous Community of Murcia. The regional government of Murcia is devoting significant time and resources, in conjunction with the Spanish central government, to persuading the Commission to approve these diversions and cofinance their implementation. It has to this end appointed Mr Amalio Garrido, its commissioner for sustainable development, as its representative in Brussels.

The Polytechnic University of Cartagena (Murcia) recently published a report dated 7 January 2003 and entitled 'A Technical Review of the Spanish National Hydrological Plan (Ebro River Out-of-basin Diversion)', which the Commission is currently examining.

The authors of this report state that the European Union asked Alexander J. Horne and John Dracup to form a team of six experts with a view to drawing up the report, with their client and contact person being Amalio Garrido.

This begs the following questions:

1. Did the Commission or members of its staff play a part in the decision to prepare this report, in the choice of its authors, in its drafting or in anything relating to it?

2. If so, what part did the Commission or members of its staff play, and what was the aim of this involvement?

3. What relationship developed between the European Commission or members of its staff, the Regional Government of Murcia's commissioner for sustainable development and the University of Cartagena with regard to the preparation of this report?

(2003/C 242 E/168) **WRITTEN QUESTION P-0689/03**

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

(3 March 2003)

Subject: Report on the National Hydrological Plan (Spain)

During the latest debate on the NHP held in the EP's Committee on Petitions, the Commission's representative informed us about two important issues — the forthcoming meeting to be held by the Commission with Spanish government officials to discuss possible 'inconsistencies' in the NHP as regards Community law, and the detailed study they were carrying out on the report commissioned from a group of scientists at the University of Berkeley (California).

Can the Commission say whether it was involved in the decision to request this report and in choosing the American experts who drew it up? Does it know that a client and contact of the experts is Amalio Garrido, representing the local government of Murcia in Brussels?

If so, does it know whether, during their trip to Spain (last June) designed to find out people's views on the spot, the experts had contacts with any Spanish scientists who oppose the NHP? Did the experts have any contact with the representatives of the 'Fundación Nueva Cultura del Agua', a platform for the defence of the river Ebro, or with any other representative of the communities affected who attended the meeting which the delegation from Parliament's Committee on the Environment held recently in Deltebre?

Joint answer
to Written Questions P-638/03, P-0653/03 and P-0689/03
given by Mrs Wallström on behalf of the Commission

(24 March 2003)

Contrary to what might be said in the report, the Commission did not request the formation of a team or the production of a report.

There are many divergent statements, opinions, claims and counter claims concerning the Spanish hydrological plan in general and the proposed Ebro transfer in particular. The volume of material, which exists on this subject, is immense. In contacts with the Spanish officials and others, the Commission raised the possibility of an independent assessment being carried out in order to try and reconcile some of the divergent positions. Given the experience with inter-basin transfers in the United States and the similarities

which exist between the parts of South-East Spain and the Western United States, it was thought that American experts might be able to provide a valuable insight into some of the key issues associated with the proposed Ebro transfer.

The Commission provided the names of prominent American experts but was not involved in the decision to establish a team of experts nor in the choice of the experts. The Commission did not have any direct contact with the experts and was not involved in their investigation although it was informed of its status on a regular basis. The Commission advised that the experts be given access to a wide selection of material concerning the proposed Ebro transfer, including not only official documents but also reports from non-governmental organisations, academics and others that had raised concerns in relation to the proposed transfer. The Commission also advised that the report be made public and widely accessible.

The idea of an independent investigation was very strongly supported by Mr Amalio Garrido from the region of Murcia. It is understood that Mr Garrido has an unpaid position as a Commissioner for sustainable development with the regional government in Murcia. He also represents a municipal drinking water supply company in the Murcia region. The information and advice referred to above was provided to Mr Garrido. The host organisation for the commissioning and execution of the study was the University of Cartagena in Murcia.

(2003/C 242 E/169) **WRITTEN QUESTION E-0667/03**

by Chris Davies (ELDR) to the Commission

(6 March 2003)

Subject: Transposition dates for DG Environment directives

Can the Commission state the transposition dates for all DG Environment directives since September 1999 and the dates (if any) on which the UK Government confirmed to the Commission that they had been transposed into UK law and in which cases the Commission has commenced proceedings in order to secure compliance?

Answer given by Mrs Wallström on behalf of the Commission

(2 April 2003)

There are twenty-six directives for which Directorate General Environment is responsible, which are relevant for transposition by the United Kingdom and for which transposition was due after September 1999. These are listed in the table which is sent direct to the Honourable Member and to Parliament's Secretariat. As can be seen from the table, six of the Directives listed have been transposed. For the rest, infringement proceedings are on-going. Eleven of the cases listed relate only to the failure to transpose in Gibraltar.

(2003/C 242 E/170) **WRITTEN QUESTION E-0681/03**

by María Sornosa Martínez (PSE) to the Commission

(7 March 2003)

Subject: Incorrect transposition of the Birds Directive into Spanish law

The European Commission brought infringements proceedings against the Kingdom of Spain for failing to correctly transpose and implement Directive 79/409/EEC [1] on the conservation of wild birds. The irregularities detected by the Commission at the initial stage related to the seventh additional provision of Law No 4/1989 on conservation of the countryside and wild fauna and flora, which provided that authorisation for the hunting of partridge using decoys could be granted by the relevant autonomous administration, with the limitations required to ensure conservation of that species, in places where this

was a traditional activity. The Kingdom of Spain responded to the Commission's notification of this irregularity by amending the original law by way of Law 53/2002, claiming that this brought it into line with the Community legislation on birds.

However, while the new law prohibits hunting in the pre-mating and mating seasons and in migratory periods (Articles 34 and 38), the national legislature has in no way altered the seventh additional provision of Law No 4/1989, thereby entitling the competent administration (autonomous community) to maintain the derogation for the hunting of partridge using male decoys in places where this is a traditional activity. This means that the legislation on wild birds has still not been transposed correctly and in full.

Does the Commission feel that the new Law 53/2002, in continuing to leave the above-mentioned derogations to the discretion of the autonomous communities, correctly transposes the Directive on the conservation of wild birds?

Does it believe that the central government's delegation to the autonomous communities of powers to grant derogations provides an adequate guarantee of compliance with Community legislation in this field?

Has the Commission given any follow-up to letter of formal notice No 4720 it sent to Spain in 1999?

What measures will the Commission take to ensure the correct transposition of Directive 79/409/EEC, which does not provide for derogations such the one permitted by the Kingdom of Spain?

(1) OJ L 103, 25.4.1979, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(8 April 2003)

In the course of the infringement proceedings referred to by the Honourable Member, the Commission sent Spain a reasoned opinion regarding the improper transposition and application of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds. In the said reasoned opinion it asked Spain to take the necessary steps to comply with the provisions of the Directive.

The Commission has yet to receive the Spanish authorities' reply to the reasoned opinion. Nonetheless, it is currently examining the conformity of Spanish Law No 53/2002 with the provisions of Directive 79/409/EEC.

In any event, the Commission will take every measure provided for in the Treaties to ensure that the Spanish authorities transpose and enforce Directive 79/409/EEC properly.

(2003/C 242 E/171) **WRITTEN QUESTION E-0685/03**

by Marie Isler Béguin (Verts/ALE), José Mendiluce Pereiro (PSE) and Alexander de Roo (Verts/ALE) to the Commission

(7 March 2003)

Subject: Spanish National Hydrological Plan, Structural Funds and cost benefit balance

The Commission is considering the Spanish Government's request for EU co-funding for the planned construction work on the National Hydrological Plan (NHP) and, in particular, the schemes for transfering water from the Ebro to the Barcelona metropolitan area and the Spanish south-east coast.

A group of scientists [1] claims that the economic cost-benefit outcome of these transfers would be negative in both cases, namely EUR − 2 204,02 million, if the cost of improving the transferred water for urban use or the costs of climate change are not taken into account. If these latter costs are included, the figure rises to EUR − 3 556,34 million. In view of this, the scientists suggest alternative formulas for water exploitation and management [2], based on managing demand rather than increasing supply, and reflecting a sustainable development policy taking account of the coast's load capacity and the need for Integrated Coastal Zone Management, as recommended by the Commission itself.

A recent Berkeley University study also confirms doubts as to the socio-economic viability of these water transfers, endorsing the criticisms of the Spanish university scientists referred to above, and criticising the lack of a financial study which would provide a firm answer to the question of who would pay and how payment for these transfers is to be guaranteed. The same study cites similar projects in the USA which were major financial disasters [3].

According to Regulation (EC) No 1260/1999 [4], structural intervention in major projects such as the Ebro water transfer infrastructures need to be based on analysis of the costs and the socio-economic utility of such projects, stating the forecast amount of use and the foreseeable effect on the development of restructuring of the region concerned.

1. Does the Commission not believe that the NHP water transfer policy has no solid base as far as cost-benefit analysis is concerned, and that alternative proposals should therefore be taken into account, before authorising co-funding from the Structural Funds and the ERDF in particular?

2. Would the Commission be prepared to use the monies requested by the Spanish authorities for the Ebro transfers to alternative measures such as those cited in this written question?

(1) Arrojo Agudo P. and others, Análisis y valoración socioeconómica de los trasvases del Ebro, WWF European Office, September 2002.

(2) For the Barcelona metropolitan area: increase the efficiency of urban networks, reduce demand by means of domestic and industrial good practice programmes and, as a last option, desalinate sea water. For the Spanish south east: control illegal irrigation operations, put in hand a socio-environmental programme for converting irrigated land, develop a water bank which would allow the transfer, on a market basis under government supervision, of concession or property rights between private individuals, increase the efficiency of urban networks and, also as a last resort, desalinate sea water.

(3) A. Horne & others, A technical review of the Spanish National Hydrological Plan (Ebro river out-of-basin diversion), Fundación Universidad Politécnica de Cartagena, 7 January 2003.

(4) OJ L 161, 26.6.1999, p. 1.

Answer given by Mr Barnier on behalf of the Commission

(30 April 2003)

In accordance with the subsidiarity principle, it is the competence of the Member States to select the projects to be co-financed by the Structural Funds programmes.

Nevertheless, Member States are obliged to notify those projects requesting community co-financing, and whose cost exceeds the EUR 50 million threshold laid down in Article 25 of Council Regulation (EC) No 1260/1999 [1]. These projects will have to comply with all the requirements requested for major projects and in particular, Article 26 of Council Regulation (EC) No 1260/1999, as well as with any other relevant applicable Community legislation.

(1) Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds — OJ L 161, 26.6.1999.

(2003/C 242 E/172) **WRITTEN QUESTION E-0692/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(7 March 2003)

Subject: Landfill sites for the hygienic disposal of waste in Greece

Will the Commission say what are its views on the creation of landfill sites for the hygienic disposal of waste in Greece?

How many waste tips do not meet Community specifications?

What actions has it taken to prevail upon Greece to comply with Community legislation?

Answer given by Mrs Wallström on behalf of the Commission

(3 April 2003)

The landfilling of waste must be done in accordance with Council Directive 75/442/EEC of 15 July 1975 on waste [1] as amended by Council Directive 91/156/EEC of 18 March 1991 [2] and with Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [3].

According to the information transmitted by the Greek authorities there are at present 33 sanitary landfill sites, which accept around 33 % of municipal waste in Greece. Another 60 % of municipal waste is disposed of in tips, that do not satisfy the requirements set by Community legislation. The national waste management plan adopted in 2000 sets out the objective to adapt sanitary landfills to the environmental specifications and to rehabilitate the uncontrolled or illegal landfills.

On the basis of this information and following a large number of complaints about uncontrolled or illegal waste disposal sites that do not comply with Community legislation, the Commission initiated an infringement procedure under Article 226 of the Treaty establishing the Community in July 2002. The Greek authorities recognised that 1 458 illegal or uncontrolled landfills were still in operation and declared that a new waste management plan was under adoption. According to their timetable all illegal landfills would be closed by the end of 2007 and be replaced by permanent installations. In this framework, the Greek authorities have solicited the aid of the European Structural Funds and the Cohesion Fund. A number of landfills are actually under authorisation or under construction in various regions of Greece.

The Commission delivered a reasoned opinion under Article 226 of the EC Treaty in December 2002 inviting Greece to take the necessary measures to comply with the requirements of the provisions of Directive 75/442/EEC as amended. If Greece does not comply with its obligations under the Community legislation, the Commission will not hesitate to bring the matter before the Court of Justice.

[1] OJ L 194, 25.7.1975.
[2] OJ L 78, 26.3.1991.
[3] OJ L 182, 16.7.1999.

(2003/C 242 E/173) **WRITTEN QUESTION E-0700/03**

by Bart Staes (Verts/ALE) to the Commission

(10 March 2003)

Subject: Doping in amateur sport

On 15 May of last year Commissioner Reding presented a study on the use of drugs by amateur sportsmen and -women attending the ca 23 000 fitness centres in the European Union. One of the recommendations made by the authors of the study was the introduction of quality labels for such products and systematic checks on their composition. This was motivated above all by the fact that (harmful) products of this kind can be ordered via the Internet.

Has the Commission since taken protective measures specifically relating to such products with a view to protecting European consumers?

What steps has the Commission since taken in order, if not to completely stop illegal trade via the Internet, at least to make it extremely difficult?

Does the Commission intend to stop harmful products of this kind at the EU's external borders and, where necessary, what steps does it intend to take to that end?

Answer given by Ms Reding on behalf of the Commission

(14 April 2003)

The Commission was interested to read the conclusions of the study mentioned by the Honourable Member. This study was carried out under the pilot measures financed by the Commission in 2000 and 2001 concerning the combating of doping in sport.

The conclusions of the study informed the Commission's thoughts on the combating of doping. They were used, among other things, to begin work on drawing up a Commission proposal for a Community anti-doping programme focusing on information, education and prevention. In the end, this initiative had to be suspended for budgetary reasons.

Since the publication of this study, there has been an important development, namely the adoption in 2002 of Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements [1].

The Commission raised the issue of special labelling for doping products at the 53rd meeting of the Community's Pharmaceutical Committee on 14 May 2002. This meeting examined the experience of the Member States in this area and the feasibility of an early warning system at European level. However, the discussions in the Pharmaceutical Committee revealed the difficulties of implementing a system of this kind, and the Commission currently has no plans to follow up this idea.

Finally, the Commission would point out to the Honourable Member that it has an obligation to act strictly within the limits of its powers and that, in the combating of doping, a number of measures can only be considered at national level.

[1] OJ L 183, 12.7.2002.

(2003/C 242 E/174) **WRITTEN QUESTION E-0728/03**

by Rosa Miguélez Ramos (PSE) to the Commission

(11 March 2003)

Subject: Prestige: Community financial aid

On 19 December 2002 the European Parliament adopted a resolution on safety at sea and measures to alleviate the effects of the Prestige disaster. Paragraph 11 reads:

> Calls on the Commission, as a matter of urgency, to consider using all the necessary financial instruments to tackle the economic, social and environmental consequences of the wreck of the 'Prestige' and assist the economic sectors affected.

What measures has the Commission taken or does it intend to take?

What percentage does the total Community aid granted represent of the total estimated amount of damage and prejudice caused by the Prestige?

Answer given by Mr Barnier on behalf of the Commission

(14 April 2003)

From the outset of the break up of the tanker Prestige on 19 November 2002, the Commission has been actively engaged in the provision of assistance and in the adoption of measures to alleviate the damage caused by its sinking.

The Honourable Member is referred to the Commission Communication 'Report to the European Council on action to deal with the effects of the Prestige disaster' [1] adopted on 5 March 2003. This report gives a comprehensive account of the Commission's co-ordinated response to the Prestige accident.

[1] COM(2003) 105 final.

(2003/C 242 E/175) **WRITTEN QUESTION E-0729/03**

by Rosa Miguélez Ramos (PSE) to the Commission

(11 March 2003)

Subject: Prestige: Solidarity Fund review

A Spanish newspaper (La Voz de Galicia' of 19 January 2003, p. 7) has claimed that 'in response to requests from the Spanish Government, Prodi undertook to consider reviewing the use of the Solidarity Fund in the case of the Prestige disaster, due to the problems detected in applying it efficiently on a scale commensurate with that of the disaster'.

Can the Commission President confirm that the review of the Fund is being considered as a result of problems detected in applying it to the oil spill from the Prestige?

If so, what does this 'review' of the use of the 'Solidarity Fund' consist of? What might the problems detected be? Is the Commission going to submit a proposal amending the relevant Regulation?

Answer given by Mr Barnier on behalf of the Commission

(14 April 2003)

In its Communication 'Report to the European Council on action to deal with the effects of the Prestige disaster' [1], the Commission states that it remains to be ascertained whether the Prestige disaster is eligible for aid under the European Union Solidarity Fund (EUSF) [2].

The Communication to the European Council concludes that aid of the volume required for the Prestige would necessitate an amendment to the legal basis of the fund, which the Commission is willing to propose to the Council. The amendment would adjust the mechanism in line with the Commission's initial proposal submitted in September 2002. It might include adjusting the Solidarity Fund to cover disasters of a technological or environmental nature, lowering the threshold for action (currently EUR 3 billion or 0,6 % of the gross national product (GNP) of the Member State concerned) and extending the eligible actions defined in Article 3 of the Regulation to include preventative action intended to minimise the damaging effects of an ongoing or imminent disaster.

[1] COM(2003) 105 final.
[2] Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European UnionSolidarity Fund — OJ L 311, 14.11.2002.

(2003/C 242 E/176)

WRITTEN QUESTION E-0737/03

by Erik Meijer (GUE/NGL) to the Commission

(11 March 2003)

Subject: Serious delay in the building of new railway infrastructure for cross-border high-speed services

1. Can the Commission confirm that the Spanish high-speed railway line between Madrid and Barcelona, which is due to be completed in 2004, is being extended with a view to opening a new cross-border rail link in 2006 through the Pertuis tunnel between Figueras in Spain and Perpignan in France but that there is still no work is being done on the missing link between Perpignan and Rédessan to the south-east of Nîmes, the Western terminus of the French LGV LN5 Mediterranean high-speed train since 2001, while a small extension of the LGV LN5 via a southern loop around Nîmes to Montpellier is being built to relieve the congested coastal line, but will probably not come into operation before 2008?

2. Is there a risk that we may see a long-term situation in Spain comparable to the missing connection in the United Kingdom between the Channel Tunnel and London since 1995, as a result of which Spain cannot be linked to a European network for the time being? Do the reasons lie in an internal dispute in France between financial priorities for the extensions to Bordeaux or Perpignan? To what extent is public interest a factor after the storms in France in spring 2002, given the criticisms of the construction of new railway embankments and structures preventing the flow of excess water to the sea?

3. To what extent is it because the construction of new long-distance lines benefits users other than passengers on the finely-meshed regional rail networks where cuts are being made? Does the Commission try to make a distinction between the costs of high-speed railway lines and conventional lines so that there is no reason to fear that high-speed network will be at the expense of facilities for the vast majority of train passengers?

4. How is the Commission trying to ensure that the construction of new high-speed railway lines does not give rise to problems similar to those that occurred when the first railways were built in the 19th century when domestic interests and disputes prevented the construction of integrated cross-border networks?

Answer given by Mrs de Palacio on behalf of the Commission

(23 April 2003)

The Commission can confirm that it is aware of the expected delays in putting the Montpellier-Spanish border section of the TGV-South high-speed railway line into service. Nevertheless, the timetable is not incompatible with trans-European transport network programming, which stipulates that the projects of common interest must be completed by 2010. The recent audit of major transport infrastructure carried out at the behest of the French Transport Minister did however stress the urgent need to complete the entire line within a reasonable time period.

The audit also confirmed the priority given to the construction of the Mediterranean branch of the TGV-South line, which receives considerable financial support from the European Community as a result, particularly in respect of the international section. As for the technical details given by the Honourable Member, the Commission is not aware of any criticism of the construction decisions for works on this line.

The Commission takes a great interest in every aspect of the development of the rail network. Accordingly, a significant amount of Community funding is contributed from the various financial instruments available (ERDF, Cohesion Fund) and the TEN budget towards not only constructing new lines but also improving the conventional network and overcoming bottlenecks at the network's main rail nodes. The Community initiative Interreg IIIB (particularly its South West Europe and Western Mediterranean programmes) may also be used to cofinance cross-border cooperation to assist regional planning, including in the rail transport sector. Such cofinancing helps to improve the operation of the network as a whole, benefiting all passenger and freight transport.

Title XV of the EC Treaty, particularly Articles 154 and 155, defines the Community's sphere of jurisdiction in terms of setting up and developing the trans-European transport infrastructure network, as implemented through Decision No 1692/96/EC [1], which lays down Community guidelines for the development of the trans-European transport network, its characteristics and scope as well as broad guidelines. In order to promote the deployment of these networks, the Commission has also proposed increasing the maximum level of Community cofinancing for construction works to 20 % of the total investment cost (instead of the 10 % set by the current Financial Regulation) for cross-border railway projects crossing natural barriers [2].

[1] Decision No 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community guidelines for the development of the trans-European transport network — OJ L 228, 9.9.1996.
[2] COM(2003) 38 final.

(2003/C 242 E/177) **WRITTEN QUESTION E-0741/03**

by Roberta Angelilli (UEN) to the Commission

(11 March 2003)

Subject: Counterfeiting of Italian tinned tomatoes

In February 2003, following an investigation carried out by Coldiretti (Europe's largest farmers' organisation), it was revealed that 82 000 out of the 396 000 tonnes of tinned tomatoes produced in Italy in 2002 were imported from China. If this is true it would mean that some Italian tinned products contain tomato concentrate from China. It is obvious, therefore, that some processing companies place on the Italian market tinned goods which contain a mixture of Italian and Chinese produce — although this is not clearly specified on the label. This constitutes food counterfeiting, since labels carry no indication whatsoever concerning the origin of the raw materials; they merely state the place in which the raw materials were processed and the product itself was manufactured — and opportunistically bear an image of a traditional Italian tomato-growing area. All of this creates enormous confusion amongst Italian purchasers/consumers, who enjoy no protection whatsoever at the time of purchase and are not properly informed regarding product origin.

The consequence of this for the Italian processing industry, which uses only products of Italian origin and which is subject to customs duties, is a huge loss of profit (Italy being the world's second largest tomato producer after the USA) and distorted competition.

Will the Commission say:

1. whether or not this state of affairs infringes Articles 30 and 135 of the EC Treaty on consumer protection and Articles 85 and 86 of the EC Treaty on competition;

2. whether or not this state of affairs contravenes Directive 2000/13/EC [1] (in particular recitals 6 and 8 and Articles 2, 3, 5 and 7) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs;

3. whether or not this state of affairs contravenes Regulation (EC) No 178/2002 [2] (in particular recitals 1, 2, 8, 10 and 22 and Articles 1(1), 5(1), 7(1), 8, 11, 16, 17 and 18 on the general principles and requirements of food legislation;

4. what action it intends to take in order to put a stop to the repeated infringements of EU law?

[1] OJ L 109, 6.5.2000, p. 29.
[2] OJ L 31, 1.2.2002, p. 1.

Answer given by Mr Byrne on behalf of the Commission

(30 April 2003)

In 2002 the Community as a whole imported approximately 155 000 tonnes of tomato preparations (concentrates, purees, crushed peeled tomatoes, etc), of which 125 000 tonnes came from China and approximately 125 000 tonnes were for inward processing. Italy is the chief importer of these products: 126 000 tonnes imported, including 110 000 tonnes from China and 120 000 tonnes for inward processing. Concentrates of Chinese origin imported into Italy for use in products intended for the domestic market amounted to only 3 400 tonnes. These figures indicate that the bulk of the importations of tomato preparations into Italy from China is destined for re-exportation to third countries, principally in Africa.

As regards Article 30 of the EC Treaty, the Commission would emphasise that this Article relates to the free movement of goods between Member States. Article 153 lays down the principles and types of measures to be adopted by the Community to ensure consumer protection.

These Articles do not therefore provide a directly applicable legal basis for assessing whether the information provided to consumers through the labels on tins of Italian tomatoes is inadequate or incomplete.

The provisions actually applicable in this instance, as the Honourable Member mentions, are those of Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs.

As regards giving the particulars of the place of origin or provenance of foodstuffs, Article 3 of the Directive provides that this is compulsory only where failure to do so might mislead the consumer to a material degree as to the true origin or provenance of the foodstuff.

Consequently, if there is any element that could mislead the consumer as to the precise origin or provenance of a foodstuff, the true origin or provenance of the foodstuff in question must be indicated so that, in accordance with the principle laid down in Article 2, the consumer cannot be misled by the labelling or the method of presentation.

The Commission has not so far received any information to indicate that such a situation exists with regard to tinned tomatoes from Italy.

As regards Articles 5 and 7 of the aforementioned Directive, which relate respectively to the names under which products are sold and the statement of quantity of the ingredients, the Commission does not believe that they are effective in the case in question.

As regards the applicability of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, it is important to point out that this Regulation lays down general objectives, general definitions and general principles relating to food legislation.

The principles laid down in Article 8 of this Regulation are admittedly relevant as regards deceptive practices, since this Article provides that food legislation shall aim to protect consumers' interests and, in particular, prevent fraudulent or deceptive practices. However, this Article imposes an obligation on the lawmakers, not the operators. Also, as already mentioned, the legislation applicable to the case in question is Directive 2000/13/EC, and this Directive already meets the objectives laid down in Article 8.

Of the other Articles of Regulation (EC) No 178/2002 cited by the Honourable Member, it should first of all be noted that Articles 11, 16, 17 and 18 are not due to become applicable until 1 January 2005. These Articles lay down general principles concerning the importation, presentation, control and traceability of foodstuffs, and are therefore not directly applicable to the case in question. As to the other Articles cited, they have no effect. Article 1, for example, simply states that the Regulation provides the basis for the

assurance of a high level of consumer protection, and is therefore not directly applicable. Similarly, Article 5(1) sets out a framework for lawmakers, stipulating that food law shall pursue one or more general objectives, including the protection of consumers' interests. Article 7(1), concerning the precautionary principle, relates to circumstances where, following an assessment of available information, the possibility of harmful effects on health is identified but scientific uncertainty persists. The problem raised by the Honourable Member does not reflect this type of situation.

As regards the labelling rules applicable in general to all foodstuffs, the Commission has just launched an evaluation of the legislation currently in force, in particular Directive 2000/13/EC, with a view subsequently to proposing relevant adaptations aimed at ensuring that consumers are given the best possible information.

(2003/C 242 E/178) **WRITTEN QUESTION P-0742/03**

by Inger Schörling (Verts/ALE) to the Commission

(4 March 2003)

Subject: Compensation to EU fishermen and shipowners for temporary cessation of activity

Article 16 of the current FIFG regulation (2792/1999 [1]) describes a number of conditions under which Member States are allowed to compensate fishermen and shipowners for the temporary cessation of activities.

How often has this measure been used by the Member States?

For each time that compensation has been awarded, can the Commission indicate:

- which of the circumstances listed in Article 16 was invoked;
- which Member State was involved, for which fishery and for what period of time;
- how many fishermen and/or ship-owners were involved;
- how much money was awarded, broken down by Community participation and State participation?

Is the Commission aware of any similar compensation paid by the Member State(s) without the use of Community funds? If so, could similar information be provided?

Under the previous FIFG regulation (3699/1993 [2]), compensation was possible for temporary cessation of activities under Article 14. Could the Commission provide similar information for any such use of funds under that regulation?

[1] OJ L 337, 30.12.1999, p. 10.
[2] OJ L 346, 31.12.1993, p. 1.

Answer given by Mr Fischler on behalf of the Commission

(25 March 2003)

In the present programming period 2000-2006, the Financial instrument for fisheries guidance (FIFG) aid foreseen for temporary cessation, compared to the total aid, is rather limited, about 3,9 %. Spain alone represents more than 80 % of the total amount programmed for this measure.

The actual expenditure declared and reimbursed by the Commission is listed in the following table:

(EUR million)

Member State	Total expenditure	Expenditure reimbursed by the Commission	Reimbursement as a percentage of total expenditure (%)
Belgium	1,496	0,748	50
Portugal	18,040	13,523	75
Spain	161,945	121,016	74,7

In the case of Spain and Portugal, the aid was used to compensate fishermen and vessels owners owing to the non-renewal of the fisheries agreement with Morocco, forcing about 400 vessels and about 4 000 fishermen to quit this activity.

In the case of Belgium, 60 vessels and more than 300 fishermen were granted compensation on the basis of article 16.1(a) of the FIFG Regulation (EC) No 2792/1999 [1] 'unforeseeable circumstances, caused by biological factors'.

The closure of the programmes relating to the previous programming period 1994-1999 will take place in 2003. The preliminary figures show that about EUR 54 million were granted for temporary cessation, of which the Community part amounts to EUR 38 million (Spain EUR 31 million, Denmark EUR 4 million, Portugal EUR 2 million and Sweden EUR 1 million).

[1] Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector — OJ L 337, 30.12.1999.

(2003/C 242 E/179) **WRITTEN QUESTION P-0744/03**

by Nelly Maes (Verts/ALE) to the Commission

(5 March 2003)

Subject: Financing of the treatment of waste electronic and electrical equipment

Article 8(2) of Directive 2002/96/EC [1] of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) lays down that '… each producer shall be responsible for financing the operations … relating to the waste from his own products'. Furthermore, Article 9 lays down that 'Member States shall ensure that, by 13 August 2005, the financing of the costs for the collection, treatment, recovery and environmentally sound disposal of WEEE … is to be provided for by producers. For WEEE from products put on the market before 13 August 2005 (historical waste), the financing of the costs … shall be provided for by the producers. Member States may, as an alternative, provide that users other than private households also be made, partly or totally, responsible for this financing'.

In other words, the Directive referred to above lays down that the producers are responsible for financing the collection and disposal of such waste. Recently, various Environmental Policy Agreements (EPA) have been included by the Flemish Ministry for the Human Environment in a Flemish Government Bill. With regard to this Directive, this concerned the implementation of the obligation to accept waste set out in the Flemish Regulation on the Prevention and Management of Waste relating respectively to waste lead starter batteries and waste batteries.

Article 5(2) of the EPA on waste lead starter batteries lays down that only the direct costs relating to collection with a view to the subsequent treatment of waste lead starter batteries should be borne by the management body. Similarly, with respect to waste batteries, the indirect costs are transferred to the local authorities. What this means in practice is that the local authorities have to bear the indirect costs. Accordingly, and despite the European Union Directive, the consumer/citizen in Flanders actually has to pay for the treatment of such waste electrical and electronic equipment.

Does the Commission take the view that these EPAs are not in conformity with relevant European legislation?

If so, what measures will the Commission take as a consequence thereof?

If not, how does the Commission justify a situation where the treatment costs are being borne by the citizen?

What is the Commission's view of the shifting onto the citizen of the indirect costs relating to other non-electronic products, such as waste tapes, in respect of which the same principle applies?

(1) OJ L 37, 13.2.2003, p. 24.

Answer given by Mrs Wallström on behalf of the Commission

(4 April 2003)

Directive 2002/96/EC of the Parliament and of the Council on waste electrical and electronic equipment (WEEE) implements the principle of producer responsibility, as producers have to finance the treatment, recovery and environmentally sound disposal of waste electrical and electronic equipment from private households. This responsibility starts from the designated collection point onwards. Producers can meet their obligations individually or by leaving the actual work to third parties and this could be by a local authority, which they would pay for. Batteries have to be removed from separately collected WEEE (1), and the financing for this treatment is to be provided by producers.

The Directive entered into force on 13 February 2003. The deadline for the transposition of the Directive by Member States is 13 August 2004. The finance obligations for household WEEE (Article 8) and non-household WEEE (Article 9) provided for by the Directive enter into force on 13 August 2005.

In Flanders, the Flemish Reglementation on waste prevention and management (Vlarea) implements the producer responsibility principle by requiring producers to take back electrical and electronic waste free of charge. The purpose of the take back principle is to make producers financially responsible for the collection and treatment of waste.

The Environmental Policy Agreement (EPA or in Flemish: Milieubeleidsovereenkomst (MBO)) of 26 January 2001 on the implementation of the Vlarea-take back obligation of electrical and electronic waste establishes a financing system for the collection and treatment of electrical and electronic waste. According to Article 7 of this EPA, the producers and importers should establish management committees (beheersorganismen) which are responsible for the collection and treatment of electrical and electronic waste. Article 5 (4) of this EPA stipulates that at a certain point in the collection system, the management committees should collect the electrical and electronic waste free of charge. Therefore, it seems that in line with the Directive the consumers can take back the electrical and electronic waste free of charge.

Rules on the financing of the collection and treatment of waste batteries for the Flemish Region are laid down in an Environmental Policy Agreement on batteries and a recent Environmental Policy Agreement on waste lead starter batteries. Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators on certain dangerous substances (2) requires Member States to ensure the efficient organisation of separate collection and recovery of spent batteries and accumulators. Since this Directive does not contain any specific rules on who should bear the costs of collection and treatment of waste batteries, Member States are free to establish such rules at national level. The Commission has no indication that the Flemish EPA's on batteries are not in conformity with the relevant Community legislation in the field of batteries.

As regards the waste tyres, the Flemish Environmental Policy Agreement on waste tyres requires producers and importers to establish a management committee responsible for taking preventive measures and for taking measures for the collection and treatment of waste tyres. The management committee is also financially responsible for the collection and treatment of waste tyres, instead of the municipalities. It seems that citizens can take back their waste tyres free of charge at the container parks that accept waste tyres. There is no specific piece of Community legislation establishing rules on who should bear the costs for the

collection and treatment of waste tyres. Therefore, Member States are free to establish such rules at national level. Furthermore, the Commission has no indication that the Flemish EPA on waste tyres is not in conformity with relevant Community legislation, such as Directive 2000/53/EC of the Parliament and of the Council of 18 September 2000 on end-of-life vehicles [3].

[1] Article 6(1) of Directive 2002/96/EC.
[2] OJ L 78, 26.3.1991.
[3] OJ L 269, 21.10.2000.

(2003/C 242 E/180) **WRITTEN QUESTION E-0763/03**

by Patricia McKenna (Verts/ALE), Inger Schörling (Verts/ALE) and Claude Turmes (Verts/ALE) to the Commission

(12 March 2003)

Subject: Nitrofuran residues in imported shrimp and poultry

On 17 December 2002, the Commission made a statement on the presence of nitrofurans and other prohibited substances in poultry and shrimps imported from third countries.

As several questions raised remained unanswered, the Commission made a second statement concerning nitrofurans and other residues in poultry and shrimps at the meeting of the Committee on Environment on 19 February 2003.

During the debate, the following question was raised: How many rapid alerts related to residues in food products imported from Vietnam had been launched after 2 October 2002, when Commission decision 2002/770/EC [1] lifted the safeguard measures regarding shrimp imports from Vietnam? The Commissioner indicated that this question had been answered the previous day to a parliamentary delegation at the FVO in Ireland.

As this had actually not been the case, the Commission should inform Parliament about the number of rapid alerts relating to residues in food products imported from Vietnam launched before and after 2 October 2002. How many rapid alerts related to nitrofuran or chloramphenicol residues in food imported from other third countries were launched in 2002? Which countries were concerned? What action was taken by the Commission in order to guarantee consumer safety?

Has the contaminated food been sent back to the country of origin? If not, how was the disposal of the contaminated material organised? Can the Commission guarantee that the contaminated material did not end up in feedingstuffs?

[1] OJ L 265, 3.10.2002, p. 16.

Answer given by Mr Byrne on behalf of the Commission

(5 May 2003)

It appears from the question that the Honourable Members may not be aware of the memorandum forwarded to Parliament on 14 February 2003 regarding its policy on residues. This memorandum by the Commission addresses the full range of issues relating to residues, including the questions raised in the Parliament on 17 December 2002.

With regard to Vietnam, before 2 October 2002, 59 notifications concerning shrimps with residues of prohibited substances were issued through the Rapid Alert System for Food (RASFF). Since then, 16 notifications on the same subject have been issued. Of these, three notifications have been issued in the year 2003 and none after 31 January 2003.

All together, 411 RASFF notifications on food from third countries containing residues of prohibited substances were issued during the year 2002, concerning mainly products from China, Thailand, Brazil, and Vietnam. The details of these alerts broken down by country are set out in a report which has been circulated to the Parliament. This information is also to be found in the report on the RASFF for the year 2002 published on the Commission web site at the following address: http://europa.eu.int/comm/food/fs/sfp/ras_report2002_en.pdf.

When a maximum residue limit cannot be established for a substance because its residues in food, 'at whatever limit, constitute a hazard to the health of the consumer' according to Community law [1], the substance is prohibited for use in food producing animals within the Union. This leads to the conclusion that all products of animal origin containing such residues should be withdrawn from the food and feed chain. Article 22.2 of Directive 97/78/EC [2] also provides that, where the Competent Authority determines that the goods constitute a danger for human health, the importer Member State must 'seize and destroy' the consignments in question under the supervision of the Competent Authority.

[1] Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin — OJ L 224, 18.8.1990.
[2] Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries — OJ L 24, 30.1.1998.

(2003/C 242 E/181) **WRITTEN QUESTION P-0780/03**

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

(7 March 2003)

Subject: President Bush's powers to carry out cyber attacks

Up until recently very little attention was paid to possible cyber attacks and their repercussions. In Europe the primary responsibility for the vulnerability of computer systems was placed on industry and organisations themselves, even by the European Parliament. Since the terrorist attacks of 11 September 2001 in the United States and the constant warnings about possible cyber attacks, much greater attention is now being paid to security.

Not only do we have to fear damage as a result of cyber attacks by Iraq or Islamic groups such as the Unix Security Guards or Anti-India Crew but, in the war on Internet terrorism, President Bush signed a special bill into law six months ago enabling him to carry out cyber attacks himself. These attacks are not necessarily restricted to Iraq but can also affect the total operation of the World Wide Web. In other words, Bush can completely paralyse the net if he wants to. It is assumed that only targets of military importance would be attacked. The major problem with online attacks is that there can be a great deal of collateral damage. Because of the high degree of complexity and interdependence of the Internet, other countries and firms may be seriously inconvenienced by such action. A denial-of-service attack, a classic way of disabling a network, also has implications for intermediate networks between the attacker and his target.

1. Is the Commission aware of this new law which gives President Bush the power to carry out cyber attacks and, if so, what does it think of it?

2. How does the Commission intend to protect European citizens and firms from such attacks and their consequences?

3. Who does the Commission think should pay for the damage that might be caused by such attacks and how can compensation be obtained?

Answer given by Mr Liikanen on behalf of the Commission

(7 April 2003)

The Commission is aware of an article in the Washington Post of 7 February 2003 that alleges that according to United States administration officials, President Bush has signed a secret order in July 2002, known as National Security Presidential Directive 16. According to the Washington Post, this Directive orders the United States government to develop national-level guidance for determining when and how the United States would launch cyber-attacks against enemy computer networks. Allegedly, military planners imagine computer experts hacking into enemy electronic networks to, e.g., shut down radars, disable electrical facilities or disrupt phone services.

The Commission is not aware of any publication or official confirmation of this Directive by the United States government.

Measures in the area of defence against cyber-warfare have elements similar to those promoting cybersecurity and combating computer-related crime, and the Commission has been very active in developing policy in these areas.

The Commission adopted a Communication on 'Creating a safer information society by improving the security of information infrastructures and combating computer-related crime' on 26 January 2001 ([1]) that acknowledges the importance of information and communication infrastructures, including the Internet, as a critical part of its economies and proposes specific actions.

On 19 April 2002, as proposed in the Communication, the Commission adopted a proposal for a Council Framework Decision on attacks against information systems ([2]). The proposal requires Member States to establish in national law the criminal offences of illegal access to an information system and illegal interference with information system. It also contained provisions on criminal penalties, rules on liability of legal persons and associated sanctions, rules on jurisdiction, and a requirement for Member States to join the existing network of operational points of contact on high tech crime available 24 hours per day, seven days per week. The Parliament delivered its Opinion on the draft Framework Decision in October 2002 ([3]), and the Council reached political agreement on the text of the main articles on 28 February 2003.

The eEurope 2005 Action Plan aims to stimulate security services and thus to contribute to securing the information infrastructure. Also previous eEurope Action Plans focused on improving cybersecurity as a priority.

In February 2003, the Commission has proposed a European Network and Information Security Agency ([4]). The objective of the Agency will be to serve as a centre of competence where both Member States and the Commission can seek advice on matters relating to cybersecurity. The Agency will also provide assistance to authorities of the Member States — including the various Computer Emergency Response Teams (CERTS).

In addition, the Commission has just launched the 6th Framework Programme of research and technological development (RTD) in which the R & D on security and dependability technologies is a key component of the 'priority' on Information Society Technologies (IST). Also in the 5th Framework Programme, ample attention was given to security technologies and dependability of information infrastructure, including research on interdependencies.

In most cases, under civil and criminal law in the Member States, the attacker would be liable for most attacks against information systems. Following implementation of the Framework Decision on attacks against information systems, the attacks for which there is criminal liability will be extended to include, e.g., denial of service attacks in all Member States.

In the case of acts that are carried out by or on behalf of a foreign state (including acts of war), the question might arise whether this state would enjoy state immunity from the jurisdiction of the courts of other states for such acts. However, a response to this question would depend on the precise state of international law in this evolving field, and on the specific circumstances of the act in question.

(1) COM(2000) 890 final.
(2) OJ C 203 E, 27.8.2002.
(3) A5-0328/2002 final.
(4) COM(2003) 63 final.

(2003/C 242 E/182)

WRITTEN QUESTION P-0781/03

by Avril Doyle (PPE-DE) to the Commission

(7 March 2003)

Subject: Trade in horses

With reference to the Commission's answer to question P-1386/02 (1) on the trade in horses issue, could the Commission detail the outcome of the follow-up mission to Ireland, which was planned by the FVO for the second half of 2002.

And could the Commission indicate the result of the inquiries undertaken by the Commission services in charge of public and animal health and animal welfare, with the competent authorities in the UK and Ireland, on the controls within the framework of Council Directive 90/426/EEC (2), and provide me with a copy of the findings.

(1) OJ C 229 E, 26.9.2002, p. 212.
(2) OJ L 224, 18.8.1990, p. 42.

Answer given by M. Byrne on behalf of the Commission

(15 April 2003)

With reference to the question raised by the Honourable Member, the Commission would like to provide a follow-up to its reply to Written Question P-1386/02.

Between 25 and 29 November 2002 the Food and Veterinary Office carried out the mission in Ireland referred to in the above reply. However, the mission could not, as initially planned, investigate the movement of equidae, but had to concentrate on long distance international transport of cattle.

Nevertheless, as regards equidae, from the Commission's inquiries with the competent authorities in Dublin and London it would appear that the transposition of Decision 2000/68/EC of 22 December 1999 amending Commission Decision 93/623/EEC and establishing the identification of equidae for breeding and production (1) into Irish and British law respectively is well advanced but not completed. The consultation with stakeholders has been or will be completed and agreement has been reached on the organisations designated for issuing passports for equidae for breeding and production.

The Commission, taking into account the discussions in the Parliament and in the Council on a Commission proposal (2) for an amendment of Directive 2001/82/EC of the Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (3), has prepared a draft modification of Decision 2000/68/EC providing more details on the operation of this identification system. This aims to achieve a systematic and complete identification of equidae. However, this new draft requires further discussion because identification of equidae not only has public and animal health implications, but is also affected by Community legislation on breeding and competition.

(1) OJ L 23, 28.1.2000.
(2) OJ C 75 E, 26.3.2002.
(3) OJ L 311, 28.11.2001.

(2003/C 242 E/183) **WRITTEN QUESTION E-0784/03**

by Christos Folias (PPE-DE) to the Commission

(14 March 2003)

Subject: Aid for producers

It is well known that there is no land register or register of farmers in Greece.

How will the issue of the lease of agricultural land be tackled? Is there any possibility of financial aid intended for producers ending up in the pockets of the owners of agricultural land and not of the producers entitled to receive it, owing to the familiar bureaucratic procedures and administrative shortcomings in the Greek Ministry of Agriculture?

Answer given by Mr Fischler on behalf of the Commission

(4 April 2003)

Article 20 of the Commission's proposal establishing common rules for direct support schemes under the common agricultural policy (CAP) [1] states that each Member State shall set up an integrated administration and control system. This system, for Greece as well as all other Member States, will be based on the existing integrated system for direct aids. In this context, Greece has already put in place a Land Parcel Identification System, which, however, is not yet fully operational. Moreover, a system to record the identity of each farmer who submits an aid application has also been set up. The existing systems will be extended to cover the new elements of the Single Payment Scheme.

The new-styled integrated system shall comprise of an extension of the existing computerised data base and identification system for agricultural parcels but will include a system for the identification and registration of payment entitlements. An integrated control system covering aid applications and a single system to record the identity of each farmer who submits an aid application will also be adapted from the existing integrated control system.

In order to ensure that the Single Payment will be paid to the producers entitled to it, Article 24 of the same proposal states that the system for the identification and registration of payment entitlements shall be set up allowing verification of entitlements and cross-checks with the aid applications and the identification system for agricultural parcels. Article 26 lays down an obligation on Member States to carry out administrative checks on the aid applications including a verification of the eligible area and the corresponding payment entitlements.

[1] COM(2003) 23 final.

(2003/C 242 E/184) **WRITTEN QUESTION E-0791/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(14 March 2003)

Subject: EU funding of religious organisations

Reports have appeared in the international press about the funding of religious organisations through specific lines of the Community Budget and other Community initiatives.

Will the Commission give the names of these religious organisations (whether or not they are recognised) which have been funded under the Community Budget and say exactly how much money they have received since 1995? Have any Orthodox Christian organisations or institutions been funded over the same period and, if so, what are they? With enlargement could religious organisations and Churches from the new Member States (for example, the Church of Cyprus) receive funding from these Community initiatives so as to promote their social projects and strengthen mutual understanding and religious tolerance and, if so, from when? Could Churches from third countries with a huge social commitment (such as the Orthodox Church of Albania and others) be included in these Community initiatives?

Answer given by Mrs Reding on behalf of the Commission

(28 April 2003)

The Commission would like to inform the Honourable Member that the running costs of religious organisations are not funded by the EU.

Only the Church & Society Commission, an organisation based in Brussels which provides the secretariat for 'Soul for Europe' and covers the main religious persuasions (Christian, Muslim and Jewish) and also the humanists, was awarded a grant for activities related to the coordination and representation of religious organisations at European level during the period 2000-2002. This grant is set aside by Parliament under budget line A-3021. The sums allocated for 2000, 2001 and 2002 were respectively EUR 44 000, EUR 41 000 and EUR 39 780.

The EU also awards grants on an annual basis to associations and federations of European interest, including religious ones, for European activities and projects carried out by these organisations, such as reflection on the ethical and spiritual values and sources of European integration.

Until 1998 these grants were awarded under heading A-3030 of the EU's general budget, and since 1998 they have been awarded under heading A-3024.

While organisations receiving grants must be legally constituted and registered in one of the fifteen Member States, activities may nevertheless be carried out in partnership with organisations from the accession countries.

With regard to Orthodox organisations and institutions, one body received a grant for the period 2000-2002. This was the Orthodox Academy of Crete, which received EUR 22 473,50 in 2000 and EUR 25 000 in 2002 for two different projects.

The grants must be submitted annually to the budgetary authority (Parliament and Council) and are due by 30 May 2003.

The Honourable Member can therefore access all information on grants awarded since 1995 in Parliament's library, in the Reports on Beneficiaries of Part A Commission Grants. These reports have also been published on Europa since 1998 and may be consulted at the following address: http://europa.eu.int/comm/secretariat_general/sgc/info_subv/beneficiaries_en.htm.

(2003/C 242 E/185) **WRITTEN QUESTION P-0798/03**

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

(10 March 2003)

Subject: Airinc

Eurocost has been replaced with Airinc. Would the Commission give details of how much Airinc is receiving annually?

What were the grounds on which Airinc was awarded the contract to replace Eurocost?

Who are the principal directors of Airinc? Do any of the directors or owners of the company have links with either Eurocost or the European Commission?

Answer given by Mr Solbes Mira on behalf of the Commission

(28 March 2003)

Airinc received a contract for the value of EUR 766 500 in 2000, EUR 781 500 in 2001 and EUR 796 500 in 2002.

Consistent with the general policy at that time of making outsourced work available to the widest number of interested entities, Eurostat decided to stop the grant agreements with Eurocost for financing the production of the correction coefficients and to launch open calls for tender. Consequently, in 1999 an

open call for tenders was launched for the production of the correction coefficients required under the Staff Regulations. The bid of Airinc was judged to be the best value for money by the evaluation committee, and the first contract was signed with Airinc in 2000.

According to information available, the directors of Airinc are:

— Arthur Nelson, Weston MA, United States;

— Carl Nelson, Weston MA, United States;

— James Reid, Concord MA, United States.

According to information available, the shareholders of Airinc are:

— Arthur H. Nelson, Weston MA;

— Carl F. Nelson, Weston MA;

— Francis N. McSherry, MA;

— Pamela B. Nelson, MA;

— Geoff Rowley, Cambridge, MA;

— Richard Downey, Cambridge, MA.

According to information currently available, the Commission is not aware of any links between the above persons and either Eurocost or the Commission.

(2003/C 242 E/186) **WRITTEN QUESTION E-0808/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(17 March 2003)

Subject: Violations of Community legislation in the field of public health and consumer protection

Could the Commission give a figure for the number of presumed violations of Community legislation in the field of public health and consumer protection in Greece and say which areas are affected? In how many cases (if any) is it preparing to refer Greece to the European Court of Justice? What are these cases?

Answer given by Mr Byrne on behalf of the Commission

(10 April 2003)

A list of the infringement proceedings pursuant to Article 226 of the EC Treaty, which have been instituted against Greece in the area of health and consumer protection and have not yet been concluded, will be forwarded directly to the Honourable Member and to Parliament's Secretariat.

Details of the nature of the infringement and the current status of the proceedings are included in this list.

(2003/C 242 E/187) **WRITTEN QUESTION E-0817/03**

by Paulo Casaca (PSE) to the Commission

(17 March 2003)

Subject: Freedom of movement of persons within the European Union

The freedom of movement of persons is a fundamental principle underpinning the European Union. Regional policy, on the other hand, may in a sense be viewed as a derogation from this principle, and is likewise of great importance to the Union.

On the island of São Jorge, in the Azores Autonomous Region, the problem has yet again arisen of pupils attending the local vocational school finding themselves excluded from Community funding under the European Social Fund because they are not natives of the region, the argument being that the aid is regional, and available only to the residents of the Autonomous Region.

The possibility that training support for young people who, for one reason or another, while not being natives of the Azores, wish to follow courses on the island of São Jorge, may infringe competition rules or the objectives of regional development strikes me as unrealistic, given that on the contrary, the impossibility of providing such support clearly prejudices both the free movement of citizens within the European area, and a small geographical unit like the island of São Jorge.

This being so does the Commission not believe that a correct interpretation of the Treaty means that Community regional support from the European Social Fund should be freely available to citizens who are not natives of the Azores, provided that the courses are provided in the Region and are clearly aimed at its residents?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(23 April 2003)

Community support given by the European Social Fund has, amongst others, the objective of strengthening economic and social cohesion and aims at reducing disparities between the different levels of development of the various regions.

In this regard, the Comission believes that training support to young people provided by the local vocational school of São Jorge island and financed by the European Social Fund (ESF) should be directed to residents of the Region, independently of their origin.

Final beneficiaries of community financing in the Região Autónoma dos Açores must therefore be in a position to prove their residence in the Region. This rule cannot involve a discrimination on the grounds of nationality as the obligation to prove residence in the region concerns all persons, be they Portuguese or from any other country of origin.

(2003/C 242 E/188) **WRITTEN QUESTION E-0827/03**

by Roberta Angelilli (UEN) to the Commission

(18 March 2003)

Subject: Use of funds from the Tempus III programme by the City of Frosinone

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the City of Frosinone, urgently need to use European funds to help promote cooperation between university students across Europe, and to foster cultural and scientific exchange in higher education, can the Commission state:

1. whether the City of Frosinone has submitted projects for the Tempus III programme?

2. whether the City of Frosinone has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/189) **WRITTEN QUESTION E-1164/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the Tempus III programme by the municipality of Ancona

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Ancona, urgently need to use European funds to help promote cooperation between university students across Europe, and to foster cultural and scientific exchange in higher education,

Can the Commission state:

1. whether the municipality of Ancona has submitted projects for the Tempus III programme?

2. whether the municipality of Ancona has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/190) **WRITTEN QUESTION E-1165/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the Tempus III programme by the municipality of Florence

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Florence, urgently need to use European funds to help promote cooperation between university students across Europe, and to foster cultural and scientific exchange in higher education,

Can the Commission state:

1. whether the municipality of Florence has submitted projects for the Tempus III programme?

2. whether the municipality of Florence has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/191) **WRITTEN QUESTION E-1166/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the Tempus III programme by the municipality of Macerata

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Macerata, urgently need to use European funds to help promote cooperation between university students across Europe, and to foster cultural and scientific exchange in higher education,

Can the Commission state:

1. whether the municipality of Macerata has submitted projects for the Tempus III programme?

2. whether the municipality of Macerata has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/192) **WRITTEN QUESTION E-1167/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the Tempus III programme by the municipality of Perugia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Perugia, urgently need to use European funds to help promote cooperation between university students across Europe, and to foster cultural and scientific exchange in higher education,

Can the Commission state:

1. whether the municipality of Perugia has submitted projects for the Tempus III programme?

2. whether the municipality of Perugia has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/193) **WRITTEN QUESTION E-1168/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the Tempus III programme by the municipality of Pesaro

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pesaro, urgently need to use European funds to help promote cooperation between university students across Europe, and to foster cultural and scientific exchange in higher education,

Can the Commission state:

1. whether the municipality of Pesaro has submitted projects for the Tempus III programme?

2. whether the municipality of Pesaro has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/194) **WRITTEN QUESTION E-1169/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the Tempus III programme by the municipality of Pisa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pisa, urgently need to use European funds to help promote cooperation between university students across Europe, and to foster cultural and scientific exchange in higher education,

Can the Commission state:

1. whether the municipality of Pisa has submitted projects for the Tempus III programme?

2. whether the municipality of Pisa has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/195)

WRITTEN QUESTION E-1170/03

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the Tempus III programme by the municipality of Siena

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Siena, urgently need to use European funds to help promote cooperation between university students across Europe, and to foster cultural and scientific exchange in higher education,

Can the Commission state:

1. whether the municipality of Siena has submitted projects for the Tempus III programme?

2. whether the municipality of Siena has secured funding for these projects?

3. whether this funding has been used?

Joint answer
to Written Questions E-0827/03, E-1164/03, E-1165/03, E-1166/03, E-1167/03, E-1168/03, E-1169/03 and E-1170/03
given by Mrs Reding on behalf of the Commission

(8 May 2003)

As a rule, a project funded under the Tempus programme will involve several universities both in Member States of the Union and in the partner countries.

It is very difficult to identify the amounts retained by universities in Europe which, for project reasons, were granted to universities in the partner countries.

However, to give an indication, please find below the amounts granted under Tempus III to establishments in the municipalities of Frosinone, Ancona, Florence, Macerata, Perugia, Pesaro, Pisa and Siena. Additional information has been sent directly to the Honourable Member and Parliament's Secretariat.

1. The University of Ancona received EUR 1 739 in 2002 for a Tempus project (grant).

2. The establishments in Florence obtained funding of EUR 832 014,98 for Tempus projects in 2002 and 2003.

3. The University of Macerata obtained funding of EUR 112 257,80 for a Tempus project in 2002.

4. The University of Perugia obtained funding of EUR 546 452,10 for Tempus projects in 2002 and 2003.

5. The University of Pisa obtained funding of EUR 285 178,80 for Tempus projects in 2002 and 2003.

6. The University of Siena obtained funding of EUR 63 050 for a Tempus project in 2002.

7. There are no Tempus III projects in Frosinone and Pesaro.

The Honourable Member might also wish to contact the above-mentioned local authorities for more information.

(2003/C 242 E/196) **WRITTEN QUESTION E-0828/03**

by Roberta Angelilli (UEN) to the Commission

(18 March 2003)

Subject: Use of funds from the action programme for migrant workers by the City of Frosinone

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the City of Frosinone, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions, can the Commission state:

1. whether the City of Frosinone has submitted projects for the action programme for migrant workers?

2. whether the City of Frosinone has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/197) **WRITTEN QUESTION E-0894/03**

by Roberta Angelilli (UEN) to the Commission

(21 March 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Fiumicino

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Fiumicino, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions, can the Commission state:

1. whether the municipality of Fiumicino has submitted projects for the action programme for migrant workers?

2. whether the municipality of Fiumicino has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/198) **WRITTEN QUESTION E-1126/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Ancona

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Ancona, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Ancona has submitted projects for the action programme for migrant workers?

2. whether the municipality of Ancona has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/199) **WRITTEN QUESTION E-1127/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Carrara

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Carrara, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Carrara has submitted projects for the action programme for migrant workers?

2. whether the municipality of Carrara has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/200)

WRITTEN QUESTION E-1128/03

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Florence

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Florence, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Florence has submitted projects for the action programme for migrant workers?

2. whether the municipality of Florence has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/201)

WRITTEN QUESTION E-1129/03

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Livorno

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Livorno, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Livorno has submitted projects for the action programme for migrant workers?

2. whether the municipality of Livorno has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/202) **WRITTEN QUESTION E-1130/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Macerata

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Macerata, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Macerata has submitted projects for the action programme for migrant workers?

2. whether the municipality of Macerata has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/203) **WRITTEN QUESTION E-1131/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Massa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Massa, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Massa has submitted projects for the action programme for migrant workers?

2. whether the municipality of Massa has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/204) **WRITTEN QUESTION E-1132/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Perugia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Perugia, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Perugia has submitted projects for the action programme for migrant workers?

2. whether the municipality of Perugia has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/205) **WRITTEN QUESTION E-1133/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Pesaro

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pesaro, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Pesaro has submitted projects for the action programme for migrant workers?

2. whether the municipality of Pesaro has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/206) **WRITTEN QUESTION E-1134/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Pisa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pisa, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Pisa has submitted projects for the action programme for migrant workers?

2. whether the municipality of Pisa has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/207) **WRITTEN QUESTION E-1135/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Pistoia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pistoia, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Pistoia has submitted projects for the action programme for migrant workers?

2. whether the municipality of Pistoia has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/208) **WRITTEN QUESTION E-1136/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Prato

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Prato, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Prato has submitted projects for the action programme for migrant workers?

2. whether the municipality of Prato has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/209) **WRITTEN QUESTION E-1137/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Siena

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Siena, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Siena has submitted projects for the action programme for migrant workers?

2. whether the municipality of Siena has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/210) **WRITTEN QUESTION E-1138/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the action programme for migrant workers by the municipality of Terni

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Terni, urgently need to use European funds to support migrant workers, including those from outside the Community, in order to guarantee them the best conditions in which to live and integrate with the local community, in terms of both work and social conditions,

Can the Commission state:

1. whether the municipality of Terni has submitted projects for the action programme for migrant workers?

2. whether the municipality of Terni has secured funding for these projects?

3. whether this funding has been used?

Joint answer
to Written Questions E-0828/03, E-0894/03, E-1126/03, E-1127/03, E-1128/03, E-1129/03, E-1130/03, E-1131/03, E-1132/03, E-1133/03, E-1134/03, E-1135/03, E-1136/03, E-1137/03 and E-1138/03
given by Mrs Diamantopoulou on behalf of the Commission

(28 April 2003)

There is currently no Action Programme for Migrant Workers at Community level. The Commission recalls that funding for measures to promote the integration of migrant workers, under Budget Line B3-4110, was suspended in 1998 following the judgement of the European Court of Justice in Case C-106/96. No funding has been awarded in this field since that date.

A new programme to promote the integration of third country nationals, under Budget line B5-815, will be launched by the Commission (Directorate General Justice and Home Affairs) in May 2003.

(2003/C 242 E/211) **WRITTEN QUESTION E-0830/03**

by Roberta Angelilli (UEN) to the Commission

(18 March 2003)

Subject: Use of funds from the Culture 2000 programme by the City of Frosinone

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the City of Frosinone, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing professional mobility, and promoting access to and dissemination of art and culture, can the Commission state:

1. whether the City of Frosinone has submitted projects for the Culture 2000 programme?

2. whether the City of Frosinone has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/212) **WRITTEN QUESTION E-0892/03**

by Roberta Angelilli (UEN) to the Commission

(21 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Fiumicino

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Fiumicino, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture, can the Commission state:

1. whether the municipality of Fiumicino has submitted projects for the Culture 2000 programme?

2. whether the municipality of Fiumicino has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/213) **WRITTEN QUESTION E-0978/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Ancona

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Ancona, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Ancona has submitted projects for the Culture 2000 programme?
2. whether the municipality of Ancona has secured funding for these projects?
3. whether this funding has been used?

(2003/C 242 E/214) **WRITTEN QUESTION E-0979/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Carrara

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Carrara, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Carrara has submitted projects for the Culture 2000 programme?
2. whether the municipality of Carrara has secured funding for these projects?
3. whether this funding has been used?

(2003/C 242 E/215) **WRITTEN QUESTION E-0980/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Firenze

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Firenze, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Firenze has submitted projects for the Culture 2000 programme?
2. whether the municipality of Firenze has secured funding for these projects?
3. whether this funding has been used?

(2003/C 242 E/216) **WRITTEN QUESTION E-0981/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Livorno

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Livorno, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Livorno has submitted projects for the Culture 2000 programme?

2. whether the municipality of Livorno has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/217) **WRITTEN QUESTION E-0982/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Macerata

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Macerata, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Macerata has submitted projects for the Culture 2000 programme?

2. whether the municipality of Macerata has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/218) **WRITTEN QUESTION E-0983/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Massa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Massa, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Massa has submitted projects for the Culture 2000 programme?

2. whether the municipality of Massa has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/219) **WRITTEN QUESTION E-0984/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Perugia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Perugia, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Perugia has submitted projects for the Culture 2000 programme?

2. whether the municipality of Perugia has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/220) **WRITTEN QUESTION E-0985/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Pesaro

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pesaro, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Pesaro has submitted projects for the Culture 2000 programme?

2. whether the municipality of Pesaro has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/221) **WRITTEN QUESTION E-0986/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Pisa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pisa, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Pisa has submitted projects for the Culture 2000 programme?

2. whether the municipality of Pisa has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/222) **WRITTEN QUESTION E-0987/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Pistoia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pistoia, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Pistoia has submitted projects for the Culture 2000 programme?

2. whether the municipality of Pistoia has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/223) **WRITTEN QUESTION E-0988/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Prato

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Prato, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Prato has submitted projects for the Culture 2000 programme?

2. whether the municipality of Prato has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/224) **WRITTEN QUESTION E-0989/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Siena

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Siena, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Siena has submitted projects for the Culture 2000 programme?

2. whether the municipality of Siena has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/225) **WRITTEN QUESTION E-0990/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the Culture 2000 programme by the municipality of Terni

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Terni, urgently need to use European funds to enhance the common cultural area in all its diversity and respecting all its traditions, nurturing creativity and professional mobility, and promoting access to and dissemination of art and culture,

Can the Commission state:

1. whether the municipality of Terni has submitted projects for the Culture 2000 programme?

2. whether the municipality of Terni has secured funding for these projects?

3. whether this funding has been used?

Joint answer
to Written Questions E-0830/03, E-0892/03, E-0978/03, E-0979/03, E-0980/03, E-0981/03, E-0982/03, E-0983/03, E-0984/03, E-0985/03, E-0986/03, E-0987/03, E-0988/03, E-0989/03 and E-0990/03
given by Mrs Reding on behalf of the Commission

(25 April 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2003/C 242 E/226) **WRITTEN QUESTION E-0856/03**

by Christopher Huhne (ELDR) to the Commission

(20 March 2003)

Subject: Answers to parliamentary questions

1. Will the Commission describe the procedures by which a Member of the European Parliament may proceed against it in the light of a series of unsatisfactory answers to simple questions?

2. For example, is the Member able to complain to the Ombudsman?

3. Will the Commission state the number of such complaints, or complaints to other bodies, in each of the last five years?

Answer given by Mrs de Palacio on behalf of the Commission

(25 April 2003)

The Commission answers on average around 3 800 written and oral parliamentary questions per year and would like to assure the Honourable Member that it attaches the highest priority to the quality of the replies given. However, as the Honourable Member might understand, questions of a very technical nature or those requesting consultation of different information and statistical sources might require a more lengthy treatment. In such cases, in order to avoid inevitable delays also due to translations and internal processing, it may be convenient to refer to factual information from sources already available to the Parliament.

Other than the normal ways and means of parliamentary control of the Commission by the Parliament bodies and individual Members of Parliament, there are no specific procedures to apply in cases of 'unsatisfactory' answers.

According article 195 of the EC Treaty, the Ombudsman can establish instances of administrative malpractice. The Commission has no knowledge of any direct link between the political processes of parliamentary control and complaints to the Ombudsman.

In year 2002, the Commission has received 32 written questions (out of a total 3 962 written and oral questions) raising issues related to the quality of the replies. Relevant figures for the years 1998-2001 are currently being established and will be sent direct to the Honourable Member as soon as they become available.

(2003/C 242 E/227) **WRITTEN QUESTION E-0864/03**

by Roberta Angelilli (UEN) to the Commission

(20 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the City of Frosinone

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds. The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including Frosinone, would be particularly appropriate for events of this kind, can the Commission say:

1. whether the City of Frosinone has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the City of Frosinone has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/228) **WRITTEN QUESTION E-0886/03**

by Roberta Angelilli (UEN) to the Commission

(21 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Fiumicino

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Fiumicino, would be particularly appropriate for events of this kind, can the Commission say:

1. whether the municipality of Fiumicino has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Fiumicino has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/229) **WRITTEN QUESTION E-1017/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Ancona

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Ancona, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Ancona has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Ancona has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/230) **WRITTEN QUESTION E-1018/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Carrara

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Carrara, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Carrara has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Carrara has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/231) **WRITTEN QUESTION E-1019/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Florence

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Florence, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Florence has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Florence has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/232) **WRITTEN QUESTION E-1020/03**

by Roberta Angelilli (UEN) to the Commission

(27 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Livorno

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Livorno, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Livorno has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Livorno has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/233) **WRITTEN QUESTION E-1021/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Macerata

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Macerata, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Macerata has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Macerata has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/234) **WRITTEN QUESTION E-1022/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Massa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Massa, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Massa has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Massa has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/235) **WRITTEN QUESTION E-1023/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Perugia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Perugia, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Perugia has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Perugia has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/236) **WRITTEN QUESTION E-1024/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Pesaro

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Pesaro, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Pesaro has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Pesaro has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/237) **WRITTEN QUESTION E-1025/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Pisa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Pisa, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Pisa has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Pisa has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/238) **WRITTEN QUESTION E-1026/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Pistoia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Pistoia, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Pistoia has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Pistoia has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/239) **WRITTEN QUESTION E-1027/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Prato

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Prato, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Prato has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Prato has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/240) **WRITTEN QUESTION E-1028/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Siena

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Siena, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Siena has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Siena has secured funding for these projects?

3. whether this funding has been used?

(2003/C 242 E/241)

WRITTEN QUESTION E-1029/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the 2000 City Twinning Programme by the municipality of Terni

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that EU subsidies include a support programme to foster the twinning of European cities and that many Italian cities, including the municipality of Terni, would be particularly appropriate for events of this kind,

Can the Commission say:

1. whether the municipality of Terni has submitted projects to benefit from funding under the 2000 City Twinning Programme?

2. whether the municipality of Terni has secured funding for these projects?

3. whether this funding has been used?

Joint answer
to Written Questions E-0864/03, E-0886/03, E-1017/03, E-1018/03, E-1019/03, E-1020/03, E-1021/03, E-1022/03, E-1023/03, E-1024/03, E-1025/03, E-1026/03, E-1027/03, E-1028/03 and E-1029/03
given by Mrs Reding on behalf of the Commission

(8 May 2003)

Twinning is funded centrally.

The grants are awarded by the Commission on the basis of projects presented by local authorities or twinning committees.

The grants are not paid until after the event, following submission of supporting documents.

The participation of local authorities in town-twinning activities is arranged via the publication of an annual call for proposals in the Official Journal of the European Union.

With regard to the Honourable Member's questions — the municipalities of: Fiumicino (E-0886), Frosinone (E-0864), Ancona (E-1017), Florence (E-1019), Livorno (E-1020), Macerata (E-1021), Perugia (E-1023), Pesaro (E-1024), Pisa (E-1025) Pistoia (E-1026) Siena (E-1028) and Terni (E-1029) did not obtain funding for the organisation of twinning events in 2000.

The municipalities of Carrara (E-1018) — Massa (E-1022) — Prato (E-1027) received funding for twinning in 2000. These funds were used.

The Honourable Member might wish to contact the local authorities for further information.

(2003/C 242 E/242) **WRITTEN QUESTION E-0873/03**

by Joan Vallvé (ELDR) to the Commission

(20 March 2003)

Subject: Designation of 'yoghurt'

Changes made by the Spanish government last June to the quality standard for yoghurt intended for the internal market allow pasteurised milk-based desserts to go under the name of 'yoghurt'. Following this change, a well-known Spanish dairy company has introduced on the market 'yoghurt pasteurised after fermentation'. As a result of this new state legislation, the new product can legally bear the name of 'yoghurt', even though it has neither of the two basic characteristics of the traditional yoghurt that are very familiar to the consumer: being a fresh product and containing living micro-organisms that benefit health by enriching the intestinal flora.

Fresh yoghurt (in existence for over 4 000 years) has always been considered beneficial to health, as confirmed by numerous scientific studies. A large number of living and active bacteria (traditionally Lactobacillus bulgaricus and Streptococcus termophilus) form the basis of fresh yoghurt and, when consumed, have a positive effect on health. In order for these bacteria to stay alive, they must be kept refrigerated.

Yoghurt pasteurised after fermentation is produced in the same way as conventional yoghurt, but during pasteurisation the heat destroys the living lactic ferments so that the product will keep for longer. Yoghurt manufacturers have stated that, following the destruction of the living lactic bacteria, pasteurised yoghurt does not bring as many benefits to the body as fresh yoghurt, although this process does turn it into a long-life product, allowing it to be distributed outside the cold chain.

I am aware of the fact that Community guidelines tend to enforce clear and transparent consumer information about consumables, covering not only quality and safety, but also nutritional value. On this basis, does the Commission not think that the designation 'yoghurt pasteurised after fermentation' is unclear and amounts to misleading advertising, which leads to confusion among consumers who associate 'yoghurt' with products containing living organisms? What does the Commission intend to do to solve this problem and protect consumers from this kind of confusion?

Answer given by Mr Fischler on behalf of the Commission

(14 April 2003)

The Commission would refer the Honourable Member to its answer to Written Question P-0027/03 by Mr Pasqua [1].

[1] OJ C 192 E, 14.8.2003, p. 147.

(2003/C 242 E/243) **WRITTEN QUESTION E-0903/03**

by María Sornosa Martínez (PSE) to the Commission

(24 March 2003)

Subject: Application of the precautionary principle in respect of electromagnetic pollution

The pollution caused by electromagnetic fields and the effect it has on human health are issues which continue to worry the people of Europe and, in particular, the many groups within Spain's population who have expressed their alarm by drawing up complaints and petitions and submitting them to the EU institutions. Such is the case with the local people living in Bacarot (Alicante region), who are extremely concerned about the proliferation in their area (illegal under local urban-planning laws) of installations which generate electromagnetic fields.

The Commission once put forward a Recommendation (which was adopted by the EU in 1999) on the maximum recommended limits for exposure to electromagnetic fields. According to the replies given by Mr Byrne, Commissioner, to questions E-1355/01 [1] and P-3391/01 [2], the limits and safe distances laid down in that Recommendation should remain in place, in accordance with the data which emerged from the study carried out by the Committee of Experts who were consulted in October 2001. However, the Commission also acknowledged the huge growth in mobile telephony which had resulted in, inter alia, a plethora of antennas and electromagnetic installations which had not been proven scientifically to be harmless to human health. Consequently, it announced a new package of measures to be introduced by September 2002 in an attempt to harmonise the individual Member States' relevant laws, above and beyond what is laid down in Directive 1999/5/EC [3] on radio equipment.

Does the Commission not think that, pursuant to the precautionary principle, the obsolete Recommendation 1999/519/EC [4] should be superseded and a Community legislative framework relating to electromagnetic fields be established, so as to provide the people of Europe with a high level of protection against the more-than-likely serious, long-term effects of the radiation emitted by equipment such as that which is due to be installed at Bacarot?

What conclusions has the Commission reached with regard to electromagnetic pollution and has it taken the further action which Mr Byrne said would be completed by September 2002?

How does the Commission rate Spain's degree of compliance with the standards laid down by the European Committee for Electrotechnical Standardisation (Cenelec) in accordance with the Commission's Mandate M/305, with particular reference to harmonised on-site measuring methods and the provision of information to the general public and to the sectors concerned?

---

[1] OJ C 350 E, 11.12.2001, p. 131.
[2] OJ C 147 E, 20.6.2002, p. 165.
[3] OJ L 91, 7.4.1999, p. 10.
[4] OJ L 199, 30.7.1999, p. 59.

Answer given by Mr Byrne on behalf of the Commission

(8 May 2003)

The Scientific Committee on Toxicity-Ecotoxicity and the Environment confirmed on 30 November 2001 that: 'the additional information which has become available on carcinogenic and other non-thermal effects of radio frequency and microwave radiation frequencies in the last years does not justify a revision of exposure limits set by the Commission'.

Following this advice, the Commission does not intend to change these limits. In the context of the reviewing process of the Council Recommendation, the Commission will prepare a report, by 2004, taking into account the reports of the Member States and the latest scientific data and advice. The Commission will react to any scientific risks not taken into consideration to date in the present set of recommended limits.

The Commission observes that, in response to concerns expressed by the public, there is pressure to dismantle or move Global System for Mobile communications (GSM) base stations. Objectively, there are no reasons to do so however. Measurements in Member States have confirmed that exposure levels are in general orders of magnitude below the values considered safe by the Council Recommendation. There are no reasons to expect that such levels would be different in Spain. The fact that base stations are apparently mounted illegally is to the knowledge of the Commission not based in the fact that GSM operators are exceeding exposure limits but in the reluctance of many local governments to timely issue building permits, which substantially affects the business of operators. The Commission observes a large number of local installation regulations in Spain, all aiming to protect the citizen against the effects of electromagnetic fields. Many of the rules observed (e.g. imposing safety distances of 500 meters and more) lack a scientific basis and most likely don't have the effect of reducing exposure in reality.

In the context of Directive 1999/5/EC of the Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity, the Commission mandated the European Standardisation Organisation to develop safety standards for mobile communications. These standards will ensure a harmonised way of ensuring safety of mobile masts and handsets and will provide for a harmonised in-situ testing method to measure real life exposure.

Concerning the Communication [1] on the full roll-out of third generation mobile communications, the following actions have been proposed: (i) a dialogue with Member States on harmonizing the application of the precautionary principle on limits (ii) technical specifications for safe equipment, (iii) research, and (iv) awareness campaign. While the Communication does not set out specific deadlines, the Commission pursues these points continuously.

[1] COM(2002) 301 final.

(2003/C 242 E/244) **WRITTEN QUESTION E-0928/03**

by José Mendiluce Pereiro (PSE), Alexander de Roo (Verts/ALE), Chris Davies (ELDR), Miquel Mayol i Raynal (Verts/ALE) and Rijk van Dam (EDD) to the Commission

(24 March 2003)

Subject: Public contracting of environmental surveys on transfers of water from the Ebro

The European Commission is currently considering whether the Spanish National Hydrological Plan (NHP) is compatible with Community law.

The Spanish Government has set up the state-owned company called Infraestructuras del Trasvase Sociedad Anónima (Trasagua) in order to implement transfers of water from the Ebro under the NHP [1].

For the purposes of the directives on public procurement, Trasagua would appear to be a body governed by public law since it was set up by the government and is financed and controlled by it. It is therefore subject to Council Directive 92/50/EEC [2] relating to the coordination of procedures for the award of public service contracts.

However, in August 2002, Trasagua contracted out the environmental surveys for transfers of water from the Ebro [3], for an amount totalling EUR 1 705 524, without publishing a call for tenders for them in the Official Journal of the European Union [4].

What action will the Commission take with regard to this infringement of Community law?

Has it already taken action in this respect?

Does it not consider that the Community rules on public procurement must be complied with before any Community cofinancing can be granted for transfers of water from the Ebro?

[1] The creation of the state-owned company 'Infraestructuras del Trasvase S.A.' (Trasagua) was approved by the Spanish cabinet on 7 December 2001.
[2] OJ L 209, 24.7.1992, p. 1.
[3] Literally 'technical assistance for the drawing up of an environmental survey on the transfers authorised under Article 13 of Law 10/2001 of 5 July 2001 (NHP)'. See newspaper 'La Verdad', edition of 3.8.2002.
[4] Official Journal of the Spanish State (BOE) No 260, 30.10.2002.

Answer given by Mr Bolkestein on behalf of the Commission

(13 May 2003)

In January 2003 the Commission received two complaints concerning the Spanish hydrological plan, particularly with regard to the incompatibility of the invitations to tender issued in 2002 for technical assistance contracts for drawing up environmental studies on the diversion of water from the Ebro.

As the honourable Members mention in their question, the Trasagua company was set up by the government in March 2002 for the purpose of awarding contracts for the construction and/or operation of the facilities and other activities connected with the transfer of water from the Ebro.

The Commission is in the process of giving detailed consideration to the content of these complaints. If Trasagua is in fact considered to be a body governed by public law [1], and as such is an awarding authority, it is required to comply with the Community rules on awarding public contracts, particularly the principle of publicity.

The Commission would point out that there is already a case before the Court of Justice [2] concerning the notions of awarding authority and body governed by public law, with particular regard to the interpretation of these terms in Spanish law. The Advocate-General delivered his opinion on 7 November 2002.

As part of the infringement procedure, the Commission will be contacting the relevant Spanish authorities to inform them of its observations and seek further clarification on the possible violation of Community law.

Community financing under the Structural and Cohesion Funds is explicitly conditional on compliance with all applicable Community legislation including that regarding public procurement.

---

[1] 'Body governed by public law' means any body:
- established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character, and
- having legal personality and
- financed, for the most part, by the State, or regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.

[2] C-283/00 Commission v Spain.

(2003/C 242 E/245) **WRITTEN QUESTION E-0938/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Funding for setting up a vintage vehicle museum

A few months ago, the Rome-based cultural association 'Archetipo' submitted a project for the setting-up of a museum of vintage civil, military and commercial vehicles.

The project includes the creation of a three-level museum complex with three halls: two for the exhibition of vehicles and one for the restoration of engines and coachwork. The association has one of the largest collections of agricultural and industrial machinery in Italy, dating from the early days to the 1960s. It owns 200 vintage motorcycles, sidecars, military motorcycles, commercial three-wheelers dating from the 1930s to the 1950s, wooden horse-drawn vehicles, hundreds of items of agricultural and industrial equipment dating from the 1800s to the late 1960s, such as ploughs, harrows, ploughshares and lathes, ten military aircraft, many tools and implements dating from the 1800s to the present and a host of documentary and bibliographical material of great cultural value.

Besides putting these exhibits on display, the association intends to open the history of vintage vehicles up to the public by setting up a document library, and to create jobs by way of highly specialised training courses for young restorers, since many of its vehicles need to be restored and require continual maintenance. Since the dissemination and promotion of art and culture with a view to improving access to

and participation in it for as many persons as possible is one of the priorities of Agenda 2000, it is important that this unique collection should be protected and not be dispersed.

Could the Commission indicate:

1. what actions or programmes are currently available for financing initiatives and events of this type;

2. whether similar projects have already been submitted by other Member States?

Answer given by Ms Reding on behalf of the Commission

(25 April 2003)

1. The Commission may support initiatives in the area of culture, but only within the framework and according to the selection criteria of the 'Culture 2000' programme, which is the Union's sole instrument for financing and planning cultural cooperation.

This programme is designed to support projects that are jointly run and financed by at least three operators from at least three countries taking part in the programme.

The Honourable Member may find further information at the following site: http://europa.eu.int/comm/culture/c2000.

The Commission is not aware of the submission of any projects of this type by other Member States.

(2003/C 242 E/246) **WRITTEN QUESTION E-0941/03**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(26 March 2003)

Subject: Community regulations on the use of televisions in hotel rooms

Televisions in hotel rooms have become a sword of Damocles hanging over the heads of hoteliers in various European countries.

Uncertainty reigns with regard to their dispute with copyright bodies, which are demanding fees for television sets in hotel rooms. Hoteliers are therefore calling for a regulation of a general nature for the whole EU to clarify this issue, since the current provisions contain grey areas, meaning that the courts have been handing down contradictory rulings.

Does the Commission believe that it should take the initiative here and put forward Community legislation eliminating the grey areas and regulating the issue, in order to help give the courts a concrete idea of the legislation to be applied without distinction between Member States?

Answer given by Mr Bolkestein on behalf of the Commission

(15 May 2003)

The honourable Member has raised the question of the payment of fees to the holders of intellectual property rights for the use by hoteliers of their works and other copyrighted items when they are broadcast to television sets in hotel rooms.

With specific regard to the communication to the public of protected works and other items, the Commission would point out to the honourable Member that there is already Community legislation on the matter, which is in fact based on international legal rules [1].

Article 3(1) of Directive 2001/29/EC [2] harmonises, for the benefit of authors, 'the exclusive right to authorise or prohibit any communication to the public of their works, by wire or wireless means'. Furthermore, Article 8(2) of Directive 92/100/EEC [3] states that an equitable remuneration must be paid by

the user 'if a phonogram published for commercial purposes … is used for … any communication to the public'. The word 'user' also includes those who communicate to the public a broadcast programme in a place open to the public. In practical terms, this means that they must pay an equitable remuneration if they use phonograms to communicate a television or radio programme or if they themselves communicate a phonogram directly to an audience. It is for this reason that a merchant, if he provides such a programme at his place of business, must pay the equitable remuneration to the performers and producers of phonograms and must also apply to the authors for a performing licence (or pay an equitable remuneration in cases where this is required by national law). This does not affect any intellectual property rights for which a fee has already been paid by the radio or television body.

Community legislation thus already covers the bulk of the topics mentioned in the honourable Member's question. The Commission does not at the moment have sufficient grounds to suggest that additional legislation on the matter is needed to ensure the proper operation of internal market.

([1]) Article 11bis of the Berne Convention for the Protection of Literary and Artistic Works (1971) and Article 12 of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (1961).

([2]) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10). This Directive had to be transposed by 22 December 2002.

([3]) Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 346, 27.11.1992, p. 61).

(2003/C 242 E/247) **WRITTEN QUESTION E-0948/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Ancona of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Ancona are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Ancona has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Ancona has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/248) **WRITTEN QUESTION E-0949/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Carrara of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Carrara are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Carrara has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Carrara has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/249) **WRITTEN QUESTION E-0950/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Florence of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Florence are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Florence has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Florence has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/250) **WRITTEN QUESTION E-0951/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Livorno of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Livorno are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Livorno has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Livorno has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/251) **WRITTEN QUESTION E-0952/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Macerata of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Macerata are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Macerata has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Macerata has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/252) **WRITTEN QUESTION E-0953/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Massa of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Massa are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Massa has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Massa has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/253) **WRITTEN QUESTION E-0954/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Perugia of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Perugia are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Perugia has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Perugia has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/254) **WRITTEN QUESTION E-0955/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Pesaro of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Pesaro are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Pesaro has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Pesaro has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/255) **WRITTEN QUESTION E-0956/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Pisa of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Pisa are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Pisa has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Pisa has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/256) **WRITTEN QUESTION E-0957/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Pistoia of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Pistoia are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Pistoia has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Pistoia has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/257) **WRITTEN QUESTION E-0958/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Prato of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Prato are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Prato has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Prato has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/258) **WRITTEN QUESTION E-0959/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Siena of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Siena are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Siena has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Siena has received funding for those projects;

3. whether that funding has been utilised?

(2003/C 242 E/259) **WRITTEN QUESTION E-0960/03**

by Roberta Angelilli (UEN) to the Commission

(26 March 2003)

Subject: Utilisation by the municipality of Terni of funding under EQUAL, the ESF and the Fourth action programme on equal opportunities for women and men

In September 2002, the monitoring committee of the Italian ministry of the economy presented its statement on the expenditure of funding made available by the European Union.

Its research showed that some local authorities were worryingly slow and inefficient in awarding projects.

The European Commission has also emphasised concern on various occasions at the under-utilisation of European funding by local authorities.

Considering that, in particular, some local municipalities such as Terni are in great need of European funding for vocational training and employment, equal opportunities and social integration,

Can the Commission indicate:

1. whether the municipality of Terni has submitted any projects under EQUAL, the ESF or the Fourth action programme on equal opportunities for women and men;

2. whether the municipality of Terni has received funding for those projects;

3. whether that funding has been utilised?

Joint answer
to Written Questions E-0948/03, E-0949/03, E-0950/03, E-0951/03, E-0952/03, E-0953/03, E-0954/03, E-0955/03, E-0956/03, E-0957/03, E-0958/03, E-0959/03 and E-0960/03
given by Mrs Diamantopoulou on behalf of the Commission

(29 April 2003)

The documents in the Commission's possession show that all the municipalities referred to have participated in EQUAL projects. This Community initiative started a year behind schedule, and the Italian development partnerships are nearly all in phase II. It is therefore still too early to assess the utilisation of EQUAL funds by the regional authorities. As regards the detailed monitoring of projects submitted and selected, the Commission invites the Honourable Member to consult the EQUAL website, and in particular the EQUAL Common Database (ECDB), where all the requested information is available: https://equal.cec.eu.int/equal/jsp/index.jsp?lang=en.

However, the Commission would remind the Honourable Member that these Community funds are managed decentrally. Responsibility for implementation lies with the managing authorities (regions, autonomous provinces, ministries) which distribute the available funding among the various projects, including those on equal opportunities for men and women. The Commission is not involved in selecting the projects to be financed and, generally speaking, can only emphasise the efficiency of the managing authorities responsible for the municipalities concerned.

The list of projects that were awarded funding under the Fourth Action Programme on equal opportunities for women and men, for the years 1999 and 2000, is available at the following address: http://europa.eu.int/comm/employment_social/equ_opp/fund_en.html, under the section 'Fourth Action Programme on Equal Opportunities for women and men (1996-2000)'. The publications entitled 'Directory of projects 1999' and 'Directory of projects 2000', also provide information about the project promoters, as well as a short description of the activities, target groups and results. As for the remaining years, none of the Italian municipalities referred to in the above-mentioned written questions was awarded funding under the Fourth Action Programme on equal opportunities for women and men.

(2003/C 242 E/260) **WRITTEN QUESTION E-1178/03**

by Brice Hortefeux (PPE-DE)
and Christine De Veyrac (PPE-DE) to the Commission

(1 April 2003)

Subject: Commission proposal concerning Directive 1999/96/EC

Pursuant to Directive 1999/96/EC [1], by 31 December 2000 the Commission was to submit a proposal to Parliament and the Council confirming or complementing this directive, with the aim of clarifying the points included in its Article 7,

in particular:

- the development of compression ignition engine and gas engine emission control technology, taking into account the interdependence of such technology with fuel quality;
- the need to improve the accuracy of the current measurement and sampling procedures for very low levels of particulates from engines;
- rules laying down the introduction of an OBD system for heavy-duty vehicles from 1 October 2005;
- appropriate limits for pollutants currently non-regulated as a consequence of the widespread introduction of new alternative fuels.

It is clear, unfortunately, that this timetable has not been adhered to. As this proposal comes under the codecision procedure, any further delay would give rise to concern.

This being so, can the Commission state whether a new timetable has been adopted and what provisions have been made to give the industries concerned sufficient time to comply with the new legislation?

(1) OJ L 44, 16.2.2000, p. 1.

Answer given by Mr Liikanen on behalf of the Commission

(8 May 2003)

The Commission would like to refer the Honourable Members to its reply to Written Questions P-0628/03 by Mrs Grossetête [1] and P-1031/03 by Mrs Darras [2].

The Commission proposal to amend Directive 1999/96/EC [3] is in the final stages of preparation and adoption. This delay is a consequence of the need to reconstruct the way in which proposals in the field of automotive construction are made to improve the efficiency of the decision making process, to take account of the need to update and simplify the Community acquis [4] and to take account of recent inter-institutional agreements.

As such, the existing annexes laid down in Council Directive 88/77/EEC of 3 December 1987 [5] and the amendments necessary to introduce the new technical requirements required by Directive 1999/96/EC are being recast according to the Inter-Institutional Agreement of 28 November 2001 between the Parliament, Council and Commission on a more structured use of the recasting technique for legal acts [6].

It is envisaged that the Commission will adopt the proposal for a Directive within about three months.

(1) JO C 222 E, 18.9.2003, p. 222.
(2) OJ C 222 E, 18.9.2003, p. 246.
(3) Directive 1999/96/EC of the Parliament and of the Council of 13 December 1999 on the approximation of the laws of the Member States relating to measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles and amending Council Directive 88/77/EEC.
(4) COM(2003) 71 final.
(5) OJ L 36, 9.2.1988.
(6) Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts — OJ C 77, 28.3.2002.

(2003/C 242 E/261)

WRITTEN QUESTION E-1238/03

by Chris Davies (ELDR) to the Commission

(2 April 2003)

Subject: Benzodiazepine drugs dependence

The Commission will have noted the recent request by the European Parliament for a Council recommendation on the risks associated with addictive prescription drugs such as benzodiazepines, and best practice treatment of, and support for, patients suffering long term withdrawal symptoms or permanent impairment. (Resolution on the proposal for a Council Recommendation on the Prevention and Reduction of risks associated with drug dependence — Malliori report A5-0021/2003).

Medical misprescription of benzodiazepines has led to many cases of addiction and severe mental problems amongst patients, but the drugs are also stolen and sold extensively for use in association with illegal drugs.

Will the Commission give consideration to the preparation of guidelines and recommendations as requested?

Answer given by Mr Byrne on behalf of the Commission

(2 May 2003)

The Commission has noted Amendment 55 on point 2 of the Commissions Proposal for a Council Recommendation on the prevention and reduction of risks associated with drug dependence [1] which recommends a Council Recommendation on the risks associated with addictive prescription drugs such as benzodiazepines, and best practice treatment of, and support for, patients suffering long term withdrawal symptoms or permanent impairment. The Commission's view that it could agree with this amendment has been communicated to the Council.

The Commission is aware that addiction to legal pharmacological products is a large and complex problem. The Work Plan of the Community Action in the field of public health for year 2003 [2] states that preparatory work involving an inventory of existing studies in this field will be undertaken.

[1] COM(2002) 201 final.
[2] OJ C 62, 15.3.2003.

(2003/C 242 E/262) **WRITTEN QUESTION E-1239/03**
by Chris Davies (ELDR) to the Commission

(2 April 2003)

Subject: Health warnings on cigarette packs

By what date does the Commission expect to be in a position to provide Member States with rules and internal market guidance for the use of colour photographs or other illustrations on cigarette packs to explain the health consequences of smoking?

Will the Commission explain what preparatory work has now been completed, what work must still be undertaken, and why this is necessary given that a photograph of a diseased lung (for example) looks the same in every Member State?

Does the Commission recognise that the lengthy delay in producing these guidelines will appear to confirm in the minds of many citizens the very worst impressions of bureaucracy gone mad?

Answer given by Mr Byrne on behalf of the Commission

(2 May 2003)

The Commission expects to adopt a Decision establishing rules for the use of colour photographs or other illustrations to depict the health consequences of smoking, as required by Article 5.3 of Directive 2001/37/EC 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], by May 2003.

While the above Directive calls upon the Commission to adopt such rules not later than 31 December 2002, it should be noted that the Commission made the following declaration when the Directive was adopted: 'The Commission draws the attention of the European Parliament and the Council 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.'

Preparatory work for this Decision involved the consultation of experts and the evaluation of research carried out in recent years, as well as analysing the experience of countries where the use of colour photos is already required, like Canada. The draft Decision is currently being submitted for opinion to the Committee established by article 10 of Directive 2001/37/EC, and is expected to be ready for adoption by the Commission in May 2003.

The experts consulted, supported by the Regulatory Committee, recommended that the choice of the photographs to accompany each of the fourteen additional health warnings foreseen in annex I to Directive 2001/37/EC be made at a European level. This implies establishing a centralised library giving a choice of photographs for each of the additional health warnings, so that each Member State can choose the photograph which best suits its cultural realities.

Immediately after the adoption of the Decision, the Commission will therefore launch a call for tender concerning the production of suitable photographs. These will be subject to large-scale pre-testing with different target groups across Europe, in order to take cultural, social and age-related differences into account.

As a consequence of the implementation of Directive 2001/37/EC, new and larger health warnings on cigarette packets throughout the Member States have started appearing since the end of 2002, and this new layout is mandatory without any further derogation as of 30 September 2003. In order to take full advantage of the impact of this new design on the consumer, it is advisable to introduce additional new elements, such as colour photographs, only after the new health warnings have been in operation for a certain length of time. In this way, the inevitable wear-out phenomenon can be delayed, and the consumer's attention can be caught over a longer stretch of time. For this reason, the draft Decision stipulates that, where Member States decide to require the use of colour photographs, the relative provisions should not enter into force before 1 July 2004.

(1) OJ L 194, 18.7.2001.

(2003/C 242 E/263) **WRITTEN QUESTION P-1274/03**

by Gabriele Stauner (PPE-DE) to the Commission

(27 March 2003)

Subject: Conflict of interests at Eurostat

In its answer to my Written Question P-3742/02 (1), the Commission refers to a series of decisions and documents which apparently justify the participation of Eurostat, represented by its Director-General, in the establishment and management of Eurocost A.s.b.l., a private company.

That company was involved in serious irregularities (falsification of accounts, double and triple financing of projects, theft of IT equipment) at a cost of more than EUR 1 million to the Community budget.

Can the Commission forward to me copies of the decisions and documents referred to SEC(94) 389, SEC(95) 1684 and SEC(98) 1217?

The Commission states that the Director-General of Eurostat was also a member of CESD-Communautaire and a founder member of CESD-Madrid, CESD-Lisbon and CESD-Rome, remaining a member thereof until 2000.

Can the Commission forward to me copies of the documents on the basis of which the Director-General applied for authorisation to carry out those activities and/or which gave Commission authorisation for those activities?

Can the Commission forward to me a list of all the payments which CESD-Communautaire, CESD-Madrid, CESD-Lisbon and CESD-Rome respectively received from the Community budget?

Can the Commission list all the instances in which contracts were concluded with those associations without a prior call for tenders and indicate the amounts involved in each one and why calls for tender were dispensed with?

(1) OJ C 161 E, 10.7.2003, p. 136.

Answer given by Mr Solbes Mira on behalf of the Commission

(7 May 2003)

The Honourable Member's request to access the three Commission documents will be handled in accordance with Regulation (EC) No 1049/2001 of the Parliament and of the Council of 20 May 2001, concerning access to documents of the European Parliament, the Council and the Commission [1].

The Commission approved the continued participation of Eurostat in the CESD-COM and decided that it would be phased out. This was followed and since 1997, no Eurostat official has had any participation in the CESD-COM.

The entities CESD Madrid, Lisbon and Rome were created at the request of the Statistical Institutes of the corresponding Member States on the basis of the experience of CESD Paris, created by INSEE and the Commission (Directorate General (DG) Eurostat and DG Development) in the early 60s — an experience which proved positive in promoting the training of statisticians and the statistical cooperation with developing countries. The Director Generals of the National Statistical Institutes of Member States — which are parts of the public administration — were members of these entities as was also the Director General of Eurostat, in recognition of the central role that Eurostat is ensuring in the development of the European Statistical System and statistical cooperation in general. CESD-Lisbon was created in 1990, CESD-Madrid in 1991 and CESD-Rome in 1996. No specific authorisation for the participation in these entities was requested as it was considered that the activities were ancillary and complementary to those of the CESD-COM. Following the Commission's policy of phasing-out the participation, all Eurostat staff progressively resigned and this process was completed in 2000. The resignations were rather later than for CESD-COM (completed in 1997) but this was because the entities concerned had to be restructured whilst continuing to ensure an acceptable level of participation in statistical cooperation with developing countries.

CESD-COM received subsidies from Eurostat from the time it was set up until 1999, when the last subsidy was granted. The Director-General of Eurostat, Mr Yves Franchet, was its President until 1995.

Tables giving the lists of data required by the Honourable Member and mentioned in the two final paragraphs of the written question are in the process of being established and will be transmitted as soon as available.

[1] OJ L 145, 31.5.2001.

(2003/C 242 E/264) **WRITTEN QUESTION E-1281/03**

by María Sornosa Martínez (PSE) to the Commission

(4 April 2003)

Subject: Legislation on the habitability of dwellings in the EU

The acquis communautaire relating to the environment contains a number of legislative texts on the habitability of buildings intended as dwellings. The EU has legislated in areas such as the use of asbestos in the construction of buildings, the measurement and management of ambient noise and the energy efficiency of buildings. However, there is no directive or recommendation which, in the interests of public well-being and safety, regulates other isues affecting the habitability of buildings intended as dwellings, such as minimum size of living area, insulation, conditions of access, surroundings, and so on.

In the case of Spain a major debate is under way concerning the lack of habitability criteria, with particular reference to thermal and acoustic standards. Hence the existence of Community reference legislation on the habitability of dwellings could be useful as a means of harmonising the individual Member States' existing laws and of laying down certain minimum criteria relating to welfare, protection against pollution and the safety of people living in the EU.

Is the Commission planning to put forward any proposal with a view to establishing future legislation on the habitability of buildings intended as dwellings? If so, would the Commission be willing to consider the possibility of including in such a proposal the issue of vendor liability in the event of hidden defects in property which is put up for sale?

Answer given by Mr Byrne on behalf of the Commission

(16 May 2003)

Unlike construction products, which are the subject of a specific Community directive [1], legislation on buildings remains the responsibility of the Member States. As the Treaty does not make provision for Community legislation on the habitability of buildings intended as dwellings (minimum living area, insulation, conditions of access, surroundings etc.), the Commission cannot contemplate putting forward any proposals in this direction. Furthermore, it is not clear whether any such initiative would have an added value.

Community legislation does not cover vendor liability in the event of hidden defects in property that is sold. Directive 1999/44/EC on certain aspects of the sale of consumer goods and associated guarantees [2], although it covers hidden defects, does not apply to immovable property. Directive 85/374/EEC concerning liability for defective products [3], which relates to non-contractual liability only, does not cover immovable property, which means that it too is not applicable in the case in point. The Commission does not feel it would be appropriate to table a specific proposal on this subject. However, it intends to propose in the near future a framework directive on unfair commercial practices. Such a directive would certainly help to protect the interests of building purchasers.

[1] 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.
[2] OJ L 171, 7.7.1999.
[3] OJ L 210, 7.8.1985.

(2003/C 242 E/265) **WRITTEN QUESTION P-1286/03**
by Michl Ebner (PPE-DE) to the Commission

(31 March 2003)

Subject: Smallpox danger

How does the Commission view the danger of a possible smallpox attack?

What countermeasures has the Commission taken, or will it take?

Do preventive measures exist at European level?

Can a Member State be required to take preventive measures?

Would the Commission state its position on these questions?

Answer given by Mr Byrne on behalf of the Commission

(29 April 2003)

The risk of a smallpox outbreak, through a deliberate introduction of the variola major virus, responsible for smallpox, cannot be excluded.

Counter-measures to prevent and mitigate the consequences of such outbreaks are the responsibility of Member States. Since the bioterrorist attacks in the United States in September 2001 and October 2001, the Member States have taken measures to strengthen their preparedness and response capability with regard to smallpox.

Member States are required to notify disease outbreaks and unusual epidemiological situations to the Commission pursuant to Decision No 2119/98/EC of the Parliament and of the Council setting up a network for the epidemiological surveillance and control of communicable diseases in the Community [1]. A further Commission Decision has been proposed adding variola major to Commission Decision 2002/253/EC of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the Parliament and of the Council [2].

In addition, the Commission, as indicated in its Communications on 28 November 2001 on 'Civil protection: state of preventive alert against possible emergencies' [3] and on 11 June 2002 on 'Civil Protection — Progress made in implementing the programme for preparedness for possible emergencies' [4], is co-operating closely with the Member States to enhance their preparedness and response not only to smallpox but also other threats from (deliberate release of) chemical, biological and radio-nuclear (CBRN) agents. It has launched a series of co-ordinated actions across the civil protection, health, enterprise (pharmaceuticals), research, nuclear and transport and energy fields.

Finally, the Commission has joined efforts with the Council in inventorying measures and actions across Union policies to face up to CBRN terrorist threats and setting up the strategic objectives for future action. These are set out in the joint programme, agreed on 20 December 2002 [5], to improve co-operation in the Union for preventing and limiting the consequences of such threats.

(1) OJ L 268, 3.10.1998.
(2) OJ L 86, 3.4.2002.
(3) COM(2001) 707 final.
(4) COM(2002) 302 final.
(5) Council Document 14627/02.

(2003/C 242 E/266) **WRITTEN QUESTION E-1391/03**

by Mario Borghezio (NI) to the Commission

(15 April 2003)

Subject: Health passport for non-EU citizens

The recent case of cholera identified in a Senegalese passenger on a flight from Brussels to Turin is a very real reminder of the grave dangers posed by inadequate health controls on immigrants from outside the EU.

This is in addition to the alarm raised by the world health authorities over the SARS virus.

Does the Commission not consider it useful, in relation to the circulation of non-EU citizens, to propose the creation of a special health passport to safeguard the health of all?

Answer given by Mr Byrne on behalf of the Commission

(19 May 2003)

The Commission is well aware of the potential risks of imported communicable diseases and their impact on Member States. The current epidemic of Severe Acute Respiratory Disease (SARS) is a good example of such a threat. The Commission is collaborating with the Member States, through the designated Authorities of the Ministries of Health, and with the World Health Organisation (WHO) to implement actions to control such diseases, in particular through the revision of the WHO International Health Regulations. However, in such cases, particularly where an incubation period is involved, there is no obvious link between health-related information which might be contained in a health passport and the control of a communicable disease of this nature.

The Commission will prepare a SARS Monitoring Report for the 2 June 2003 Health Council.

(2003/C 242 E/267)

WRITTEN QUESTION P-1395/03

by Joan Colom i Naval (PSE) to the Commission

(10 April 2003)

Subject: Siting of the headquarters of the European Food Safety Agency

According to newspaper reports citing Finnish diplomatic sources, the governments of Italy and Finland have come to an agreement to subdivide the European Food Safety Agency (EFSA) into two offices, which would be based in Parma and Helsinki respectively. These reports also indicate that this agreement already has the support of the President of the European Commission, Romano Prodi, and that the Agriculture Commissioner, Franz Fischler, would not object to the agency being split into two, which would surely contradict the repeated public statements made by Commissioner Byrne.

This a matter of great importance with regard to the agency and its duties, because several cities (Barcelona, Helsinki, Lille and Parma) are candidates to play host to its headquarters and because Parliament has been called to adopt repeated positions on this subject.

Given these circumstances and in the light of the fact that a final decision on the EFSA headquarters has been pending since the Laeken European Council of 19 December 2001, when it was agreed to provisionally site the agency in Brussels despite the fact that this transience and attendant uncertainty will adversely affect the work the Agency is already in a position to do and its chances of recruiting experts, thereby fuelling the concerns of European citizens who have already had to cope with several food safety crises in recent years:

What information does the Commission have concerning this supposed agreement?

What has been the European Commission's role in this matter, bearing in mind that it is for the Council to take the final decision?

Is it true that the agreement between Italy and Finland has the Commission's support?

If so, what are the grounds and reasoning behind the Commission's opting for this solution?

If this is not the case, given that no formal decision has yet been taken on the EFSA headquarters, what effect does the Commission feel this transience will have on work at the Agency's temporary headquarters in Brussels and on the officials currently employed there?

Has the Commission received any request from the Spanish Government for it to consider or clarify its position with regard to Barcelona's candidature?

Answer given by Mr Byrne on behalf of the Commission

(21 May 2003)

The European Council agreed in Laeken (19 December 2001) to resolve the question of the European Food Safety Authority's final location as part of an overall agreement on the headquarters of the various new European agencies.

Since it did not wish to jeopardise plans for the Authority to begin its operations in 2002, as agreed at the Nice Summit and confirmed in Gothenburg, it agreed at this point that the Authority could begin its work in Brussels until this overall agreement was reached.

This solution allowed the Authority to get operations under way quickly. The Authority's Management Board has been in operation since September 2002 and its Executive Director and Advisory Forum have been in place since the beginning of 2003. Its Scientific Committee and Panels are currently being set up. An initial core of staff, mainly scientists, is also in place.

The Commission has also seen the newspaper reports regarding a possible agreement between the Italian and Finnish Governments concerning the Authority's headquarters.

However, according to current institutional practice, the decision on agencies' headquarters is taken jointly by the Heads of Government of the Member States. An agreement between two governments does not therefore carry enough weight to determine an agency's headquarters.

The Commission has on several occasions stated its views in this debate, pointing out the importance of operational requirements for the efficient running of the Authority: the need for a central location and easy access which is compatible with the need to be able to work in close contact with the Community officials responsible for risk management, particularly crisis management. However, it has not backed any particular candidate.

The Commission is trying to minimise any negative effects of provisionally siting the Authority in Brussels. It has introduced specific provisions to ensure that the Authority, like other agencies with provisional headquarters (maritime and aviation), has suitable premises. Recruitment procedures already completed or ongoing have resulted in the recruitment of high-level, highly-qualified staff, and the process of setting up the Authority and its various bodies is moving forward at a satisfactory pace.

All the cities applying to host the Authority's headquarters (Barcelona, Helsinki, Lille and Parma) have sent the Commission detailed information on the conditions which they are offering for setting up and running the Authority. It is not up to the Commission to comment on the applications, as current institutional practice dictates that it is the Heads of Government of the Member States who assess the applications and come to a decision.

(2003/C 242 E/268) **WRITTEN QUESTION E-1477/03**

by Maurizio Turco (NI) to the Commission

(2 May 2003)

Subject: Refunds on exports from Member States to the Vatican City State of butter and other fats and oils derived from milk, milk products

A table containing data on the quantities and value in euro of products eligible for export refunds was appended to the supplementary answer to question P-3202/02 [1].

Examination of this table shows that, for exports to the Vatican City State of 'butter and other fats and oils derived from milk, milk products' (code 0405):

(a) in 1998 exports from Austria totalled 155 kg for a refund of EUR 272 200,57, equivalent to aid of EUR 1 756,13 per kg of butter exported;

(b) in 1999 exports from Italy totalled 0,064 kg for a refund of EUR 402,90, equivalent to aid of EUR 6 295,31 per kg of butter exported;

In all likelihood, 155 000 kg were exported in 1998 and around 230 kg in 2000, at a more credible level of aid of between EUR 1,76 and EUR 1,75 per kg of butter exported.

If one were to make these corrections, total exports would be 174 215,50 kg for 1998, 156 230 kg for 1999, 145 560 kg for 2000 and 146 200 kg for 2001.

Under Regulation (EC) No 419/2002 [2], it should also be possible for the tabular data, extracted from the CATS database, to be used for monitoring and forecasting purposes.

It is specified in the table that the units of measurement, weights or quantities and the amounts in euro are provided by the Member States.

In the light of the above, could the Commission indicate:

— whether the data supplied by the Member States are checked and who is responsible for doing this;

— whether the quantities of butter and other fats and oils derived from milk, and milk products exported from Member States to the Vatican City State were subject to any monitoring, what form that this took, and what forecasts were made in respect of these quantities;

— whether it does not consider the level of imports to the minuscule Vatican City State to be too high, or in other words that it can be assumed these products are sold in Italy?

(1) OJ C 137 E, 12.6.2003, p. 172.
(2) OJ L 64, 7.3.2002, p. 8.

(2003/C 242 E/269) **WRITTEN QUESTION E-1478/03**

by Maurizio Turco (NI) to the Commission

(2 May 2003)

Subject: Refunds on exports from Member States to the Vatican City State of fresh and frozen beef

A table containing data on the quantities and value in euro of products for which export refunds are granted was appended to the supplementary answer to question P-3202/02 (1).

Examination of this table shows that, for exports to the Vatican City State of 'fresh and frozen beef' (code 0201):

(a) in 1999 exports from Italy totalled 39,592 kg for a refund of EUR 256 405,34, equivalent to aid of EUR 6 476,19 per kg of meat exported;

(b) in 2000 exports from Italy totalled 38,985 kg for a refund of EUR 305 341,16, equivalent to aid of EUR 7 832,27 per kg of meat exported;

In all likelihood, 395 920 kg were exported in 1999 and 389 850 kg in 2000, at a more credible level of aid of between EUR 0,65 and EUR 0,78 per kg of meat exported.

If one were to make these corrections, total exports would be 346 233 kg for 1998, 963 646 kg for 1999, 730 978,210 kg for 2000 and 212 249,800 kg for 2001.

Under Regulation (EC) No 419/2002 (2), it should also be possible for the tabular data, extracted from the CATS database, to be used for monitoring and forecasting purposes.

It is specified in the table that the units of measurement, weights or quantities and the amounts in euro are provided by the Member States.

In the light of the above, could the Commission indicate;

— whether the data supplied by the Member States are checked and who is responsible for doing this;

— whether the quantities of fresh and frozen beef exported from Member States to the Vatican City State were subject to any monitoring, what form that this took, and what forecasts were made in respect of these quantities;

— whether it does not consider the level of imports to the minuscule Vatican City State to be too high, or in other words that it can be assumed these products are sold in Italy?

(1) OJ C 137 E, 12.6.2003, p. 172.
(2) OJ L 64, 7.3.2002, p. 8.

(2003/C 242 E/270) **WRITTEN QUESTION E-1479/03**

by Maurizio Turco (NI) to the Commission

(2 May 2003)

Subject: Exports of fresh and frozen beef from Member States to the Vatican City State and management of the meat counters in the Vatican shop

In an interview published in March 2001 in the trade journal 'Eurocarni', Ruggero Guidoni, the head of Guidoncarni, which is based in Torrevecchia (Rome), stated that in 2000 'Unicarni of Reggio Emilia … was awarded the contract to supply meat to the supermarket run by the Vatican Governorate, where around ten thousand consumers from that community, including purchasers for several religious houses, can buy goods on production of the appropriate pass. Ildo Cigarini, the chairman of Unicarni, asked us to manage the meat counters in the Vatican shop … and we took up a 30 % stake in the company Roma Carni 2000, which was set up for that purpose. CIR Surgelati also took up a stake. The estimated turnover was 15-20 billion per annum. It could be even higher. Unfortunately the crisis upset these forecasts.'

In the period 1998/2000 the Vatican imported 22 529,27 quintals of meat from EU Member States and received the export refunds provided for. These exports came from Belgium (579,84 q), Ireland (2 226,01 q), Italy (8 044,47 q) and the Netherlands (11 678,94 q).

In the light of the above, could the Commission indicate:

— what instruments the European Union has, or in other words what measures Italy has adopted, to ensure that the Vatican does not — directly or indirectly — remarket in the European Union products for which export refunds are granted;

— whether the company that was awarded this meat management contract, or rather its constituent companies, export meat to the Vatican directly or through an intermediary;

— the names of the Belgian, Irish, Italian and Dutch companies that exported meat to the Vatican in the period 1998/2001?

(2003/C 242 E/271) **WRITTEN QUESTION E-1480/03**

by Maurizio Turco (NI) to the Commission

(2 May 2003)

Subject: Refunds on exports from Member States to the Vatican City State of beet and cane sugar and chemically pure sucrose in solid form

A table containing data on the quantities and value in euro of products for which export refunds are granted was appended to the supplementary answer to question P-3202/02 [1].

Examination of this table shows that, for exports to the Vatican City State of 'beet and cane sugar and chemically pure sucrose in solid form' (code 1701):

(a) in 1999 exports from Italy totalled 79,075 kg for a refund of EUR 385 731,05, equivalent to aid of EUR 4 878,04 per kg of sugar exported;

(b) in 2000 exports from Italy totalled 70,115 kg for a refund of EUR 356 906,17, equivalent to aid of EUR 5 090,30 per kg of sugar exported;

(c) no units of measurement are given for the two following sets of figures:

1. an export from France of 0,110 in 1998, equivalent to aid of EUR 44,18 and;

2. an export from Spain of 28,030 in 1999, equivalent to aid of EUR 1 268,38.

In all likelihood, the correct figures should be: (a) 790 750 kg; (b) 701 150 kg; (c) 110 kg; d) 2 803 kg, at a level of aid ranging between a more credible EUR 0,40 and EUR 0,51 per kg of sugar exported.

If one were to make these corrections, total exports would be 727 810 kg for 1998, 793 553 kg for 1999, 1 012 800 kg for 2000 and 26 435,300 kg for 2001.

Under Regulation (EC) No 419/2002 [2], it should also be possible for the tabular data, extracted from the CATS database, to be used for monitoring and forecasting purposes.

It is specified in the table that the units of measurement, weights or quantities and the amounts in euro are provided by the Member States.

In the light of the above, could the Commission indicate:

— whether the data supplied by the Member States are checked and who is responsible for doing this;

— whether the quantities of beet and cane sugar and chemically pure sucrose in solid form exported from Member States to the Vatican City State were subject to any monitoring, what form that this took, and what forecasts were made in respect of these quantities;

— whether it does not consider the level of imports to the minuscule Vatican City State to be too high, or in other words that it can be assumed these products are sold in Italy?

[1] OJ C 137 E, 12.6.2003, p. 172.
[2] OJ L 64, 7.3.2002, p. 8.

Joint answer
to Written Questions E-1477/03, E-1478/03, E-1479/03 and E-1480/03
given by Mr Fischler on behalf of the Commission

(21 May 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2003/C 242 E/272) **WRITTEN QUESTION P-1596/03**

by Regina Bastos (PPE-DE) to the Commission

(6 May 2003)

Subject: Closure of 'Schuh-Union' located in Ponte de Lima, Portugal

The German shoe company Schuh-Union closed its factory in Ponte de Lima and more than 180 workers lost their jobs. Management informed staff about the definitive closure by simply putting up a notice at the entrance to the factory.

The company had drawn up a protocol guaranteeing that it would stay in Ponte de Lima for at least 20 years, but it closed down after only 12 years.

Management blamed the closure on a shortage of orders, but in actual fact the orders had been passed on to other factories in Romania and Turkey, where labour is cheaper.

In May 2002 Schuh-Union already closed the factory at Maia (Portugal) in order to relocate to Romania, depriving 460 workers of their jobs. At that time management claimed that the closure would enable the factory at Ponte de Lima to maintain its full production capacity and retain all the staff.

Nevertheless, in October 2002 Schuh-Union closed the cutting and stitching section of its Ponte de Lima factory, which immediately made 172 workers redundant.

It should be noted that 97 % of the staff are women aged between 40 and 50, who will naturally find it difficult to find other jobs, especially in a town where there are few job opportunities.

Can the Commission therefore say:

— whether Schuh-Union has received any Community funding;

— if so, how much it received, when, and what conditions were imposed on the company?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 June 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2003/C 242 E/273) **WRITTEN QUESTION P-1611/03**

by Jean-Louis Bernié (EDD) to the Commission

(7 May 2003)

Subject: Marketing of cereals

Apart from in France, the marketing of cereals in the European Union is not regulated; farmers can sell their produce freely and can ensure that it is perfectly traceable, in contrast to the produce of giant silos.

In France, the marketing function is a monopoly held by the storage agencies licensed by the National Cereals Trades Board (ONIC), and it is compulsory for all cereal trade to be channelled through them. The approved collectors deduct the parafiscal charges which are needed, amongst other things, for the operation of ONIC, which gives them financial support.

This situation means that producers and users of French cereals are penalised both financially and in respect of their ability to trade freely. For example, a French cereals producer is not allowed to sell his produce directly to a breeder.

The rules imposed by ONIC therefore appear to constitute a barrier to Community trade and freedom of trade.

What does the Commission think of this typically French situation?

Does it have any suggestions for resolving it?

Answer given by Mr Fischler on behalf of the Commission

(2 June 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2003/C 242 E/274) **WRITTEN QUESTION P-1798/03**

by Wolfgang Ilgenfritz (NI) to the Commission

(21 May 2003)

Subject: Refunds for sugar-processing operations

In accordance with the Brussels Agreement (2002/C 152/05) [1], the firm Agrar Invest Tatschl imports sugar from Serbia and Croatia. Tatschl's customers use the sugar imported from Serbia or Croatia in the manufacture of juices, chocolate, etc. and then export the finished products to third countries.

The current intervention price for sugar is approximately EUR 699 per tonne. The world market price, on the other hand, is only about EUR 250. The sugar-processing operations should therefore receive a refund of approximately EUR 450 per tonne for sugar imported for processing from Serbia and Croatia when the finished products (juices, chocolate) are subsequently exported to third countries (export of Non-Annex I products from the Union's customs-free territory with application for an export refund).

The refund in question works without any problem in Germany and Italy. I do not understand why Austrian sugar-processing operations have so far been placed at a disadvantage by the refusal to grant them refunds.

The Austrian Finance Ministry took action on this matter last year (28 March 2002) by sending a request to the Commission for clarification on whether Austrian firms were eligible for refunds in these circumstances. So far the Commission has not replied.

I would therefore like answers to the following questions:

1. Are refunds possible for Austrian sugar-processing operations?
2. If so, can refunds be retroactive?
3. What procedure must be gone through to obtain retroactive refunds?
4. If not, on the basis of which directives is a refund impossible?

[1] OJ C 152, 26.6.2002, p. 14.

Answer given by Mr Liikanen on behalf of the Commission

(10 June 2003)

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.