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EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

(2003/C 280 E/001) **WRITTEN QUESTION E-2476/02**

by Elizabeth Lynne (ELDR) to the Commission

(6 September 2002)

Subject: Protecting a National Park in Poland

Does the Commission have any safeguard measures which it may apply so as to ensure that the Polish Government does not start building the Via Baltica expressway across the Biebrza National Park and other key sites of conservation importance in northern Poland before a comprehensive strategic Environmental Impact Assessment is completed?

Does the Commission have any plans to help the Polish Government to assess alternative routing options for the Via Baltica corridor so as to avoid the potentially harmful impact of the currently preferred route on the Biebrza National Park and other key sites?

Answer given by Mr Verheugen on behalf of the Commission

(18 October 2002)

There is no doubt that the Biebrza National Park in Poland is of great value and deserves protection.

The Honourable Member will be aware that from a legal point of view candidate states are not obliged to fully comply with the acquis until the date of accession. However, since the beginning of the accession negotiations, the Commission has insisted that all new infrastructure investments in the candidate countries should comply with Community environmental law. On that basis Poland should, for all its transport infrastructure projects, including those that make up the Via Baltica, comply with the relevant Directives on nature protection (92/43/EEC, 79/409/EEC).

Council Directive 92/43/EEC of 21 May 1992, on the conservation of natural habitats and of wild fauna and flora [1] and Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [2] will apply to Poland as soon as it becomes a Member State of the Union. This means that, upon accession, the protection foreseen in Article 6(2), (3) and (4) of Directive 92/43/EEC will apply for all sites included in the list of sites eligible as sites of Community importance, as well as for all sites designated as a Special Protection Area under Directive 79/409/EEC.

Moreover Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [3] will need to be transposed by all Member States [current and new] by 21 July 2004. The Directive will apply to plans and programmes for which the first formal preparatory act is submitted on or after that date. Projects already foreseen and for which plans are submitted prior to this date will consequently not be retroactively covered by this new Directive. It therefore follows that although Directive 2001/42/EC is part of the EU

environmental acquis, which should be transposed by all new acceding States, where plans for the Via Baltica have been submitted prior to 21 July 2004, the provisions of the Directive would not yet be in force. It is therefore doubtful whether and to which extent this Directive will need to be applied for the Via Baltica expressway across the Biebrza National Park.

Under Directives 92/43/EEC and 79/409/EEC, the question of possible alternative routings arises only in specific circumstances, namely, if, despite a negative assessment of the implications for a protected site, imperative reasons of overriding public interest justify the carrying out of the project. The Commission is not aware at which stage of the process the planning of the motorway currently stands and will contact the Polish authorities on this issue for their assurance that all necessary environmental requirements have been complied with.

In this context the Commission draws the attention of the Honourable Member to its responses to Written Questions P-1648/02 by Mr Huhne and E-1694/02 by Mr Meijer [4], E-1968/02 by Mr Davies [5] and E-2284/02 by Mr Xarchakos and Mr Dimitrakopoulos [6], confirming that neither PHARE nor ISPA funds have been provided for the construction of the Via Baltica across the Biebrza marshes in north-east Poland. Furthermore, such a project features in neither the ISPA nor the PHARE project pipeline and, therefore, no request for Union support for this particular project has been made by the Polish authorities. Should the Commission receive such a request, the project will be examined in the light of the relevant Community environmental rules.

(1) OJ L 206, 22.7.1992.
(2) OJ L 103, 25.4.1979.
(3) OJ L 197, 21.7.2001.
(4) OJ C 301 E, 5.12.2002, p. 201.
(5) OJ C 309 E, 12.12.2002, p. 181.
(6) OJ C 161 E, 10.7.2003, p. 20.

(2003/C 280 E/002)

WRITTEN QUESTION E-2498/02

by Richard Corbett (PSE) to the Commission

(9 September 2002)

Subject: Baltic Corridor

Does the Commission have any plans to help the Polish Government to assess alternative routing options for the 'Via Baltica' so as to avoid the potentially harmful impact of the currently preferred route on the Biebzia National Park and other key sites?

Answer given by Mr Verheugen on behalf of the Commission

(18 October 2002)

There is no doubt that the Biebrza National Park in Poland is of great value and deserves protection.

As already indicated in the reply to Written Question E-2476/02 by Mrs Lynne [1], Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [2] and Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [3] will apply to Poland as soon as it becomes a Member State of the Union. This means that, upon accession, the protection foreseen in Article 6(2), (3) and (4) of Directive 92/43/EEC will apply for all sites included in the list of sites eligible as sites of Community importance as well as for all sites designated as a Special Protection Area under Directive 79/409/EEC.

The Honourable Member will be aware that from a legal point of view candidate states are not obliged to fully comply with the acquis until the date of accession. However, since the beginning of the accession negotiations, the Commission has insisted that all new infrastructure investments in the candidate countries should comply with Community environmental law. On the basis of this position, Poland should, for all its transport infrastructure projects, including those that make up the Via Baltica, comply with the Directives on nature protection (92/43/EEC, 79/409/EEC).

Under these Directives, the question of possible alternative routings arises only in specific circumstances, namely, if, despite a negative assessment of the implications for a protected site, imperative reasons of overriding public interest justify the carrying out of the project. The Commission is not aware at which stage of the process the planning of the motorway currently stands and will contact the Polish authorities on this issue for their assurance that all necessary environmental requirements have been complied with.

In this context the Commission draws the attention of the Honourable Member to its responses to Written Questions P-1648/02 by Mr Huhne and E-1694/02 by Mr Meijer [4], E-1968/02 by Mr Davies [5] and E-2284/02 by Mr Xarchakos and Mr Dimitrakopoulos [6], confirming that neither PHARE nor ISPA funds have been provided for the construction of the Via Baltica across the Biebrza marshes in north-east Poland. Furthermore, such a project features in neither the ISPA nor the PHARE project pipeline and, therefore, no request for Union support for this particular project has been made by the Polish authorities. Should the Commission receive such a request, the project will be examined in the light of the relevant Community environmental rules.

(1) See page 1.
(2) OJ L 206, 22.7.1992.
(3) OJ L 103, 25.4.1979.
(4) OJ C 301 E, 5.12.2002, p. 201.
(5) OJ C 309 E, 12.12.2002, p. 181.
(6) OJ C 161 E, 10.7.2003, p. 20.

(2003/C 280 E/003)

WRITTEN QUESTION E-2511/02

by Mihail Papayannakis (GUE/NGL) to the Commission

(9 September 2002)

Subject: EU code of conduct on the export of arms and weapon systems to third countries

Reports in the international press claim that serious breaches of the code of conduct on arms exports to third countries have been committed by Member States of the EU.

Although the Member States adopted strict common criteria on arms exports as early as May 1998 and despite the existence of binding agreements, some Member States are manufacturing and exporting weapon systems to third countries which do not fulfil the criteria set out in the code of conduct:

— the UK which is reported to have sold weapon systems to undemocratic regimes and countries which are embroiled in civil strife (India, Indonesia, Nigeria, Morocco, Tanzania), and

— Belgium, which recently exported 5 500 weapons made by the Belgian arms manufacturer Fabrique National to Nepal, where civil war has been raging for many years.

In view of the foregoing, will the Commission say whether it considers that the code of conduct on arms exports has been breached — in the UK's case specifically criterion 2 of paragraphs (a) and (b), and in Belgium's case criterion 3? What measures will the Commission take to ensure that the code of conduct is not circumvented and that, henceforth, there is stricter compliance with its provisions?

Answer given by Mr Patten on behalf of the Commission

(16 October 2002)

The Union Code of Conduct on Arms Exports referred to by the Honourable Member was adopted by the Member States in 1998 within the framework of the Common Foreign and Security Policy. It is a politically binding document aimed at creating high common standards for arms exports by establishing eight criteria and increasing transparency. The operative provisions of the Code provide for the notification of denials and for confidential consultations among the Member States concerned, but the final decision remains at the discretion of the Member State to which an application for a transaction involving arms and weapon systems has been addressed.

Discussions in the Working Group of the Council dealing with conventional arms transfers (COARM), in which the Commission participates, contribute to develop a common understanding and possibly over time a 'common doctrine' for the implementation of the Code by the Member States. Annual reports are published both at national and Union level and they contribute to enhance transparency in this field. Proposals in COARM to develop the Code to a legally binding instrument have not met with approval by all Member States. A number of third countries have pledged to subscribe to the principles of the Code. The Union also promotes the application of these principles by the associated countries.

(2003/C 280 E/004) **WRITTEN QUESTION E-2514/02**

by Alexandros Alavanos (GUE/NGL) to the Commission

(9 September 2002)

Subject: Applicant countries and Regulation (EEC) 1408/71

After 1984, many Greek nationals who had fled during the Greek civil war of 1945-1949 to Poland, the Czech Republic, Slovakia, Russia, Hungary, the former German Democratic Republic, Bulgaria, Romania and elsewhere as political refugees were repatriated. Since returning to Greece, these Greeks have encountered a considerable number of problems despite the conclusion of bilateral agreements concerning their social security rights with the above countries because their recognised period of contributions was appreciably reduced and the nature of their work (e.g. heavy, unhealthy jobs) not taken into consideration. Despite their advanced years, therefore, they are compelled to work on well into old age to obtain a pension capable of sustaining a decent standard of living.

Will the Commission's talks with the above applicant countries cover the problems associated with the social security rights acquired by Greek political refugees whilst working in those countries, following the arrangements made for the Greek political refugees in the former German Democratic Republic (Regulation (EEC) No 1408/71 [1])?

[1] OJ L 149, 5.7.1971, p. 2.

Answer given by Mr Verheugen on behalf of the Commission

(15 October 2002)

Under bilateral agreements concluded between Greece and several Eastern European countries, Greece has agreed to recognise periods during which Greek nationals worked in these countries for the purpose of calculating pension payments. This was done to protect the pension rights of these people which might otherwise have been lost. Thus the pensions are now paid by Greece. How to treat these recognised periods has been decided by the Greek authorities and is a question of national competence. Any query regarding the way these periods have been recognised should therefore be addressed to the Greek authorities.

With accession, those Greek citizens affected will have the opportunity, should they so wish, to request a recalculation of their pensions on the basis of Community provisions. However, considering the lower level of pension payments in Eastern European countries, this would be unlikely to result in a more favourable pension entitlement — it will probably be more beneficial to retain the existing pension, as currently calculated and paid by Greece.

No special arrangements were foreseen for Greek nationals who worked in the former German Democratic Republic. An existing agreement on pension rights was incorporated into 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, and this therefore continues to apply. Discussions have taken place in the Administrative Committee on Social Security for Migrant Workers established under this Regulation on the entries to include in its annexes. As a result of these discussions, in which both Member States and candidate countries were involved, none of the agreements concluded with the candidate countries are to be incorporated into the Regulation as an annex. However, not including these agreements under the Regulation in no way prevents individuals from requesting a recalculation of his or her entitlements.

(2003/C 280 E/005) **WRITTEN QUESTION E-2554/02**

by Catherine Stihler (PSE) to the Commission

(12 September 2002)

Subject: Malta's accession to the EU and the Wild Birds Directive

Further to recent reports in the Maltese press about possible exemptions from the Wild Birds Directive for Malta on accession to the EU, with particular regard to spring hunting and trapping, can the Commission confirm that such reports are nothing more than speculation and that Malta will not be granted any transitional periods or exemptions with regard to the implementation of this Directive?

Answer given by Mr Verheugen on behalf of the Commission

(11 November 2002)

The implementation of Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [1] has been negotiated in the framework of the accession negotiations on the environment chapter with Malta. As regards the specific aspect of spring hunting, Malta has committed itself to fully implement, as from accession, the relevant parts of the Directive. Article 9 of this Directive allows for exceptions under certain very stringent conditions. If Malta wishes to allow spring hunting, for instance in relation to turtle dove and quail, it would need to ensure that all the requirements of Article 9 are met and that any permitted hunting is carried out under 'strictly supervised conditions' and limited to 'small numbers' only. Furthermore, the use of Article 9 is subject to monitoring by the Commission and Malta is committed, where it chooses recourse to this article, to report each year on its possible use.

Therefore, bird hunting in Malta can, as from accession, only take place within the limits provided for by the Directive and Malta has not been granted a transitional period in this respect.

As regards trapping, Malta negotiated and the Council agreed to a transitional period of five years (until 31 December 2008) to allow the capture of seven finch species, by the use of traditional nets known as clap-nets within the Maltese islands, exclusively for the purpose of keeping them in captivity and to allow the setting up of a functioning breeding system. During this period, Malta must implement a series of measures, following an agreed timetable, to ensure full enforcement of the related provisions of the Directive by 31 December 2008. These measures include the establishment of the Maltese Ornis Committee by 31 December 2002, the census of all trapping sites by 31 December 2003 and the introduction of a captive-breeding programme by 30 June 2005. The EU expects that, with these measures, the number of captured birds will be significantly reduced during the transitional period.

[1] OJ L 103, 25.4.1979.

(2003/C 280 E/006) **WRITTEN QUESTION E-2564/02**

by Anna Karamanou (PSE) to the Commission

(16 September 2002)

Subject: Women in black — 7th anniversary of the Srebrenica massacre

According to the organisation 'Women in Black', the government of the Bosnian Serb Entity prevented a delegation from the organisation from travelling to Srebrenica to attend the ceremony to mark the 7th anniversary of the Srebrenica massacre on 11 July 2002 and to pay tribute to the memory of the victims. Moreover, despite the fact that the Stabilisation Force, SFOR, had granted authorisation and promised to escort the buses, it did not keep its word, so that women belonging to 16 peace organisations in Serbia and Montenegro were unable to attend the commemoration.

What measures will the Commission take to compel the governments of present-day Yugoslavia and the Bosnian-Serb Entity (Republika Srpska) and SFOR to respect the right of the women to attend similar events in the future and not to obstruct the free movement of individuals for reasons of political expediency? In addition, what action will the Commission take to put an end to the attempts of chauvinist elements in the Bosnian Serb Entity to undermine peaceful coexistence in Bosnia-Herzegovina?

Answer given by Mr Patten on behalf of the Commission

(22 October 2002)

The Commission is aware of reports suggesting that several parties were prevented from travelling to Srebrenica on 11 July 2002 to mark the anniversary of the 1995 massacre. In one case, 30-40 members of 'Women in Black' who had set off from Belgrade were reportedly stopped by Republika Srpska (RS) police near Bratunac and prevented from proceeding to Srebrenica. Reports suggest that several of the bus passengers concerned were not carrying the required documentation. In a similar case both the Office of the High Representative and the Organisation for Security and Cooperation en Europe (OSCE) in Bosnia and Herzegovina (BiH) expressed concern and called on the RS government to investigate and take any necessary disciplinary action. While SFOR contributes to a secure environment, inter alia through patrols, it cannot provide a blanket security presence.

Although the Commission cannot 'compel' the RS government to allow free movement to such commemorations, the Commission can and does forcefully point out the responsibility of the BiH and Entity authorities to guarantee the 'full freedom of movement of persons … throughout Bosnia and Herzegovina' (Article I.4 of the BiH constitution). Any failure to implement this requirement would, if confirmed, be noted in annual reports on the Stabilisation and Association Process and would subsequently be reflected in a delay in BiH's integration into Union structures. In this context, the Commission would also point to its political and financial support for the development of the rule of law in BiH. One part of this agenda is the work of the Union Police Mission; the latter will further combat any excesses. Finally, the Commission wishes to underline that the elimination of chauvinist opposition to peaceful co-existence in BiH require attitude changes across the ethnic divide. The Commission attempts to address this through a wide range of both positive and negative inducements; its final eradication will, however, inevitably take a long time.

(2003/C 280 E/007) **WRITTEN QUESTION E-2568/02**

by Robert Evans (PSE) to the Commission

(16 September 2002)

Subject: Defamation charges against Bruce Harris of Casa Alianza in Guatemala

Is the Commission aware of the defamation charges against Bruce Harris, Regional Director of Latin American Programs for Covenant House (Casa Alianza), placed against him in Guatemala?

Constituents have written to alert me of the charges against Mr Harris and the maximum five-year prison sentence he faces if found guilty. The case relates to a joint investigation into the illegal trafficking of Guatemalan and Mexican babies, sent to other countries for adoption.

It appears that after many years of working for street children in Central America, Mr Harris could suffer a long prison sentence for attempting to uncover the truth.

Is the Commission involved in dialogue or action to ensure that justice is done in this case?

Answer given by Mr Patten on behalf of the Commission

(29 October 2002)

The Commission is well aware of the trial for defamation concerning Bruce Harris, Casa Alianza's Regional Director for Latin American Programs, a case that, for some years has drawn the attention of the international community, claiming the full respect of justice and freedom of expression in Guatemala.

At the same time, the Commission has been collaborating with Casa Alianza and is conscious of Mr Harris' commitment to the defense of young people and children's rights in Guatemala.

As the Honourable Member may know, the promotion of human rights, the rule of law and the good and transparent management of public affairs are at the core of the relations between the Union and Guatemala.

The Commission is actively supporting the public authorities, as well as civil society, in order to promote a more accessible and impartial judiciary system for all Guatemalans by means of concrete co-operation actions and programmes.

Moreover, through political dialogue, the Commission and the Member States are constantly urging the local public institutions to discourage and investigate any attack against human rights defenders and non-governmental organisations (NGOs).

Within this framework, and in accordance with the principle of respect for an independent judicial system, the Commission will consult Member States on whether to call on the Guatemalan authorities and judiciary institutions to handle cases, such as that of Bruce Harris', fairly and impartially.

(2003/C 280 E/008)

WRITTEN QUESTION P-2591/02

by Gian Gobbo (NI) to the Commission

(11 September 2002)

Subject: Priority to be given to Argentineans of European origin as far as immigration from outside the Community is concerned

The serious economic crisis which recently hit Argentina is inducing many Argentinean citizens of European origin to emigrate to the European Union, in particular Italy and Spain.

They are usually well-educated people who speak at least one Community language perfectly and whose integration into the Member States should pose no problems.

Does the Commission not consider it would be useful to create an aid programme to give priority and preference to the entry of these people into the countries where they have their roots?

Does it not consider that the supervised arrival of these new immigrants of European origin is preferable to the entry into our countries of immigrants from outside Europe who — for cultural, religious and socio-economic reasons — are often difficult to assimilate in our communities?

Answer given by Mr Vitorino on behalf of the Commission

(30 October 2002)

At the present stage of development of Community policy on migration, the criteria for the selection of third country nationals seeking admission to its territory as legal immigrants is a matter for each Member State to decide taking into account the relevant national legislation and bi-lateral or other agreements which it may have entered into with particular third countries. Knowledge of the language of the receiving country and historical and cultural links with third countries may influence these arrangements and the admission decision.

With its proposal for a Directive on the conditions of entry and residence of third-country nationals for the purpose of employmen [1] the Commission is pursuing the aim of laying down common criteria for admitting third country nationals to employed activities and self-employed economic activities based on preference for the domestic labour market and offering a number of different options for demonstrating compliance with this criteria. The draft Directive proposes a single national application procedure leading to one combined title, encompassing both residence and work permit within one administrative act, in order to simplify and harmonise the diverging rules currently applicable in Member States.

Given the rapidly changing nature of the demand for labour in the Union, the Commission has not proposed the establishment of European quotas or programmes for the recruitment of immigrants. However, the Commission believes that the gradual development of a common policy will reinforce cooperation between the Member States and encourage further coordination of admissions arrangements in the longer term.

[1] Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities — OJ C 332 E, 27.11.2001.

(2003/C 280 E/009) **WRITTEN QUESTION E-2596/02**

by Stavros Xarchakos (PPE-DE) to the Commission

(18 September 2002)

Subject: Destruction of ancient Greek and Roman monuments in Turkey

The Turkish press reports that extensive cracks have appeared in the ancient theatre of Ephesus in Asia Minor after a number of rock concerts were held there by permission of the Turkish authorities. Furthermore, camel fights (!!) have been held in the ancient stadium of Ephesus which has damaged the monuments and, needless to say, is an affront to its history.

This is not the first time that monuments have been damaged in Turkey, while something similar is happening to the ancient Greek and Christian monuments in northern Cyprus, which is occupied by the Turkish army.

Is the Commission aware of the damage to the monuments at Ephesus? What is its view of the events held there? On how many occasions (and which specifically) has the Commission officially taken up the subject of the destruction of monuments in Turkey with Turkish officials (monuments which were created by other peoples and only happen to be situated on the territory of present-day Turkey) and how many times (and on which specific occasions) did the Turkish officials give adequate and satisfactory explanations?

Answer given by Mr Verheugen on behalf of the Commission

(17 October 2002)

The Commission is not aware of the specific facts mentioned by the Honourable Member. It is well known that the Ephesus theatre hosts events connected to theatre and music festivals during the summer. Some of these events have great political significance. On 30 August 2002, for the first time, the antique theatre in Ephesus hosted a concert of songs in Armenian, Kurdish and Greek.

The Commission attaches great importance to the protection of archaeological heritage. There are, however, no specific provisions in the Community acquis related to the protection of ancient monuments. The Culture 2000 Community programme, established for the period 2000-2004, contributes to the promotion of good practices concerning the conservation and safeguarding of the common cultural heritage of European significance and it supports projects of co-operation in the field. Seventy-five heritage projects were funded for the year 2000 through this programme.

Although Turkey does not currently participate in the programme, the Commission is willing to facilitate its involvement in the future.

In 2001 the Community committed EUR 11,5 million to protect Turkey's cultural heritage in the southeastern part of the country. Implementation of this project will be spread over the coming three to four years. Given the availability of funds, the Commission does not at this stage foresee other projects devoted to cultural heritage in Turkey.

(2003/C 280 E/010) **WRITTEN QUESTION E-2601/02**

by Ilda Figueiredo (GUE/NGL) to the Commission

(18 September 2002)

Subject: Regulation on crossborder payments in euros

1 July 2002 saw the entry into force of the regulation on crossborder payments, which states that customers should pay no more to withdraw euros from cash machines or make card payments in euros in other EU Member States than they pay for the same services in the Member State where they live. This principle is to be extended to bank transfers by 1 July 2003.

A Commission press release of 27 June 2002 (IP/02/941) declared: 'New EU rules mean cheaper cash withdrawals and bank card payments abroad', claiming that domestic withdrawals and payments are free of charge while transactions abroad attract an average charge of approximately EUR 4. Complaints have recently been voiced in the press, in Portugal and elsewhere, not only over the implementation of the directive but also on the grounds that some banks have chosen to increase their charges for domestic withdrawals or payments. The result is that customers end up paying more. In addition, there has been a tendency to introduce or increase commissions and other bank charges, in an attempt to replace old sources of revenue, notably those deriving from exchanging operations, by new ones. One of the benefits of the single currency, i.e. lower transaction costs, thus seems to be failing to materialise.

Given the above:

— Can the Commission supply information on the evolution over the last decade of commissions and other bank charges for each member country of the eurozone?

— Can the Commission confirm that commissions and other bank charges have increased in the eurozone?

— What is the Commission's assessment of the implementation of the regulation on crossborder payments and commissions and charges on domestic and crossborder payments?

Answer given by Mr Bolkestein on behalf of the Commission

(31 October 2002)

1 July 2002 saw the entry into force of the payment cards provisions of European Parliament and Council Regulation (EC) No 2560/2001 of 19 December 2001 on cross-border payments in euro [1]. On the basis of the information at its disposal, the Commission considers that, with a few exceptions, implementation of this Regulation has been entirely satisfactory [2].

The Commission does not have any data on the evolution of bank charges over the last ten years for the 12 Member States in the euro zone. Nevertheless, it has had the opportunity to examine the charges for some banks' payment services before and after 1 July 2002. This reveals that there has been a substantial drop in charges for cross-border payments within the euro zone as a result of their being aligned on charges for strictly domestic transactions. In some cases, the scale of charges has been reorganised with the result that the charge for some of the services offered by cash dispensing machines has increased. However, such vases are very limited in number.

In July 2004 the Commission, as required by the Regulation, will report on its application, in particular on its effects on charges for payments within the Member States. Several statistical surveys will be launched to that end.

[1] OJ L 344, 28.12.2001.
[2] Situation in September 2002.

(2003/C 280 E/011)

WRITTEN QUESTION E-2607/02

by Graham Watson (ELDR) to the Commission

(18 September 2002)

Subject: EU aid to Afghanistan

Would the Commission confirm whether the EU's pledged contribution of EUR 22 million of humanitarian aid for Afghanistan has been received in its entirety?

If it has not, how much aid has been received to date?

Can the Commission explain the reason for any delay, and advise of the timescale it has for fulfilling the pledge?

Answer given by Mr Nielson on behalf of the Commission

(8 November 2002)

The humanitarian aid office (ECHO) has so far committed EUR 63,254 million. The initial programming of EUR 35 million clearly proved insufficient. Therefore, ECHO requested from the EC emergency reserve a strengthening of its funding capacity. A further EUR 25 million was granted to ECHO for the region. A second request was presented recently to the budgetary authority to increase the global allocation to EUR 70 million.

This clearly shows that ECHO has far exceeded the EUR 35 million which had been initially programmed for the region; this is partly due to the necessity of sustaining the massive return of Afghan refugees to their homeland after years spent in Iran and Pakistan.

Out of this EUR 63,254 million, EUR 45,609 million has already been allocated to the NGOs as well as international organisations and operations are on going. The latest financing decision amounting to EUR 17,645 million is about to be approved by the Commission. Once approval of the EC is granted, the contracts will be issued shortly afterwards.

Please find below a short explanation of each of the decisions adopted so far this year:

- a first decision amounting to EUR 17,085 million was approved on 5 April 2002. The projects aim to relieve all the vulnerable populations still affected by the drought as well as the remaining caseload of Internally Displaced People present in the country. At that time the inflow of returnees had already started on a massive scale, therefore ECHO had to respond by shelter and primary health care programmes to sustain the reintegration. Some projects are about to finish but most of them are on going;
- a second decision amounting to EUR 2,050 million was approved on the 26 April 2002 to bring emergency assistance to the people affected by the earthquake, which devastated the district of Nahreen. All projects are on going;
- a third decision amounting to EUR 9,250 million was approved on 11 June 2002. This decision aimed to support the repatriation and reintegration process of returnees. Some assistance was also provided to the new Afghan refugee caseload in Pakistan. All operations are on going;
- a fourth decision amounting to EUR 0,5 million was approved on 24 July 2002 to bring emergency assistance to the people affected by the earthquake in Iran. The operation with IFRC is on going;
- a fifth decision amounting to EUR 16,724 million was approved on 9 August 2002.

The main focus are the following:

- assistance to the drought affected population in Afghanistan and Pakistan,
- support to the returnees before winter through shelter and health programmes
- assistance to the new Afghan refugee caseload in Pakistan.

Operations are well on track.

The sixth decision amounting to EUR 17 645 million is currently at the internal consultation stage and should be approved by the Commission shortly.

A table indicating precisely the contents of the decision is sent direct to the Honourable Member and to Parliament's Secretariat.

(2003/C 280 E/012) **WRITTEN QUESTION E-2641/02**

by Daniel Hannan (PPE-DE) to the Commission

(20 September 2002)

Subject: EU sanctions damaging EU businesses

In my constituency there is a company which imports apples from America outside the English season. These are now subject to 100 % import duty. The result is that the company fears for its own viability and for the futures of its 70 employees.

This seems wholly unjust, as well as illogical. EU business interests, EU jobs and EU consumer choice are being damaged by these sanctions.

Will the Commission reconsider this question and remove apples from the list of sanctioned goods?

Answer given by Mr Lamy on behalf of the Commission

(8 October 2002)

The Honourable Member is misinformed. Apples are not currently subject to 100 per cent import duty.

In response to the protectionist and World Trade Organisation (WTO) incompatible American steel safeguards, the Commission acted to preserve all the Community's rights under the WTO agreements. This included putting forward the proposal that was adopted by the Council on 13 June 2002 [1].

The purpose of this Regulation was to encourage the United States not to apply additional tariffs to steel products of interest to European exporters and to withdraw its safeguard measure as soon as it is condemned by the WTO. Failing to act in this way to limit the damage the American measures will cause to the European steel industry would indeed have threatened Union business interests and Union jobs.

The Regulation has two annexes. Annex II lists products originating in the United States on which additional duties ranging from 8 to 30 % would be imposed unless the United States withdraws its safeguard measures when they are condemned by the WTO (sometime next year).

Annex I lists of products on which a 100 % additional duty could be imposed before that date. However, the effective application of this additional duty would require a new Council Decision, as specified in Article 3 of the Regulation. This issue will be considered at the Council's September 2002 session. As a result, although red apples are indeed listed in Annex I, no additional duty has yet been imposed on these or any other products.

Finally, to take account of the exclusion of some steel products from the American safeguard measures, the Commission will re-examine all the products included on the lists before any additional duties are levied on imports from the United States.

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[1] Regulation (EC) No 1031/2002 of 13 June 2002 establishing additional customs duties on imports of certain products originating in the United States of America — OJ L 157, 15.6.2002.

(2003/C 280 E/013) **WRITTEN QUESTION E-2870/02**

by Christopher Huhne (ELDR) to the Commission

(11 October 2002)

Subject: Economic assumptions

1. Is the Commission satisfied that the economic assumptions used in the preparation of Member State budgets and stability programmes are of a uniformly realistic nature?

2. What measures might be taken to improve the realism of official forecasting assumptions?

Answer given by Mr Solbes Mira on behalf of the Commission

(31 October 2002)

Each year Member States provide new or updated Stability and Convergence programmes. These programmes are drawn up under the full responsibility of the Member State concerned. The programme is examined by the Council based on assessments of the Commission and the Economic and Financial Committee.

In its assessment the Commission judges the realism of the economic assumptions on which the programme is based, predominantly against its own forecast. To the extent that biases in the economic scenarios are identified, the Commission draws attention to the implications for the budgetary strategy.

Several measures have been taken to induce Member States to base their programmes on as realistic and transparent assumptions as possible. In particular the 'Code of conduct' on the content and format of stability and convergence programmes specifies the information that Member States are expected to provide to facilitate the assessment of the programme. To make the projections more uniform, the Code also proscribes the use of commonly agreed assumptions for the extra-Union variables. These should be used by Member States when drafting their central scenario or for sensitivity analysis. In any case, Member States should stand ready to explain and justify the chosen scenario should the Commission draw attention to divergences from the Commission forecast. In addition, a further step has been taken by agreeing at Union level on a new production function method to calculate potential output. This will serve as another, commonly agreed reference, against which country specific growth assumptions can be judged effectively and which will serve to calculate cyclically adjusted budget balances.

(2003/C 280 E/014) **WRITTEN QUESTION E-3111/02**

by Charles Tannock (PPE-DE) to the Commission

(30 October 2002)

Subject: State aids to the French electricity sector

Can the Commission confirm that Commissioner Monti has recently launched an inquiry into the unlimited state guarantees given by the French Government to the state-owned energy utility Electricité de France (EdF)? Does the Commission believe that the utility has benefited from approximately EUR 900 million in unlawful tax breaks, and what is the legal position regarding France's failure to open up its electricity sector?

Commissioner Monti was reported in the press as saying 'The Commission has decided to wind up a situation which creates a distortion of competition (…), especially where EdF is expanding into other countries.' If the Commission believes that France is currently in breach of its obligations to liberalise its electricity sector, will it prohibit further acquisitions by EdF?

Finally, the French Government is reported to have described the Commission's actions as 'a provocation.' If the Commission decides to issue a reasoned opinion, does it have the option of publishing it and including the responses of the French Government so that an open and informed debate on the issue may take place with full disclosure of the relevant facts?

Answer given by Mr Monti on behalf of the Commission

(10 December 2002)

On 16 October 2002 the Commission has decided to propose appropriate measures under Article 88(1) of the EC Treaty and to initiate a formal investigation under Article 88(2) of the EC Treaty with respect to a series of State aid measures in favour of Electricité de France (EDF). In particular, the Commission has proposed to the French Government to remove the unlimited State guarantee that EDF enjoys under the so-called EPIC status (Etablissement public à caractère industriel et commercial) and to charge a premium for not yet redeemed bonds issued by EDF with an explicit State guarantee. Under the formal investigation, the Commission has also questioned the compatibility with the common market of a tax-relief from which EDF has apparently benefited as a result of accounting adjustments recorded in 1997. According to the French authorities the advantage in tax-relief terms could be estimated at approximately EUR 900 million.

The Commission has asked the French Government to accept the proposal of appropriate measures and to inform the Commission, within one month from the date of the decision, of the measures it intends to adopt to comply with it. As regards the formal investigation, the Commission has invited the French Government to submit, within one month too, its comments on the possible incompatibility of the tax advantage.

The Commission will invite third interested parties to present their comments to the Commission by means of the publication in the Official Journal of the letter by which the Commission informed the French Government of its decision. Publication will take place after the French authorities confirm to the Commission that there is no confidential information in the decision. According to the provisions on the formal investigation set out in Articles 6 and 7 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 88 of the EC Treaty [1], the comments from the French Government will be published when the Commission adopts its final decision on the case.

Finally, it should be noted that, as regards the transposal into French law of Directive 96/92/EC of the Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity [2], the Commission has no reason to believe that such transposal is not in line with the said Directive.

[1] OJ L 83, 27.3.1999.
[2] OJ L 27, 30.1.1997.

(2003/C 280 E/015) **WRITTEN QUESTION E-3255/02**

by Daniel Hannan (PPE-DE) to the Commission

(19 November 2002)

Subject: Pressure on greenfield sites because of EU top-up subsidies rules

The EU has banned 'top-up' subsidies which might allow housing on so-called 'brownfield' sites to be profitable. This is leading to enormous pressure on greenfield sites in Great Britain. Do practical considerations surrounding the very real impact on the way towns and cities can be improved and developed not make a mockery of ideas of EU rulings in this case? Would the Commission please comment on the specific case of the Manningham Mills regeneration project in Bradford? A fine nineteenth century building will remain dilapidated because the Commission has failed to comprehend the nature of gap funding system (where public money can make up the difference between the cost of reclamation and development and the project's final value) as opposed to state aid.

Answer given by Mr Monti on behalf of the Commission

(9 January 2003)

The Commission has, at several occasions and by virtue of several decisions in the past, underlined and accentuated the importance of the improvement of the physical environment, the provision of affordable housing, as well as the regeneration of urban areas in the current Member States and especially in the United Kingdom (UK) (Scotland and England) [1].

By doing so, the Commission has always assessed the existence of state aid as well as the compatibility of the proposed measures with the provisions of the EC Treaty within the framework of the policy objectives set by the Member States. This is particularly reflected by the fact that the regeneration and land development measures notified to the Commission by the UK authorities encompass the redevelopment of brownfield sites as well as the supply of additional housing on greenfield sites in disadvantaged regions of the UK.

Furthermore, the Commission has acknowledged through its decisions that the gap-funding instrument as applied by the UK authorities can serve as a valuable approach in tackling the needs for regeneration and the accomplishment of social policy objectives as defined by the Member States. In the case of gap funding granted to developers for the provision of affordable housing, the Commission has stated that, whereas direct government intervention in favour of individuals in order to allow them to buy more affordable housing does not constitute aid within the meaning of Article 87 of the EC Treaty, the fact that the gap-funding instrument delivers incentives to developers can be viewed as favouring certain undertakings and can constitute state aid within the meaning of Article 87. However, the Commission has also pointed out that these measures can be compatible with the common market.

The Manningham Mills regeneration project mentioned by the Honourable Member is in the area eligible for support under the 2000-2006 Objective 2 Programme for Yorkshire and Humber.

The programme has five strategic objectives:

1. To stimulate a stronger business dynamism by assisting in the creation and survival of more and better business start-ups;

2. To improve the competitive performance of existing businesses by increasing the value-added of goods and services produced and by increasing sales and turnover;

3. To reduce levels of deprivation in the parts of the region most excluded from economic activity by using targeted, local community economic development initiatives as a key regeneration tool;

4. To increase business investment and economic growth by maximising the competitive edge of the objective 2 region's locational assets;

5. To enhance the achievement and sustainability of these aims by underpinning them all with excellent skills and human resource actions.

The various types of activities that are supported in the programme to underpin the above strategic objectives are described in the Programme Complement Document. Support for housing projects is not strategically aligned with any of these objectives and activities and thus housing projects are ineligible for support under the Objective 2 Programme.

As a derelict but listed building, Manningham Mills has been the subject of much activity in the region to find a continued, constructive use for it. It is understood that Yorkshire Forward is working with Urban Splash to rescue part of the complex for loft/housing. As already explained this type of project would not be eligible for European support. The Managing Authority for the programme (Yorkshire and Humber Government Office) are however, currently examining the possibility of co-financing a GBP 600 000 feasibility study on the prospects for using part of the Manningham Mills complex for community space and conversion for commercial use. They also expect a bid early 2003 for a GBP 6 million project to develop commercial space within Manningham Mills. As these are in line with the strategic objectives for the programme, they may well be co-funded under the programme.

The Commission endorses the initiative of the Yorkshire and Humber region to regenerate such 'brownfield' sites like Manningham Mills. While housing projects are not eligible for support, it is clear that there are other projects coming forward that would be eligible for European funding support. The Commission is convinced that some of these will be successful and thus enable the building to be used in a manner that will create employment and wealth in line with the objectives of the programme.

(1) See, among others, the Commission decisions on the cases N 497/2001 'Grants for Owner Occupation (Scotland)', N 680/2001 'Property Support Scheme (Scotland)' and N 230/2002 'Partnership Support for Regeneration (England)'.

(2003/C 280 E/016) **WRITTEN QUESTION P-3352/02**

by Baroness Sarah Ludford (ELDR) to the Commission

(19 November 2002)

Subject: EC Petition 566/2000

The Commission claimed (letter of 19.6.2002) that no effective action could be taken under the EC/Norway Agreement of 1973. Article 27(2.3) states that the Contracting Parties must provide the Joint Committee details of any Article 23 breach with all information and a decision made within three months. Was this done by the EC as a Contracting Party, what was the result, and if it was not done, why was it not done?

Answer given by Mr Monti on behalf of the Commission

(11 December 2002)

The letter of 19 June 2002 to which the Honourable Member refers sets out the eventual outcomes of submitting a competition case involving a Norwegian company to the European Economic Community-Norway Joint Committee under the European Economic Community-Norway Free Trade Agreement of 1973.

However, Article 27 of the said Agreement to which the Honourable Member also refers only provided for a right for either Contracting Party to refer the matter to the Joint Committee. In the case which is the subject of EC Petition 566/2000 and of the question asked by the Honourable Member the facts established by the Commission did not indicate any violation of Articles 85 and 86 of the then EEC Treaty and did not call for a reference of the matter under Article 27.

(2003/C 280 E/017) **WRITTEN QUESTION E-3473/02**

by Herbert Bösch (PSE) to the Commission

(6 December 2002)

Subject: The Commission's new accounting officer

The Commission appointed Mr Marc Oostens as its new accounting officer with effect from 1 September 2002.

Can the Commission forward to me a copy of its Decision appointing Mr Oostens?

Can it say from how many candidates Mr Oostens was selected and whether it is true that only Commission officials were given the opportunity of applying for this post?

After Mr Oosten's appointment, when was the interim statement of account drawn up, as required by Article 18 of the Regulation laying down detailed rules for the implementation of certain provisions of the Financial Regulation?

What was the date of the interim statement of account?

Who signed the interim statement of account?

When did the new accounting officer countersign the interim statement of account?

Did he express any reservations when so doing?

If so, can the Commission let me know exactly what he said?

Answer given by Mrs Schreyer on behalf of the Commission

(5 March 2003)

1. A copy of the Decision appointing Mr Oostens is being transmitted direct to the Honourable Member and to Parliament's Secretariat.

2. Two eligible candidatures were received for this post. It is not true that only Commission officials were given the opportunity to apply for this vacancy; applications were also invited from officials of the other institutions.

3. The interim statement of account was prepared by the accounting services during the fourth quarter of the year 2002. Mr Oostens signed it on 27 January 2003. This delay is because the financial statements include extra information on accrual elements, collected within several Directorates General (DG's), controlled by DG Budget and introduced in the accounting system on a double entry basis by the Accountant's services.

4. In the event of an accounting officer terminating his duties, an interim statement of account shall be drawn up on the date of the termination of officer's duties. Consequently, the interim statement of the accounts was drawn up as of 31 August 2002.

5. Mr Taverne signed the transmittal note on 21 January 2003 as the Accounting Officer terminating his duties on 31 August 2002. Mr Oostens, the appointed Accounting Officer as from 1 September 2002, signed the reception note for the interim statement on 27 January 2003.

6. The new accounting officer countersigned the interim statement of account on 27 January 2003.

7. Yes.

8. A copy of the notes is sent direct to the Honourable Member and to Parliament's Secretariat.

(2003/C 280 E/018) **WRITTEN QUESTION E-3475/02**

by Benedetto Della Vedova (NI) to the Commission

(6 December 2002)

Subject: State aid for public broadcasting companies

The existence of a public broadcasting service can be justified in that it gives viewers and listeners programmes not otherwise provided by existing commercial channels.

Broadcasting is not exempt from the application of Articles 86, 87 and 88 of the EC Treaty relating to competition and while the Protocol to the Treaty of Amsterdam on the system of public broadcasting reaffirms the power of the Member States to provide for the funding and define the role of public service broadcasting, it does so on condition that 'such funding is granted for the fulfilment of the public service remit as conferred by each Member State', 'insofar as such funding does not affect trading conditions and competition in the Community to an extent which would be contrary to the common interest' and with regard to 'the need to preserve media pluralism'.

The definition of public service in the service contract between the Italian Government and RAI appears to be at variance with the requirements set out by the Commission in its Communication on State aid for public service broadcasting, in that it is excessively general and much broader than is considered acceptable in the communication.

However, Article 1 of Directive 80/723/EC [1] on financial transparency requires clarity in the definition of public service and the use of public funds; Article 5 of the directive requires public broadcasters to make a clear distinction in their accounts between public activities and commercial activities in order to ensure that the latter are not financed with public funds.

A member of RAI's board of governors stated publicly on 21 September 2002 that RAI was unable to make a distinction between programmes financed by public resources and those financed by advertising.

The RAI licence fee cannot be construed as 'pre-existing aid' which was in place before the entry into force of the EC Treaty and therefore not subject to the Treaty rules, given the radical changes that have occurred in the Italian broadcasting system.

Can the Commission therefore answer the following questions:

1. Has RAI introduced the separation of accounts required by Directive 80/73/EC, as the Commission ordered it to do last June?

2. Is it compatible with the separation of public service activities and commercial activities for programmes acquired with public funds to be interrupted by commercial breaks?

3. Is acceptable that Italy should have no independent broadcasting authority to monitor compliance with the public service obligations imposed on RAI?

4. Can the Commission evaluate the proportionality of public funding received by RAI?

5. Are the separation of accounts and compliance with the criterion of proportionality satisfied by public service broadcasters in the other EU Member States?

6. What are the reasons for the delay in starting and concluding the infringement proceedings in respect of State aid to RAI and several other European public broadcasters?

[1] OJ L 195, 29.7.1980, p. 35.

Answer given by Mr Monti on behalf of the Commission

(4 February 2003)

As regards the general issues the following remarks can be made.

The Protocol on the system of public broadcasting in the Member States, which was annexed to the EC Treaty by the Treaty of Amsterdam, recognises the role and the importance of public service broadcasting and confirms that the Member States are competent to define and organise the public service remit and its financing. The choice of the financing scheme falls within the competence of the Member State, and there can be no objection in principle to the choice of a dual financing scheme (combining public funds and advertising revenue) rather than a single funding scheme (solely public funds). This applies also to broadcasters whose entire programme spectrum of programs is deemed to be part of its public service remit.

The issues of separation of accounts and proportionality of public funding comes up in several broadcasting cases the Commission is dealing with, involving several Member States. The Commission is presently investigating these cases and it is therefore not possible to anticipate the answer to this question.

Regarding the necessity of an authority controlling the activity of the broadcaster entrusted with the general service mission, in the Communication on State aid to public service broadcasting [1] the Commission stated that: 'It is also necessary that the public service be actually supplied as provided for in the formal agreement between the State and the entrusted undertaking. It is therefore desirable that an appropriate authority or appointed body monitor its application.' The presence of such an authority is a means for the Member States to ensure that the mission is fulfilled and at the same time it may facilitate the tasks of the Commission under the State aid rules. However, the absence of such an authority is not in itself an indication of incompatible aid.

Concerning the length of the Commission investigations in this sector, the Commission is assessing several complaints concerning State financing of public broadcasters. While the Commission was carrying out the analysis of these complaints, new legislative developments (such as the Amsterdam Protocol, the new Commission Communication on services of general interest [2] and the new Transparency Directive [3]) have occurred. The necessity to take into account these developments as well as the need to treat consistently the various cases has slowed down the investigation of the State aid procedures. In this connection the Commission has decided to draft a Communication on the application of State aid rules to public broadcasting which was adopted on 5 November 2001. Following the Communication, decisions have already been taken in cases involving Portuguese TV, Belgium local TV stations and BBC digital channels. Decisions concerning RAI and other broadcasters are expected to be taken this year.

As to the issues specifically relating to the RAI case, it can be emphasised that the investigation of the Commission is at an advanced stage. As soon as this investigation will have been completed, the Commission will take a decision dealing also with the points you are raising. Of course, the Commission position on these issues cannot be anticipated, but some remarks can be made. As to the issue relating to the existence of an appropriate authority or appointed body monitoring RAI's activity, RAI is, as to the knowledge of the Commission, subject to the control of a specific Parliamentary Commission and to the control of the 'Autorità per le garanzie nelle Comunicazioni'. As to the issue of the evaluation of the proportionality of the public funding received by RAI, the Commission will carry out this assessment, in the framework of the pending State aid case concerning RAI, on the basis of the criteria set out in the above mentioned Communication of 5 November 2001. Finally, as to the separation of accounts, also this issue will be dealt with in the context of the pending procedure.

Also on this point the Commission decided in December 2002 to launch an action before the Court of Justice against Italy for non-transposition of the latest modification of the 'transparency' directive.

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[1] OJ C 320, 15.11.2001.
[2] COM(2002) 689 final.
[3] Commission Directive 2000/52/EC of 26 July 2000 amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings — OJ L 193, 29.7.2000.

(2003/C 280 E/019) **WRITTEN QUESTION E-3488/02**

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

(9 December 2002)

Subject: Fraud in the European Union and the disciplining of Marta Andreasen

Following claims by the recently-suspended Chief Accountant Marta Andreasen that the EU's accounting system is deeply flawed, the European Court of Auditors has refused for the eighth year running to certify the EU budget, admitting that it can only guarantee that five per cent of taxpayers' money is being spent properly. In addition to stating that the monies could not be controlled once they had been handed-over to Member States or dispersed in aid, the Court has also made serious criticisms of the Commission's own finances which continue to be based on out-dated and discredited cash-based accounting systems.

There are varying reports as to when the Commission intends to replace the cash-based system. In view of the criticisms of previous years, could the Commission indicate why it has taken so long to accept the need for change, and why a more modern accounting system cannot be introduced within a matter of months rather than years?

Does the Commission accept that its monitoring arrangements both for money distributed to Member States and in the form of aid outside the European Union are woefully inadequate and in need of urgent review, and, if so, does the Commission have any concrete proposals as to how the monitoring procedures might be improved?

Finally, could the Commission indicate why it felt the need to suspend Marta Andreasen, given that the Court of Auditors would appear to be in substantial agreement with her assessment of the state of the European Union's finances? What effect does the Commission believe that the decision to suspend her has had on the reputation of the Commission and on its commitment to openness and transparency? Does the Commission acknowledge the validity of her criticisms, and what plans does the Commission have to reinstate her?

Answer given by Mrs Schreyer on behalf of the Commission

(10 March 2003)

1. The Commission does not agree with the Honourable Members' statements.

The Honourable Members may know that the accounting rules for the Community budget are defined by the Financial Regulation. The former Financial Regulation which applied until recently (31 December 2002) did not forsee the obligation for accrual based accounting. It endorsed on the traditional rules of cash accounting for the public sector.

Although the Commission has proposed the introduction of accrual based accounting for the new Financial Regulation, which was adopted by the legislative authority in June 2002, the Commission does not share the judgement of the Honourable Member that cash based accounting is 'outdated and discredited' as it is still dominant in the public sector in most countries. The Commission will maintain the traditional reporting to the budgetary authorities of the public budgets. Honourable Members regularly ask the Commission about the state of implementation of payments on different budget-lines. A cash accounting system is needed to provide this information. Furthermore the statement that the funds 'once transferred to the Member States or the grants paid out' become 'uncontrollable' is incorrect. There are horizontal as well as sectoral regulations defining the control obligation by Member States. In addition the Commission has various mechanisms at its disposal to recover funds unduly transferred and has informed the Parliament repeatedly about progress made in this respect ([1]).

2. As in other administrations where accounting system reform has been undertaken, the accounting modernisation in the Commission is a major undertaking which requires considerable time, effort, expertise and financial resources to put in place. Back in 2000, with the launching of a multi-annual plan for the modernisation of the accounting, the Commission started its steady move towards accrual-based financial statements in which several accrual-based elements have been introduced.

The multi-annual plan for the modernisation of its accounting framework comprised:

— a study on the establishment and presentation of the accounts of the Community, delivered in mid-2000 by high-level experts on public accounting;

— drawing up by June 2001 an action plan for modernisation, which was discussed with the Court of Auditors. The Court has welcomed the document's orientations;

— introducing new elements of accrual accounting in the presentation of the financial statements and calculating the economic out-turn since 2000, which, as the Court of Auditors put it, 'represents a step forward, which is in line with the general trend observed in the public sector at international level' ([2]), and adopting an accounting and consolidation manual for all the Institutions;

— adopting the new Financial Regulation ([3]) that requires the introduction of new accrual-based accounting principles (Article 133) in order to be fully effective for the budgetary year 2005 (Article 181);

— On 24 July 2002 the Member of the Commission responsible for the budget presented a memorandum ([4]) to the Commission describing the wide-ranging work to modernise the accounting framework and information system;

— On 17 December 2002, the Commission adopted a new Communication ([5]) that developed the action plan to implement full accrual accounting by 2005.

  This document had two purposes:

  — to adopt a detailed proposal to allow the Commission to decide on the accounting framework, in particular on how generally-accepted accrual accounting principles can be implemented;

  — to set out the action to be taken as regards project organisation, resources and the timing of the work to develop an integrated computerised system. The system options are appraised in detail, with a view to identifying a preferred solution in the months to come.

Detailed development of both the accounting framework and the system is undertaken in 2003 with the relevant testing and implementation phases beginning in 2004. In particular, the issues relating to the implementation of accrual accounting principles will be examined in detail to identify the accounting treatment of each type of transaction for each different service or activity.

The Commission is not alone in moving towards the respect of generally accepted accrual accounting principles. Many developed countries are also engaged in the same process and, encouraged by international bodies and organisations such as the OECD ([6]) and IFAC ([7]), have begun to modernise their accounting systems over the past few years, switching from a cash-based to an accrual-based system.

Experience in the Member States shows that reforming public accounting systems represents a major upheaval both in terms of the introduction of new practices and in human terms, not to mention the financial resources required. IFAC Study 14, Chapter I, mentions that a transition period for accounting reforms can be short (up to 3 years), medium (4 to 6 years) or long (over 6 years). There is no instance in which accrual accounting has been, or could be, 'introduced within a matter of months rather than years'.

3. With the exception of reservations made by the Court of Auditors in its Annual Report and by the Commission itself in its annual synthesis report on annual activity reports and declarations, the Commission considers that its arrangements for checking the use of Community appropriations by and in the Member States are broadly satisfactory. When problems and shortcomings are detected, either by it itself, or by the Court of Auditors, the Commission endeavours to take the necessary measures in order to solve them.

Major efforts have been made over the last few years to improve management and control systems, particularly in the area of shared management, both by putting in place and constantly developing the Integrated Administration and Control System (IACS) for agriculture and through reform of the Structural Funds which provides for strengthened control standards and norms. Likewise, in the field of external action, the Commission set out in detail a raft of significant measures in its Communication of 16 May 2000 on the reform of the management of external assistance ([8]).

However, it remains the case that the quality of management and control of Community funds is partly dependent on the efforts made by the Member States, which have considerable responsibility in this area. For this reason the Commission is continuing to put in place and implement a set of incentives and binding measures on the Member States, for both agriculture and structural measures; in the latter domain, the incentives are intended to boost coordination and promote simplification of the regulatory framework, while the binding aspect of the strengthening of the financial corrections contributes to the same objective.

The Commission's synthesis report ('Synthesis of the Annual Activity Reports and declarations of the Directors-General and Heads of Service' ([9])) is accompanied by an action plan, providing for a series of specific actions in this area.

Several of these actions are targeted at the management of external aid, shared management of the Structural Funds, and clarification of the responsibilities of the key actors in audit and control.

Furthermore, the Commission also drew up an action plan in connection with the 2001 discharge, which it communicated to Parliament on 23 December 2002, on the basis of recommendations by the Court of Auditors in its last annual report.

4. The Honourable Members will understand that the Commission can only reply in general terms to their questions as far as they are directly related to a disciplinary procedure that is presently still in progress. This procedure is related to alleged breaches of the Staff Regulations of the European civil service.

The Commission is aware of the fact that disciplinary proceedings initiated in relation to the former accounting officer have been misinterpreted in some parts of the press and elsewhere. Reference to the past assessments of the Court of Auditors and the Commission, and to the action designed and increasingly implemented by the Commission, and to the dates of events demonstrates that any inference that there is a consequential link between the former accounting officer's 'claims' and the Court's conclusions would be inaccurate and misleading.

Meanwhile, it should be noted that the active commitment to openness and transparency given by the Commission does not diminish the obligation of all officials to respect the rules and procedures.

(1) See for example most recently the Communication COM(2002) 671 of 3.12.2002.
(2) Court of Auditors — Annual report concerning the financial year 2000 — OJ C 359, 15.12.2001.
(3) Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities — OJ L 357, 31.12.2002.
(4) SEC(2002) 853 final.
(5) COM(2002) 755 final.
(6) OECD: Organisation for Economic Co-operation and Development.
(7) IFAC: International Federation of Accountants.
(8) http://europa.eu.int/comm/external_relations/reform/document/communication_en.pdf.
(9) COM(2002) 426 final.

(2003/C 280 E/020) **WRITTEN QUESTION E-3615/02**

by Benedetto Della Vedova (NI) and Marco Cappato (NI) to the Commission

(16 December 2002)

Subject: State aid for France Telecom from the French Government

It has been announced that the French Government intends to adopt a 'revival plan' for the telephone group France Telecom (FT), in which it has a 55,5 % holding and which has a global debt of nearly EUR 70 billion.

The plan envisages an immediate injection of EUR 9 billion from the State, as an advance payment in the context of recapitalisation amounting to EUR 15 billion, probably to be completed by next spring.

The advance of EUR 9 billion would consist in transferring FT shares from the French State to the 'Entreprise de recherches et d'activités pétrolières' (ERAP), which would then take steps to borrow EUR 9 billion from the 'Caisse des dépots et consignations' (CDC), which it would in turn lend to FT. The CDC loan to ERAP would be guaranteed by the French State.

1. Does the Commission not consider that if the guarantee offered by the French State allows FT to acquire, via ERAP, financial resources at an interest rate lower that which an operator on the private market would have asked, this constitutes an instance of State aid of the kind which ought to be notified?

2. Does it not also consider that the very guarantee provided by the State for debts incurred by a public company (a guarantee which is, obviously, inaccessible to private competitors needing comparable financing) constitutes State aid?

3. Does it not also consider that, at a particularly difficult moment for the telecommunications sector, this kind of intervention on the part of national governments — who are both 'referees and players' in the same sector and are therefore involved in an obvious conflict of interest — constitutes a serious distortion of competition which makes the situation of operators — both businesses and employees — who cannot count on State aids even more critical?

Answer given by Mr Monti on behalf of the Commission

(12 February 2003)

On 4 December 2002 the French authorities have submitted to the Commission a document describing the intervention of the French State in respect of France Telecom. The Commission has studied this document to see whether or not this intervention raises doubts under State aid rules. The Commission has carried out a preliminary examination focused on the question of whether the intervention is in line with the market economy investor principle, i.e. non implying State aid, and, if State aid is involved, whether such State aid could comply with the State aid rules. Following this preliminary examination the Commission has doubts as to the compliance of the French intervention with State aid rules. Accordingly,

on 30 January 2003 it has decided to open the formal investigation procedure provided for by Article 88 (2) of the EC Treaty. This procedure will allow an in-depth investigation of the State intervention, and all interested parties to present their observations.

Given the economic importance of the case the Commission has treated it as a priority and it has been able to clarify its preliminary position in the a few weeks. The answer to the issues raised by the Honourable Member must be considered against the background of the decision to open the formal investigation procedure adopted by the Commission. It seems useful to make some general remarks as to the issues raised.

1. As to the question concerning the possibility for France Telecom to obtain financial resources at conditions that are more favourable than those applicable to other operators thanks to the intervention of ERAP, it should be noted that when a company is able to obtain financial resources at conditions more favourable than normal market conditions thanks to a State intervention implying the actual or potential mobilisation of State resources (regardless of whether this is a direct intervention or an indirect one through another State body), the State intervention constitutes, in principle, a State aid that must be notified, provided the other requirements of Article 87(1) of the EC Treaty are fulfilled.

2. As to the general question concerning State guarantees, it must be underlined that a State guarantee may constitute a State aid only if the guarantee is not remunerated by an appropriate premium. Commission notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees [1] provides for more details as to the Commission's approach in this matter.

3. On the last issue raised by the Honourable Member, regardless of whether the telecom sector is undergoing a sectorial crisis, the Commission believes that State aid rules must be respected in any particular economic conjuncture. In this connection, it should be reminded that State interventions must be assessed on the basis of their effects. Therefore, when a State measure qualifies as State aid, the Commission has to take the appropriate steps to ensure that the aid does not distort competition to an extent contrary to the common interest.

[1] OJ C 71, 11.3.2000.

(2003/C 280 E/021) **WRITTEN QUESTION E-3616/02**

by Erik Meijer (GUE/NGL) to the Commission

(16 December 2002)

Subject: Regular and safe maritime shipping services on fixed routes jeopardised by ban on price agreements and authorisation to award secret discounts

1. Does the Commission intend to discontinue the liner conferences established towards the end of the 19th century that have ensured scheduled shipping services on fixed routes at fixed prices, and which as recently as 1986 were expressly exempted from the ban on price agreements within the European Union?

2. Will the Commission allow shipping undertakings the option of awarding discounts to regular customers without disclosing them to others?

3. What are the effects of lower prices on the availability of shipping services on routes and at times where the provision of cargo services in conditions of free competition would no longer cover costs? Does it expect that vessels so affected would continue to put to sea?

4. Does it expect lower prices to act as an impetus to putting to sea in aged and dilapidated vessels that pose serious risks to their crews, other shipping, the maritime environment and shorelines, since they are much more vulnerable to accidents?

5. Are the income reductions suffered by shipping companies being passed on to their staff? Are such measures an incentive to reduce seafarers' remuneration and working conditions by registering ships under flags of states that apply less stringent conditions than are the rule in EU Member States?

6. What impact will price reductions have in driving out existing labour and enabling an influx of the low-wage Chinese crews that are now being trained in large numbers, but probably to inadequate standards?

7. What action will the Commission take to continue to guarantee scheduled services with acceptable working conditions and adequate safety and environmental standards?

Answer given by Mr Monti on behalf of the Commission

(10 February 2003)

1. The Commission has not submitted any proposal to amend or repeal the Community block exemption for price-fixing by liner conferences. It is, however, undertaking a review of Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport [1], which contains the block exemption. This is entirely consistent with Commission practice with regard to other block exemptions (motor vehicles, insurance, etc.). It should be noted that most block exemption regulations provide for a review at regular intervals (usually five years) in order to verify that the conditions for granting the block exemption are still fulfilled. The Commission believes that this is a minimum requirement in order to comply both with the principle of sound administration and with the competition provisions of the EC Treaty. Indeed, the fact that no comprehensive review of the liner conference block exemption has been undertaken in the more than fifteen years since it entered into force, in circumstances where market conditions have changed considerably, could provide grounds for concern.

2. The Commission is not aware of any existing Community legislation that prohibits shipping operators from offering discounts to regular customers without disclosing them to others, and it has no plans to propose any such legislation.

3. Under conditions of free competition lower prices may cause inefficient operators with a high cost structure to exit the market. Prices would then normally rise to a level reflecting the new equilibrium between supply and demand. Services would be provided at this new equilibrium price level.

4. As long as there is demand for a high-quality service there will always be supply to meet that demand. Customers of containerised liner shipping services generally expect a high-quality service and would therefore be disinclined to ship their cargo on an 'aged and dilapidated' vessel.

5. It should be recalled that the current, historically low, maritime freight rates are a consequence of supply exceeding demand. The only remedy for this situation is for supply to be reduced or for demand to increase. The former would occur naturally if inefficient operators were to exit the market. It should also be recalled that the current Community exemption for liner conference price-fixing benefits all members of conferences operating on liner shipping routes to and from the Community, regardless of their nationality. It is not a targeted measure to protect the Community liner shipping industry and its employees. As regards the specific problem of 'flagging out', several Member States have put in place tax regimes that act as an inducement for shipping operators to have their vessels registered in the Member State in question. The information available to the Commission suggests that these schemes have been quite successful.

6. The question implies that a ban on price-fixing by liner shipping operators would inevitably lead to a decline in the quality of service. As should be clear from the reply to question four, the Commission does not share that view.

7. The Commission is not aware of any imminent threat to scheduled services with acceptable working conditions and adequate safety and environmental standards. In this context, the Commission would draw the Honourable Member's attention to the existence of the Community block exemption for consortia (Commission Regulation (EC) No 823/2000 of 19 April 2000 on the application of Article 81(3) of the

Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia)) [2], which allows liner shipping operators to share investment costs and engage in operational co-operation in order to provide a scheduled service. It does not allow the operators to fix prices.

[1] OJ L 378, 31.12.1986.
[2] OJ L 100, 20.4.2000.

(2003/C 280 E/022) **WRITTEN QUESTION E-3754/02**

by Jan Andersson (PSE) to the Commission

(20 December 2002)

Subject: Application of the Schengen Agreement at Frankfurt airport

A Swedish citizen who flew into Frankfurt airport (in November 2002) from a non-European country has stated that, on arrival, German police singled out all those travelling on German passports and ushered them into a separate queue to pass through passport control. German passport-holders were therefore able to get through passport control considerably faster than anyone else holding a passport issued by another Schengen country, as the latter were instructed to join the normal queue, conventionally divided into queues for EU citizens and non-EU citizens, which were, of course, much longer.

This procedure, as described, raises questions as to how the principles of the Schengen Convention are applied at Frankfurt airport. Since the entry into force of the Treaty of Amsterdam, the Council is responsible for ensuring that checks on individuals at the external borders of the Schengen area are carried out in a uniform manner. However, the description of the procedure at Frankfurt airport indicates that this is not the case and that it constitutes a breach of the principles laid down in the Schengen agreement.

Does the 'common manual for the external frontiers' allow the type of distinction between different Schengen citizens as described above?

If not, what measures can the Commission take to deal with this discrimination?

In the light of this situation, should the revision of the manual, which is reportedly in progress, be stepped up?

Answer given by Mr Vitorino on behalf of the Commission

(10 February 2003)

In response to the matters raised by the Honourable Member, the Commission would recall the following principles of Community law:

— Under Council Decision 1999/436/EC of 20 May 1999 [1], the main provisions of the Schengen acquis relating to the monitoring and surveillance of persons crossing the external borders have been given a new legal basis in Article 62 of the EC Treaty, in particular the decision of the Schengen Executive Committee introducing and applying the Schengen arrangements in airports and aerodromes [2]. Henceforth the provisions which constitute the Schengen acquis have the status of Community law and thus the Commission can exercise its role of guardian of the Treaties to ensure compliance with it.

— With regard to substance, the Schengen acquis provides that checks on persons crossing external borders should be kept to a minimum for those covered by Community law, with identity papers and travel documents being checked. More thorough checks should be carried out on nationals of third countries not covered by Community law, and checks should not be confined to a mere examination of their identity papers or travel documents.

— With regard to practical arrangements in airports, the Schengen acquis makes provision for separate passenger flows for persons covered by Community law and for third-country nationals. The purpose of these channels is to minimise waiting times at external borders for persons covered by Community law and to enable border control staff to carry out the thorough checks prescribed for third-country on nationals under the best possible conditions.

— The separate passenger flows provided for by the Schengen acquis are consistent with Community law relating to the free movement of Union citizens. No discrimination is made between persons covered by Community law or between Member States which apply the Schengen acquis in full and those which do not. Should the claims made by the Honourable Member be proved valid, they would be in contradiction with the Schengen acquis and with the Community principle of non-discrimination between Union citizens.

— On a more general note, with regard to checking that the Schengen acquis is properly applied by the Member States, visits by the evaluation committee introduced at the time of intergovernmental cooperation ([3]) have been incorporated into the Union's institutions. They have been given a dual legal basis in Article 66 of the EC Treaty and in Articles 30 and 31 of the Treaty on European Union ([4]). On that occasion the Commission stated that 'the Schengen Implementing Convention Standing Committee (…) does not in any way affect the powers devolving on it from the Treaties and in particular its responsibility as guardian of the Treaties.'

— The Commission's responsibilities in the matter are illustrated by the fact that, in agreement with the conclusions of the Seville European Council and with the External Borders Management Plan adopted by the Council (Justice and Home Affairs) on 13 June 2002, the Commission is preparing a legislative proposal recasting the Common Manual on Checks at the External Borders. The conversion of the main provisions of the Common Manual into Community rules will remove all ambiguity as to their compulsory nature for the Member States.

([1]) Council Decision 1999/436/EC of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis — OJ L 176, 10.7.1999.
([2]) Decision of the Schengen Executive Committee No SCH/Com-ex (94) 17, rev 4 of 22.12.1994 — published in OJ L 239, 22.9.2000.
([3]) Decision by the Schengen Executive Committee SCH/Com-ex (98) 26 final of 16.9.1998 — published in OJ L 239, 22.9.2000.
([4]) Council Decision 1999/436/EC — OJ L 176, 10.7.1999.

(2003/C 280 E/023) **WRITTEN QUESTION E-3767/02**

by Erik Meijer (GUE/NGL) to the Commission

(23 December 2002)

Subject: Financial barriers to visits by relatives and elderly tourists from Russia travelling via future EU territory to Kaliningrad

1. Can the Commission confirm that, on the basis of the November 2002 agreement between the EU and the Russian Federation, a transit visa for travelling within Russia, across EU territory, will cost EUR 16 for persons living in Kaliningrad, but EUR 35 for other Russians — sums which, albeit affordable for EU citizens, are very large for Russians?

2. Does the difference in price referred to in question 1 stem from moves made by the EU or by Russia? Is the intention to make access from the Kaliningrad 'oblast' to other parts of Russia easier than access from other parts of Russia to the Kaliningrad 'oblast'? What interests does that serve?

3. Is the Commission aware that this arrangement will put up financial barriers for people on low incomes from other parts of the Russian Federation who wish to visit the Kaliningrad 'oblast', but not by sea or air (those connections costing more), and that this may become a problem for, in particular, relatives living elsewhere and older people who until now have spent their holidays on the Baltic coast in that region?

4. Why are persons from outside the EU being asked to pay for a travel document which, it is true, is important in terms of protecting the EU against an influx of criminals and profiteers, but is regarded by them as an impediment to their right, acquired no so long ago, to unrestricted internal travel? Is not the more obvious thing to do to have the cost of this arrangement borne in full by the EU?

5. At least in respect of relatives, pensioners and unemployed persons, does the Commission see scope for reducing the payment to the level applicable to people living in Kaliningrad, or lower, without running the risk that criminals and profiteers will have free access to EU territory?

Source: 4 December 2002 edition of the Dutch newspaper 'De Volkskrant'

Answer given by Mr Patten on behalf of the Commission

(10 February 2003)

1. to 5. As confirmed by the General Affairs and External Relations Council (GAERC) on 22 October 2002 and the Brussels European Council on 24 October 2002, the Union will introduce the necessary legislation to establish by 1 July 2003 a Facilitated Transit Document (FTD) and Facilitated Rail Transit (FRTD) scheme to apply for the transit of all Russian citizens between Kaliningrad and other parts of Russia by land.

The FTD will be valid for direct transit by all means of transport by land from one third country to the same third country within a limited period of time. The FRTD will be valid for a single return journey by train.

In line with the Joint Statement adopted at the Union/Russia Summit on 11 November 2002, both the FTD and the FRTD will be issued free of charge or at a very low cost to all eligible Russian citizens.

The Joint Statement further noted that the Republic of Lithuania has agreed to accept Russian internal passports as a basis for issuing both types of FTD until 31 December 2004.

In addition, Lithuania and Russia signed on 30 December 2002 an intergovernmental agreement on mutual travel of citizens, which provides for the obligation to be in possession of a visa for entry, transit and stay in the other State. As regards the Kaliningrad Oblast and its residents, the visa regime will enter into force on 1 July 2003, and visas will be provided free of charge on a reciprocal basis. In particular, multiple one-year visas will be issued free of charge to Kaliningrad residents without the need for an invitation. As a general rule for all Russian and Lithuanian citizens, consular fees for issuing visas are not charged at all for several categories of travellers, including persons above the age of 60 years and children under the age of 16.

(2003/C 280 E/024) **WRITTEN QUESTION E-3777/02**

by Christopher Huhne (ELDR) to the Commission

(23 December 2002)

Subject: Pirelli production

Is the Commission able to provide assurances that the decision by Pirelli to move fibre optic production from its plant in Hampshire to Italy is in full compliance with EU rules on state aid?

Answer given by Mr Monti on behalf of the Commission

(5 February 2003)

On 2 October 2002 the Commission approved planned aid of EUR 74,5 million for the firm Fibre Ottiche Sud in respect of a EUR 167,4 million investment project at Battipaglia, Campania, an assisted region in southern Italy. The project should create 311 direct jobs and 108 indirect jobs. The Commission took its decision under the rules laid down in the multisectoral framework on regional aid for large investment projects ([1]).

The Commission's general objective in implementing the multisectoral framework is to limit aid for large-scale projects in such a way as to avoid as much as possible adverse effects on competition while at the same time maintaining the attraction of the assisted area. In the case under consideration, the maximum admissible aid intensity was 28 % net grant equivalent (corresponding to the investment's gross intensity (44,5 %), discounted and less taxes).

The Commission is not aware that Pirelli's investment constitutes a transfer of production from the United Kingdom to Italy. It should also be pointed out that the investment project involves the extension of an existing fibre optic plant.

([1]) OJ C 107, 7.4.1998.

(2003/C 280 E/025) **WRITTEN QUESTION E-3782/02**

by Erik Meijer (GUE/NGL) to the Commission

(6 January 2003)

Subject: Combination of parliamentary democracy with the right to decentralised decisions and diversity within a new institutional structure of the EU

1. Does the Commission agree that there is a need to defend, vis-à-vis the framework for a new administrative structure devised by the Convention on the Future of Europe which concentrates power in the combined national governments, Heads of Government and a President appointed from among them, a model of parliamentary democracy such as exists in the Member States with the usual distribution between preparation and implementation by a day-to-day administration together with a broad decision-making process on guidelines by means of a Parliament elected by all those eligible to vote?

2. Why, on 5 December 2002, in his justified attempt to defend parliamentary democracy against a regression into previous authoritarian administrative forms, did the President of the Commission give the impression that he was coupling such defence with further centralisation and harmonisation within the EU instead of the common resolution of our large-scale and cross-border environmental, humans rights, transfrontier work, transport and tax haven problems?

3. Is the President aware that, by causing the impression referred to in question 2, he was making the less democratic alternative of a 'Europe of governments of states' unnecessarily attractive for those who, within the collectivity of Europe, are attached to the preservation of scope for decision-making at the lowest possible level and the right to diversity of the participating nations?

4. Apart from his personal preferences, does the President feel that a new institutional structure is possible in which parliamentary democracy, the protection of national parliaments and the right to diversity go hand-in-hand with decentralised decision-making on the basis of subsidiarity or a 'catalogue of competences' for the allocation of tasks between the EU and the Member States?

5. In its attempts to convince a majority of the Convention, is the Commission prepared to emphasise guarantees of a normal distribution of tasks between Parliament and day-to-day administration and not variants which sow discord among the probable majority which seeks to defend parliamentary democracy against an authoritarian administrative form based on opaque private agreements between national governments?

Answer given by Mr Prodi on behalf of the Commission

(13 March 2003)

In its communication to the European Convention on the institutional architecture of the Union [1], the Commission stressed its attachment to the 'Community method', which is based on a balance between the institutions in the different phases of the decision-making process, from conception to implementation of EU policies. It takes the view that the roles and responsibilities of each institution must be clarified without upsetting the current institutional balance.

On 5 December 2002, when the communication was presented to the European Convention, the President of the Commission reaffirmed the Commission's intention to 'consolidate a Union of peoples and of States that is the first true supranational democracy'.

The Commission considers that it is clear from its proposals to the Convention, both in the communication referred to above and in the communication it presented at the beginning of the Convention's deliberations [2], that it in no way intends to increase the level of centralisation and harmonisation but, rather, that the essential challenge for the Union is to meet the public's concrete expectations while respecting the diversity of national, regional and local identities.

To this end, it will be necessary not only to make a clearer distinction than is currently the case between legislative and executive functions at Union level — and the role of each institution in these functions — but also to involve national parliaments more closely in managing European affairs.

[1] Communication of 4 December 2002, 'For the European Union: Peace, Freedom, Solidarity', COM(2002) 728 final.
[2] Communication of 22 May 2002, 'A project for the European Union', COM(2002) 247 final.

(2003/C 280 E/026) **WRITTEN QUESTION P-3784/02**

by Diana Wallis (ELDR) to the Commission

(17 December 2002)

Subject: Infringement proceedings

On 13 November 2002, the European Commission took the decision to withdraw its application to the European Court of Justice for the imposition of a daily fine on France for failure to implement the Judgment of the Court (C-1/00) of 13 December 2001 ordering France to lift the British beef embargo.

In the light of this and other cases, the Commission stated that it will re-examine its approach to the application of Article 228 of the EC Treaty.

Does the Commission agree that the present possibilities available to it to pursue compliance with EU legislation by a Member State are insufficient to have a deterrent effect on Member States, and therefore need to be reinforced in some way?

Is the Commission intending to bring forward proposals in this respect, bearing in mind the increasing gap in implementation shown in the recent Internal Market scoreboard report?

Does the Commission agree that lump sum or daily penalty payments (Article 228(2)) can be avoided by Member States exploiting the legal process, and that this sends the wrong message to Europe's citizens?

Answer given by Mr Prodi on behalf of the Commission

(31 January 2003)

The fact that the Commission decided to review the conditions for implementing Article 228 of the EC Treaty in connection with the case referred to by the Honourable Member cannot be regarded as an admission of inadequate resources but rather a demonstration of the desire to seek the most appropriate ways under the EC Treaty of ensuring that Court of Justice judgments are implemented.

Recently, in connection with the White Paper on Governance as regards better monitoring of the application of Community law [1], the Commission stressed that it intended to give priority to infringement proceedings under Article 228. Likewise, in its contribution to the work of the Convention [2], it proposed reinforcing the machinery at its disposal for performing its general task of ensuring that Union law is properly implemented.

[1] COM(2002) 725 final.
[2] COM(2002) 728 final.

(2003/C 280 E/027) **WRITTEN QUESTION E-3860/02**

by Mogens Camre (UEN) to the Commission

(10 January 2003)

Subject: Minority Commission decision to draw up a draft treaty

As we are all aware, the Commission is a collegiate body which, outwardly, takes its decisions unanimously. This presupposes that the President and individual members do not act on their own initiative. If, however, they do, any proposal that may be made must be regarded as void.

Commissioner Vitorino referred to Montesquieu's principles concerning a three-way division of power, which is completely incomprehensible since the division of power into separate legislative, executive and judicial powers does not entitle civil servants to act on their own initiative.

How can a minority of the Commission's members decide to initiate the drafting of a treaty without the matter having been put before the Commission as a whole?

(2003/C 280 E/028) **WRITTEN QUESTION E-3902/02**

by Mogens Camre (UEN) to the Commission

(14 January 2003)

Subject: Commission funding of production of an unofficial draft treaty

On 4 December 2002 the contribution of three Commissioners to a future draft treaty was published under the title: 'Feasibility Study — Contribution to a preliminary draft Constitution of the European Union'. It is clear from the working document that it was drawn up at the request of Commission President Romano Prodi in agreement with Commissioners Barnier and Vitorino. It is also stated that the document does not necessarily represent the Commission's views. Nonetheless, the document is printed on the Commission's official headed paper with the Commission logo — the EU flag — on the front page.

It would therefore be of great interest to the general public to be informed of the following: what did it cost for Commission President, Romano Prodi, to have a working party set up to draw up an unofficial draft treaty on his own behalf and on behalf of a couple of other Commissioners, who carried out this work and where is it entered in the Commission's accounts?

(2003/C 280 E/029) **WRITTEN QUESTION E-0034/03**

by Esko Seppänen (GUE/NGL) to the Commission

(21 January 2003)

Subject: The Penelope plan

A new constitution for the EU has been drafted within the Commission with the code-name 'Penelope'. Evidently the Commission has not collectively approved it. From the point of view of the Commission as a whole, what is the status of this draft and how well does it represent the position of the Commission in its entirety?

Joint answer
to Written Questions E-3860/02, E-3902/02 and E-0034/03
given by Mr Prodi on behalf of the Commission

(17 March 2003)

At the request of Mr Prodi, President, in agreement with Mr Barnier and Mr Vitorino, a working party of Commission officials prepared a feasibility study entitled 'Contribution to a preliminary draft of a European Constitution'. Mr Prodi informed the other members of the Commission of the existence of this working document but it was not discussed by the full Commission and it does not commit the Commission.

It is for each Member of the Commission who has responsibility for a specific area, and for the President where action by the Union is concerned, to ask Commission departments to draft preparatory documents, study papers, feasibility studies, etc. A Commission decision is not needed to launch such work, which is part of the normal activities of Commission departments, i.e. the preparation of decisions and the position to be adopted subsequently by the Commission. Mr Prodi in agreement with Mr Barnier and Mr Vitorino felt that a feasibility study on the European Constitution would help the Commission to adopt its position with regard to the Convention.

The names of the officials who prepared the feasibility study are listed on the first page of the study, which did not give rise to any costs other than Commission overheads.

(2003/C 280 E/030) **WRITTEN QUESTION E-3865/02**

by Jules Maaten (ELDR)
and Lousewies van der Laan (ELDR) to the Council

(10 January 2003)

Subject: Indonesia's ad hoc tribunals on East Timor

Does the Council recognise that the trials on East Timor show, as the United Nations High Commissioner for Human Rights states, that Indonesia has not taken responsibility for crimes against humanity in East Timor?

Is the Council aware of Indonesia's minimal cooperation with investigations into the deaths of Dutch citizen Sander Thoenes in September 1999 and British citizens Brian Peters and Malcom Rennie in 1975?

Will the Council invite the United Nations to establish an international tribunal on East Timor?

Will the Council become party to this international tribunal on East Timor?

Reply

(21 July 2003)

1. The Council shares the Honourable Member concerns over the functioning of the Indonesian ad hoc tribunal which was established to bring to justice the perpetrators of the serious human rights violations taking place in East Timor in 1999, and over the handling of the investigation into the deaths of Sander Thoenes, Brian Peters and Malcolm Rennie.

2. Since its establishment, the EU has been following the proceedings of the ad hoc tribunal closely. The EU regrets that the tribunal, with its limited jurisdiction in time and scope, is only able to prosecute a limited number of perpetrators and has so far not been able to reveal the systematic and widespread abuse of human rights. Furthermore, the EU has on several occasions raised its serious concerns with the Indonesian authorities that the quality of the prosecution and the tribunal procedures do not live up to international standards. When the first sentences were handed down in August 2002, the EU expressed its concerns to the Indonesian government that proceedings did not result in a substantiated account of the violence in East Timor. The EU also took note of the small number of victims summoned to testify and the absence of witnesses from Unamet and independent observers. The EU emphasised that important evidence had not been taken into account to substantiate the cases before the court, and expressed fear that the failure to produce relevant witnesses and evidence would jeopardise the credibility of the court's verdicts. Finally, the EU expressed hope that the proceedings of the court in the following months would be in conformity with international standards of justice. The EU will continue to follow carefully the proceedings of the Court, and will raise the issue again in an appropriate manner with the Indonesian government during political dialogue talks.

3. The murder of the Dutch journalist Sander Thoenes is one of the best documented human rights abuses committed in the aftermath of the East Timor referendum. Despite pressure by the EU and other international actors, the competent authorities are still reluctant to bring the case to trial. The EU will continue to urge the Indonesian authorities to make every effort to complete its investigations in the case of Sander Thoenes and bring to justice, as soon as possible, those responsible, and to cooperate with the UN investigation into the deaths of Malcolm Rennie and Brian Peters at Balibo in 1975.

4. The Council has neither discussed the question whether to invite the United Nations to establish an international tribunal on East Timor, nor its possible participation in such a tribunal.

(2003/C 280 E/031) **WRITTEN QUESTION E-3874/02**

by Salvador Garriga Polledo (PPE-DE) to the Council

(10 January 2003)

Subject: Improved European military resources for a greater margin of autonomy

It is clear that Europe now needs improved military resources if it is to achieve a greater margin of autonomy and successfully develop a purely European Rapid Intervention Force.

On the political level, one of the great challenges facing the EU concerns the effective creation of an area in which it can develop its own common security and defence policy, so as to ensure a certain guarantee threshold for the preservation of peace throughout Europe: this goal seems more important than any other, unrealisable objectives at world level.

Can the Council, in the context of its competences in the matter, provide information on its level of diagnostic capacity as regards a regular review of the Union's shortcomings vis-à-vis achievement of the objective of establishing a genuine and authentically European security and defence policy?

Reply

(21 July 2003)

The work conducted since the Helsinki European Council has enabled the European Union to define the variety of measures needed successfully to carry out the full range of Petersberg tasks, including the most demanding among these. The military capabilities and forces required by the EU to meet the headline goal have been spelt out in detail and are listed in a capability catalogue, which is regularly reviewed according to the principles approved at the Nice European Council.

Two Capabilities Commitment Conferences, one held under the French, the other under the Belgian Presidency, made it possible to draw together the specific national commitments corresponding to the military capability goals set by the Helsinki European Council. Member States committed themselves, on a voluntary basis, to making national contributions corresponding to the capabilities required to attain the headline goal. Those commitments have been set out in a forces catalogue. Analysis of that catalogue confirms that by 2003, in keeping with the headline goal established at Helsinki, the European Union will be able to carry out the full range of Petersberg tasks, but that certain capabilities need to be improved in both quantitative and qualitative terms in order to maximise the capabilities available to the Union.

Accordingly, at the Conference on Military Capability Improvement (CIC) held on 19 November 2001 Member States identified the remaining shortcomings and agreed on an action plan to remedy them. That plan is based on national decisions (a bottom-up approach) aimed at rationalising Member States' respective defence efforts and on increased synergy between national and multinational projects.

(2003/C 280 E/032) **WRITTEN QUESTION E-3888/02**

by Olivier Dupuis (NI) to the Commission

(13 January 2003)

Subject: New wave of repression in Tunisia

On 11 December 2002, Judge Mokhtar Yahyaoui, President of the Centre for the Independence of the Judiciary (CIJ) and a founder member of the International Association for the Support of Political Prisoners (IASPP), was the victim of a violent attack in the street by plain-clothes agents while on his way to his lawyers' office, and on 14 December he was arrested arbitrarily by men in plain clothes and later released. On 13 December, in the capital, police officers laid siege to the office of two human rights lawyers, Mr Nourredine Bhiri (Treasurer of the National Campaign for the Independence of the Judiciary) and Mrs Saida Akremi (Secretary-General of the IASPP), attacking them and their two children (aged 13 and 15). Mrs Akremi was taken away by the police and released only after seven hours of illegal imprisonment. Dr Tahar Mestiri (medical doctor and member of the National Council on Liberties), who was due to examine Mrs Akremi, was attacked and prevented from visiting her. On the same day, many other lawyers and human rights activists were attacked by the political police. On 13 December, political police arrested five former prisoners of conscience in Gafsa (southern Tunisia), including: Mr Ali Chortani, who was tried and sentenced in 1991 to eight years' imprisonment, and is well known for his activities within the Tunisian League of Human Rights in Gafsa and within the Nahdha movement; Mr Lotfi Dassi; Mr Mohsen Nouissi and two other former prisoners of conscience who have not yet been identified from the town of Gafsa. Moreover, issue 885 of the weekly magazine 'Réalités', published on 12 December, was withdrawn from sale because it contained an article on the situation in prisons in Tunisia. On 14 December, the author of the article, the journalist Hedi Yahmed, was brought before the Public Prosecutor. Since 12 December, three vehicles of the political police have besieged the home of the journalist Abdallah Zouari in the village of Medenine. On 16 December, Mr Mohamed Jmour (Secretary-General of the Tunisian bar council and human rights campaigner) was savagely attacked by plain-clothes police officers in Tunis.

What information does the Commission have about this latest wave of brutal repression against pro-democracy activists in Tunisia? What is the Commission's evaluation of the development of the economic and social situation in Tunisia? Does the Commission believe that the Union's policy towards Tunisia is politically tenable?

Answer given by Mr Patten on behalf of the Commission

(31 January 2003)

The Commission notes with concern that Tunisia continues to be intolerant of dissidents and human rights activists. Despite certain encouraging signs towards the end of 2002, freedom of association and expression are still not sufficiently tolerated. The Commission is aware of the particular case of Judge Mokhtar Yahiaoui and its recent repercussions and has raised the matter with the Tunisian authorities without, however, receiving any significant information.

Concerning the economic and social situation in Tunisia, the Commission encourages and supports the reform efforts of the Tunisian Government and, here, there have been significant structural improvements, particularly by comparison with the situation in the region as a whole. Although 2002 was difficult for the economy (fourth consecutive year of drought, the fallout on tourism of the Djerba attack), the underlying economic indicators are sound. On the social side there have been a number of remarkable gains (access to housing, guaranteed minimum wage, social welfare fund) which makes Tunisia one of the most advanced of the Southern Mediterranean countries. However, the balance is still fragile and the Commission continues to monitor the situation carefully.

The European Union's policy with regard to Tunisia, formulated by the Member States and the Commission in the forums designated for the purpose in the Treaty, is evolving constantly in the light of the political and economic situation. In particular, the policy takes account of the essential elements regarding democracy and human rights laid down in the Association Agreement, and also of Tunisia's other international commitments.

(2003/C 280 E/033) **WRITTEN QUESTION E-3910/02**

by Eija-Riitta Korhola (PPE-DE) to the Commission

(14 January 2003)

Subject: Discriminatory nature of vehicle financing in Finland

The Finnish vehicle import regulations have recently been amended to prevent them impeding competition and discriminating against private and/or parallel importers. In practice, however, the individual consumer still has to fall back on traditional importers dealing in given makes only because financing agreements are at present impossible to obtain unless cars are purchased through such dealers. The biggest financial institutions operating in Finland are Nordea and OPR, and there are several smaller providers as well. However, in reality they all appear to be following the same line of conduct.

Is the Commission aware of the situation in Finland regarding the vehicle financing market and does it oversee the manner of giving effect to competition in this area? Does it consider the prevailing practice to be in accordance with EU competition laws and what action does it intend to take? Do other Member States have similar practices that might obstruct the implementation of Commission decisions to liberalise competition?

Answer given by Mr Monti on behalf of the Commission

(25 February 2003)

The Commission has not been made aware of any difficulties regarding the market for financing of the purchase of new motor vehicles in Finland. The Commission is, therefore, not in a position to assess whether or not the practice described by the Honourable Member is compatible with Community competition rules.

Based on the information provided, it seems that the problem described by the Honourable Member relates to the behaviour of Finnish financial institutions. In such a case it is in the first place the task of the Finnish competition authority to take action based on Community competition rules or on Finnish competition law.

The Finnish competition authority has informed the Commission that, so far, it has not received any formal complaints in relation to this matter. However, it has assured the Commission that it will continue to monitor the situation closely, also in light of the forthcoming entering into force of the amended Finnish tax regulation, which should improve the situation for parallel importers.

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

(2003/C 280 E/034) **WRITTEN QUESTION E-0002/03**

by Olivier Dupuis (NI) to the Commission

(16 January 2003)

Subject: Condemnation of Mr Nguyen Khac Toan

Mr Nguyen Khac Toan, 47, was sentenced on December 20, 2002 to 12 years in prison and three years' probationary detention by the People's Court in Hanoi in a trial which lasted less than one day. He was charged with 'espionage' (Art. 80 of the Criminal Code). The Communist Party's official mouthpiece 'Nhan Dan' (The People) stated that he had 'slandered and denigrated the executives of the Party and State' by providing information to 'exiled reactionaries' overseas. The trial was closed to the public. His lawyer was only able to meet his client twice before the trial (on 16 and 19 December), and was not allowed to speak to him in private. Born in Hanoi in 1955, he was formerly a soldier in the North Vietnamese Army and he is presently a businessman. Over the past two years, following demonstrations in Hanoi staged by farmers protesting against state confiscation of land, he had helped farmers' representatives to draft petitions to the National Assembly. He had also imparted information on these demonstrations via the Internet. He was arrested on 8 January. Police searched his home and confiscated several documents. He was detained in the notorious B 14 (Thanh Liet) prison. This extremely harsh sentence against Nguyen Khac Toan is one more episode in a new crackdown against dissenting voices in Vietnam. Le Chi Quang was sentenced to four years in prison on 8 November 2002. Dr Pham Hong Son, journalist Nguyen Vu Binh and professor Vu Ngoc Binh are also currently detained for using the Internet to call for peaceful political reforms. Vietnam has recently stepped up restrictions on freedom of expression and the use of the Internet. The UN Human Rights Committee in Geneva recently criticized these legal restrictions in their review of Vietnam's implementation of the UN Covenant on Civil and Political Rights (ICCPR) in July 2002. The UN Committee also criticised Vietnam's loosely-worded national security legislation, including offences such as 'espionage', which criminalises activities that are perfectly legal under international law.

Is the Commission informed about the condemnation of Mr Nguyen Khac Toan? Has the Commission formally asked to be allowed to attend the trial? What is the Commission's evaluation of this intensified repression against democracy activists in Vietnam and does the Commission consider that this is compatible with the strengthening of its cooperation policy with this country?

Answer given by Mr Patten on behalf of the Commission

(31 January 2003)

The Commission is aware of the trial and condemnation of Mr Nguen Khac Toan. The Commission's Delegation in Vietnam, together with the Diplomatic Missions of the Member States, follows closely the human rights situation in Vietnam, including the cases of Mr Toan as well as of the other persons of concern mentioned by the Honourable Member.

The Commission did not request to be present at the trial of Mr Toan, nor was it informed in advance of its date and place. The trial of Mr Toan, as correctly mentioned by the Honourable Member, like other trials of the same kind against dissidents, has been closed to the public as well as to diplomatic representatives.

The situation of freedom of expression of opinion in Vietnam has not improved during 2002. On several occasions, most recently in the joint Union declaration for the Consultative Group meeting in Hanoi in December 2002, the Commission and the Member States have encouraged the government of Vietnam to create a legal framework for a supportive environment to allow the development of a strengthened civil society, from which Vietnam would greatly benefit.

The Commission's policy towards Vietnam is to encourage and support continued progress on human rights and democratisation, and to raise concerns where abuses occur or where a deterioration in the situation becomes evident. This happens through monthly meetings of the Union's 'Politics and Human Rights Group', monthly Troika meetings with the Vietnamese government as well as ad-hoc missions (i.e. to the Central Highlands) and through joint Union statements at, for example, the Consultative Group meeting.

(2003/C 280 E/035) **WRITTEN QUESTION E-0060/03**

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

(22 January 2003)

Subject: Rejection by the Council of the European Parliament and Commission proposal concerning the establishment of a COPE fund from which to pay compensation for pollution caused by oil spills

The disaster caused by the sinking of the Prestige off the coast of Galicia further emphasises the political seriousness of the Council's rejection of the European Parliament and Commission proposal concerning the establishment of a COPE fund to pay compensation for pollution caused by oil spills. The Copenhagen European Council — which was attended by the Spanish Prime Minister, Mr Aznar — took the same view of the matter even as seamen and volunteers were trying to clear the crude oil with their bare hands and it opted once again (contrary to the interests of European society as a whole and, in particular, to Galicia's specific interests) to pass the decision on to the International Maritime Organisation. What reasons lie behind this decision, which is incomprehensible to the general public?

Reply

(21 July 2003)

It is not true to say that the Council has rejected the Commission proposal concerning the establishment of a COPE fund.

In the aftermath of the ERIKA incident, there was general agreement, as brought to expression in the December 2000 Council conclusions, for considering that the level of compensation for oil pollution damage offered by the existing liability and compensation regime was not sufficient. The Commission consequently issued, in the framework of the 'ERIKA II' package, a proposal aiming at creating an EU complementary compensation fund.

The April 2001 Council (Transport/Telecom) considered a common approach in the IMO framework preferable as the best way to achieve the goal set up in the earlier mentioned December 2000 Council conclusions, i.e. 'ensure a proper and, as far as possible, global regime for liability and compensation in cases of pollution damage resulting from contamination by petroleum products and other noxious and hazardous substances transported by ships'. The common approach underlined that 'an agreement within the IMO should be reached as soon as possible, preferably by 2003'.

Good progress has been done on the subject in the IMO framework and a Diplomatic Conference is scheduled on the matter for May 2003.

On 6 December 2002, the Council (Transport/Telecommunications/Energy) adopted conclusions on ships' safety and pollution prevention. Among other measures, the Council committed itself to immediately examining the Commission's proposal for a regulation on the establishment of a Community fund for the compensation of oil pollution damage in European waters (COPE fund), with the aim of establishing it before the end of 2003, in the case that a supplementary compensation fund for oil pollution is not created by the International Maritime Organization (IMO).

Furthermore, responding more particularly to the recent sinking of the Prestige off the coast of Galicia, and with regard to compensation for the ecological and economic damage, particularly in Northern Spain, the Council (Agriculture and Fisheries) adopted on 20 December 2002 exceptional supporting measures to supplement the actions taken in the context of the interventions of the Structural Funds in Spain for compensating the sector affected by the oil spills from the Prestige accident.

(2003/C 280 E/036) **WRITTEN QUESTION E-0121/03**

by Bob van den Bos (ELDR) to the Council

(28 January 2003)

Subject: North Korean refugees

The European Union is the UNHCR's second largest donor after the United States. The recently published UNHCR Annual Statistical Yearbook makes no mention of the estimated 200 000 North Korean refugees in China. According to the UNHCR, China is denying the UNHCR access to the region where many North Koreans are hiding, thereby violating international law on refugees. Under a seven-year-old agreement between China and the UNHCR, the latter is supposed to have free access to refugees. So far the UNHCR has refused to invoke the arbitration clause in the agreement.

When making budgets available to UNHCR, donor countries can earmark their contributions. Will the European Union make use of this option in order to make funds available to provide for North Korean refugees in China? If not, why not?

Will the European Union urge the UNHCR to make use of the option of submitting disputes between the UNHCR and China to binding arbitration? If not, why not?

Reply

(21 July 2003)

The Council would remind the Honourable Member that both the EU Member States and the Community make substantial financial contributions to the UNHCR, despite the fact that the Community as such as not a member of the UNHCR.

As far as the use of national contributions is concerned, it is not for the Council to set the conditions for such use, nor is it for the Council to interfere with the UNHCR's evaluation of its bilateral relations with China. With regard to the use of Community contributions, the Council invites the Honourable Member to put his question to the Commission directly.

The EU has on numerous occasions raised the question of China's treatment of North Korean asylum-seekers in the context of its biannual political dialogue on human rights with China. At the most recent round of the dialogue, on 5 and 6 March 2003, the EU also urged China to cooperate with the UNHCR.

(2003/C 280 E/037) **WRITTEN QUESTION P-0124/03**

by Seán Ó Neachtain (UEN) to the Commission

(21 January 2003)

Subject: Special tax designated areas and the west of Ireland

Will the Commission state what its position is on the designation of new special tax areas in general and, in particular, taking into account the very positive advantages that have been experienced in such specially designated tax areas in urban locations, will the Commission state if it will support the designation of new special tax areas in remote rural areas such as the west of Ireland with a view to helping such communities to develop their economies and create important employment opportunities?

Answer given by Mr Monti on behalf of the Commission

(13 February 2003)

Special tax areas are likely to involve State aid in the meaning of Article 87(1) of the EC Treaty. In the case of fiscal advantages not linked to the creation of jobs or to investment or to other purposes recognised as presenting a Community interest, it would involve operating aid, which is in principle incompatible with the common market and is only exceptionally considered compatible under very strict conditions in some specific areas eligible for assistance under Article 87(1)(a) or 87(1)(c) [1]. Where such a link does exist, the Commission does not exclude the possibility that such a new policy measure, as outlined by the Honourable Member, could be considered to be compatible with the common market, or might even be exempted from notification pursuant to one of the Commission Exemption Regulations [2]. However, on the basis of the information provided, and in the absence of a formal notification pursuant to Article 88, paragraph 3 of the EC Treaty, or of a formal information pursuant to the transparency requirements included in the above-mentioned exemption regulations, the Commission is unable to pronounce itself.

As to Ireland, the Regional Aid Map for the period 2000-2006 for Ireland provides that the 'Border, Midlands and Western (BMW) region' qualifies entirely for assistance under the Article 87(3)(a) derogation and the rest of Ireland: South-East, Mid-West, South-West, Mid-East and Dublin qualifies for assistance under Article 87(3)(c). Any notified regional scheme for the West of Ireland would be examined by the Commission according to the Regional Aid Map for Ireland and the regions under the derogation, as well as to the ceilings on the intensity of aid for initial investment or the aid for job creation approved for each region.

[1] See Guidelines on national regional aid — OJ C 74, 10.3.1998, and its amendments — OJ C 258, 9.9.2000.

[2] Commission Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment — OJ L 337, 13.12.2002. Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises — OJ L 10, 13.1.2001.

(2003/C 280 E/038) **WRITTEN QUESTION E-0133/03**

by José Ribeiro e Castro (UEN) to the Commission

(28 January 2003)

Subject: Portuguese on Euronews

On 20 November 2002 I tabled a priority written question on the above subject — P-3364/02 [1].

In that question, I expressed concern at recent press reports — which do not appear to have been denied — that 16 Portuguese members of staff responsible for Portuguese-language Euronews broadcasts were about to be dismissed. Apart from the social issues raised by such action, it would jeopardise the broadcasting of Euronews in Portuguese, and it appeared that such broadcasts would cease in the near future.

I also expressed concern that the information in Portuguese currently published on the website www.euronews.net may likewise be under threat.

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.

The answer already provided by the Commission and forwarded on 6 January 2003 states, inter alia, that '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'.

This clear position is to be applauded, and it is to be hoped that it is a firm position.

However, the Commission did not answer the question relating to the alleged dismissal of 16 Portuguese members of staff.

Does the Commission have any information on the alleged dismissal of 16 Portuguese members of the Euronews staff? What measures has it taken or will it take to ensure, in line with its stated intention, that Euronews services continue to be provided 'with the use of a maximum of Union languages, including Portuguese'?

([1]) OJ C 242 E, 9.10.2003, p. 54.

Answer given by Mr Prodi on behalf of the Commission

(5 March 2003)

The Commission would like to remind to the Honourable Member that Euronews has no obligation to report on its staff policy since the Convention signed with the Commission does not cover any questions related to staff, which remain an internal matter for EuroNews.

Moreover, the Commission can advise that EuroNews and the public broadcaster Radiotelevisão Portuguesa (RTP) have just concluded the renewal of their 1999 agreement to pursue their co-operation and continue with the production of EuroNews' Portuguese language version.

This agreement also allows the channel to maintain its current multilingual character.

(2003/C 280 E/039) **WRITTEN QUESTION P-0164/03**
by Francesco Speroni (NI) to the Commission

(24 January 2003)

Subject: Competition between banks

Most Italian banks impose hefty charges on account holders (EUR 100 or more) if they decide to close a current account. Charges are higher still in the case of transfers of securities (even intangible ones).

Charges are also due if a client chooses to withdraw his custom in response to a unilateral decision on the part of the bank to alter the conditions applicable in a way which is disadvantageous to the client.

This obviously complicates any decision to switch to a rival bank, since the financial factors to be weighed up include not only the terms and conditions offered by the second bank but also the hefty charges imposed by the first.

The fact that the amount of these 'departure taxes' varies greatly according to the bank concerned suggests, furthermore, that the amount is not related to the cost of providing an actual service but is intended as a means of discouraging clients from withdrawing their custom.

Is such a practice to be regarded as being in accordance with the rules on free competition?

Answer given by Mr Monti on behalf of the Commission

(18 February 2003)

Under Union competition law, prices cannot be fixed in a concerted manner, that is by agreement, decision or concerted practices between undertakings (Article 81 of the EC Treaty). For any intervention under Article 81, an allegation of collusive behaviour would need to be substantiated with evidence. The indication in the written question by the Honourable Member that the amount of the charges 'varies greatly according to the bank concerned', seems to indicate that there is no such collusion.

Article 82 of the EC Treaty prohibits the abuse of a dominant position. In assessing possible dominance, account is taken of factors such as market share, the presence in the market of credible competitors and other aspects which may allow the firms involved to avoid competition. On the basis of the information available to the Commission, no individual bank has a dominant position on the market for current accounts in Italy. Given that allegedly most Italian banks are charging high fees for the closure of accounts, Article 82 might be applied if collective dominance could be established. However, the Commission has no elements to suggest that the majority of Italian banks do not compete amongst each other and are not exposed to actual or potential competition from others on the market for current accounts.

Furthermore, the Commission would point out that Community competition law applies where trade between Member States may be appreciably affected. It appears from the information provided that the competition issues are mainly related and confined to the Italian market; as a result the National Competition Authority (which for the banking sector is the Banca d'Italia) would seem to be better placed to assess the competition concerns raised in the question. The Commission has informed the Banca d'Italia of the concern raised.

(2003/C 280 E/040) **WRITTEN QUESTION E-0172/03**

by Theresa Villiers (PPE-DE) to the Commission

(29 January 2003)

Subject: Equitable Life

1. Has the Commission conducted a full investigation into the role the UK Government played in the fall of Equitable Life? If not, why not, and if so what were the findings?

2. Does the Commission believe that the UK Government has breached EU regulations on life insurance, in its handling of the Equitable Life scandal?

3. If the UK Government is found to be in breach of EU legislation on life insurance, will the Commission press the UK Government to pay compensation to the Equitable Life customers? What limitation period (time limit for bringing legal claims) will apply to compensation claims?

Answer given by Mr Bolkestein on behalf of the Commission

(6 March 2003)

1. As the Commission indicated in its response to Written Question E-2415/01 by Mr Ford [1], the Commission is aware of the difficulties confronting policyholders of Equitable Life. The Commission has not conducted an investigation into the role of the British Government. The Commission is aware the British Government has announced a full independent enquiry, headed by Lord Penrose, to examine the circumstances leading to these difficulties

2. At the present time, the Commission is not aware of any infringement of the Community insurance directives in connection with Equitable Life.

3. The Commission has no direct role in the supervision of individual insurance undertakings in Member States. In fact, neither the EC Treaty nor Community insurance directives confer specific supervisory powers upon the Commission, nor does the Commission authorise and supervise undertakings wishing to write insurance business.

It falls under the responsibility of each Member State to organise and effect this national supervisory responsibility (see e.g. Article 8 of the so called 'Third Life Insurance Directive', i.e. Council Directive 92/96/EEC of 10 November 1992 on the co-ordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EC and 90/619/EEC [2] and Articles 16, 17, 18 and 23 of Council Directive 79/267/EEC of 5 March 1979 on the co-ordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance [3]).

Where an aggrieved party considers that national supervisory authorities have not properly respected the requirements of the relevant Community Directives, redress may be sought by application to national courts. In fact, national courts are competent to analyse whether a national supervisory authority, when carrying on its supervisory functions, has complied with the supervisory law. They can also take appropriate measures in order to ensure the respect of the law. Furthermore, in such cases it is for the internal legal order of each Member State to designate the competent courts and lay down the detailed procedural rules for legal proceedings intended fully to safeguard the rights which individuals may derive from Community law [4]. In these conditions, the time limit for bringing legal claims for compensation is determined by national law.

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[1] OJ C 134 E, 6.6.2002.
[2] OJ L 360, 9.12.1992.
[3] OJ L 63, 13.3.1979.
[4] See Judgement of the Court of 19 November 1991, Andrea Francovich and Danila Bonifaci and others v Italian Republic, Joined cases C-6/90 and C-9/90, European Court reports 1991 page I-5357.

(2003/C 280 E/041) **WRITTEN QUESTION E-0191/03**

by Erik Meijer (GUE/NGL) to the Council

(31 January 2003)

Subject: The increasing extent to which US criteria are being put forward for acceptance or refusal of new Member States by the EU

1. Is the Council still of the view that, together with Slovenia, other countries of the Western Balkans created from the former Yugoslav Federation should be offered the opportunity, if they wish, to become Member States of the EU on the basis of the 'Copenhagen criteria' applied to all the candidate countries?

2. Can the Council confirm that the US Ambassador-at-Large for War Crimes Issues, Pierre-Richard Prosper, currently on a visit to the Western Balkan states, is demanding that Bosnia-Hercegovina and Serbia hand over the former President and former commander of the army of the Bosnian Serb Republic to the Tribunal for the Former Yugoslavia in The Hague?

3. Is the Council familiar with reports suggesting that the states referred to in question 2 are being threatened by the Ambassador-at-Large not only with a reduction in US financial assistance and opposition to their becoming members of international organisations of which the USA itself is a member, if they fail to hand over the persons concerned promptly, but also with being refused membership of the EU?

4. Does the Council agree that punishing war criminals, however desirable this may be, is not a special precondition that may be imposed by a country outside the EU for accession to the EU?

5. Has the Council noted that the USA has already interfered in the issue of the accession of new Member States to the EU by pressing, contrary to the line being pursued, for Turkey to be swiftly accepted without conditions?

6. What gives the USA the authority to create the impression that it has a right of decision in relation to the accession of new Member States to the EU?

7. Does the Council intend to inform the USA that decisions on accepting new Member States lie exclusively, jointly, with the EU itself, its Member States and the candidate countries and are on no account a matter for non-European powers?

Source: Netherlands edition of the daily newspaper 'Metro' of 20 January 2003

Reply

(21 July 2003)

1. The countries of the Western Balkans had their European prospects ('potential candidates for membership') confirmed at the Zagreb Summit in November 2000, based on the conclusions of the European Council meeting at Feira on 19 and 20 June 2000. The European Council meeting in Copenhagen on 12/13 December 2002 recently recalled the membership criteria defined at the Copenhagen European Council meeting in June 1993 and reaffirmed the European prospects of the countries of the Western Balkans.

2. The European Union attaches very great importance to the handing over of Radovan Karadjic, Ratko Mladic and General Gotovina to the ICTY. As regards the US position, the Honourable Member should address his request directly to the competent authorities.

3. The Council is aware that the US Congress included a special clause in its law on foreign assistance for 2003, whereby it has practically frozen until 15 June its aid for Serbia, amounting to USD 110 million. The suspension will be lifted if Secretary of State Colin Powell informs Congress that Serbia has complied with the conditions for cooperation with the ICTY.

4. The Council is not aware of any threats by Ambassador Prosper regarding these countries' eventual membership of the EU, but is informed that the United States attaches great importance to the US and the EU sending the same message on full cooperation with the ICTY.

The Council reiterates that all countries and parties in the Western Balkans region must cooperate fully with the ICTY. Full cooperation with the ICTY is essential for further movement towards the EU.

Finally, the Council would like to stress to the Honourable Member that applications for membership of the European Union are dealt with solely in accordance with the conditions laid down in Article 49 of the Treaty on European Union, which upholds the principle of autonomy of decision making by the European Union

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(2003/C 280 E/042) **WRITTEN QUESTION E-0220/03**

by Marco Cappato (NI) to the Council

(3 February 2003)

Subject: Drug-related escalation of violence in Bolivia

The situation in Bolivia vis-à-vis the demonstrations of indigenous groups that advocate the use of traditional produce such as coca leaf — currently strictly regulated by the Bolivian Government — should become of particular concern to the international community. In fact, over the last few days in Bolivia there has been a series of clashes between the police and army and the protesters, mainly farmers, who were demonstrating against the eradication of their traditional crop. According to Bolivian media outlets the situation is characterised by an escalation of violence that has led to at least 17 deaths, dozens wounded and hundreds arrested.

Is the Council aware of the nature of such an escalation in the confrontation between the Government and indigenous groups on the eradication of coca, and what measures is the Council enforcing or does it intend to enforce in its support to the Bolivian authorities in their crop eradication activities?

Does the Council not believe that the time has come to address the failures, and disastrous consequences, that prohibition is provoking in producer and consumer countries alike and initiate at the upcoming ministerial segment of the UN Commission on Narcotics, scheduled for 16 and 17 April 2003, a process of revision of the three international Conventions on Narcotic and Psychotropic Substances in order to promote a more effective pragmatic approach to the drug question?

Reply

(21 July 2003)

The situation in Bolivia to which the Honourable Member of Parliament refers has not been discussed in the framework of the Council. The theme of crop eradication and alternative development will be discussed at the forthcoming high level meeting on drugs of the European Union with the Andean Community on 26/27 May 2003 in Cartagena de las Indias as well as in a broader framework at the Fifth High Level meeting of the coordination/cooperation mechanism on drugs EU/Latin America/Caribbean on 29/30 May in the same city.

As regards a process of revision of the three international conventions so far no such an initiative has been discussed in the framework of the Council.

(2003/C 280 E/043) **WRITTEN QUESTION E-0231/03**

by Antonios Trakatellis (PPE-DE) to the Commission

(4 February 2003)

Subject: Input of Community resources into the Greek economy

Commission estimates and data relating to the Greek economy (updating of the stability programme for 2001 and 2002) show that the rate of growth of GDP in Greece was 4,10 % in 2001. This is presented as evidence of the 'good' performance of the Greek economy compared to the EU average. However, according to the Commission report drawn up by the Budget Directorate-General in September 2002, the input of Community resources into Greece amounted to 3,50 % of the GDP for 2001 and 3,65 % for 2000. The corresponding figures relating to the contribution made by the input of Community resources to GDP for 2001 for other Member States of the European Union given in this report were as follows: Portugal: 1,53 %, Ireland: 1,13 % and Spain: 1,24 % of GDP. This means that the growth of GDP in Greece derives essentially from a redistribution of EU budget resources, since, according to Commission statistics, Community input of all kinds — Structural Funds, Cohesion Fund, European Agricultural Guarantee and Guidance Fund and European Social Fund, etc. — amounted to 85,4 % of the growth in the GDP of Greece in 2001.

1. Can the Commission confirm that the input of Community resources in Greece corresponded to 3,50 % of GDP in 2001 and 3,65 % in 2000 and that the 4,1 % increase of Greek GDP in 2001 is due almost entirely to the input of Community resources?

2. What contribution has the Community budget made in the growth of Greek GDP in 2002 and what amounts of these funds entered Greece in the same year?

3. On the basis of the data available, what are the multiplier effects of such a significant transfer of Community funds to the Greek economy for 2000, 2001 and 2002?

4. On the basis of the data available, what is the potential for the Greek economy to continue growing under its own impetus after the expiry of the third CSF in 2006?

Answer given by Mr Solbes Mira on behalf of the Commission

(13 March 2003)

As one of the Union's poorer Member States (with Gross domestic production (GDP) per capita in purchasing power standards (PPS) at 68 % of the 15 Member States average in 2001), Greece is a net recipient from the Union budget. The net budgetary balance was approximately 3,5 % of GDP in 2001. The main sources of funds are the European Agriculture Guidance and Guarantee Fund (EAGGF)-Guarantee Section and Structural Operations. Payments to Greece in 2000 and 2001 were not noticeably higher than in previous years, relative to GDP, as shown for Structural Funds payments in Table 1.

Table 1
Structural Funds payments as a percentage of GDP

	Greece	Spain	Ireland	Portugal
1994	2,41	0,77	1,72	2,91
1995	2,17	1,36	2,08	2,95
1996	2,17	1,30	2,09	3,35
1997	2,47	1,29	1,71	3,13
1998	2,97	1,30	1,91	3,21
1999	1,94	1,31	1,20	2,87
2000	2,27	0,84	0,81	2,08
2001	2,25	1,10	0,55	1,60

Source: Court of Auditors and DG Budget.

The main aim of the supply-oriented Cohesion policy is not to stimulate short-run demand but to raise long-run productivity and competitiveness. Nevertheless, public investment supported by Union Structural Funds translates into increased domestic demand. The contribution of domestic demand to GDP growth can however be dampened by a negative contribution of the foreign balance, not least via imports of goods and services, mainly from other Member states, including equipment goods which contribute to raising the long-run productivity and growth potential of the economy. In Greece, in 2002, real GDP growth was driven by strong domestic demand, namely sustained private consumption and both public and private investment, while the contribution of the external balance was negative due to the impact on exports of a slowdown of world demand and a recovery of imports.

In the context of the Second Cohesion Report in January 2001, an evaluation was made of the potential impact of the Structural Funds on GDP in the Cohesion countries in 2000-2006. The macroeconomic model used, Hermin, not only assesses short-run demand side effects, but also potential long-run effects on the economy's supply potential i.e. investment in human capital and infrastructure are assumed to raise productivity, to increase an economy's attractiveness to Foreign direct investment (FDI), and to improve the competitiveness of indigenous industries. The evaluation showed that the Community Support Framework could raise real GDP by about 5-6 % in 2000-2006, compared to the baseline scenario. Even if the artificial assumption is made that funding stops after 2006, long-run supply effects continue at around 2 %.

Although Greece's good growth performance since 1996 is partly due to the impact of Union co-financed public investment, other policies have also been crucial, particularly the mix of monetary, fiscal and wage moderation policies which allowed Greece to enter the eurozone and have provided positive conditions for private investment. The 2002 update of the stability programme of Greece, prepared under the requirements of the Stability and Growth Pact, shows that real GDP growth is expected to remain above the Union average in the coming years. Longer term growth prospects will clearly depend on the pursuit of stability-oriented macroeconomic policies, not least to ensure the sustainability of public finances, as well as steps to improve the functioning of product and labour markets in order to sustain investment flows. On several occasions, the Commission and Council have recommended that such policies are indeed implemented by the Greek government.

(2003/C 280 E/044) **WRITTEN QUESTION E-0232/03**

by Eluned Morgan (PSE) to the Commission

(4 February 2003)

Subject: End-of-Life Vehicles Directive

Is the Commission aware of the problems Member States are experiencing in disposing of the ever-increasing numbers of cars being dumped as a result of the End-of-Life Vehicles Directive? What is the Commission doing to ease the financial and practical burden of disposing of these vehicles that has fallen upon ordinary farmers as a result of the legislation?

Answer given by Mrs Wallström on behalf of the Commission

(6 March 2003)

There is no evidence to suggest that Directive 2000/53/EC of the Parliament and of the Council of 18 September 2000 on end-of life vehicles [1] (ELVs) is responsible for an increase in the number of cars being dumped. On the contrary, the Directive contains provisions which are specifically intended to combat the illegal dumping of ELVs. In particular, the Directive specifies that, from 21 April 2002, vehicles may only be deregistered following the presentation of a certificate of destruction, which may only be issued by licensed treatment centres. Moreover, the problem of dumped cars existed before the entry into force of this Directive. For example, the United Kingdom's (UK) Department of Trade and Industry (DTI) estimates that up to 350 000 vehicles were abandoned in the UK in 2000.

The ELV Directive specifically requires Member States to establish systems to finance the collection and treatment of ELVs. The Directive establishes the principle that the last owner should be able to dispose of an ELV free of charge, while requiring that manufacturers meet all or a significant part of the cost of implementing this measure. This applies from 1 July 2002 for vehicles put on the market after this date. For vehicles placed on the market before this date, the Directive requires that manufacturers meet this cost from 1 January 2007. The Directive does not specify how it should be met until 31 December 2006.

It is therefore the responsibility of Member States to implement the most appropriate system to finance the collection of ELVs in the intervening period, including measures to ensure that farmers are not negatively affected.

Legislation providing for free take-back systems for old cars is already in place, for example, in Germany, the Netherlands, Austria and Sweden.

[1] OJ L 269, 21.10.2000.

(2003/C 280 E/045) **WRITTEN QUESTION E-0236/03**

by Isidoro Sánchez García (ELDR) to the Commission

(4 February 2003)

Subject: Treatment of the outermost regions of the European Union under the mid-term reform of the CAP

The Commission has put forward a proposal originating from the Berlin European Council to implement a mid-term reform of the CAP that will amount to a minor agrarian revolution in the medium term and will impact on the various regions of the European Union.

Moreover, the agricultural POSEI programmes for the outermost regions of the European Union have recently been the subject of a review. In the light of the Commission's development strategy for these regions, and of Article 299(2) of the EC Treaty, which lays down that specific measures shall be adopted when implementing Community provisions in those regions, precisely in the context of the CAP, will the Commission apply special treatment to the outermost regions when implementing the CAP reforms and if so, what measures will it adopt?

Answer given by Mr Fischler on behalf of the Commission

(10 April 2003)

In drafting the regulations designed to give the European Union 'a long-term perspective for sustainable agriculture', the Commission has safeguarded and taken full account of the specific features of Community assistance intended to support agricultural production in the outermost regions.

As a result, in these regions the decoupling of aid will concern only a limited range of assistance from the common agricultural policy (CAP) and the additional aid provided under the POSEI programmes. Integrating this aid into the decoupled envelope will permit a substantial simplification of administrative management procedures.

By introducing the single payment, the Commission is also proposing to give the Member States more freedom in terms of the territorial level for implementation. That provision could prove particularly useful in enabling the Member States concerned to take account of the particular situation of these regions.

The Commission would also stress that one of the aims of its proposals to reform the CAP is gradually to reduce direct aid in order to free up additional finance for rural development. This is also likely to benefit the outermost regions.

In accordance with Article 299(2) of the EC Treaty, the Commission will continue to ensure that what has been achieved by the measures planned for the outermost regions is preserved and takes full account of the their special needs. Where necessary, it reserves the right to propose any adjustments which may be required to that end.

(2003/C 280 E/046) **WRITTEN QUESTION E-0257/03**

by Caroline Jackson (PPE-DE) to the Commission

(5 February 2003)

Subject: Health conditions on French canals

Pleasure craft on the French Canal Rhin au Marne and the Canal du Nivernais in 2002 apparently had to pump out toilets directly into the canals because the French authorities have not positioned pumping-out facilities along the canals for the boats to use. Can the Commission confirm that the system contravenes existing EU law, and will it now take the matter up with the French authorities?

Answer given by Mrs Wallström on behalf of the Commission

(17 March 2003)

Relevant pieces of Community environmental legislation in the case of waste water discharges to waters are the Urban Waste Water Treatment Directive [1], the Water Framework Directive [2] and the Bathing Water Directive [3].

The Urban Waste Water Treatment Directive covers in its scope discharges of more than 2000 inhabitants or the equivalent in waste water. Discharges below this threshold, e.g. from smaller settlements, individual houses outside areas of concentration, or pleasure crafts are not covered by the Directive and thus fall under the responsibility of Member States, following the principle of subsidiarity.

Under the Water Framework Directive, the Union has recently restructured and expanded its water protection policy, protecting all waters and addressing all sources of impact, with an obligation to achieve good quality ('good status') for all waters by 2015, and providing one coherent managerial framework for the implementation of all water-related Community legislation. This environmental objective and deadline are complemented by mandatory preparatory steps, such as first analysis of pressures and impacts by

December 2004, upgrading the monitoring system by December 2006 and establishing the necessary measures within a river basin management plan by December 2009.

Discharges from pleasure crafts will, as indeed all other sources of impact, have to be assessed and integrated into the measures under a river basin management plan. Within the binding objective of achieving good status those measures might entail restrictions and/or bans to discharges from a range of sources. The Commission is aware of the fact that current national and/or regional legislation as regards discharges from pleasure crafts provides for a range of approaches, from a total ban on any discharges via a ban on toilet discharges, but allowing for kitchen discharges, to no regulation at all. One of the key principles of the Water Framework Directive is to achieve ambitious and comparable water quality standards across Europe, whilst allowing flexibility as regards the tools how to achieve this environmental objective.

The Commission will, in its role as Guardian of the Treaties, carefully observe the appropriate implementation of the Directive within the set deadlines, and where appropriate take adequate action including infringement procedures. At the same time there is, for the implementation of the Water Framework Directive, very close co-operation on implementation between Commission, Member States and Candidate Countries to facilitate a targeted implementation and make best use of available experience and resources.

As for the Bathing Water Directive, it addresses water quality at locations regularly used by a large number of bathers. For these — approximately 20 000 locations (amongst them more than 6 000 on inland freshwaters) — legally binding quality objectives are set by the Directive, and regular sampling and monitoring of bathing water quality is ensured. The Commission publishes a Union-wide report annually, both in print and on the Internet, serving as a source of information for citizens but also contributing to awareness in case of non-compliance. The Commission is closely following the cases of non-compliance with set quality standards, and acting accordingly.

In conclusion, based on the facts provided in the question by the Honourable Member, the Commission does not consider currently applicable Community environmental legislation infringed, and therefore does not see a possibility for legal action by the Commission. In the case of receiving specific information as regards bathing waters, the Commission would, in line with established practice, take all appropriate steps.

(1) Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment — OJ L 135, 30.5.1991.
(2) 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.
(3) Council Directive 76/160/EEC of 8 December 1976 concerning the quality of bathing water — OJ L 31, 5.2.1976.

(2003/C 280 E/047) **WRITTEN QUESTION P-0291/03**

by Giuseppe Pisicchio (PPE-DE) to the Commission

(3 February 2003)

Subject: Illegal immigration

Knowing that:

— a few days ago yet another illegal-immigration tragedy occurred off the Apulian coast, with a heavy loss of life;

— the geography and the pattern of this new form of slavery are now all too well known: the practice is as lucrative as smuggling and it feeds an appalling trade in human beings who leave North Africa and the Middle East in order to cross the coasts of the northern Mediterranean (in particular those of Apulia, Sicily and Calabria) in search of illusory freedom and well-being in Europe;

— an awareness of, and the relative predictability of, such illegal transport operations and the routes they follow have not so far prompted the EU institutions to take appropriate preventive action. Hence the burden of dealing with the matter and with the social, economic and legal implications thereof falls entirely on the regions on whose coasts illegal immigrants come ashore;

— it should once again be pointed out that the matter is to be regarded as one of relevance to the EU as a whole and not just to the areas targeted by illegal immigrants as their point of entry into the EU.

In the light of the above facts, what action is the Commission planning to take in order to deal with the issue? Is the Commissioner responsible not intending to arrange continuous coordination within the Commission amongst the relevant authorities of the countries most affected by the arrival of illegal immigrants, with a view to devising a more effective containment strategy?

Answer given by Mr Vitorino on behalf of the Commission

(27 February 2003)

As already emphasised in the Commission's reply to the Written Question E-3112/02 by Mr Tannock [1], illegal immigration by sea gets serious and continuous attention within the Commission.

The Council presented a comprehensive plan to combat illegal immigration and trafficking in human beings in the Union on 28 February 2002 [2] (Santiago Action Plan) and a comprehensive plan for the integrated management of the external borders of the Member States on 13 June 2002 [3], which are based on the Commission's Communications on the respective subjects. The proper implementation of measures on this matter as identified in these plans is of major importance to this problem. Consequently, the Commission welcomes the recently started joint operations and activities of the Member States in the Mediterranean region.

Within this context, one joint operation led by Spain, aiming to control and reduce illegal immigration by sea towards the coasts of the northern Mediterranean and the Canary Islands, has been launched at the end of January 2003 (operation 'Ulysses'). Along the same lines, one joint operation led by Greece, aiming to contribute in the tackling of illegal migration in the Mediterranean, will be conducted in the Eastern Mediterranean during the Greek EU Presidency (operation 'Triton').

Illegal immigration by sea will continue to be a subject of major interest for the Commission. As requested by the Santiago Action Plan the Commission has launched a feasibility study on control of maritime borders, which will also elaborate on legal issues, with a view to fighting illegal immigration by sea, taking into account the diversity of maritime borders in the Union and the various problems facing the Member States. The results of this study can be expected around the middle of 2003.

In order to improve the co-ordination of Member States the Commission convened expert meetings on illegal immigration by sea on 21 May 2002 and 27 September 2002 that aimed to identify operational actions to prevent and combat illegal immigration in the Mediterranean region. During these meetings the co-operation with third Countries was considered to be the most efficient and successful approach in tackling the problem of illegal immigration by sea and preventing further human tragedies. This process of information exchange and co-ordination will be continued in the year 2003. Moreover, the Directorate General Justice and Home Affairs pursues its co-ordination within the Commission concerning all dimensions of the important fight against illegal immigration and the ruthless criminal networks involved.

(1) OJ C 155 E, 3.7.2003, p. 92.
(2) http://www.eu-oplysningen.dk/upload/application/467e5cc2/08475en2.pdf.
(3) http://europa.eu.int/abc/doc/off/bull/en/200206/i1011.htm.

(2003/C 280 E/048) **WRITTEN QUESTION E-0305/03**

by Bart Staes (Verts/ALE) to the Commission

(10 February 2003)

Subject: Price increases resulting from the introduction of the euro

In his answer to Written Question E-0928/02 ([1]), Commissioner Solbes Mira said that 'the changeover to the euro had not resulted in across-the-board price rises: the impact of the changeover on monthly inflation is estimated at between 0 % and 0,16 %.'

In late December 2002, the President of the European Central Bank, Wim Duisenberg, painted an entirely different picture when he 'was forced to admit that the changeover had resulted in price increases to some extent'.

Can the Commission indicate whether the data on which it based its original answer dated 5 June 2002 is still valid? If so, how does it account for the remarks made by Mr Duisenberg? If not, can it provide me with a fresh and, this time, detailed overview of price increases, one which is based on up-to-date figures from Eurostat?

([1]) OJ C 301 E, 5.12.2002, p. 69.

Answer given by Mr Solbes Mira on behalf of the Commission

(14 March 2003)

The basis for the reply of the Commission to Written Question E-0928/02 by the Honourable Member were figures published by Eurostat on 28 February and 16 May 2002, which estimated the likely impact of the euro cash changeover on overall euro area harmonised indices of consumer prices (HICP) inflation between December 2001 and January 2002 to be within a range of 0,0 and 0,16 %.

On 17 July 2002, using data for the first six months of the year compared to the last six months of 2001, Eurostat released figures showing a likely range of 0,0 and 0,2 %. This latest study therefore again showed a limited impact from the changeover on overall HICP inflation.

It should be noted that the three Eurostat studies mentioned above contained a detailed account of price increases in the sectors covered by the HICP basket. In the coming weeks, Eurostat intends to publish further analysis using data for the whole of 2002.

(2003/C 280 E/049) **WRITTEN QUESTION E-0313/03**

by Proinsias De Rossa (PSE) to the Commission

(10 February 2003)

Subject: Compliance with EU legislation

Could the Commission identify, specifying individual complaints, the relevant EU legislation, the type of action, and the date initiated, how many legal actions (i.e. letters of formal notice, reasoned opinions, referrals to the European Court of Justice) it has initiated against Ireland under Article 10 of the EC Treaty concerning Ireland's failure to respond to Commission queries regarding its investigation into complaints since this Article entered into force?

Answer given by Mr Prodi on behalf of the Commission

(13 March 2003)

The Honourable Member is referred to the annual report on the monitoring of the application of Community law for 2001, which the Commission drafted for Parliament ([1]).

For reasons of efficiency and effective use of resources, the Commission relies on Article 10 of the EC Treaty only as a secondary basis. It is used as the main legal basis only in the event of repeated lack of cooperation. That has not been the case with Ireland during the last three years.

(1) COM(2002) 324 final.

(2003/C 280 E/050) **WRITTEN QUESTION E-0334/03**

by Cristiana Muscardini (UEN) to the Council

(10 February 2003)

Subject: NATO enlargement and the European Union's defence policy

The summit of heads of state and government of the 19 NATO countries held in Prague on 21/22 November 2002 in the presence of the leaders of the organisation's 27 partner countries meeting in the Euro-Atlantic Partnership Council was primarily concerned with two fundamental issues: upgrading NATO's strategic capabilities and the enlargement of NATO, three years after the accession of the first three former Soviet bloc members.

The need to overhaul the North Atlantic Alliance's political and strategic structure arises from the proliferation of potential sources of instability and insecurity (in contrast with the Soviet threat which previously predominated) and the extension of the tasks entrusted to NATO by the Strategic Concept of 1991 and 1999, which included opposition to the proliferation of weapons of mass destruction and action to combat international terrorism and organised crime. It appears from the results achieved in Prague that the North Atlantic Alliance is still the political and military linchpin of Europe's new security, even if the summit did not succeed in solving all the outstanding political and institutional issues to be resolved by the Alliance.

Can the Council answer the following:

1. Does it regard NATO as an alliance in the traditional sense, or as a new and more effective system of collective security in embryo?

2. Within NATO, how are relations between the European Union and the United States progressing and developing?

3. In military terms, what will be the relationship between European Union's Rapid Reaction Force and NATO's Response Force, given that 17 of the 19 NATO states are European?

4. What role is played by the WEU in this connection?

5. Is it conceivable that the 'enhanced cooperation' approach could give the participating countries the effectiveness required to ensure an autonomous defence policy?

Reply

(21 July 2003)

The Council would remind the Honourable Member that evaluating the nature or the effectiveness of another international organisation such as NATO does not lie within the Council's sphere of competence, and that relations between the European Union and the United States are the subject of a direct bilateral dialogue, which is ongoing and at all levels, in the context of the New Transatlantic Agenda.

Similarly, the Council would point out that the States which are members of both NATO and the EU may declare their forces for one or the other or for both. Units intended for rapid reaction may be declared for both organisations, and if necessary put into action according to their own procedures.

As concerns the Rapid Reaction Elements of the EU, the Council agreed to task its preparatory bodies and to finalise work as soon as possible on the basis of the following general principles:

— reaction within 5 to 30 days or less;

— streamlining of crisis management procedures according to the operational requirements of rapid response;

— advance planning based on illustrative scenarios;

— specific identification of rapid response elements in the Headline Force Catalogue;

— modalities for the use of the agreed framework nation concept and other concepts as may be agreed.

In accordance with the conclusions of the European Council in Nice on 7, 8 and 9 December 2000 and of the meeting of the WEU Council of Ministers in Marseilles on 13 November 2000, the Council adopted decisions of principle on the inclusion by the EU of the appropriate functions in the field of the Petersberg tasks.

The Treaty of Nice introduced a new Article 27(b) into the Treaty on European Union, stipulating that the enhanced cooperation established by the Treaty shall not relate to matters having military or defence implications. The examination of any modification to these provisions would in any event fall within the remit of the current proceedings of the Convention on the future of Europe.

(2003/C 280 E/051)

WRITTEN QUESTION P-0345/03

by Hans-Peter Martin (PSE) to the Council

(5 February 2003)

Subject: HGV transit problems

After the so far very unsatisfactory attempts to solve the Europe-wide HGV transit problem, which has extremely serious repercussions, particularly in the Alps, with their special environmental and geographical characteristics, there are now a great many protest campaigns in the offing, organised by outraged citizens in the areas concerned.

Can the Council understand the protesters' motivation, and what specific steps is it currently thinking of taking?

Reply

(21 July 2003)

The Council is very well aware of the problems relating to the Europe-wide transit of heavy goods vehicles, including that of the transit through the Alps. This awareness stems from the discussions and negotiations devoted during the year 2002 to this overall problem and in particular to the closely linked proposed Regulation aiming to establish a transitional transit system through Austria for the year 2004 (COD 2001/0310), not only at numerous Council meetings but also at the European Council in Copenhagen, including the Council meeting ('Transport' formation) in Brussels on 31 December 2002 dedicated to this very issue. On this basis, the Council is well informed on the protesters' motivation referred to by the Honourable Member.

As regards future steps which the Council intends to undertake, the Council informs the Honourable Parliamentarian that it is now considering the opinion of the European Parliament on the proposed Regulation in question. Furthermore, it should be borne in mind that the Council is awaiting the Commission's initiatives with respect to the charging of infrastructure. Such a system, when applied to the different modes of transport on a Community-wide basis, and when applied in a more transparent way taking into account the external cost by the traffic, should constitute the appropriate framework for addressing the overall problem of the HGV transit throughout the Community, including the particular situations such as the transit through the Alps, as referred to by the Honourable Member.

(2003/C 280 E/052) **WRITTEN QUESTION E-0358/03**

by Baroness Sarah Ludford (ELDR) to the Council

(12 February 2003)

Subject: Iraq

Were the Presidency, the High Representative and the Prime Ministers of all existing and candidate states consulted or even informed before the publication on 30 January of the letter from eight European leaders calling on Europe to rally behind the US over Iraq? If not, why not?

Reply

(21 July 2003)

The Council would refer the Honourable Member to the statement made on this subject by the Presidency, on behalf of the Council, at the plenary part-session in Strasbourg in March 2003.

(2003/C 280 E/053) **WRITTEN QUESTION E-0361/03**

by Roberta Angelilli (UEN) to the Commission

(12 February 2003)

Subject: Holding company called 'Newco' set up by Rome City Council — suspected infringement of competition rules

In September 2002 Rome City Council drew up a draft decision aimed at setting up a limited company to be responsible for the unified management of all the companies in which the Council has shares. The transaction was supposed to be completed by the transfer of all the shares in the 83 companies controlled by the Council to the new company, 97 % of the shares in which would be held by the City Council.

Since the purpose of the new company is to manage the Council's moveable and immovable property and provide publicity services, the transaction described above raises a number of doubts as regards compliance with rules on competition and the concentration of companies.

The new holding would, as a result of the transfer from the Council, have a significant holding in all the companies which currently carry out public services on behalf of Rome City Council, but the company itself states in its statutes, that its purpose is to 'provide services to Rome City Council and the companies controlled by it'.

The remaining 3 % would be held by the company 'Risorse per Roma S.p.A.', which is one of the companies controlled by the Council and hence by the future holding company. It would therefore have a share in a company which in its turn has a 96,94 % holding in the former, which would constitute a sort of underwriting of its own shares.

In view of all this, can the Commission answer the following questions:

1. Does the purpose stated in the statutes of the new company not infringe Articles 81 and 82 of the EC Treaty, Regulation (EEC) No 4064/89 [1] and Regulation (EC) No 1310/97 [2]?

2. Does the transfer of shares described above not infringe Community rules on company law, in particular Directive 77/91/EEC [3], in particular Article 18 thereof?

3. What is the Commission's opinion on the matter?

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[1] OJ L 395, 30.12.1989, p. 1.
[2] OJ L 180, 9.7.1997, p. 1.
[3] OJ L 26, 31.1.1977, p. 1.

Answer given by Mr Monti on behalf of the Commission

(28 March 2003)

1. The Commission regrets that it does not have sufficient information to be able to answer the question concerning the compliance with the competition rules of the EC Treaty.

2. On the basis of the information provided it is not possible to express an opinion about the conformity of the measure with the Community Company Law, especially with Council Directive 77/91/EEC of 13 December 1976 ([1]), and in particular Article 18 thereof.

3. See answers to question 1 and 2.

([1]) Second Council Directive 77/91/EEC of 13 December 1976 on co-ordination of safeguards which, for the protection of the interests of members and others, are required by Member States of companies within the meaning of the second paragraph of Article 58 of the Treaty, in respect of the formation of public limited liability companies and the maintenance and alteration of their capital, with a view to making such safeguards equivalent.

(2003/C 280 E/054) **WRITTEN QUESTION P-0365/03**

by Olivier Dupuis (NI) to the Council

(6 February 2003)

Subject: Risk of expulsion of Mr Aldamov and situation of Chechen leaders

On 18 January 2003 Mr Lom-Ali Aldamov, Minister of Trade from 1997 to 1999 in President Maskhadov's Chechen Government, a refugee in Georgia, submitted an application for asylum in France. The application was rejected by the Ministry of the Interior on the grounds that Mr Aldamov had not provided formal evidence of his identity. On 25 January the French authorities sought to put Mr Aldamov on a plane to Georgia, but he refused to board the aircraft. Five testimonies from journalists, heads of associations, relatives and the French Foreign Ministry certify that Mr Aldamov is in fact Mr Aldamov. Furthermore, the Office of the UN High Commissioner for Refugees has stated once again that Chechens are not safe in Georgia. Pending consideration on 5 February 2003 of the decision on the validity of the rejection of his application for asylum, the Ministry of the Interior has asked the Bobigny court to keep the former minister in the waiting area at Roissy airport.

Is the Council aware of Mr Aldamov's situation and the fact that he risks being expelled from EU territory? Given the increasing number of obstacles to freedom of movement and residence within the EU faced by Chechen personalities — including, in addition to Mr Aldamov, Mr Zakhaiev, Minister of Culture, threatened with extradition in the UK, Mr Akhmadov, Foreign Minister, who is unable to leave the United States without a passport, Mr Khanbiev, Minister of Health, whose Schengen visa is no longer being renewed, and Mrs Dudaeva, widow of President Dudaev, whose passport has not been renewed — does the Council not consider that it should, as a matter of the utmost urgency, draw up a 'white list' of Chechen personalities, pursuant to Article 14(3) of the Treaty, on the basis of which the Union, as such, could grant visas, residence permits and other documents which would enable these Chechen leaders to pursue their activities under the best possible conditions with the aim of seeking a political solution to the tragic events afflicting their country?

Reply

(22 July 2003)

The examination of individual applications for asylum is the responsibility of the Member States.

As regards the granting of entry visas, Article 5 of the 1990 Schengen Convention provides that Member States may grant entry to aliens applying for visas, provided they are not, inter alia, considered to be a threat to public policy, national security or international relations.

(2003/C 280 E/055)

WRITTEN QUESTION P-0380/03

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

(7 February 2003)

Subject: Environmental contribution for waste disposal of vehicles in contravention of EU legislation

Since 21 April 2002 Member States of the European Union have been required to comply with the provisions of the EU directive on end-of-life vehicles (2000/53/EC [1]). Under Article 5(4) of the directive, vehicle producers are required to 'meet all, or … part of, the costs' of recycling.

However, the situation in the Netherlands involves all purchasers of new vehicles having to pay a fixed environmental contribution for waste disposal of EUR 45 per vehicle, which goes into a fund used to finance the uneconomic element of the recycling of all end-of-life vehicles in the Netherlands.

It therefore very much looks as if consumers are footing 100 % of the costs of recycling. The EU principle — as enshrined in the above law — is clearly being violated by the Netherlands.

Does the Commission agree?

If so, is the Commission prepared to make it clear to the Netherlands government that the system under which consumers pay an environmental contribution for waste disposal must be overhauled, and that vehicle producers and importers of vehicles into the Netherlands market should 'meet all, or a significant part of, the costs' of recycling?

If not, could the Commission state what contribution is made by vehicle producers to the Netherlands system and how this compares with the contribution of EUR 45 from Netherlands consumers?

[1] OJ L 269, 21.10.2000, p. 34.

Answer given by Mrs Wallström on behalf of the Commission

(12 March 2003)

Article 5, paragraph 4 of Directive 2000/53/EC of the Parliament and of the Council of 18 September 2000 on end-of life vehicles [1] provides that Member States should take the necessary measures to ensure that producers meet all, or a significant part of the cost related to the take-back of end-of life vehicles by an authorised treatment facility. The Dutch legislator has implemented this 'free take-back principle' in Article 8(b) and (c) of the 'Decision management carwrecks' of 24 May 2002 [2]. According to this Article, every producer or importer of vehicles into the Netherlands becomes responsible, both from an organisational point of view and financially, for the return and treatment of vehicles put on the Dutch market which have become waste.

Since 1995, there exists a voluntary scheme for the disposal of car wrecks, established by the Automobile Recycling Netherlands (ARN) in the Netherlands. Every time a car is registered in the Netherlands a disposal charge of EUR 45 has to be paid to a fund. To ensure that all car manufacturers and importers pay this charge, the Dutch government has declared the agreement generally binding on all manufacturers and importers in the market. The Dutch system does not contain any rules on passing on the disposal charge. However, each individual producer or importer is of course free to make the commercial decision whether or not to pass on those costs further down the distribution chain and ultimately to the consumer.

It should be noted that the fund is used for the financing of the total take-back and recycling costs, which amount to approximately EUR 100 per end-of live vehicle. The producer and importers are responsible for financing the revenues of this fund.

In line with the producer responsibility principle, the Dutch system thus encourages producers to take preventive measures to make vehicles more easy to reuse, dismantle and recycle ('design for recycling') and specifies their responsibility for the collection, treatment, reuse and recovery (including recycling) of end-of life vehicles.

In 2001, the Commission has assessed the system of disposal charges on its conformity with the state aid rules. The Commission concluded that this system did not contain any element of state aid [3]. Since in only 7 % of the cases the costs were passed on to the end consumers, the Commission also concluded, within the framework of the state aid assessment, that car producers and importers pay for at least a significant part of the costs in conformity with Article 5, paragraph 4 of Directive 2000/53/EC.

[1] OJ L 269, 21.10.2000.
[2] See: 'Staatsblad van het Koninkrijk der Nederlanden' 2002 259.
[3] Commission Decision 2002/204/EC of 30 October 2001 on the waste disposal system for car wrecks implemented by the Netherlands — OJ L 68, 12.3.2002.

(2003/C 280 E/056) **WRITTEN QUESTION E-0406/03**

by Monica Frassoni (Verts/ALE) to the Commission

(17 February 2003)

Subject: Urgent measures to protect the SPA 'Valloni e Steppe pedegarganiche' in Apulia, Italy

The SPA 'Valloni e Steppe pedegarganiche' (Code No IT9110008) in Apulia, Italy, is under serious threat from a series of measures, in particular reindustrialisation projects — factories, a gasification plant, the 'Magic Land' shopping centre, hotels, roads, carparks, etc., a large proportion of which are covered by the Manfredonia Regional Pact. Other serious environmental effects are caused by the conversion of agricultural land, in particular dry grazing land turned into prickly pear plantations. All these projects are concentrated in an SPA (Special Protection Area) in blatant contravention of the 'Habitats' Directive 92/43/EEC [1] and the 'Wild Birds' Directive 79/409/EEC [2].

The area is of particular importance in preserving biodiversity — it is home to the largest colony of bats in Apulia and the last remaining population of little bustard in mainland Italy. The area has been classified as an IBA (important bird area).

Failure to implement the Habitats Directive 92/43/EEC is seriously threatening the survival of three habitats of Community importance, one of which is a priority habitat, and species included in Annex II to the Habitats Directive: 8 species of mammal; 2 species of reptile (including one priority species); one species of amphibian (a priority species); one species of fish (a priority species); one species of invertebrate (a priority species); one plant species (a priority species). 30 bird species (including 3 priority species) covered in Annex I to the Birds Directive are also under serious threat.

After repeated attempts to make the local and national authorities aware of the problem the LIPU (Italian League for Bird Protection) lodged an official complaint with the Commission (No 2001/4156SG (2001) A/2150). Following this complaint the Ministry for the Environment and Conservation called a meeting of a technical panel involving all the parties concerned. The panel has not met since June 2001. Subsequently the local authority of Manfredonia commissioned an environmental impact assessment (after the event, since a lot of projects had already been carried out). The assessment has not been made available to environmental organisations and was never submitted to the panel. In the meantime the Italian Government has granted further funding to the Regional Pact, none of which was used for compensatory measures. All of it was used for further building work.

The area in question has also benefited from EU funding under the LIFE programme in the context of the project 'urgent measures for the protection of Natura 2000 sites in the Gargano National Park — LIFE Natura No 4 3200/98/491' the purpose of which was the conservation of the 'steppes', the same environment that is being destroyed by the Regional Pact. The Region of Apulia benefits from EU structural funding under Regulation (EC) No 1260/1999 [3] (Regional Operational Programme 2000-2006).

What steps has the Commission taken to put an end to the infringements of the Community directives mentioned above and the destruction of the site in question?

[1] OJ L 206, 22.7.1992, p. 7.
[2] OJ L 103, 25.4.1979, p. 1.
[3] OJ L 161, 26.6.1999, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(4 April 2003)

The Commission has opened a complaint on the issues raised by the Honourable Member for bad application 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], after amendments by Council Directives 97/11/EC of 3 March 1997 [2], 79/409/EEC of 2 April 1979 on the conservation of wild birds [3] and 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [4]. This complaint is under assessment.

The information given by the Honourable Member has been added to the above- mentioned complaint file.

Should the Commission come to the conclusion that Community law is being breached in the specific case, it would not hesitate, as the guardian of the EC Treaty, to take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure the observance of relevant Community law.

[1] OJ L 175, 5.7.1985.
[2] OJ L 73, 14.3.1997.
[3] OJ L 103, 25.4.1979.
[4] OJ L 206, 22.7.1992.

(2003/C 280 E/057)

WRITTEN QUESTION E-0452/03

by Frank Vanhecke (NI) to the Council

(19 February 2003)

Subject: Participation of Robert Mugabe at the EU-Africa summit on 3 April

Robert Mugabe, Zimbabwe's dictator, was received by President Chirac at the start of this month despite the international sanctions imposed on Zimbabwe by the European Union in February last year. The sanctions will end on 18 February 2003 but are expected to be extended because Mugabe has failed to make any effort to improve the human rights situation in his country. The United Kingdom is refusing to receive the dictator.

Mugabe is also reported to be attending the EU-Africa summit on 3 April.

Can the Council confirm that Robert Mugabe will be attending the summit?

Does the Council not consider that his participation is incompatible with the sanctions imposed by the Union against Zimbabwe?

Does the Council support the decision by the French diplomatic service to receive Mugabe when London is refusing to do so?

How will the Council ensure that the legal situation of the expropriated white farmers in Zimbabwe is put right in the future?

Reply

(22 July 2003)

When adopting the targeted sanctions against Zimbabwe in February 2002, the Council stated that a certain number of conditions had to be met before the sanctions could be lifted. Since these conditions had still not been met, the Council reaffirmed them when it decided to extend the targeted sanctions on 18 February 2003 [1]. The Council continues to be concerned about the plight of the Zimbabwean people and remains convinced that the fast-track land reform programme has aggravated the already precarious food situation in the country. In response to the illegal occupation of farms in Zimbabwe, the EU already made a clear appeal to the government in March 2000 to ensure respect for the law and to maintain

public order and civil security. At the same time, the EU reaffirmed its support for orderly and transparent agrarian reform, which respects the rights of all citizens and is compatible with the requirements of Zimbabwe's economic development.

As far as the Lisbon Summit is concerned, it was concluded that it was in the best interests of EU-Africa relations to postpone the summit, which was to be held in Lisbon on 5 April 2003.

As for the organisation of the France-Africa Summit, the Council would inform the Honourable Member that France stated its intention to issue a visa to President Mugabe so that he could attend this summit in accordance with the procedure set out in Common Position 2002/145/CFSP; it was noted that there were no obstacles within the Council to his participation.

(1) OJ L 46, 20.2.2003.

(2003/C 280 E/058) **WRITTEN QUESTION E-0469/03**

by Juan Naranjo Escobar (PPE-DE) to the Commission

(20 February 2003)

Subject: Conversion to the euro

Now that the first anniversary of the introduction of the euro has passed we can see that the actual conversion process was fast but that people have still not adjusted mentally. Most citizens of the euro zone are still calculating prices in their national currencies.

The fact that payment is in euros only does not mean that people have forgotten the old currencies. The great majority of users of the new currency have yet to adjust mentally.

Does the Commission intend to make tangible proposals to try to solve the problem of mental adjustment to the euro?

Does it consider that the displaying of prices in both currencies has had a positive effect? Will it recommend this practice to future members of the monetary union?

Answer given by Mr Solbes Mira on behalf of the Commission

(26 March 2003)

The Commission agrees with the Honourable Member that the psychological switch to the euro of citizens is a gradual process. The Eurobarometer, a survey regularly conducted on behalf of the Commission, showed in November 2002 that 42,2 % of the euro area respondents calculate most often in euro when they purchase everyday goods. Conversely, 32,4 % indicated to still think more often in national currency. These rates drop significantly as far as major purchases (e.g. a house or a car) are concerned. In these cases only 12,5 % of respondents calculate most often in euro on average in the euro area.

The Commission acknowledges that a complete mental switch to the euro necessarily takes some time. However, in order to speed up this process the Commission has recommended in agreement with EuroCommerce in its recent Communication (1) to the sectors concerned to gradually phase-out the dual display of prices and to discontinue it by 30 June 2003 at the latest, while informing their customers well in advance of this change.

(1) The introduction of euro banknotes and coins — one year after, COM(2002) 747 final of 19 December 2002.

(2003/C 280 E/059)

WRITTEN QUESTION E-0498/03

by Jules Maaten (ELDR) to the Council

(21 February 2003)

Subject: Statement by the Texas authorities that they intend to disregard the judgment of the International Court of Justice concerning the execution of three Mexicans

1. Is the Council aware of the judgment of the UN International Court of Justice that the execution of three Mexicans in the US State of Texas should not take place and of the reaction of the Texas authorities who intend to disregard that judgment?

2. Is the Council aware that this involves multiple breaches of the Vienna Convention and, in particular, failure to provide consular assistance to foreign nationals?

3. Can the Council indicate its reaction to the judgment of the International Court of Justice and state what action the Greek Council Presidency will take to prevent the executions?

4. Does the Council realise that the breaches of the Vienna Convention involved may have implications for citizens of the Member States of the European Union currently detained in the US or for such citizens who are arrested in the United States in the future?

5. Is the Council prepared to draw the attention of the United States' authorities to the fact that commitments entered into under the Vienna Convention, including consular assistance, are fully applicable to citizens of the Member States of the European Union?

Reply

(22 July 2003)

The Council is aware of the Order for Provisional Measures of the International Court of Justice ('ICJ') dated 5 February 2003 in the case concerning Avena and other Mexican Nationals (Mexico-v-United States of America).

The Council is aware of the implications of this case for the application of the Vienna Convention on Consular Relations ('VCCR'). However, since the above-mentioned Order is only an interim judgement, pending final judgement in the proceedings, the Council considers it premature to anticipate which breaches of the VCCR, if any, the ICJ may find in its final judgement.

The Council recalls that, pursuant to Article 94 of the Charter of the United Nations, the obligation of compliance with a judgement of the ICJ falls on the Parties to that decision (in this case, Mexico and the US). Moreover, Article 94(2) of the UN Charter provides that in case of failure by a Party to a case to perform its obligations under a judgment rendered by the Court, the other Party may have recourse to the Security Council, which may make recommendations or decide upon measures to give effect to the judgement.

The Council has long been concerned about the implications of breaches of the VCCR, both for EU and non-EU citizens alike, and its position on this issue is published in the EU guidelines on the death penalty, Section III, 'Minimum Standards', paragraph (v). Indeed, such is its concern about this issue in death penalty cases in the US that the possibility of draft amicus curiae brief is being considered on the subject of breach of the right to consular access, for submission in future cases in the US.

(2003/C 280 E/060) **WRITTEN QUESTION E-0503/03**

by Joan Vallvé (ELDR) to the Commission

(21 February 2003)

Subject: Catalan on the Commission's website

Paragraph 4 of Parliament's resolution of 11 December 1990 on languages in the Community and the situation of Catalan [1] called on the Commission to take action to guarantee, inter alia, the use of Catalan for disseminating public information concerning the European institutions in all the media.

It should be borne in mind that Parliament's website is already available in the 12 languages of the candidate countries for enlargement (in addition to the 11 current official languages), and that many of these languages are less widely spoken than other languages of the European Union. This is the case with Catalan, which is an official language of three regions with legislative powers and more than 11 million inhabitants and which is spoken by 8 million people, placing it in front of Swedish, Finnish, Danish, Bulgarian, Slovene, Slovak, Lithuanian, Latvian, Estonian and Maltese and making it comparable, as far as Europe is concerned, to Portuguese or Czech.

Catalan belongs to a group of European languages which are official languages in their respective regions of the Member States but which receive no official recognition at EU level.

Will the Commission introduce these languages on its website, in line with the request made in Parliament's resolution?

[1] OJ C 19, 28.1.1991, p. 42.

Answer given by Mr Prodi on behalf of the Commission

(7 March 2003)

Since the Union's Europa website was launched in 1995, the Commission has applied the general principle of publishing material in electronic form in all the Union's official languages.

In addition to official documents, Europa (http://europa.eu.int) makes a large amount of non-official information available to the general public. Here, the Commission's objective, subject to technical constraints and human and budgetary resources, is to maximise efforts in order that the general public can access the official language of its choice. This objective will still be a priority for the next enlargement.

It is for the Member States to decide on its official languages.

(2003/C 280 E/061) **WRITTEN QUESTION E-0506/03**

by Salvador Garriga Polledo (PPE-DE) to the Commission

(21 February 2003)

Subject: Understanding package leaflets

In view of the recommendations heard in television commercials concerning the necessary precautions when taking the pharmaceutical products being advertised, it is surprising that in many EU Member States the package leaflets accompanying medicinal products are published only in the language of the country of consumption.

This prevents citizens of other EU countries who for whatever reason (work, tourism, etc.) are in a country other than their home country from being able to understand the explanations given by such pharmaceutical package leaflets, particularly as regards contra-indications.

Does the Commission believe that it should propose the adoption of corresponding Community legislation requiring that all pharmaceutical package leaflets be published in three languages, so as to enable citizens from the remaining EU countries who consume the products concerned to understand what is indicated in the leaflet and prevent the health risks for consumers which may arise from possible contra-indications?

Answer given by Mr Liikanen on behalf of the Commission

(22 April 2003)

The essential aim of the Community rules governing the production, distribution and use of medicinal products is to safeguard public health. The information supplied to users has to provide a high degree of consumer protection, in order that medicinal products may be used correctly on the basis of full and comprehensible information.

Article 59 of Directive 2001/83/EC [1] requires that the package leaflet shall be drawn up in accordance with the summary of the product characteristics. For products authorised by the Community, there is a single product characteristics agreed at Community level that forms part of the Community decision, and the text of the package leaflet is the same throughout the Union.

In accordance with Article 63(2) of this Directive, the package leaflet must be presented at least in the official language or languages of the Member State(s) where the product is placed on the market. When more than one language is used, then all the text must be in each language, and the overall readability of the label should not be adversely affected. The content of all language versions must be identical.

At the moment, the package leaflet translation into three or more languages is only an option for the marketing authorisation holder.

The Commission supports any initiative to improve patient information on medicines. Our proposal to review Directive 2001/83/EC and Regulation 2309/93/EC [2] includes various important suggestions related to this area. In December 2002, the Commission accepted some Parliament amendments with regard to increasing the transparency in this field and to make more and better information accessible to patients. However, no amendment was included by the Parliament regarding the languages of the package leaflet.

[1] Directive 2001/83/EC of the Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use — OJ L 311, 28.11.2001.

[2] Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products — OJ L 214, 24.8.1993.

(2003/C 280 E/062) **WRITTEN QUESTION E-0513/03**

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

(24 February 2003)

Subject: Scrap wood and dioxin in meat

The incineration of scrap wood in a drying plant in Erfurt (Germany) appears to be the cause of the presence of dioxin in cattle transport and meat.

A great deal of wood and wood products are treated and impregnated to increase their durability. For this purpose chlorinated hydrocarbons are often used.

When the treated wood (building waste and scrap wood) is burnt, dioxin is produced.

Is the Commission prepared to curb the incineration of scrap wood and impregnated wood and to permit this incineration method only in specialised treatment plants, thus prohibiting it from having an effect on the food chain?

Answer given by Mrs Wallström on behalf of the Commission

(3 April 2003)

Incineration of waste, including the incineration of scrap wood is regulated by Council Directive 75/442/EEC of 15 July 1975 on waste [1], Council Directive 91/689/EEC of 12 December 1991 on hazardous waste [2], and by Directive 2000/76/EC of the Parliament and of the Council of 4 December 2000 on the incineration of waste [3].

Directive 75/442/EC lays down in its Article 4 the general principle 'that Member States shall take the necessary measures to ensure waste is recovered or disposed of without endangering human health and without using processes or methods which would harm the environment'. Furthermore, this Directive provides for establishments or undertakings treating waste to be permitted or under certain conditions to be subject to general rules adopted by Member States.

Directive 91/689/EEC defines hazardous waste and adds more stringent provisions concerning permitting of facilities managing hazardous wastes. Commission Decision 2000/532/EC containing the European list of waste classifies wood containing or contaminated with hazardous substances as hazardous waste.

Additionally, as regards incineration of wood waste which may contain halogenated compounds or heavy metals as a result of treatment with wood-preservatives or coating, Directive 2000/76/EC on the incineration of waste determines stringent operational conditions and emission limit values. This Directive has entered into force for new facilities in 2002 and will enter into force for existing facilities in 2005. In the meantime, Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste [4] is applicable.

Installations who burn more than 10 tonnes hazardous wastes a day are subject to Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control [5]. These installations need to operate in a way that all appropriate preventive measures are taken into account against pollution, in particular by applying best available techniques (BAT). BAT means not only the technology used but as well issues such as proper maintenance. It entered into effect for new and substantially changed installations in October 1999. For the remaining installations it will apply in full in October 2007.

Furthermore, as regards legislation applying to feed, the introduction of the system of hazard analysis and critical control points (HACCP) in the feed producing chain which is in the process of being proposed by the Commission will also reduce the risk of contamination.

The Commission considers that proper implementation of these measures will ensure that incineration of waste wood takes place without negative impact on human health and the environment.

(1) OJ L 194, 25.7.1975.
(2) OJ L 377, 31.12.1991.
(3) OJ L 332, 28.12.2000.
(4) OJ L 365, 31.12.1994.
(5) OJ L 257, 10.10.1996.

(2003/C 280 E/063) **WRITTEN QUESTION E-0514/03**

by Miet Smet (PPE-DE) to the Council

(24 February 2003)

Subject: Women's rights in Egypt

Cooperation between the European Union and Egypt is based on the Euro-Mediterranean Partnership. This partnership builds on the Barcelona Declaration, which was signed by the Member States of the EU and the 12 partner countries from the Mediterranean region. In 2001 the EU and Egypt signed an association agreement.

In spite of the fact that both the Barcelona Declaration and the association agreement with Egypt refer to human rights, women's rights in Egypt are not always respected. AFP has reported instances of genital mutilation of Egyptian women, and of discriminatory legislation, e.g. with regard to divorce.

Has the EU yet reacted to these grave infringements of women's rights? If not, does it intend to do so?

Is there any provision for a mechanism to systematically monitor and enforce respect for women's rights in Egypt? Is there provision for the possibility of suspending cooperation between Egypt and the EU if women's rights, and human rights in general, are continually violated in Egypt? If not, will the EU make provision in future for such possibilities?

If there is provision for the monitoring and enforcement of respect for human rights and for the possible suspension of cooperation between Egypt and the EU, does this apply to all the countries which have signed an association agreement with the EU in the framework of the Barcelona Declaration?

Reply

(22 July 2003)

The Council would remind the Honourable Member that the signing of the Association Agreement with Egypt gave a new dimension to relations with that country, in particular making it possible to engage discussions on the subject of human rights and fundamental freedoms, even though the Agreement has not yet come into force as it awaits ratification. The Heads of Mission of the Troika countries in Egypt have begun discussions with the Egyptian authorities on matters of concern, including respect for human rights. Two meetings took place in July and November 2002. At the first meeting both sides agreed to hold regular discussions in the spirit of the Barcelona Declaration and the Association Agreement. The first political dialogue meeting at ministerial level is scheduled for June and will give the European Union an opportunity to raise a number of issues.

Once the Association Agreement has entered into force it will provide a framework for conducting political discussions at regular intervals, as required and at the appropriate level. The Agreement itself stipulates that respect for democratic principles and fundamental human rights forms the basis of relations between the European Union and Egypt, constituting an essential element.

Some progress has been observed regarding women's rights, in particular with the establishment of a regulatory framework. In 2000 the Egyptian government created a National Council for Women with the mission of promoting women's rights and well-being. A new, progressive law on personal status (family law) was adopted in 2000 and also improved conditions for women. A law making it easier for women to obtain a divorce has also been passed. However, the application of these laws too often runs into administrative and social obstacles and into traditions which are often based on religion. The Egyptian government is also trying to eliminate the practice of genital mutilation. The practice was banned by a decree issued by the Ministry of Health in 1996. Through information campaigns supported by the European Union, society is gradually becoming aware of the problem, but the proportion of women who are the victims of such practices remains too high.

(2003/C 280 E/064)

WRITTEN QUESTION E-0518/03

by Miet Smet (PPE-DE) to the Council

(24 February 2003)

Subject: Women's rights in Kenya

Cooperation between the EU and Kenya takes place on the basis of ACP-EU partnership. In the Cotonou Agreement, which outlines the general framework for ACP-EU relations for the next 20 years, respect for human rights and the equality of women and men are stressed repeatedly by both parties.

In spite of the fact that Kenya subscribes to these principles, the rights of women in Kenya are not always respected. According to Agencia EFE, the genital mutilation of girls and women in Kenya is still practised on a large scale.

Has the EU yet reacted to these grave infringements of women's rights? If not, does it intend to do so?

Is there any provision for a mechanism to systematically monitor and enforce respect for women's rights in Kenya? Is there provision for the possibility of suspending cooperation between Kenya and the EU if women's rights, and human rights in general, are continually violated in Kenya?

If not, will the EU make provision in future for such possibilities?

If there is provision for the monitoring and enforcement of respect for human rights and for the possible suspension of cooperation between Kenya and the EU, does this apply to all the countries which have signed the Cotonou Agreement?

Reply

(22 July 2003)

The EU is aware of the widespread practice of female genital mutilation in African countries. The EU addresses this inhuman practice in Kenya in the context of human rights violations in its political dialogue with Kenya.

The European Union will use its political dialogue with Kenya to include the 'rights of women in Kenya' and press for the abolition of inhuman or degrading treatment and impress on the need for further progress in the area of human rights and in particular to fully respect human dignity with particular reference to women. In this dialogue the government of Kenya will be reminded of its obligations under the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and that those obligations and commitments require translation into national legislation and practise.

In addition, the EU attaches great importance to the role of civil society and supports in particular human rights and other non-governmental organisations active in this area as was demonstrated at this year's Conference on the occasion of the International Women's Day organised by the Commission.

As pointed out in the question, cooperation between the EU and Kenya takes place in the framework of the ACP-EC Partnership Agreement, signed on Cotonou on 23 June 2000. Respect for all human rights and fundamental freedoms is an essential element of this Agreement, as foreseen in its Article 9. Article 96 of the Cotonou Agreement opens the possibility for the signatories of the Agreement to engage in consultations when a Party has failed to fulfil an obligation stemming from inter alia respect for human rights. These consultations occur if political dialogue has failed. If consultations are refused or fail, appropriate measures may be taken which may include the suspension of development cooperation.

Finally, the Honourable Member of Parliament will be aware that the Council is currently discussing, in co-decision with the European Parliament, a proposal for a Regulation on aid for policies and actions on reproductive and sexual health and rights in developing countries which will contribute, once implemented, to the improvement of the situation of women also in Kenya.

(2003/C 280 E/065) **WRITTEN QUESTION E-0520/03**

by Miet Smet (PPE-DE) to the Council

(24 February 2003)

Subject: Women's rights in Pakistan

In 2001 the European Union and Pakistan signed a cooperation agreement. Article 1 of that cooperation agreement contains a clause relating to respect for human rights and democratic principles.

In spite of the fact that Pakistan subscribes to these principles, the rights of women in Pakistan are not always respected. AFP, Reuters and the New York Times report that some Pakistani women have been the victims of blood feuds, including rape, burning, murder etc. Blood feuds can be decreed by local councils.

Has the EU yet reacted to these grave infringements of women's rights? If not, does it intend to do so?

Is there any provision for a mechanism to systematically monitor and enforce respect for women's rights in Pakistan? Is there provision for the possibility of suspending cooperation between Pakistan and the EU if women's rights, and human rights in general, are continually violated in Pakistan?

If the answer to the last two questions is no, will the EU make provision in future for such possibilities?

If there is provision for the monitoring and enforcement of respect for human rights and for the possible suspension of cooperation between Pakistan and the EU, does this apply to all the countries which have signed a similar agreement (i.e. a third generation agreement containing explicit references to human rights) with the EU?

Reply

(22 July 2003)

1. The Council recalls that the EU, in all dialogue meetings with Pakistan, underlines the importance it attaches to respect for human rights, including the rights of women: it will continue to do so on every possible occasion. The EU Heads of mission in Islamabad follow developments in human rights very closely and raise individual cases in the course of their regular contacts with the authorities.

2. The EU has included human rights as an 'essential element' in trade and cooperation agreements with third countries since 1995. Such clauses stipulate that respect for fundamental human rights and democratic principles underpins the internal and external policies of the Parties and constitutes an 'essential element' of the agreement. In the event of a breach, the agreement may be suspended. Before 1995 respect for human rights was often mentioned explicitly for instance in the preamble of agreements.

3. As of today, no agreement containing a human rights 'essential element' clause has been suspended. However, where the EU considered that a partner country had violated the essential elements of the agreement, certain provisions of the agreement have been suspended. This was for instance the case for the financial provisions under the Cotonou Agreement with regard to Zimbabwe (2002), Comoros (2000), Cote d'Ivoire (2000), Fiji (2000), Haiti (2000) and Liberia (2001). In other cases, the signing of cooperation agreements was delayed because of human rights concerns, for instance with Croatia (1995), Pakistan (1999), Algeria (1998) and Russia (1995).

4. The emphasis lies on promoting dialogue and positive measures rather than punitive action. The EU takes every opportunity to urge States to respect human rights and to promote their protection, and to remind partner countries of commitments arising from agreements containing a human rights 'essential element' clause.

5. The Draft Co-operation Agreement between the EC and Pakistan on Partnership and Development — which is currently under consideration by the European Parliament follows the same lines described above.

(2003/C 280 E/066)

WRITTEN QUESTION E-0522/03

by Miet Smet (PPE-DE) to the Council

(24 February 2003)

Subject: Women's rights in Zambia

Cooperation between the EU and Zambia takes place on the basis of ACP-EU partnership. In the Cotonou Agreement, which outlines the general framework for ACP-EU relations for the next 20 years, respect for human rights and the equality of women and men are stressed repeatedly by both parties.

In spite of the fact that Zambia subscribes to these principles, the rights of women in Zambia are not always respected. According to a report of 28 January 2003 by Human Rights Watch, girls in Zambia are five times more likely to be infected with the HIV virus than boys, because they are the victims of widespread sexual abuse.

Has the EU yet reacted to these grave infringements of women's rights? If not, does it intend to do so?

Is there any provision for a mechanism to systematically monitor and enforce respect for women's rights in Zambia? Is there provision for the possibility of suspending cooperation between Zambia and the EU if women's rights, and human rights in general, are continually violated in Zambia?

If not, will the EU make provision in future for such possibilities?

If there is provision for the monitoring and enforcement of respect for human rights and for the possible suspension of cooperation between Zambia and the EU, does this apply to all the countries which have signed the Cotonou Agreement?

Reply

(22 July 2003)

As pointed out in the question, cooperation between Zambia and the EU takes place in the framework of the ACP-EC Partnership Agreement, signed in Cotonou on 23 June 2000. Respect for all human rights and fundamental freedoms is an essential element of this Agreement, as foreseen in its Article 9. Article 96 of the Cotonou Agreement opens the possibility for the signatories of the Agreement to engage in consultations when a Party has failed to fulfil an obligation stemming from inter alia respect for human rights. These consultations occur if political dialogue has failed. If consultations are refused or fail, appropriate measures may be taken which may include the suspension of development cooperation.

The EU remains concerned about the spreading of the HIV virus in Southern Africa, often due to widespread sexual abuse.

Specific consultations with Zambia under Article 96 have however not been considered on this matter. The question of respect of human rights, including women's rights, is part of the dialogue with the Zambian Government, and the EU will continue to use its political dialogue with Zambia to press for further progress in this matter. It urges the Zambian authorities to fully respect human rights and human dignity with particular reference to women.

(2003/C 280 E/067)

WRITTEN QUESTION E-0537/03

by Erik Meijer (GUE/NGL) to the Commission

(26 February 2003)

Subject: Local authority subsidies paid to football clubs run as businesses in order to help them to remain competitive and to make extremely high payments to players

1. Does the Commission still see any genuine difference between football clubs and other commercial undertakings, given that, in recent decades, football has rapidly changed from being a leisure activity, played by amateurs under the auspices of an association of clubs, via professional football, with footballers becoming employees of non-commercial undertakings, to becoming a branch of the entertainment industry, with some clubs even being listed on the Stock Exchange?

2. How does the Commission view the fact that local authority subsidies to football clubs, which were essential in an era when the sport was still a voluntary recreational activity, with the populace closely identifying with their local amateur clubs, are still being paid — and, in some cases, increased — in a period of commercial exploitation, competition and extremely highly paid professional footballers?

3. Does the Commission agree with me that the current manner in which subsidy relationships operate principally results in commercial profits being retained by the clubs, with any risks or losses being borne by taxpayers, that competition with other commercial organisations is being supported from the public purse and that this supports the clubs in their efforts to lure professional footballers away from each other by promising them extremely high salaries?

4. In the current situation, does the Commission deem it desirable to protect local authorities from the increasing pressure under which they find themselves to help their local clubs to succeed against the competition as far as possible by means of financial injections? Is it seeking to restrict local authority subsidies geared towards competition instead of towards recreation as far as possible to amateur clubs with no commercial background?

5. How does the Commission intend to eliminate the lack of clarity and conflicts of interpretation which constantly recur with regard to its attitude to one-off subsidies for investment by football undertakings and one-off subsidies with regard to major expenditure or paid with a view to the clubs' surviving bankruptcy, funding of the construction or renovation of commercially operated stadiums, structural annual support, etc.?

Answer given by Mr Monti on behalf of the Commission

(14 April 2003)

Professional football clubs that engage in economic activities, like transferring players, concluding advertising and sponsorship contracts and distributing merchandising articles are to be considered undertakings within the meaning of the competition rules of the EC Treaty. Therefore, for the purpose of applying Articles 87 and 88 of the EC Treaty, professional football clubs are in principle treated in the same way as other undertakings.

Having regard to the answer to question 1, subsidies and any other transfer of financial resources to professional football clubs are to be assessed under Articles 87 and 88 of the EC Treaty, that is to say, aid granted by a public authority which distorts competition and has an effect on trade is in principle incompatible with the common market and prohibited, unless it is found compatible by the Commission.

This question refers to a 'current manner in which subsidies relationships operate' in this sector. To the Commission's knowledge, however, State interventions in the field of football take several forms that may warrant a different assessment as regards presence of State aid within the meaning of Article 87(1) of the EC Treaty.

State aid control policy is aimed at avoiding that undue distortion of competition affects trade between Member States. It is the responsibility of the competent authority within the Member States to design and to decide on the promotion of sports activities and its funding, either at amateur or professional level, while respecting the Community rules on State aid where necessary. As to the distinction between amateur and professional football clubs, the distinction seems indeed relevant as only the latter might be considered to be 'undertakings'.

As already indicated, professional football clubs which are considered to be undertakings are subject to the State aid rules even if the peculiarities of sport have to be taken into account in the spirit of the Nice Declaration. Since the application of State aid rules is relatively new in this sector, the Commission's policy has to be developed on the basis of individual cases. In its practice up to now in this sector the Commission has found that under certain circumstances financing may not constitute State aid in the sense of Article 87(1) of the EC Treaty, i.e. when the state subsidies served an educational objective (see the Commission decision in file N 118/00, published on the Commission's website) or where the financing was granted for the construction of stadiums which can be under certain, restrictive, conditions considered as general infrastructure.

The Commission will continue to develop and clarify its policy in this area, when it will be asked to give its views in specific cases. Of course, certainty as to the position of the Commission regarding a particular situation can only be obtained via proper notification by the Member State under the state aid rules.

(2003/C 280 E/068) **WRITTEN QUESTION E-0567/03**

by Armando Cossutta (GUE/NGL) to the Commission

(27 February 2003)

Subject: Conflict of interests at the Commission

Mr Detlef Eckert, head of the INFSO.01 unit (Analysis, policy planning, eEurope — strategy formulation unit reporting to the Director-General) has been granted unpaid leave (CCP) for three years.

According to the Financial Times, Mr Eckert is currently working for Microsoft. It would appear that he dealt with the Microsoft case and the firm's dominant position as part of his responsibilities in formulating a strategy for the sector, as confirmed by Mr Ed Black, President of the Computer & Communications Industry Association.

1. What administrative measures does the Commission intend to take vis-à-vis this manifest instance of a conflict of interests?

2. On what information did the Commission's spokesman base his statement that Mr Eckert had not dealt with the Microsoft case, given that the people he was in contact with firmly maintain that the opposite was true?

3. What investigations has the Commission conducted into the damage which any proven convergence of interests between Mr Eckert and Microsoft would cause to EU industries and the Commission's supplies?

4. Can the Commission guarantee that the competition services, placed under the authority of Commissioner Monti, did not receive information, however incomplete, on the Microsoft case?

5. Does the Commission not consider, in any case, that all the strategies relating to the IT sector should immediately be reviewed?

Answer given by Mr Liikanen on behalf of the Commission

(12 May 2003)

The Commission would remind the Honourable Member that an official on unpaid leave (CCP) is subject to the same obligations as an official in active employment, namely the obligations of independence, dignity and confidentiality.

In the event of the Commission learning that an official is engaging in an activity that has not been authorised or that an authorised activity is being exercised in a way that is not consistent with his or her obligations, the Commission will take appropriate measures.

The Honourable Member may be aware that the Commission is currently considering whether it would be appropriate to establish more detailed rules governing the granting of CCP and the conduct of officials on such leave.

With regard to the case raised by the Honourable Member, it must be pointed out that the Directorates-General of the Commission have to be in contact with the various players of the sectors for which they have responsibility. Hence it is possible for any enterprise to be in contact with the Directorate-General for the Information Society.

As far as questions regarding competition are concerned, the Information Society DG, like the other Directorates-General, is associated with the inter-service consultations of the Competition DG, which is the lead department for such questions.

It should be noted that, in this case, the official in question was asked to sign declarations, especially to the effect that he would respect the obligations imposed on him by the Staff Regulations in order to ensure that he was aware of all potential consequences.

(2003/C 280 E/069) **WRITTEN QUESTION E-0572/03**

by Luigi Vinci (GUE/NGL) to the Council

(28 February 2003)

Subject: EU-Mexico relations and the 'Digna Ochoa case'

The famous lawyer Digna Ochoa y Placido, known all over the world for her work in defence of human rights, was murdered in Mexico City on 19 October 2001. The judicial proceedings concerning the 'Digna Ochoa case' have aroused indignation, in particular attempts to shelve the investigations on the part of the deputy Attorney General Sales Heredia, who was forced to resign after being denounced by organisations belonging to Mexican civil society.

Since the importance of the case transcends the borders of Mexico, does the Council not consider that it should closely monitor events in connection with the murder investigation, and can it say what its assessment of the case is?

Does the Council not consider that the issue should be raised in all contacts between the EU and Mexico, not least in view of the fact that the Treaty between the Union and Mexico contains a 'democratic clause' which can definitely be used to exert due political pressure to try to put a rapid and definitive end to human rights violations in Mexico?

Reply

(22 July 2003)

1. The Council would point out that the European Union, in a public declaration on 29 October 2001, firmly condemned the killing of Ms Digna Ochoa y Plácido, a leading human rights activist in Mexico. On the same occasion, the EU said it was convinced that the Mexican Government would continue its efforts to uphold and safeguard human rights and to protect the physical integrity of human rights campaigners. The European Union also expressed its hope that the killing of Ms Ochoa y Plácido would be investigated without delay and the culprits identified and brought to justice.

On several occasions, whenever the issue has been raised, the Mexican authorities have said that the investigation into Ms Ochoa's murder was still underway, but had not yet produced any significant results. The Council of the EU reaffirms its intention to follow this matter closely.

2. The Council has on several occasions examined the human rights situation in Mexico and expressed its concerns. In their contacts with the Mexican authorities, EU and Member States' representatives have frequently raised issues concerning the protection of human rights in Mexico and have voiced their concerns regarding various aspects of this problem.

The Council would recall that the human rights situation in Mexico was examined in depth at the last meeting of senior officials, which took place in Puebla (Mexico) on 3 October 2002 within the framework of the political dialogue between the EU and Mexico. On that occasion, EU representatives voiced their concern regarding some specific cases of violations of human rights in Mexico, including the one referred to by the Honourable Member. In particular, it mentioned harassment, death threats and assaults directed against persons and organisations working for the defence of human rights in Mexico. At that meeting, the EU reminded the Mexican authorities that it was prepared to continue cooperating with them on this matter. At the EU-Mexico Joint Committee meeting, which took place the same day, the two parties agreed to strengthen their cooperation in the specific area of human rights and democracy.

The European Union raised this issue at the EU-Mexico Joint Council meeting, which was held in Vouliagmeni on 27 March 2003. At the end of the meeting, delegations expressed their firm attachment to the universal nature of human rights and emphasised that the international community had a shared responsibility in this area. They undertook to take the necessary measures to step up awareness of human rights worldwide.

(2003/C 280 E/070)

WRITTEN QUESTION E-0578/03

by Frank Vanhecke (NI) to the Council

(28 February 2003)

Subject: Distribution of seats in the European Parliament

At the Brussels and Copenhagen European Councils a framework agreement was negotiated on the future allocation of seats in the European Parliament after the enlargement of the Union. Up to now Belgium has had 25 seats, 14 of which were for the electoral district of Flanders, 11 for that of Wallonia. After the enlargement Belgium will have only 22 seats. As a transitional arrangement, however, pending the accession of Bulgaria and Romania, it is planned that there will be a gradual adjustment in the number of seats to which the present Member States will be entitled at next year's European elections. Various newspapers have reported that Belgium will still be given 24 seats at the 2004 European elections, and that this number will be reduced to 22 only at the 2009 elections.

Can the Council indicate how many seats the present Member States will be given at the elections in June 2004 and 2009?

Has the Council given any recommendations to the Member States as to any proportional distribution of seats among the various electoral districts to be made in each Member State?

Reply

(21 July 2003)

The Act of Accession (Article 11) modifies the EC Treaty as regards the number of seats in the European Parliament allocated to Member States from the start of the 2004-2009 term. It provides, inter alia, that Belgium has 24 seats. On the accession of Bulgaria and Romania — for which the target date set by the European Council is 2007 — the number of seats allocated to Member States will again be modified. In the present juncture, seats should be allocated in accordance with Declaration 20 of the Treaty of Nice. In particular, Belgium should then have 22 seats.

(2003/C 280 E/071) **WRITTEN QUESTION E-0588/03**

by Miquel Mayol i Raynal (Verts/ALE) to the Council

(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 Council intend to ask the Romanian authorities for an explanation?

[1] OJ C 28, 6.2.2003, p. 100.

Reply

(22 July 2003)

The Council recalls to the Honourable Member that Article 49 of the EU Treaty provides that any European State which respects the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law may apply to become a member of the European Union. Therefore the Council attaches the utmost importance to the respect, by the candidate countries, of the principles of democracy, the rule of law and human rights. With regard to Romania, the Council notes that the Commission's 2002 Regular Report on Romania's progress towards accession concluded that, in general, Romania continued to fulfil the Copenhagen political criteria. The report also stated, more specifically, that 'The Romanian Constitution provides for the freedom of association and the freedom of assembly. Both of these rights are respected in practice.'

The Council does not intend to comment on a specific ruling of a Romanian court, which, according to available information, can be further appealed both at other levels of the domestic judicial system and in relevant international fora such as the European Court of Human Rights. If it turns out that there has been a violation of the fundamental principles mentioned above, the European Union will, especially in the light of the Copenhagen criteria for accession, make the appropriate representations to the Romanian authorities, particularly within the framework of the bodies established by the European Agreement.

(2003/C 280 E/072) **WRITTEN QUESTION E-0598/03**

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

(28 February 2003)

Subject: The EU and Brazil

What measures does the Council intend to take to strengthen relations with Brazil and Mercosur, following the recent election of President Luiz Inácio da Silva and the options for working together now opened up in his programme?

Reply

(21 July 2003)

1. The Council of the European Union, at the occasion of the election of President Luiz Inácio da Silva, had the opportunity to reaffirm its commitment to continue its excellent relations with Brazil and to further enhance political dialogue, trade relations and economic links with that country. At the same occasion, the Council expressed the EU's confidence in the strengthening of the Brazilian economy and its

potential for further growth. It indicated it looked forward to working closely with the new Brazilian Government, also with a view to strengthening Mercosur, and reiterated the EU's commitment to continue to make further progress in the ongoing EU-Mercosur negotiations.

Several EU political leaders have had the opportunity of meeting President Lula da Silva since the beginning of the year, and have reaffirmed the importance they attach to the strengthening of EU-Brazil relations. The Council has taken note with great satisfaction of repeated declarations made by President Lula da Silva in favour of a more integrated Mercosur as well as of closer relations with the EU.

2. The Council has, at several occasions, renewed its commitment to intensify and deepen the existing political, economic, trade and co-operation relations between the EU and Mercosur. It has noted with satisfaction the progress made by the EU-Mercosur Bi-regional Negotiations Committee with a view to establishing an interregional strategic association to cover political, economic, trade and co-operation matters. The Council has also recognised that the association process should support and stimulate the development of Mercosur countries and contribute to the reduction of existing socio-economic disparities between the two regions. It was also agreed that the ultimate objective of the trade negotiations is the achievement of further effective access to their respective markets, on the basis of progressive and reciprocal trade liberalisation in accordance with the WTO rules.

With the above principles and objectives in mind, the EU negotiators will pursue their task with a view to reaching as soon as possible a comprehensive association agreement with Mercosur in order to deepen the political, co-operation and economic relations between the two regions.

(2003/C 280 E/073) **WRITTEN QUESTION E-0604/03**

by Bárbara Dührkop Dührkop (PSE) to the Council

(3 March 2003)

Subject: Establishment of an agency for the promotion of linguistic diversity

At the beginning of February 2003 the European Bureau for Lesser-Used Languages (EBLUL) held a special meeting in Charleroi at which it adopted a resolution calling in particular on the European Union to set up an agency responsible for promoting linguistic diversity and language learning (a model for which could be the Vienna-based European Monitoring Centre on Racism and Xenophobia).

In view of the particular wealth and variety of languages in the European Union and the fact that, in a little over a year, 10 new countries will join the EU, and given that over 40 million people in the EU currently speak a minority language on a daily basis (whereas — for want of a legal basis, amongst other things — there is no real policy for protecting and promoting minority languages in the EU), what does the Council think of the proposal adopted by the EBLUL? Does it not consider the establishment of such an agency in the EU to be essential as a means of implementing a proper policy designed to promote linguistic diversity and language learning in an enlarged EU? Would it be willing to consider such a proposal with an eye to the future?

Reply

(21 July 2003)

Since the Council has not received any proposal concerning the establishment of an agency of the kind advocated by European Bureau for Lesser Used Languages, it is not in a position to make any comments.

The Council would however stress that it has frequently acknowledged the importance of linguistic diversity within the European Union, as last reaffirmed by its resolution of 14 February 2002 [1] on 'the promotion of linguistic diversity and language learning in the framework of the implementation of the objectives of the European Year of Languages 2001'. Improving foreign language learning is also included among the objectives of the 'Detailed work programme on the follow-up of the objectives of education and training systems in Europe' [2] adopted within the context of the Lisbon strategy.

The Commission's forthcoming communication concerning an action plan on linguistic diversity and language learning will be examined with interest by the Council.

[1] OJ C 50, 23.2.2002.
[2] OJ C 142, 14.6.2002 (Objective 3.3).

(2003/C 280 E/074) **WRITTEN QUESTION E-0607/03**

by José Ribeiro e Castro (UEN) to the Council

(3 March 2003)

Subject: Zimbabwe — Robert Mugabe regime — EU sanctions — EU-Africa relations

The following facts have recently been reported: (1) the package of sanctions against the regime of Robert Mugabe and its leading officials, including restrictions on their movement within the EU, which was due to lapse on 18 February 2003, has been renewed for a further year; (2) this decision was taken on a basis compatible with France's interests as regards the holding of a Franco-African summit during which Mugabe himself would visit Paris; (3) the EU-Africa summit scheduled for Lisbon which had been postponed to April 2003 has now been deferred indefinitely, on the grounds that it is not possible to be sure that Mugabe would refrain from attending and that his presence, or, indeed, the very possibility of it, is considered absolutely undesirable.

The element of the sanctions restricting travel by high officials of the Mugabe regime has, as is well known, generated, over a whole year, recurrent hesitations, uncertainties and criticisms, notably where bilateral or multilateral relations under the EU's external policy have been at stake. The conflicts arising on these occasions have, in the opinion of many, served only to benefit Mugabe and his regime, allowing it to sabotage meetings, divide the European side and attract solidarity in Africa.

The terms of the decision to renew the sanctions may even be seen as showing that the Council is not treating Lisbon (Portugal) in the same way as it treats Paris (France), considering that what may be condoned for Paris cannot be accepted for Lisbon and thus raising doubts as regards the proper implementation of the principle of the equality of all Member States and the provisions on mutual loyalty and solidarity laid down in Article 11(2) of the EU Treaty.

What explanation can the Council provide for the differential treatment of Lisbon and Paris? How does it justify the fact that the terms of the decision have made it possible to hold a Franco-African summit which concerned France's individual interests, and not a summit of collective interest to the whole Union? In the wake of this experience, does the Council not believe that it would be preferable to decree a three- to six-month moratorium for this element of the sanctions, following which time a new sanctions package could be decided and applied should the Mugabe regime reject the idea of minimum standards?

Reply

(21 July 2003)

The Council does not consider that Portugal and France have been treated differently in the questions raised by the Honourable Parliamentarian. France notified its intention to issue a visa to President Mugabe to attend the France-Africa Summit in accordance with the procedure set out in Common Position 2002/145/CFSP and Coreper on 14 February 2003 noted the absence of obstacles to this participation.

In the case of the Lisbon Summit, planned for 5 April 2003, it was concluded that in the present circumstances it would not be possible to achieve the broadest participation at the highest level in the Summit by both sides, which would affect the outcome. It would therefore be in the best interest of EU-Africa relations to postpone the Summit.

The Council has not debated the question of a moratorium for any element of the sanctions.

(2003/C 280 E/075) **WRITTEN QUESTION P-0627/03**

by Jonas Sjöstedt (GUE/NGL) to the Council

(25 February 2003)

Subject: Political persecution in Turkmenistan

Turkmenistan has developed into a harsh dictatorship in which the political opposition is systematically repressed. Even relatives and friends of opposition figures are punished with imprisonment, torture and internal exile.

One example of such repression is the reprisals suffered by the relatives of Sapar Yklimov. Sapar Yklimov was previously forced to leave Turkmenistan because of his criticism of the dictatorship in the country. He now lives in Sweden and is a Swedish citizen. Sapar Yklimov's relatives are being persecuted in Turkmenistan and are refused permission to leave the country. Among those being persecuted is Sapar Yklimov's daughter, who was previously in Sweden as a refugee.

What action has the Council taken against the persecution in Turkmenistan? Has the question of the persecution of Sapar Yklimov's relatives, among them his daughter, been taken up directly with the regime in Turkmenistan or does the Council intend to do so in the future?

Reply

(22 July 2003)

The difficult situation in Turkmenistan is a matter of grave concern to the European Union. In its declaration of 20 January 2003, the EU expressed its unequivocal support for a full and transparent investigation into recent events in Turkmenistan.

The Council would recall that seven EU Member States, and three other OSCE members, have implemented with regard to Turkmenistan the OSCE 'Moscow mechanism', which was adopted at the 1991 meeting of the Conference on the Human Dimension in Moscow. More generally, the EU has supported this process since the start and actively monitored its implementation in Turkmenistan. The EU backs the efforts made by the Netherlands in the context of its OSCE Presidency to engage the authorities in Ashgabat in dialogue. The talks held by the Netherlands Minister for Foreign Affairs on 3 March 2003 were particularly useful in this respect.

The situation in Turkmenistan was the subject of considerable discussion at a meeting of all EU Heads of Mission in Central Asia on 5/6 March 2003. In the course of this and other Council discussions, various individual cases have been highlighted for attention.

Over the past weeks, EU Heads of Mission in Ashgabat have made strenuous efforts to communicate the EU's concerns to the Turkmen authorities, but have met with considerable difficulties. In these circumstances, the main priority has been to urge the Turkmen authorities to change their attitude, rather than to focus on individual cases.

Nonetheless, the EU will continue to seize every opportunity, including in the context of the 59th UNHCR meeting, to raise concerns, both general and specific, about the situation in Turkmenistan.

(2003/C 280 E/076)

WRITTEN QUESTION P-0629/03

by Charles Tannock (PPE-DE) to the Council

(26 February 2003)

Subject: UN Security Council Resolutions on Iraq and the use of force

The Conclusions of the European Council of 17 February 2003 declare, inter alia, that Baghdad must 'disarm and co-operate immediately and fully', that the Union's objective for Iraq 'remains full and effective disarmament in accordance with the relevant UNSC resolutions, in particular resolution 1441', and that the Council pledges its 'full support to the (UN Security) Council in discharging its responsibilities'.

Resolution 1441 makes reference to a number of previous UNSC. resolutions pertaining to Iraq including 678 (1990) and 687 (1991). Although principally concerned with the liberation of Kuwait, Paragraph 2 of Resolution 678 reads as follows:

> Authorizes Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements, as set forth in paragraph 1 above, the above-mentioned resolutions, to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area'.

Paragraph 3 of the same resolution continues:

> Requests all States to provide appropriate support for the actions undertaken in pursuance of paragraph 2 above.

U. N. Security Council Resolution 687, whilst reaffirming 'the need to be assured of Iraq's peaceful intentions', required Iraq to unconditionally accept the destruction or removal of all biological and chemical weapons as well as research and manufacturing facilities and to accept immediate on-site inspections of its chemical, biological and missile capabilities by Unscom.

Does the Council accept that Iraq's longstanding failure to co-operate with the UN in accounting fully for its weapons of mass destruction and the continued threat to regional security which this presents mean that international peace and security have not yet been restored to the area? If so, does the Council accept that resolutions 678, 687 and 1441 provide an adequate legal basis for armed intervention in the event that Iraq continues to fail to co-operate with the UN in accounting for its stocks of biological and chemical weapons?

Reply

(22 July 2003)

As the Honourable Parliamentarian is aware, Security Council Members have different opinions on the legal basis for military action against Iraq. The Council has not debated the matter and has hence not pronounced itself on this question.

For further information on the EU position on Iraq the Honourable Parliamentarian is invited to refer to the Conclusions of the Presidency on the European Council meeting held in Brussels on 20/21 March 2003.

(2003/C 280 E/077)

WRITTEN QUESTION E-0633/03

by Charles Tannock (PPE-DE) to the Council

(4 March 2003)

Subject: Kosovo, Iraq and the authority of the UN Security Council

On 18 February 2003 at a Meeting of the Conference of Presidents open to all Members of the European Parliament, Mr Costas Simitis, the Greek Prime-Minister, while explaining the Conclusions of the European Council of the previous day, contrasted the situation in Iraq with the situation in Kosovo where he suggested that the use of force had been authorised by the United Nations.

In fact, although Resolution 1203 (October 1998) demanded compliance by Yugoslavia and the Kosovan Liberation Army with the terms of Resolution 1199, and also that both parties co-operate with international efforts to improve the humanitarian situation and avert humanitarian catastrophe, none of the United Nations Security Council Resolutions on Kosovo (1160, 1199, 1203 or 1239) which preceded NATO's bombing of The Federal Republic of Yugoslavia authorised the use of force. Despite this lack of authorisation, the bombing of Yugoslavia was supported by all EU Member States, as well as many of those most critical of the current American administration's stance over Iraq, despite the far greater scale of humanitarian tragedy that has afflicted Iraq over the last twenty years as well as the much greater threat posed by the regime to neighbouring states.

Was Mr Simitis speaking on behalf of the Council when he made this comparison, and, if so, to which UN Resolution was he referring? Were Mr Simitis' remarks intended as a criticism of the Bush administration's approach to the United Nations? If so, would the Council accept that although Secretary Albright's response to the impending conflict in Kosovo was to effectively ignore the Security Council and instead try to impose her own solution at Rambouillet, (such that a contributor to The New York Times was able to write in March, 1999: 'In Kosovo, the Security Council has been sidelined as NATO has essentially taken over management of the conflict and efforts to find a solution. Any peacekeeping operation there would be run by NATO, as well as any decision to use force. Although some European nations want the Security Council to have a say, it has been cut out of any such role, primarily by the United States.') Secretary Powell, by contrast, has been assiduous in his efforts to involve the United Nations and to persuade it to discharge its responsibilities in disarming Iraq as demanded by both the Security Council and the European Union?

Reply

(21 July 2003)

The question raised by the Honourable Member of the European Parliament about similarities or differences between the Kosovo and the Iraqi crisis and the way in which the US responded to them in the Security Council has not been debated by the Council.

As to the European Council conclusions of 17 February, which the Presidency presented to the European Parliament on 18 February, and which the Honourable Parliamentarian refers to, the European Council committed itself to the UN remaining the centre of international order. It also recognised that the primary responsibility for dealing with Iraqi disarmament lies with the Security Council.

On 21 March, the European Council again discussed Iraq. It noted that with the beginning of the military conflict, it faced a new situation. The European Council expressed the hope that the conflict would end with the minimum loss of human life and suffering and committed itself to be actively involved in humanitarian assistance to the Iraqi people. The proposal by General Secretary Kofi Annan that the humanitarian needs can continue to be met by the UN's 'Oil for Food' programme was supported by the Council. The Council furthermore expressed the belief that the UN must continue to play a central role during and after the current crisis and it reiterated its commitment to the fundamental role of the UN in the international system and to the primary responsibility of the Security Council for the maintenance of international peace and stability.

(2003/C 280 E/078) **WRITTEN QUESTION E-0641/03**

by Michl Ebner (PPE-DE) to the Commission

(4 March 2003)

Subject: Closing of a Basque daily newspaper

The only daily newspaper published in the Basque language was closed down in Bilbao on the night of 19 to 20 February 2003, and eleven senior members of its staff were arrested. Hundreds of heavily armed, masked police seized advertising and administrative material, as well as personal documents and items belonging to staff working for the paper.

Is the Commission aware of this situation?

Does it intend to verify these facts?

Is it permissible and proportionate that a daily newspaper should have to close down completely on suspicion of aiding and abetting terrorist activities?

Is this acceptable according to principles based on political democracy and freedom?

Does this not require a special evaluation?

(2003/C 280 E/079) **WRITTEN QUESTION E-0672/03**

by Mario Borghezio (NI) to the Commission

(7 March 2003)

Subject: Respect for press freedom in the Basque Country

On 21 February the Spanish judiciary ordered the closure of the Basque nationalist newspaper 'Euskaldunon Egunkaraia' and the arrest of those running it.

This action on the part of the Spanish authorities has aroused opposition and confusion among various politicians and representatives of civil society. The Basque regional government has expressed support for the newspaper.

What does the Commission think about this action on the part of the Spanish authorities?

What steps will the Commission take to uphold the rights — above all press freedom — of the Basque people?

(2003/C 280 E/080) **WRITTEN QUESTION E-0801/03**

by Koldo Gorostiaga Atxalandabaso (NI) to the Commission

(17 March 2003)

Subject: Freedom of expression

'Euskaldunon Egunkaria', the only daily the newspaper of the world in Euskara (Basque language) was closed last week by order of the Audiencia Nacional, a special court in Madrid which deals with cases related to big crimes. According to the court Egunkaria 'belongs to or collaborates with ETA'.

Egunkaria was founded in 1990 after PTAS 150 million (EUR 900 000) were raised in a popular campaign. On Saturday, 22 February, a massive demonstration took place in the streets of Donostia (San Sebastian). Marchers were brandishing a new newspaper called 'Egunero' published by the journalists of Egunkaria. The first day they sold 50 000 issues, next day 75 000. Both the demonstration and the Egunero issues' success prove the social concern and clear solidarity of the Basques with the newspaper.

Does the Commission consider that this action of the Spanish authorities against the Basque newspaper respects the basic principles of a democratic state?

Will the Commission urge the Spanish authorities to re-open the newspaper immediately?

Does the Commission consider that the solitary confinement of the arrested journalists and the seizure of their documents are in line with full respect for human rights and press freedom?

Joint answer
to Written Questions E-0641/03, E-0672/03 and E-0801/03
given by Mr Vitorino on behalf of the Commission

(30 April 2003)

The Egunkaria newspaper was closed down by court order. In our democratic States based on respect for the law, the judicial power is independent of the executive and the decisions of the courts cannot be overruled by political pressure. The Commission cannot comment on decisions given by a judicial authority.

All the judicial systems of the Member States of the Union provide the procedural guarantees for legal or natural persons prosecuted or sued in the courts as required by the European Convention for the Protection of Human Rights and Fundamental Freedoms. Anybody who considers that his fundamental rights have been breached can bring an action in the European Court of Human Rights after all domestic legal remedies have been exhausted.

(2003/C 280 E/081) **WRITTEN QUESTION E-0642/03**

by Paul Rübig (PPE-DE) to the Council

(4 March 2003)

Subject: Tax treatment of research spending

The Lisbon process stresses that technology-based firms are expected to provide a positive impetus, particularly as regards the creation of new jobs. It is also explicitly pointed out that Europe has some way to go to catch up with Japan and the USA in the area of research.

How are research spending and operational investment treated for tax purposes in the current and future EU Member States and in the USA, Japan and Australia?

What impact does taxation have on the credit-worthiness of SMEs and research bodies?

How does the Council assess these factors? Will it draw on them in its preparatory work on the implementation of Basel II in the EU?

Reply

(21 July 2003)

The Council shares the importance that the Honourable Member attaches to the Lisbon process and the role of SMEs and technology based firms.

In this context, the attention of the Honourable Member is drawn to the report by the Council ('Competitiveness') of 3 March 2003 to the Spring European Council, which, amongst other things, states that:

> Systematic and comprehensive impact assessment of proposed Community legislation, as well as consultation of business and all other interested parties, must be carried out by the Commission and, subsequently, taken into account at the decision-making level, to ensure that a balanced approach is maintained in the EU framework and that European enterprises remain competitive and operate on a level playing field in the global economy;
>
> A coordinated approach to entrepreneurship policy, providing a comprehensive response to the needs of entrepreneurs, such as eliminating barriers to business creation, development and growth and balancing the risks and rewards, is required;
>
> Effective involvement and consultation of small businesses in the policy-making process must be ensured.

As to the tax treatment of research spending in current and future Member States, as well as the impact of taxation on the credit worthiness of SMEs and research bodies, the Council does not have the necessary information to respond to the questions put by the Honourable Member. The Council invites the Honourable Parliamentarian to address directly the Member states, the acceding states and other third countries in this regard.

Concerning the new capital adequacy framework ('Basel II') being negotiated in the framework of the Basel Committee with a view to replacing the 1988 Basel accord, the Council is aware of the potential implications for the SME sector. In the negotiating process and the preparatory work done in this respect, every effort will be made to ensure that 'Basel II' should have no negative effects on SME lending. In this respect, however, the Honourable Member is advised to refer the question to the Commission which has observer status in the negotiations.

(2003/C 280 E/082)

WRITTEN QUESTION E-0650/03

by Erik Meijer (GUE/NGL) to the Commission

(5 March 2003)

Subject: Massive plundering of lapwings' eggs from fields in the Netherlands province of Friesland

1. Is the Commission aware of the existence in the Dutch province of Friesland of the old custom of searching fields during the month of March for the eggs of the lapwing, which nests there, collecting these eggs and presenting the first one found to the Queen's Commissioner (the provincial governor) and sometimes also to the local mayor?

2. Does the Commission know, also, that the existence and fame of this custom will again lead, in the period from 1 March to 8 April, to tens of thousands of people collecting as many eggs as they can find, often searching the same meadows several times on the same day, disturbing the other birds that live in the places where the lapwings nest?

3. Is the Commission aware that in Friesland there are 8 500 legal holders of egg collecting permits, each of whom can collect 15 eggs, giving a total of 127 500, and that according to scientific research it is the first clutch of eggs — the very one that is plundered by the egg collectors — that yields the fledglings most likely to survive?

4. Does the Commission consider this practice, which does not exist in other regions of the Netherlands, to be compatible with Council Directive 79/409/EEC [1] of 2 April 1979 on the conservation of wild birds, Article 5 of which strictly forbids the collecting of birds' eggs in the wild, unless it is necessary, for example to combat disease or to reintroduce birds threatened with extinction?

5. Should the possibility provided by the new Dutch flora and fauna law for provinces to authorise the collecting of lapwings' eggs, a possibility not used by the other eleven Dutch provinces, be abolished on grounds of incompatibility with the directive on the conservation of wild birds?

(1) OJ L 103, 25.4.1979, p. 1.

(2003/C 280 E/083) **WRITTEN QUESTION E-0651/03**

by Erik Meijer (GUE/NGL) to the Commission

(5 March 2003)

Subject: Failure to act on requests to take action against mass collecting of lapwings' eggs in the Dutch province of Friesland

1. Is the Commission aware that the Association of Friesian Bird Protection Patrols (Bond van Friese Vogelbeschermingswachten (BFVW)), which has asked it not to forbid the current practice of collecting lapwings' eggs in the Dutch province of Friesland, is not a nature protection organisation, but an association of lapwings' egg collectors, and that all the major nature and environmental protection organisations oppose the collecting of lapwings' eggs?

2. Is the Commission also aware that there is no question of strict controls on egg collecting, the controls consisting simply in the issuing by the BFVW of a collector's permit to any resident of Friesland who asks for one?

3. Is the Commission aware that the right to collect eggs in Friesland cannot be regarded as a reward for people who conserve birds' nests and protect them as much as possible when agricultural work is being done, since this also happens extensively in Dutch provinces where this right does not exist?

4. What action is the Commission taking on complaint No 4931 filed with the Directorate-General for the Environment by the organisation Faunabescherming in 1999, which concerned the continuing mass collection of lapwings' eggs in Friesland?

5. What have been the results of the Commission's inquiry, announced in Written Answer P-0134/02 (1) on 25 February 2002, undertaken in the context of preparing infringement proceedings before the Court of Justice, and of its examination of the Netherlands authorities' reaction thereto?

6. When will the proceedings that have been initiated reach their conclusion? Is it clear whether the EU will allow this violation of the directive on the conservation of wild birds, which has already been going on for 24 years, to continue?

(1) OJ C 205 E, 29.8.2002, p. 76.

Joint answer
to Written Questions E-0650/03 and E-0651/03
given by Mrs Wallström on behalf of the Commission

(4 April 2003)

The Commission is aware of the traditional taking of lapwing eggs from the wild in the province of Friesland in the Netherlands.

Lapwing, as any other European naturally occurring bird species, falls under the scope of Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds (hereafter referred to as the Directive).

Article 5 of the Directive strictly forbids inter alia, the taking of eggs from the wild. Exceptions to this general prohibition may only be granted under the strict derogation system set out in Article 9 of the Directive, provided that there is no other satisfactory solution, only for one of a limited number of reasons.

An infringement procedure is ongoing on this issue. In this respect, the Commission has issued a reasoned opinion pursuant to Article 226 of the EC Treaty. In the absence of an answer to this reasoned opinion, the Commission decided to bring the case before the Court of Justice in Luxembourg. Shortly afterwards, the authorities of the Netherlands responded to the reasoned opinion. This answer and a supplementary answer of January 2003, as well as information received from the complainant, are currently under assessment. In addition, in as far as these have not yet been brought forward during the infringement procedure, the Commission will take the elements mentioned by the Honourable Member into account in this context.

Depending on the outcome of the assessment of all the elements involved, the Commission may conclude that the conditions of Article 9 of the Directive have been fulfilled and close the case. Otherwise, the Commission could decide to implement its former decision and bring the case before the Court of Justice.

(2003/C 280 E/084) **WRITTEN QUESTION E-0659/03**

by Maurizio Turco (NI) to the Commission

(6 March 2003)

Subject: Seizure of a large number of enormous illegal waste dumps in Sicily and Directive 75/442/EEC

In the last few weeks about a hundred illegal waste dumps have been discovered in Sicily, including:

(a) a dump containing waste of every kind, including special and hazardous waste, spread over five municipalities in the province of Messina, between the Monti Peloritani and the river Mela, close to a tourist area of great importance for the Region of Sicily and covering 225 square kilometres, equivalent to one hundredth of the surface area of Sicily;

(b) a dump containing industrial quantities of special non-hazardous waste located in the municipality of Ribera (Agrigento) in the district of Mancusi, a protected geological site near the river Verdura, and extending over 65 000 square metres;

(c) a dump containing 215 tonnes of railway sleepers, to be considered as special hazardous waste because they are impregnated with cresolates, located near the station of Megara Giannalena, in the vicinity of the municipality of Augusta (Syracuse) and covering an area of 40 000 square metres.

According to Article 7 of Directive 75/442/EEC [1] Member States are obliged to take the necessary measures to ensure that any holder of waste has it handled by a private or public waste collector or by an undertaking carrying out recovery or disposal, unless he disposes of it himself. If the identity of the holder is unknown (as in the case of illegal dumps), it is up to the national authorities to adopt the measures necessary to comply with the provisions of Article 7. The uncontrolled dumping of waste in the long term also constitutes an infringement of Article 4 of Directive 75/442/EEC, according to which waste must be recycled or disposed of without endangering human health and without harming the environment (European Court of Justice, Case C-365/97 — S. Rocco).

Can the Commission say:

— whether the Region of Sicily has received Community funding for the reclamation of areas in which illegal dumps were located and/or to create and manage controlled dumps;

— since the large number of dumps discovered, the vast areas involved and the volume of material dumped imply that for a long time there were no controls, what steps it will take in accordance with Directive 75/442/EEC?

[1] OJ L 194, 25.7.1975, p. 39.

Answer given by Mrs Wallström on behalf of the Commission

(3 April 2003)

As correctly underlined by the Honourable Member, illegal landfills of waste could be relevant for the application of Council Directive 75/442/EEC of 15 July 1975 on waste [1] as amended and in particular of its Articles 4, 8 and 9. They could also be relevant under Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [2].

However, in the specific cases, not being aware of the situation described by the Honourable Member, the Commission will take the appropriate steps in order to gather detailed information about it and to ensure, within the limits conferred to it by the EC Treaty, compliance with Community law.

As the Honourable Member knows, on the basis of Article 211 of the EC Treaty, 'in order to ensure the proper functioning and development of the common market, the Commission shall ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied'.

Among the range of measures available to the Commission in particular in the context of its duties as guardian of the Treaty, infringement procedures pursuant to Article 226 of the Treaty might be initiated if the Commission considers that a Member State has failed to fulfil an obligation under Community Law.

As for reclamation of the contaminated sites, measure 1.4.2 of the regional operational programme for Sicily (2000-2006 programming of the Structural Funds) provides for action such as the identification and rehabilitation of polluted sites. The Commission's information is that no payments have been made under this measure to date; nor has any application been made for payment.

[1] OJ L 194, 25.7.1975.
[2] OJ L 182, 16.7.1999.

(2003/C 280 E/085) **WRITTEN QUESTION E-0678/03**

by Marco Cappato (NI) to the Council

(7 March 2003)

Subject: Arrest of the Peruvian national Nelson Palomino

Last week, whilst I was staying in Lima Nelson Palomino — one of the leaders of the Peruvian 'campesinos' — was arrested on charges of incitement to terrorism, an offence covered by the Fujimori government's Penal Code, which is currently undergoing reform. Peruvian press sources indicate that Palomino is allegedly guilty of encouraging demonstrations and road blocks without ruling out the use of force.

Relations between the Peruvian Government and the 'campesinos' are particularly tense because of a stalemate in the dialogue on a package of agricultural reforms, in particular the disastrous policies to eradicate by force the cultivation of coca.

During my meeting with the leaders of the Peruvian anti-drugs agency Devida, they refused to give me and the Secretary of the International Anti-Prohibitionist League, Marco Perduca, any information on the situation of the 'campesinos' and, in particular, on the arrest of Palomino.

Can the Council ask the Peruvian authorities for information — to be passed on to Parliament -concerning a situation which, if it is not tackled promptly in a spirit of dialogue, threatens to lead to outbreaks of violence such as those which caused dozens of people to die and hundreds to be injured in neighbouring Bolivia in recent weeks?

Reply

(22 July 2003)

The Council has been informed that, the Peruvian Public Prosecutor's Office, has formally charged Nelson Palomino la Serna with the offences of inter alia supporting terrorism, aggravated robbery, and kidnapping. An action in this respect has been brought before the District Court of Aynes, San Francisco Province, Department of Ayacucho. The case is currently at the preliminary investigation stage.

According to information provided on Friday 11 April by the Ayacucho regional directorate of the national prisons institute (INPE), Nelson Palomino was being held in Lianamilla Prison.

It is not for the Council to comment on an ongoing judicial process at national level. Nevertheless, the Council reaffirms that the maintenance of the rule of law and of democratic and civil rights is a key factor for peace in that region.

(2003/C 280 E/086) **WRITTEN QUESTION E-0717/03**

by Rosa Miguélez Ramos (PSE) to the Council

(11 March 2003)

Subject: Prestige: re-routing of maritime transport corridors

On 21 November 2002, the European Parliament adopted a resolution on the Prestige disaster off the coast of Galicia. Paragraph 12 reads:

> Calls for the existing corridors for the maritime transport of oil and hazardous substances in Community waters to be rerouted as far away as possible from coastlines and, in particular, areas declared vulnerable; asks the Commission to work with the IMO towards the establishment of such a mechanism at international level.

How does the Council view this request from Parliament?

What steps has it taken or does it intend to take in response?

(2003/C 280 E/087) **WRITTEN QUESTION E-0719/03**

by Rosa Miguélez Ramos (PSE) to the Council

(11 March 2003)

Subject: Prestige: EU action at WTO level

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 5 reads:

> Recognises the fact that the EU has only limited power to control ships in transit through its waters; therefore calls on the Council to act quickly to grant the Commission the mandate to negotiate on behalf of all 15 Member States within the International Maritime Organisation, with particular regard to the establishment of more stringent rules on Port State Control in third countries, the development of a Flag State audit procedure aimed at combating flags of convenience, as defined by the Paris Memorandum of Understanding, and the proper implementation of compulsory shipping routes and pilotage and the restriction of shipping in designated Particularly Sensitive Sea Areas in order to protect sensitive coastlines; given the slow process of decision-making at IMO level, calls on the Commission simultaneously to initiate bilateral negotiations with key third countries with a view to improving the safety of ships in transit through EU waters;.

How does the Council view this request from Parliament?

What steps has it taken or does it intend to take in response?

Joint answer to Written Questions E-0717/03 and E-0719/03

(21 July 2003)

The Council welcomes the European Parliament's prompt reaction to the Prestige accident, as expressed by the resolutions adopted on 21 November and 19 December 2002. It fully agrees with most of the principles defended in these resolutions, and notes with satisfaction that many of the measures proposed by Parliament are in line with the conclusions on ships' safety and pollution which the Council (Transport, Telecommunications, Energy) adopted on 6 December 2002 in response to the Prestige accident.

As rightly pointed out in the question, the strengthening of maritime safety and the efficient prevention of pollution of the marine environment requires that measures are implemented on the international level, in addition to Community legislation. The Council will therefore continue to pay full attention and seek appropriate solutions to the problems related to the safety at sea and the protection of the marine environment in the relevant international fora. Equally, Member States are actively participating in international negotiations on various of the issues referred to in the question, primarily in the International Maritime Organisation (IMO), acting on the basis of positions previously co-ordinated between the EU countries and the Commission.

The Council agrees to the objective of reducing the threat of accidents which might cause pollution of the marine environment and the coastline in sensitive areas from vessels transporting oil and hazardous substances, for instance through the implementation of measures such as re-routing, obligatory pilotage and the restriction of shipping. To this effect, the Council, in its conclusions from 6 December, urged Member States that have common interests in sensitive sea areas to identify and formulate co-ordinated proposals for the areas to be protected as Particularly Sensitive Sea Areas (PSSA) by the IMO. The Council has been informed that some Member States will present a joint submission to the next meeting of the Maríne Environment Protection Committee (MEPC) of the IMO, to be held 14-18 July 2003, proposing the designation as a PSSA of an area covering the Atlantic coastline.

The Council also favours the effective implementation of regional and international rules on port State control, sharing the opinion that strengthened port State control is one of the measures to be applied against sub-standard shipping. In this regard, Member States contribute to the on-going work in this area in the framework of the Paris MoU and the IMO, for instance on occasion of the 11th session of IMO's Sub-Committee on flag State implementation (FSI 11) which is taking place form 7-11 April 2003.

On the issue of the development of a Flag State audit procedure aimed at combating flags of convenience, the Council on 6 December expressed its support for the on-going work in the IMO to develop a flag State Code and a compulsory Model Audit Scheme (MAS) to ensure that flag States carry out their duties under international conventions. In general, the Council stressed the need to re-examine international rules concerning the law of seas and maritime transport that lead to irresponsibility and negligence tolerated by certain open registers.

Finally, in full agreement with Parliament's resolution, the Council conclusions addressed the need to seek accords with key third countries in order to improve the safety of ships in transit through EU waters, by noting the Commission's intention to take the necessary steps to ensure the participation of the candidate countries and other neighbouring countries, including Russia, in an agreement that heavy grades of oil should only be transported in double-hull tankers. Similarly, the Council expressed its support for the Commission's efforts to investigate the potential for technical co-operation programmes to assist the neighbouring countries in their efforts to increase maritime safety and pollution prevention.

(2003/C 280 E/088)

WRITTEN QUESTION E-0749/03

by Gianfranco Dell'Alba (NI) to the Commission

(11 March 2003)

Subject: Commission's position on a working paper written by a Deputy Director-General as part of his university activities

Activities of European Community officials who have received a fellowship from an American university are by definition of an academic nature, and involve participating in lectures, seminars and conferences, as well as producing working papers and other texts.

It is in this context that the European Union Center at the University of Miami published in August 2002 a paper written by Santiago Gómez-Reino, Deputy Director-General at the Commission, who was then on long-term mission in the United States. The paper, entitled 'La actualidad del pensamiento de Robert Schuman en el contexto de la Convención sobre el futuro de Europa', was written in the context of his fellowship at the University of Miami.

In this paper, which sets out primarily to emphasise the value and relevance of Robert Schuman's thinking on European integration, Mr Gómez-Reino includes some brief personal reflections on the resignation in 1999 of the Santer Commission, taking up the view expressed publicly by a number of observers, including some MEPs, that there was a political manoeuvre to destabilise the Commission as an institution, since allegations of fraud and corruption made against it were largely exaggerated, as the findings of the 'Committee of Wise Men' and subsequent inquiries have shown.

1. Can the Commission confirm that as part of his current duties Mr Gómez-Reino is entitled to produce texts that aim to put forward and analyse events related to the Community from a personal point of view, events that may be of interest to undergraduates and graduates of the University of Miami who are studying the process of European integration?

2. Can the Commission confirm that all European officials have the right to express personal points of view on political events in the Community's history, such as the resignation of the Santer Commission, and that therefore Mr Gómez-Reino has done nothing irregular?

Answer given by Mr Kinnock on behalf of the Commission

(13 May 2003)

1. As the Honourable Member correctly observes, the completion of a fellowship as a Jean Monnet Chair research scholar necessarily involves publishing papers concerning the work of the Institutions. The acceptance of the fellowship implies the production and publication of the results of work related to that fellowship.

The fact that the article in question contains personal perceptions of a given episode, as is frequently the case for publications on historic events, is not at issue. Indeed, publications by research scholars would generally be expected to go beyond a mere re-telling of facts.

Since the article in the academic journal was addressed to those specialists who read the University of Miami Jean Monnet/Robert Schuman Paper Series, there is very little risk that the author's personal opinion will be confused with the official position of the Commission.

2. The observation of the Honourable Member is accurate. As the Court of Justice has ruled, officials and other employees of the Communities enjoy the right of freedom of expression, even in areas falling within the scope of the activities of the Community institutions [1]. The Court has specified that this freedom, like any fundamental right, is not an unfettered prerogative but may be subject to reasonable limits on the exercise of that right in the interest of the service, such as the duty of discretion to which Commission officials are bound. That duty has not been breached in this case.

[1] See for a recent example the judgement of the Court of First Instance of 14 July 2000, case T-82/99, Michael Cwik/Commission.

(2003/C 280 E/089) **WRITTEN QUESTION E-0752/03**

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

(11 March 2003)

Subject: Iraq-related threats made against Chile and Mexico by the Spanish Prime Minister José María Aznar at a press conference held in Madrid on 27 February

At a press conference held in Madrid on 27 February in the presence of the UK Prime Minister Tony Blair, the Spanish Prime Minister José María Aznar issued implicit threats against Chile and Mexico (current UN Security Council members) which could be carried out should those two countries fail to support the US stance in favour of war with Iraq. Mr Aznar pointed out that both Mexico and Chile are awaiting the conclusion of association agreements with the EU, which must be signed by the Member States' governments and parliaments. The way in which he made this point and the moment at which he did so (just before the decisive UN vote on war or peace) implied that he intended to threaten the two countries in question with a refusal on the part of the Spanish Government to sign or implement the association agreements.

How does the Council intend to react to Mr Aznar's behaviour? Does the Council deem it politically, morally and procedurally acceptable that such an attempt should be made to by-pass the European Council and to bend the views of two sovereign countries in order to serve the particular interests of, and to promote political positions favourable to, a country (namely the USA) which is not part of the EU?

Reply

(22 July 2003)

1. It is not Council practice to comment on public statements made by Heads of Government of the Member States.

2. The Council recalls that the EU-Mexico Global Agreement was signed on 8 December 1997 and entered into force on 1 October 2001. The EU-Chile Association Agreement was signed in Brussels on 18 November 2002 and the bulk of its provisions are being implemented since 1 February 2003. Member States will have to complete their ratification procedures before the Agreement may be concluded.

(2003/C 280 E/090) **WRITTEN QUESTION E-0766/03**

by Isidoro Sánchez García (ELDR) to the Council

(12 March 2003)

Subject: Exploitation of natural resources in Western Sahara

The administration of Western Sahara by the Moroccan Government has been disputed ever since Spain left in 1975.

Despite the various political agreements established at UN level for decolonising the territory, it is public knowledge that in October 2001, the Moroccan Government granted licences to two international companies, one French and the other American, to test drill for energy resources in the territorial waters of the Western Sahara. These companies entrusted the Norwegian company TGS-NOPEC with making the preliminary seismic investigations.

In view of the UN Security Council Legal Services' report of 29 January 2002, the licences granted by the Moroccan government could be understood as infringing international law, which means that should such energy resources be exploited, they would belong to the Saharan people.

Public opinion in Norway has recently denounced TGS-NOPEC on the grounds that its activities in the waters of Western Sahara infringe international law with regard to prospecting for and possibly exploiting the natural resources of a non-autonomous territory pending its decolonisation.

Given the Lalumière Report by the European Parliament on the situation in Western Sahara, and the circumstances surrounding this long-standing dispute and the presence of a Community undertaking in this prospecting for energy resources and their subsequent exploitation, what position does the Council take with regard to the current situation of test drilling and possible exploitation?

Reply

(22 July 2003)

Discussions on the final settlement of the Western Sahara question are being conducted within the United Nations Security Council, as well as with the parties concerned, and are currently at a decisive stage. The Council is following these discussions closely and wholeheartedly supports the efforts of the United Nations Secretary-General's Personal Envoy, Mr James Baker, in the quest for a lasting solution fully observing international law, human rights and democracy. The discussions taking place within the framework of the United Nations have now reached a critical point for securing a positive outcome to a conflict dating back almost 30 years.

Mr Baker visited the region in January 2003 to present the parties and neighbouring countries with the terms of a proposal for a political solution to the conflict, ensuring self-determination in accordance with Security Council Resolution 1429 (2002). Minurso's mandate has been extended until 31 May 2003 to give the parties sufficient time to examine the proposal and submit their responses. The Security Council has requested the Secretary-General to provide it with a further report by 19 May 2003.

The Council has not so far discussed the specific matter raised by the Honourable Member.

(2003/C 280 E/091) **WRITTEN QUESTION E-0773/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(12 March 2003)

Subject: Budget overruns in the construction of the Attiki Odos motorway

In its answer to my question (P-0239/03 [1]) the Commission has failed the answer the question I had put, doubtless owing to a misunderstanding. It stated that the total cost of the construction of the Attiki Odos motorway was EUR 1 713 million, which is less than the sum of EUR 3 175 million which it had mentioned in its answer to a previous question (E-2894/01 [2]), presumably because the answer to the former question refers only to the period 2000-2006. It also fails to mention whether there have been any overruns and, if so, what the reasons for these overruns are.

In view of the above, the Commission is once again asked to say:

— What was the budget for the Attiki Odos motorway when construction work began?

— What overruns have been noted since construction work began and what are the reasons for these overruns?

— What is the overall construction cost for the Attiki Odos motorway as it has grown with the passage of time, including the overruns?

(1) OJ C 161 E, 10.7.2003, p. 200.
(2) OJ C 115 E, 16.5.2002, p. 189.

Answer given by Mr Barnier on behalf of the Commission

(16 April 2003)

On the basis of the concession contract signed in 1996 between the Greek Authorities and the concessionaire for the construction of the Athens ring (Attiki odos), an amount of EUR 1 248,7 million, at current prices, is provided for the lump sum price object of the contract. This object corresponds to the project to be constructed and managed under the full responsibility of the concessionaire. The amount is composed of EUR 418,2 million of public contribution and EUR 830,5 million of private contribution.

The same contract provides for parallel public works not included in the lump sum object, of EUR 146,75 million at current prices, and gives the possibility that the value of these parallel works is increased by 50 %. The contract provides also for the possibility of additional works up to an amount of 50 % of the lump sum price of EUR 1 248,7 million. Such works have been subsequently approved, in most cases after court decisions in relation to improved environmental conditions in some areas affected by the Athens ring road.

On the basis of information provided by the responsible national authorities the total amount of parallel and additional works as provided for in the concession contract is EUR 220 million and EUR 571,21 million respectively at current prices. Together with the EUR 1 248,7 million allocated to the lump sum object, this makes a grand total of around EUR 2 040 million.

Other cost elements of the project, which are not included in the concession contract, are expropriations, fees for independent engineers and consultants, archaeology and moving the network of public utilities. If these cost elements are also added to the above mentioned grand total of EUR 2 040 million corresponding to the concession contract, then the total cost of the project of Attiki odos, including the concession contract and the other cost elements not linked with it, is about EUR 3,2 billion.

Attiki odos is a measure of the Operational Programme 'Road Axes-Ports-Urban Development 2000-2006', and at the same time a major project under the terms of Articles 25 and 26 of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the structural funds [1].

The European Regional Development Fund's (ERDF) assistance requested for this project under the Community Support Framework (CSF) III is EUR 476 million, corresponding to a public expenditure of EUR 951 million and a total cost, including private contribution, of EUR 1 713 million. The assistance requested concerns a part of the lump sum object, parts of the parallel and additional works of the concession contract, as well as parts of the other cost elements of the project. There is no possibility of increasing this ERDF assistance amount in the future, with additional funds from the CSF 2000-2006 or from the Cohesion Fund.

[1] OJ L 161, 26.6.1999.

(2003/C 280 E/092) **WRITTEN QUESTION E-0776/03**

by Carlos Bautista Ojeda (Verts/ALE) to the Council

(12 March 2003)

Subject: Comitology

The committees established pursuant to Decision 1999/468/EC [1], laying down the procedures for the exercise of implementing powers conferred on the Commission, comprise one representative per Member State, plus a Commission representative who acts as chairman.

Can the Council tell me whether there is any problem in Member States' sending representatives of regional governments as members of these committees? How many regional representatives, if any, are currently members of these committees?

[1] OJ L 184, 17.7.1999, p. 23.

Reply

(21 July 2003)

The Council would inform the Honourable Member that the Commission is responsible for determining the number of regional representatives who are currently members of committees established pursuant to Council Decision 1999/468/EC. Moreover, it is for each Member State to define the composition of its delegation within those committees.

(2003/C 280 E/093) **WRITTEN QUESTION E-0778/03**

by Carlos Bautista Ojeda (Verts/ALE) to the Commission

(12 March 2003)

Subject: Comitology

Article 7(4) of Decision 1999/468/EC [1], laying down the procedures for the exercise of implementing powers conferred on the Commission lays down that 'the Commission shall, within six months of the date in which the decision takes effect, publish in the Official Journal of the European Communities, a list of all committees which assist the Commission in the exercise of implementing powers'. The decision came into force on 18 July 1999, but the Commission finally published the requisite list over a year later [2]. Why was there this delay?

Article 7(5) lays down that 'the references to all documents sent to the European Parliament […] shall be made public in a register to be set up by the Commission in 2001'. In its most recent report on the work of the committees for 2001 [3], the Commission indicates that this register will become operational 'at the beginning of 2003'. Why has there been a delay of two years?

[1] OJ L 184, 17.7.1999, p. 23.
[2] OJ C 225, 8.8.2000.
[3] COM(2002) 733.

Answer given by Mr Prodi on behalf of the Commission

(10 April 2003)

The Commission is aware of the delays incurred for establishing the list of committees assisting the Commission in the exercise of its implementing powers [1] and the register with references of documents transmitted to the Parliament.

The attention of the Honourable Member is drawn to the fact that these two obligations were not foreseen in the proposal of the Commission for a Council decision laying down the procedures for the exercise of implementing powers conferred on the Commission [2], but have been inserted into the final text of Council Decision 1999/468/EC on specific request of Member States' delegations. The Commission accepted the obligations in the negotiations subject to the availability of sufficient staff and budgetary resources, which it is still awaiting. This has been, by the way, also expressly mentioned in the unilateral commitment made by the Commission to amplify the register with an internet-based public repository of the documents transmitted to the Parliament.

Of course, the Commission takes its obligations emanating from Council Decision 1999/468/EC [3] very seriously and is giving a high priority to them within the limits of the resources it has available.

The list of committees has been published in the mid of the year 2000. The planning for both the register and the repository was initiated in 2001 and the preparatory work was realised in 2002. Both instruments are planned to become operational within the next few months.

[1] OJ C 225, 8.8.2000.
[2] OJ C 279, 8.9.1998.
[3] Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission — OJ L 184, 17.7.1999.

(2003/C 280 E/094) **WRITTEN QUESTION E-0786/03**

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

(14 March 2003)

Subject: Avoiding duplication of animal experiments

What do 478 719 mice and rats, 113 990 chickens and quail, 47 382 fish and 74 358 other animals have in common? They were used in 2001 in the Netherlands for animal experiments in fundamental research and/or product development. This is the fate of about 10 million animals in the EU every year (Financieel Dagblad, 29.1.2003). The numbers cited are correct. The official source is the report 'Zodoende' by the Food Inspection Department.

The statistics are taken from the annual reports to the Food Inspection Department of the establishments that carry out animal experiments. About half of them relate to drug trials. This is not correct. In the year in question 46,7 % of the animals were used in scientific experiments (mainly at university institutes), 8,1 % for toxicity trials, 1,8 % for teaching and training, 0,5 % for diagnostic purposes and 43,1 % for the development, manufacture, control or official verification of serums, vaccines, medicines and medical or veterinary products for the benefit of humans and animals. Serums and vaccines were not, strictly speaking, classed as medicines. In previous years there was further classification into the subcategories biological products (including serums and vaccines) and medicines. The percentage at the time was approximately 40 % of the category for biological products and 60 % for medicines (i.e. about 25 % of total use).

Is the Commission aware that medicines and biological products such as vaccines which have been tested in the United States and licensed for the American market are retested on animals in order to gain admission to the European market?

Is the Commission aware that producers of generic medicines have to submit a new safety dossier if they wish to market a generic medicine in Europe, even if the active constituent is identical with the active constituent of the original medicine?

How many animal experiments could be avoided if this kind of duplication of animal experiments did not take place in the European Union?

Answer given by Mr Liikanen on behalf of the Commission

(22 April 2003)

Manufacturers producing for the European market need to fulfil the requirements of the European Pharmacopoeia. Most of the safety and potency requirements for e.g. vaccines are different in the United States and Europe; i.e. potency tests might be carried out with a different animal model (for example, animal strain, number, test design, reference product) or additional safety tests might be required in the United States or Europe. Therefore, duplication of animal experiments is not the right term in this context.

Article 114 of Directive 2001/83/EC of the Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use [1] specifies that, where it is necessary in the interest of public health, Member States may examine each batch of a medicinal product, such as vaccines, human blood and plasma derivatives, before being released on the market. The testing of each batch may be necessary to ensure for the European citizens the consistency of the quality and the potency of the medicinal product indicated in the marketing authorisation.

Under the framework of the European Directorate for the Quality of Medicines (EDQM) [2] the Official Medicines Control Laboratories (OMCLs) guarantee that correct procedures for the quality control of medicinal products take place. This is one of the measures to avoid the duplication of control test in the Member States. The OMCL may also limit in vivo potency re-testing, provided that sufficient data are available showing consistency of potency of the component concerned. The OMCL network involves 17 Member States in the Union/European Economic Area (EU/EEA) and is primarily aimed at supporting mutual recognition of quality control tests.

Besides this co-operation between Member States which is supported by the Commission, the European Centre for the Validation of Alternative Methods (ECVAM) of the Joint Research Centre is successfully validating alternative test methods also in the area of batch potency testing. Furthermore, as a partner of the International Conference for Harmonisation of requirements for the development of medicinal products (ICH) the Commission promotes and accepts new alternative testing methods in order to replace tests on animals at international level (European Union, United States, Japan). International harmonisation for the development and batch testing of medicinal products such as immunobiologicals, hormones and blood products could be increased as soon as new alternative methods become available.

The development of alternative methods will be funded in the 'Sixth Framework Programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002-2006)'. Two specific parts of the Framework Programme will support the development of novel alternative, non-animal testing methods: Development of new in vitro tests to replace animal experimentation (Thematic Priority 1 — Life Sciences, Genomics and Biotechnology for Health, more information is available from the following http://www.cordis.lu/fp6/lifescihealth.htm) and Development of alternative in vitro testing methods and strategies for chemical substances (Specific activities covering a wider field of research — Policy support and anticipating scientific and technological needs, more information is available from the following http://www.cordis.lu/fp6/support.htm)

For generic medicinal products, for which no batch testing is necessary, no additional pre-clinical animal studies are requested for a marketing authorisation in Europe.

There are no data available to which extent the different European and American test requirements increase the total number of animals used. As mentioned above, in addition to the development of alternatives methods, international harmonisation of testing requirements would significantly reduce this number.

(1) OJ L 311, 28.11.2001.
(2) established by the Council of Europe.

(2003/C 280 E/095) **WRITTEN QUESTION E-0809/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(17 March 2003)

Subject: Violation of Community environmental legislation in Greece

Could the Commission give a figure for the number of presumed violations of Community environmental legislation in Greece and say which areas are affected? In which cases has it referred Greece to the European Court of Justice and in which other cases is it preparing to do so?

Answer given by Mrs Wallström on behalf of the Commission

(15 May 2003)

On 10 April 2003, the Commission had 94 cases open against Greece relating to suspected or confirmed violations of Community environmental legislation. Of the 94 cases, 25 related to Community legislation on waste management, 22 to nature conservation and 21 to Directive 85/337/EEC (1), as amended by Directive 97/11/EC (2). Eleven cases related to atmospheric pollution, 10 to water protection, and 5 to other sectors of Community environmental legislation. The Commission has already initiated infringement procedures against Greece in 39 cases.

At present, the Commission has referred six cases to the Court of Justice, namely cases C-301/2001 (non-conformity of national measures transposing Directive 85/337/EEC into Greek law), C-83/2002 (failure to communicate the information required under Article 11 of Directive 96/59/EC) ([3]), C-119/2002 (the absence of a collection system or a plant for the tertiary treatment of urban waste water in the Thriassio region), C-351/02 (failure to notify national measures transposing Directive 1999/31/EC) ([4]), C-352/02 (failure to notify national measures transposing Directive 2000/14/EC) ([5]) and C-420/02 (the operation of a landfill at Pera Galinoi).

The Commission has also decided to refer four infringement cases to the Court of Justice. The cases were still being prepared on 10 April 2003. The infringements in question relate to the incompatibility of Greek legislation on the bird hunting season, the collection and treatment of waste oils in Greece, pollution in the Thriassio Pedio region, and the operating conditions of a power station at Linoperamata on Crete.

([1]) Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment — OJ L 175, 5.7.1985.
([2]) 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 — OJ L 73, 14.3.1997.
([3]) Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT) — OJ L 243, 24.9.1996, p. 31.
([4]) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste — OJ L 182, 16.7.1999.
([5]) Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors — OJ L 162, 3.7.2000.

(2003/C 280 E/096)

WRITTEN QUESTION E-0812/03

by Maurizio Turco (NI), Marco Cappato (NI), Emma Bonino (NI), Marco Pannella (NI) and Gianfranco Dell'Alba (NI) to the Council

(17 March 2003)

Subject: War on drugs in Thailand

Taking into account the fact that according to information on 'UN Wire' of 4 March 2003:

— the Thai Prime Minister Thaksin Shinawatra affirmed that Thailand's month-old drugs crackdown will be stepped up, despite expressions of concern by the UN rapporteur on extrajudicial killings, Asma Jahangir, and others over reports that summary executions have been committed in the context of the campaign; he notably declared: 'The crackdown will become more intense, I guarantee … Don't worry. (The) UN isn't my father. If they want to come, come. If they want to inspect, go ahead';

— the Thai Prime Minister also affirmed that more than 1 140 have been killed in the crackdown, which began on 1 February and is to last three months; police also said that as of Friday, 29 501 suspects were arrested in the crackdown; they said officers acting in self-defence killed 31 people and that drug gangs killed the others; a Ministry spokesman furthermore affirmed that 'Nothing is above the law in this campaign';

Did the Council express EU concern to the Thai authorities about the government-sponsored massacres in the war on drugs? Did it ask the government to stop these widespread killings that are contrary to all internationally recognised human rights and fundamental freedoms?

What progressive measures will be enacted by the Council if the Thai government continues the massacre and ignores international requests to stop?

Is the Council aware of the fact that, like Thailand, China, Malaysia, Vietnam, Singapore, Kuwait, Iran, Philippines and Indonesia also apply the death penalty for drugs-related crimes, and does it agree that a way forward would be to amend the international conventions on drugs to expressly prohibit the death penalty, notably in view of the April 2003 UN meeting on drugs?

Reply

(21 July 2003)

1. The Council shares the Honourable Members concerns over the dramatic increase in drugs-related deaths during the Thai Government's recent campaign against drugs.

2. The Council has conveyed its serious preoccupations over the situation in a confidential demarche to the Thai government in late March 2003. The Council will keep the further evolution of this problem under close scrutiny, and will, if necessary, decide on appropriate reactions should the situation not improve.

3. The European Union has systematically conveyed its principled opposition to the death penalty, including for drugs-related crimes, to other countries in the region and will continue to do so.

(2003/C 280 E/097) **WRITTEN QUESTION E-0814/03**

by Robert Goebbels (PSE) to the Commission

(17 March 2003)

Subject: Famine in Ethiopia

The Commission has just allocated an additional EUR 5 million for emergency food operations in Ethiopia, bringing the sum total of EU food aid to some EUR 102 million for 2002-2003.

The Commission is to be congratulated on all the excellent initiatives it is taking in this area, but could it indicate:

1. what percentage of the aid approved had been granted up to the beginning of March 2003;

2. whether it considers the EU aid sufficient to enable the Ethiopian authorities to provide food to the communities affected by continuous drought;

3. whether additional aid is needed until such time as the 2003 harvest is gathered;

4. what bilateral aid has been provided by the Member States and whether they have coordinated their efforts;

5. how, on implementation of the Cotonou Agreement, it will work with the Ethiopian authorities to draw up the structural reforms that are required to enable Ethiopia to avert recurring famines? (Need to develop the country's infrastructure — road system, energy supply; water catchment and irrigation systems — more effective education of local inhabitants; seed selection; etc., and above all better market organisation. The liberalisation of the trade in grain has not given rise to the expected reforms, as has been documented by Eleni Gabre-Madhin in her study for the International Food Policy Research Institute.)

Answer given by Mr Nielson on behalf of the Commission

(23 April 2003)

Total Commission food aid allocations for Ethiopia to date amount to EUR 98 million, equivalent to an estimated quantity of 373 000 million tonnes (MT) of food aid, for delivery from October 2002 to December 2003. An additional EUR 4 million has been allocated in humanitarian aid. To date,

EUR 77 million has been allocated to respond to emergency needs, equivalent to 295 250 MT of food aid. The remaining EUR 21 million (77 500 MT-equivalent) is in the last stages of the Commission's approval procedure. Most of the Community food aid is to be distributed between March and June 2003, which is considered the most critical period.

The question as to whether substantially larger allocations will be needed is difficult to answer at this stage. In late December 2002, some estimates of those in need of food aid reached 14,2 million: these were later revised downwards to 11,3 million. While there still remain severe food shortages, the positive and prompt response from donors has, for the moment, prevented the situation from deteriorating further. Substantial supplementary requirements for the remainder of 2003 are not expected. Early indications are that the 2003 Belg rains have begun ahead of time. However, given the susceptibility of Ethiopia to food crises, this could change unexpectedly.

In addition to the Community's allocations, some EUR 46 million has been provided by Member States under bilateral agreements, bringing the total contribution from the Union to EUR 148 million. This Union response to the food crisis is estimated to constitute roughly 30 % of the global response to assessed needs to end-2003, 58 % of which is now covered. Co-ordination between Commission and Member States has been close, especially in Addis Ababa. A co-ordination meeting on the crises in both Southern Africa and the Horn of Africa was also held in Brussels, on 4 February 2003, in an effort to develop a common Union approach on the short, medium - and longer-term responses to the crises. The meeting allowed for a more efficient, harmonised response to the crisis and provided greater awareness of the contributions of individual Member States, and the Union as a whole, to the present emergencies.

Both the Commission and government of Ethiopia are committed to addressing the longer-term problem of chronic food insecurity. Tackling food insecurity is vital in order to avoid the recurrence of transitory food shortages. Adverse climatic conditions and interruptions to trade act as 'triggers', which spark off such crises and are not in themselves the sole cause. In Ethiopia structural causes — such as weak markets, poor transport infrastructure, lack of assets, problems of land tenure and lack of opportunities outside the sphere of agriculture — are at the root of chronic food insecurity. Food security has been given priority attention under the Cotonou Agreement. In October 2002, a EUR 25 million Food Security Programme, in the form of budgetary support, was agreed for Ethiopia. Furthermore, under the 9th European Development Fund, EUR 54 million has been provided for the 2002-2007 period, specifically for food security projects. These projects will focus on improving market efficiency, providing adequate storage facilities, improving competitiveness in internal trade, increasing land productivity, improving agricultural techniques and ensuring access to inputs, all with the aim of increasing production and the overall food supply. Other programmed activities include provision of safety nets, improvement of social services, and diversification of livelihoods. Further to this, a substantial allocation (EUR 211 million) has been made to the transport sector. An adequate roads network is necessary to ensure the market sector operates efficiently. This, in turn, is a prerequisite to guaranteeing long term food security. This continued commitment should gradually reduce Ethiopia's vulnerability to food shortages and the threat of recurring famine.

(2003/C 280 E/098) **WRITTEN QUESTION P-0818/03**

by Mario Borghezio (NI) to the Commission

(11 March 2003)

Subject: Return of Mrs Petacci's private letters to her heirs by the Italian State

For some ten years, the heirs of Mrs Claretta Petacci, who died tragically in 1945 along with Benito Mussolini, have been petitioning the Italian State Central Archives and other competent bodies in vain for the return of Mrs Petacci's personal writings, in particular her private letters and personal diaries.

The Italian State's continuing refusal to meet this request represents a serious breach of human rights, since it has no legitimate interest in retaining these private letters, which the family of Claretta Petacci wish to conserve and protect out of due respect for the personal and private feelings of a completely innocent woman, who was barbarously murdered together with Benito Mussolini.

Will the Commission call on the competent Italian authorities to respect the human rights that have clearly been breached in this case?

Answer given by Mr Vitorino on behalf of the Commission

(3 April 2003)

The Commission does not have a general competence as regards the fundamental rights under the terms of the treaties on European Union and establishing the European Community. It could intervene only in the event of violation of the fundamental rights in the field of application of Community legislation, which does not seem to be the case related to the property of the letters of the late Mrs Petacci. Indeed the regulation of property comes under the responsibility of the Member States. In fact, Article 295 of the EC Treaty provides that: 'This Treaty shall in no way prejudice the rules in Member States governing the system of property ownership'.

It should be noted that a person who considers that her or his fundamental rights were violated has possibility to apply to the European Court of Human Rights after exhausting domestic remedies.

(2003/C 280 E/099) **WRITTEN QUESTION P-0822/03**

by Dana Scallon (PPE-DE) to the Commission

(12 March 2003)

Subject: Sovereign rights of the EU

Can the Commission confirm that the sovereign rights of the European Union are derived from the sovereign rights transferred to the EU by the Member States?

Are there any EU sovereign rights which are not derived from the Member States?

Answer given by Mr Prodi on behalf of the Commission

(27 March 2003)

The European Union does not have any sovereign rights. It exercises the powers which have been conferred upon it by the Treaties (in particular Treaty on the European Union, EC Treaty and Euratom Treaty) in conformity with the rules laid down in the said Treaties.

(2003/C 280 E/100) **WRITTEN QUESTION E-0823/03**

by Christel Fiebiger (GUE/NGL) to the Council

(18 March 2003)

Subject: Ban on Nifursol

Authorisation for Nifursol, currently the only substance available as a feed additive for the prevention of blackhead disease in turkeys (Histomoniasis) is to be withdrawn as from 31 March 2003 for reasons linked to consumer protection. This will pose serious problems for turkey farms:

Without prophylactic treatment, turkeys will be unprotected. An outbreak of the disease could take on epidemic proportions with mortality rates of over 50 %. Tens of thousands of turkeys would die from the disease. The economic impact arising from the loss of animals and the non-release of diseased animals for slaughter would jeopardise the existence of specialised turkey farms in particular. Given that blackhead disease is not a notifiable animal disease, no compensation will be paid in Germany from the animal disease insurance scheme. For the same reason, the veterinary authority will not order animals to be slaughtered and there will therefore be no support from the public purse.

Particularly in the new German länder, most turkey farms have been set up only recently and have been almost exclusively financed through borrowing. A single outbreak of the disease would mean the end for these farms. Mecklenburg-Vorpommern alone has fattening capacity for around 800 000 turkeys. Losses on this scale would affect not only the farms themselves, but also slaughterhouses and the animal feed industry, and would consequently hit jobs in structurally weak regions.

1. What is the justification for the ban on Nifursol in feed, given the lack of proof of harmful effects on people and animals and the lack of substitute products for the prevention of blackhead disease?

2. Is it compatible with animal welfare that Nifursol is to be banned even though there is no therapeutic or prophylactic alternative, which means accepting the possibility that sick animals will suffer a painful death?

3. Is the Council prepared, in acknowledgement of the complex implications of the ban on Nifursol, to correct its decision or provide a temporary derogation until alternatives to Nifursol become available?

4. If it is not prepared to do so, is the Council willing to adopt measures to compensate for economic losses as a result of blackhead disease?

Reply

(21 July 2003)

1. The purpose of Council Regulation (EC) No 1756/2002 [1] of 23 September 2002 is to withdraw the authorisation for use as an additive in feedingstuffs of the coccidiostat Nifursol, a histomonostat belonging to the nitrofuran group.

2. During the period between 1990 and 1995, both the Joint FAO/WHO Expert Committee on Food Additives (JECFA) and the Committee for Veterinary Medicinal Products (CVMP) gave opinions on the use of veterinary medicinal products in food-producing animals of the group of substances known as nitrofurans. They concluded that it was not possible, because of the genotoxicity and carcinogenicity of the substance, to identify an acceptable daily intake (i.e. a level of intake by humans of residues of the substances which could be regarded as safe). Accordingly, it was not possible to set maximum residue levels for the substances.

All nitrofurans were therefore inserted into Annex IV to Council Regulation (EEC) No 2377/90, with the effect of prohibiting throughout the Community the administration of these substances, as veterinary medicinal products, to food-producing animals.

3. The Commission therefore asked the Scientific Committee for Animal Nutrition (SCAN) to make a new scientific risk assessment of Nifursol, which belongs also to the group of nitrofurans.

The SCAN adopted an opinion concerning Nifursol on 11 October 2001, which concluded that on the basis of the genotoxicity studies provided by the person responsible for putting Nifursol into circulation, and because of the lack of data on developmental toxicity, it was not possible to derive an acceptable daily intake for the consumers. The SCAN confirmed this opinion on 18 April 2002 after having examined complementary data submitted by the company.

4. Consequently, as it deemed that the conditions laid down in Article 3(a) of Directive 70/524/EEC [2] were no longer met for the coccidiostat Nifursol, the Commission sought the opinion of the Standing Committee on the Food Chain and Animal Health on a draft Commission Regulation withdrawing the authorisation of Nifursol for the use as feed additive.

5. In the absence of an opinion of the Standing Committee on the Food Chain and Animal Health the Commission made a proposal to the Council which unanimously adopted the proposed regulation making it applicable as from 1 April 2003. An Application for suspension of the Regulation was rejected by Order of the President of the Court of First Instance of 11 April 2003 (Case T-392/02 R Solvay Pharmaceuticals bv v. Council, not yet reported).

6. Any future decision allowing the use of Nifursol could only be taken in accordance with Directive 70/524 by the Commission, or the Council on a proposal from the latter, and could only be taken if it would be proven that, notwithstanding its genetoxic affects in vitro Nifursol is safe and thus meets the requirements of Article 3a of the directive. The Council understands that new data provided by the producer of Nifursol were assessed by SCAN which on 17 March 2003 confirmed, as in its previous opinions, that it was not possible to derive an acceptable daily intake of Nifursol for the consumers.

(1) OJ L 265, 3.10.2002, p. 1.
(2) OJ L 270, 14.12.1970, p. 1.

(2003/C 280 E/101)

WRITTEN QUESTION E-0825/03

by Dana Scallon (PPE-DE) to the Council

(18 March 2003)

Subject: Sovereign rights of the EU

Can the Council confirm that the sovereign rights of the European Union are derived from the sovereign rights transferred to the EU by the Member States?

Are there any EU sovereign rights which are not derived from its Member States?

Reply

(21 July 2003)

The Council would point out to the Honourable Member that the European Union acts under the powers conferred on it in the Treaty negotiated, concluded and ratified by the Member States.

(2003/C 280 E/102)

WRITTEN QUESTION E-0826/03

by Nicholas Clegg (ELDR) to the Commission

(18 March 2003)

Subject: European Commission's Business Environment Simplification Taskforce

Can the Commission indicate the expenses and salaries received by the members of its Business Environment Simplification Taskforce, which operated from October 1997 to April 1998?

Answer given by Mr Liikanen on behalf of the Commission

(5 May 2003)

The members of the Business Environment Simplification Task Force (BEST), operating between October 1997 and April 1998, did not receive a salary, but were reimbursed for their travel expenses and were entitled to a daily allowance of maximum ECU 221,84 (1). In addition, the entrepreneur/non-governmental members were entitled to a fixed amount of ECU 400 per day, compensating for a maximum of two days per meeting (including time for preparation of the meeting where applicable) (2).

In total, the payments made amounted to ECU 118 575,83.

In September 1998, the members of the task force were invited to an additional meeting, where they were given the opportunity to give their views on the draft Action Plan that the Commission had prepared following the report by the task force. For this meeting, the members were reimbursed for their travel expenses and were entitled to a daily allowance of a maximum of ECU 221,84.

In total, the payments made amounted to ECU 6 308,36.

(1) This maximum daily allowance, which was double the usual rate, was authorised by the Director-General responsible, applying the conditions of Article 6, Paragraph 1 of the Rules concerning the reimbursement of travel and subsistence expenses of experts from outside the Commission. In order to take account of the very tight time schedule under which the members of the taskforce were obliged to work.

(2) On the basis of contracts established between the Commission and the members.

(2003/C 280 E/103) **WRITTEN QUESTION E-0834/03**

by Roberta Angelilli (UEN) to the Commission

(18 March 2003)

Subject: Use of funds from the European Regional Development Fund (ERDF) 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 regenerate areas in industrial decline and to reduce imbalances in social and economic development, can the Commission state:

1. whether the City of Frosinone has submitted projects for the ERDF?

2. whether the City of Frosinone has secured funding for these projects?

3. whether this funding has been used?

Answer given by Mr Barnier on behalf of the Commission

(16 April 2003)

The municipality of Frosinone is partially eligible for assistance from the European Regional Development Fund (ERDF) under the Lazio SPD (single programming document) for 2000-2006.

The Lazio SPD was approved by a Commission decision (1) and provides for ERDF finance totalling EUR 371,5 million towards public expenditure totalling EUR 845,5 million.

Since the Lazio SPD is a programme whose management is decentralised, the authority responsible for implementing the assistance is the region of Lazio, which set out — in the programme complement — the criteria for selecting projects and which is responsible for considering applications. It is therefore from that administration that the Honourable Member should seek precise information on the projects submitted and financed for the municipality of Frosinone.

(1) COM(2001) 2118 final.

(2003/C 280 E/104) **WRITTEN QUESTION E-0835/03**

by Roberta Angelilli (UEN) to the Commission

(18 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment, can the Commission state:

1. whether the City of Frosinone has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campiagns?

2. whether the City of Frosinone has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/105) **WRITTEN QUESTION E-0887/03**

by Roberta Angelilli (UEN) to the Commission

(21 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment, can the Commission state:

1. whether the municipality of Fiumicino has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Fiumicino has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/106) **WRITTEN QUESTION E-1047/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Ancona has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Ancona has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/107) **WRITTEN QUESTION E-1048/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Carrara has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Carrara has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/108)

WRITTEN QUESTION E-1049/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Florence has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Florence has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/109)

WRITTEN QUESTION E-1050/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Livorno has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Livorno has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/110) **WRITTEN QUESTION E-1051/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Macerata has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Macerata has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/111) **WRITTEN QUESTION E-1052/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Massa has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Massa has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/112) **WRITTEN QUESTION E-1053/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Perugia has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Perugia has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/113) **WRITTEN QUESTION E-1054/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Pesaro has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Pesaro has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/114) **WRITTEN QUESTION E-1055/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Pisa has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Pisa has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/115) **WRITTEN QUESTION E-1056/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Pistoia has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Pistoia has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/116) **WRITTEN QUESTION E-1057/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Prato has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Prato has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/117) **WRITTEN QUESTION E-1058/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Siena has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

2. whether the municipality of Siena has secured funding for these projects?

3. whether this funding has been used?

(2003/C 280 E/118)

WRITTEN QUESTION E-1059/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from LIFE III, the fifth action programme in relation to the environment and sustainable development, and environmental training and awareness campaigns, 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 for the preservation and protection of the environment,

Can the Commission state:

1. whether the municipality of Terni has submitted projects for the LIFE III programme, the fifth action programme in relation to the environment and sustainable development, or for environmental training and awareness campaigns?

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-0835/03, E-0887/03, E-1047/03, E-1048/03, E-1049/03, E-1050/03, E-1051/03, E-1052/03, E-1053/03, E-1054/03, E-1055/03, E-1056/03, E-1057/03, E-1058/03 and E-1059/03
given by Mrs Wallström on behalf of the Commission

(5 May 2003)

In response to the above mentioned questions, the Commission can inform the Honourable Member that the municipalities of Frosinone, Fiumicino, Ancona, Carrara, Livorno, Macerata, Perugia, Pesaro, Pisa, Pistoia, Siena and Terni did not submit any project for co-financing under the LIFE III Programme. This includes the 2003 selection exercise.

The municipality of Firenze submitted two projects for co-financing under the LIFE III Programme in 2002, that were not financed. It did not submit any project in 2000 and 2003.

The municipality of Massa submitted one project for co-financing under the LIFE III Programme in 2000, that was not financed. It did not submit any project in 2002 and 2003.

The municipality of Prato did not submit any project for co-financing under the LIFE III Programme in 2000 and 2002. It submitted one project in 2003, the evaluation procedure is under way and it will be finalised by September 2003.

There is no Community funding foreseen in the framework of the Sixth Environmental Action Programme.

As far as environmental training and awareness-raising campaigns are concerned, none of the communes mentioned by the Honourable Member has benefited from Community funding for the period since 2000.

(2003/C 280 E/119)

WRITTEN QUESTION E-0839/03

by Mario Mauro (PPE-DE) to the Council

(18 March 2003)

Subject: Alterations to the technical and administrative structure of Genoa airport

In 1980 there came into being in Italy a flight-handling authority which in 1981 was succeeded by a flight-handling company organised as follows:

— four regional flight-handling centres, each run by an executive director;

— two main airports (Rome-Fiumicino and Milan-Linate), each run by an executive director;

— all other airports, large or small, each run by non-executive staff.

When the technical and administrative structure of the Directorate-General was recently overhauled (on 11 February 2003), airports were subdivided into different categories, even though they all had the same role and tasks:

— four ACCs (Rome, Milan, Padua and Brindisi regional control centres), each run by an executive director;

— three SAAVs (Rome-Fiumicino, Milan-Linate and Milan-Malpensa airports), each run by an executive director;

— eight CAAVs (Bari, Bologna, Catania, Naples, Olbia, Palermo, Turin and Venice airports), each run by an executive director;

— fifteen UAAVs (all other airports which provide control-tower services, including Genoa), each run by an official;

— thirteen NAAVs (airports at which control-tower services are not provided, only an information service).

The exclusion of Genoa from the CAAVs defies all logic:

— Genoa is one of the few Italian airports at which comprehensive services (including a radar service) have always been provided;

— although the airport is not one of the busiest it should undoubtedly be regarded as one of the most important on account of the fact that it provides comprehensive services, is conveniently situated and enjoys a good weather record (which means that it has always been used when necessary as a diversionary airport in northern Italy);

— of the eight CAAVs, Bari airport has no radar and in terms of movements is no busier than Genoa, Catania, although busier, has no radar and provides only control-tower services, whilst Olbia is similar to Genoa in terms of facilities and number of aircraft movements.

Would the Council say why it was thought that such restructuring was called for?

Reply

(21 July 2003)

With regard to the facts set out in the question regarding the administrative structure of flight-handling authorities within Italy, and in particular the place of Genoa airport in these arrangements, the Council informs the Honourable Member of the European Parliament that such matters do not fall within its competencies.

(2003/C 280 E/120)

WRITTEN QUESTION E-0843/03

by Jean-Claude Fruteau (PSE) to the Council

(18 March 2003)

Subject: Reform of the Common Agricultural Policy

The principle of a single farm payment subject to compliance with environmental, food safety, animal welfare, health and occupational safety standards as well as the requirement to keep all farmland in good condition seems to meet society's expectations.

However, there are possible concerns that the principle of cross compliance, which makes eligibility for the single payment dependent on the fulfilment of these requirements, will create some problems for farms in the ultra-peripheral regions. These regions have their own climatic constraints, which are unknown on the European continent.

On the basis of Article 299(2) of the Treaty of Amsterdam, what measures does the Council intend to take to find an appropriate response to this particular situation?

Reply

(22 July 2003)

The Council is currently examining the package of legislative measures proposed by the Commission on 21 January 2003 on the reform of the CAP and on which it asked the European Parliament to deliver an opinion under the conciliation procedure.

A general preliminary debate was held within the Agriculture/Fisheries Council on 27 January 2003 on the series of proposals for regulations. That was followed by a further debate at the Council meeting on 17 March 2003, which essentially concerned the sectoral proposals and rural development. In view of the foregoing, it is premature at this stage to prejudge the outcome of the proceedings and discussions held within the Council.

Regarding any specific measures for the outermost regions based on Article 299(2) of the EC Treaty, the Council can only comment on the issue on the basis of a Commission proposal and following the opinion of the European Parliament.

Nevertheless, the Council will certainly take due account of the European Parliament's opinion and give its attention to the impact of the reform on regions with specific characteristics or problems.

(2003/C 280 E/121)

WRITTEN QUESTION E-0851/03

by María Izquierdo Rojo (PSE) to the Council

(18 March 2003)

Subject: Morocco's intention to sign a free-trade agreement with the United States

Might Morocco's intention to conclude a free-trade agreement with the United States affect the association agreements and negotiations between it and the European Union?

Reply

(21 July 2003)

The Council would inform the Honourable Member that it has not hitherto discussed this matter and is therefore unable to give a reply. However, the Council has been informed of discussions on the negotiation of a free-trade agreement which have been initiated between the Kingdom of Morocco and the United States.

The Council will naturally remain attentive to any implications of such an agreement for the Association Agreement that Morocco concluded with the European Union and its Member States and which has been in force for almost three years now, and for the new agricultural concessions which the two Parties are in the process of negotiating.

(2003/C 280 E/122) **WRITTEN QUESTION E-0865/03**

by Roberta Angelilli (UEN) to the Commission

(20 March 2003)

Subject: Nomadic women convicted of criminal activities threatened with expulsion

In January 2003 Oradaria, an organisation in Rome which accommodates and helps nomadic people, submitted a report on the situation of nomadic women in Italy. It revealed cases of women convicted of crimes who are currently in prison together with their children.

In particular it mentioned the case of a nomadic Bosnian woman who has been living in Italy with her young daughter for more than 12 years. When she arrived in 1988 she started to commit crimes in various parts of Italy, in particular theft and robbery, and received a number of convictions. Since 2000 she has been under house arrest with her daughter in a reception centre.

After going through a process of integration into society and employment she has become a useful member of the community and has, in particular, helped her daughter to become integrated in the school she attends.

However, because of her complex history of convictions and proceedings pending, she will probably be expelled.

In view of the above, can the Commission say:

1. whether European legislation on asylum makes provision for cases of this kind;

2. whether there are any action programmes for the benefit of nomadic women with a criminal record?

Answer given by Mr Vitorino on behalf of the Commission

(22 April 2003)

In the field of asylum, there is no Community law in place at present which could make provision for the case of the kind described by the Honourable Member. In particular, the proposal for a Council Directive on minimum standards for the qualification as a refugee or as a person otherwise in need of international protection ([1]), which might cover such a case depending on the situation, is still under negotiation in the Council.

In the field of immigration, the Commission proposals which might cover this particular case, depending on the circumstances under which the person in question has been allowed to stay and reside in Italy, contain provisions for excluding or expelling persons for public order or security reasons. In particular, third country nationals who have been residing legally and continuously for five years in the territory of a Member State, may thus only be expelled under the conditions outlined in Article 13 of the proposal on the status of third country nationals who are long term residents ([2]).

The Honourable Member is, however, advised that the Council has not yet adopted the above Directives and that therefore in this case national law applies. Expulsion measures are regularly taken in cases of frequent criminal convictions (cf also Article 3 of Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals ([3])), since persistent offenders are not normally considered to be successfully integrated.

There are no specific Union programmes covering the integration of nomadic women with a criminal record. However, the Commission will shortly launch pilot projects in the field of integration of legally resident immigrants. The overall objective is to support networks and transfer of information and good practices between Member States in order to facilitate open dialogue and identify priorities for integration programmes.

(1) OJ C 51 E, 26.2.2002.
(2) OJ C 240 E, 28.8.2001.
(3) OJ L 149, 2.6.2001.

(2003/C 280 E/123) **WRITTEN QUESTION E-0877/03**

by Jean Lambert (Verts/ALE) to the Commission

(21 March 2003)

Subject: European Commission document 'STAR 21 — Strategic Aerospace Review for the 21st Century'

The European Commission document 'STAR 21 — Strategic Aerospace Review for the 21st Century', published in July 2002, looks at the future of the aerospace industry in the EU. It appears that this is combining both civil and military space development, which for many EU-citizens is a disturbing lack of distinction.

In this light,

— what plans does the Commission have to publish a different strategy for civil and military development, so that a clear distinction can be made;

— in the future, does the Commission intend to consult more widely societal interests on the issues, given that the STAR 21 programme was based on industry predictions?

Answer given by Mr Liikanen on behalf of the Commission

(6 May 2003)

As the Commission indicated in its reply to Written Questions E-3536/02 and E-3537/02 by Mr Huhne (1), the members of the Advisory Group on Aerospace contributed in a personal capacity. Accordingly, the STAR 21 report represents the collective views of the Advisory Group and is not a Commission document. The Commission has, nevertheless, welcomed the report as a key contribution to improving the political and regulatory framework of Europe's aerospace industry and it encourages broad discussion among all interested parties on the STAR 21 recommendations.

As regards the distinction between civil and military programmes, the Commission notes that the Advisory Group, in highlighting a number of key characteristics of the aerospace industry, draws attention to the complementary nature of civil and defence products, noting that they share many of the same skills and technologies, yet meet the needs of two very different markets, both of which are economically important.

Space technology is one particular segment where the major developments in all key areas (launchers, earth observation, navigation or telecommunication) can potentially be used for applications on the civil or the defence side. Thus, space is very much a multiple-use industry. Recent examples include rocket technologies developed by the United States military (Delta 4 and Atlas 5) which are expected to be used to offer substantial numbers of launch services on the commercial market. Similar developments have taken place in Russia. On the other hand, Europe's commercial Ariane system does not benefit from similar defence investments.

These questions and others have again been raised in the January 2003 Commission Green Paper on European Space Policy ([2]). This document, which was drawn up in co-operation with the European Space Agency, is intended to launch a broad consultation process that will carry on until the end of May 2003. Based on the results of that process, the Commission intends to present its conclusions in form of a Space White Paper before the end of 2003.

On 11 March 2003 the Commission adopted a Communication ('European Defence — Industrial and Market Issues' ([3])) addressing defence related issues more specifically. It underlines that cost efficiency of defence spending, the maintenance of a competitive defence and technological industrial base, better access for European manufactured goods to third country markets, ethics and fairness in the arms trade, security of supply and the need to respect Member State prerogatives in this sensitive area are all important considerations when defining a defence equipment policy. The Parliament had invited the Commission to address these issues in a Resolution of 10 April 2002.

In proposing action to help establish such a European defence equipment market, the Commission is seeking to improve the regulatory framework governing the treatment of armaments in Europe. In addition, in the area of research linked to global security, the Commission will invite Member States, industry and the scientific community to help identify common needs and pool know-how and investments to jointly develop technologies that could be critical for Europe's long-term security. The Commission looks forward to the reaction of the other Institutions on the issues raised.

([1]) OJ C 137 E, 12.6.2003, p. 224.
([2]) COM(2003) 17 final.
([3]) COM(2003) 113 final.

(2003/C 280 E/124) **WRITTEN QUESTION E-0878/03**

by Graham Watson (ELDR) to the Council

(21 March 2003)

Subject: Pre-stunning of animals in Greek slaughterhouses

Could the Council confirm what checks are carried out on slaughterhouses in Greece to ensure that the procedure of pre-stunning of animals is being carried out in accordance with EU law?

Reply

(21 July 2003)

On 22 December 1993 the Council adopted Directive 93/119/EC ([1]) on the protection of animals at the time of slaughter or killing, which is designed to establish binding Community rules on the subject.

Article 5(1)(c) of that Directive and the relevant Annex lay down general provisions prior to the slaughter and killing of animals, which the Member States are bound to observe, and, in particular, provisions concerning the authorised procedures and the specific requirements for stunning.

The Council would also remind the Honourable Member that it is not its responsibility to monitor Member States' implementation of Community law; this responsibility is devolved to the Commission by the EC Treaty.

([1]) OJ L 340, 31.12.1993, p. 21.

(2003/C 280 E/125) **WRITTEN QUESTION E-0879/03**

by Phillip Whitehead (PSE) to the Commission

(21 March 2003)

Subject: Water Framework Directive 2000/60/EC

Following the adoption of the Water Framework Directive (2000/60/EC [1]) the Commission issued in May 2001 a document entitled 'Common Strategy on the Implementation of the Water Framework Directive'.

Can the Commission please provide information on:

1. the progress that has been made to date on the Common Implementation Strategy;

2. which stakeholders have been involved by the Commission in the work on the Common Implementation Strategy;

3. what arrangements were made to involve consumers and in particular water consumers in the Common Implementation Strategy?

[1] OJ L 327, 22.12.2000, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(2 May 2003)

1. The Common Implementation Strategy was adopted four months after the publication of the Directive 2000/60/EC [1], aiming in particular at information sharing, developing guidance documents, and application, testing and validation of these guidance documents. Looking back at the first phase of 1½ years, the strategy has delivered on expectations, both in terms of joint ownership, of involvement of stakeholders and non governmental organisations (NGOs), delivering guidance documents (to date 11) and establishing a network of pilot river basins across Europe including future Member States for testing and validation.

2. Together with the implementation strategy, criteria for the involvement of stakeholders and NGOs were agreed in May 2001, basically for the strategic level which has led to the formation of a Strategic Co-ordination Group. This is an umbrella organisation made of national or regional organisations, having a demonstrated profile with regard to water policy. In June 2001, a range of possible interested parties were invited to an information meeting.

To date the following stakeholders and NGOs are involved at strategic level (Strategic Coordination Group) and/or working level (Working Groups):

— European Water Association (EWA),

— Eureau (European Water Suppliers and Wastewater Operators Association),

— European Environmental Bureau (EEB),

— World Wide Fund for Nature (WWF) Europe,

— Union of the Electricity Industry (Eurelectric),

— European Chemical Industry Council (CEFIC),

— Committee of Agricultural Organisations in the European Union / General committee for Agricultural Cooperation in the European Union (COPA/Cogeca),

— UNICE (Union of Industrial and Employers' Confederations of Europe),

— European Crop Protection Association (ECPA),

— Federation of Mediterranean Irrigation Associations (Fenacore),

— Environmental Platform of Regional Offices (EPRO).

3. In October 2001, the Commission invited European consumer umbrella organisations, the Bureau européen des Unions des Consommateurs (BEUC) and Association of European Consumers (AEC), to participate in the implementation strategy process, informing them about the Water Framework Directive, its mandatory public participation in developing the river basin management plans as well as about the implementation strategy. However, neither organisations has to date joined the implementation strategy process.

(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 — OJ L 327, 22.12.2000.

(2003/C 280 E/126) **WRITTEN QUESTION E-0898/03**

by Wilhelm Piecyk (PSE) to the Commission

(21 March 2003)

Subject: Procurement of paper by the Commission

The Commission first ordered recycled paper with a higher than 90 % degree of whiteness in 2000.

The cost (based on the general market price) of purchasing recycled paper with a whiteness of almost 100 % is around 20-30 % higher than that for recycled paper of a lower degree of whiteness. The use of recycled paper with a high degree of whiteness (e.g. from cutting waste) is also contrary to the notion of a cycle and therefore sends out the wrong signal from the point of view of environmental policy.

Can the Commission answer the following:

1. What kind of recycled paper and of what degree of whiteness has the Commission been buying since 2000?

2. To what extent can the use of almost 100 % white recycled paper be reconciled with the premises outlined in the Green Paper on integrated product policy relating to procurement, which call for public procurement rules 'of an essentially economic nature' and 'changes of consumption towards greener products'?

3. How does the Commission justify or offset the additional costs arising from the use of 100 % white recycled paper?

4. What form of call for tenders will the Commission use in future, so as not to exclude suppliers of ecological recycled paper from selection procedures from the outset?

Answer given by Mr Kinnock on behalf of the Commission

(21 May 2003)

1. Until 2000, the Commission used 'Trend White' recycled reprographic paper supplied by the firm Steinbeis Temming. The whiteness level of this paper was 80 %. From January 2001 to date, as a result of the call for tenders 99/32/Admin.D.2, the Commission has been using reprographic paper which is 100 % recycled from used paper (post consumer) and is characterised by an ISO (International Organisation for Standardisation) whiteness level of 106 %.

2. The Commission attaches great importance to the procurement of 'greener products' and on value for money. The current supplier for this type of paper has been awarded several environmental certificates, notably, ISO 14001, National Association of Paper Merchants (NAPM) Recycled Mark, Blue Engel and Nordic Swan.

Furthermore, the above mentioned call for tender required the contractor to include in his price not only the supply of paper but also the provision of complementary services such as an online ordering system via the Internet and the administration of stocks and delivery to more than 700 delivery points within 24 hours.

3. The additional costs are justified by the inclusion of the above-mentioned services. These services are cheaper to acquire via the tender than they are to organise internally.

4. Within the context of a 'global' contractor for office supplies, future calls for tender of this type will seek to acquire 'ecological' paper which satisfies the administrative requirement of the Commission for effective communication whilst meeting the strictest possible ecological criteria.

This approach will allow the Commission to open up the market as widely as possible to producers of ecological paper thus ensuring low costs and strict respect for the environment to be achieved simultaneously.

Finally, this issue will be addressed within the framework of the implementation of the eco-management and audit scheme (EMAS) [1] in the Commission. Following the Commission Decision of 7 September 2001 [2], three Commission services (Secretariat General, Directorate General for Personnel and Administration, and Directorate General for Environment), with the addition of the recently created office for infrastructures and logistics – Bruxelles (OIB), will set up a management system which will enable the Commission to continuously improve the environmental performance of its daily activities.

[1] Regulation No 761/2001 of the Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) – OJ L 114, 24.4.2001.

[2] Commission Decision 2001/681/EC of 7 September 2001 on guidance for the implementation of Regulation (EC) No 761/2001 of the Parliament and of the Council allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (notified under document number C(2001) 2504) – OJ L 247, 17.9.2001.

(2003/C 280 E/127) **WRITTEN QUESTION P-0909/03**

by Seán Ó Neachtain (UEN) to the Commission

(18 March 2003)

Subject: Communicating with the European Commission in the Irish Language (Gaeilge)

According to Article 21 of the Treaty, any citizen of the Union has the right to write to the European Commission in one of the languages referred to in Article 314 and receive an answer in the same language. The list referred to includes the Irish language (Gaeilge). In spite of these Treaty requirements, no provision is made for selecting Gaeilge as either a first or second choice language when filling in the M@ilbox form on the General Information Services page of the Commission (http://europa.eu.int/geninfo/mailbox/form_en.htm). What action does the Commission propose to take to correct this situation and ensure that Article 21 of the Treaty is respected and that citizens may correspond electronically 'as Gaeilge' with the Commission?

Answer given by Mr Prodi on behalf of the Commission

(16 April 2003)

The Honourable Member's description of the legal framework regarding written correspondence with the European Union institutions is legally correct. The second paragraph of Article 314 of the EC Treaty lists 'Irish' as one of the languages in which the text of the Treaty is binding, whereas paragraph 3 of Article 21 stipulates that every citizen of the Union has the right to address and receive an answer in one of the languages mentioned in Article 314. Thus, since Irish stands for Gaelic, any citizen may write to the Commission in Gaelic and have an answer in the same language. However, Gaelic is not mentioned in Regulation No 1/1958 of the EEC determining the languages to be used by the European Economic Community [1] and in its successive modifications as one of the official and working languages of the Union.

Since the launch of the European Union's website, Europa, in 1995, the Commission has extended the general principle of using all the official Union languages to electronic publishing.

In addition to official documents, the Europa website (http://europa.eu.int) offers the public a large volume of unofficial information. The Commission's aim here, subject to technical constraints and the availability of human and budgetary resources, is to do its utmost to give the general public access in whatever language they choose. This will still be a priority objective after the forthcoming enlargement.

(1) OJ B 17, 6.10.1958.

(2003/C 280 E/128) **WRITTEN QUESTION E-0919/03**

by Antonio Tajani (PPE-DE) and Gerardo Galeote Quecedo (PPE-DE) to the Council

(24 March 2003)

Subject: Release by the Netherlands authorities of Mullah Krekar

Is the Council aware that the Netherlands authorities have released Mullah Krekar, leader of the international Islamic organisation Ansar al-Islam?

Is the Council aware that Mullah Krekar, who was arrested at Amsterdam airport after being expelled from Iran is currently in Norway where he has refugee status?

Is the Council aware that the terrorist organisation headed by Mullah Krekar is said to have produced and tested chemical and biological weapons, including ricin, a lethal toxin for which there is currently no vaccine?

What action will the Council take to counteract Mullah Krekar's activities and prevent him from ever entering the European Union, thereby ensuring that in future he is unable to move around within the EU as he did in the years leading up to his arrest?

What action will it take to ensure that Norway keeps a watchful eye on the activities of Mullah Krekar's and his organisation, which seems to be recruiting many of the Al-Qa'ida members who escaped from Afghanistan?

Reply

(22 July 2003)

The questions raised by the Honourable Member have not been referred to the Council.

(2003/C 280 E/129) **WRITTEN QUESTION E-0940/03**

by Mihail Papayannakis (GUE/NGL) to the Commission

(26 March 2003)

Subject: Construction of a hotel complex on the islet of Alata and environmental consequences

Local municipalities, environmental organisations and the Technical Chamber of Commerce of Magnesia have expressed alarm at the environmental damage likely to be caused by the tourist development of the small island of Alata in the Pagasitikos Gulf.

Given that:

— Agenda 21 considers small islands sensitive and fragile ecosystems where strict environmental protection measures are necessary and only sustainable development is permissible;

— A small island of 50 hectares clearly cannot accommodate a 1 000-bed hotel and a whole complex of facilities covering 33 000 square metres without suffering serious environmental consequences and damage to the landscape;

— The small island in question is designated a natural protection area in the special regional planning study for Pilion and the Northern Sporades;

— Water supplies for the complex are problematical, given the shortage of local resources;

— The collection of waste and traffic and the parking of lorries, tourist buses and private cars on the mainland opposite the island pose serious problems;

Will the Commission say whether it considers that the investment in question contributes to the sustainable tourist development of the region and is compatible with Recommendation 2002/413/EC [1] of the European Parliament and of the Council concerning the implementation of Integrated Coastal Zone Management in Europe?

[1] OJ L 148, 6.6.2002, p. 24.

Answer given by Mrs Wallström on behalf of the Commission

(5 May 2003)

Recommendation 2002/413/EC of the Parliament and of the Council of 30 May 2002 on integrated coastal zone management in Europe contains general principles for sustainable development of Europe's coastal zones, one of which is respecting the carrying capacity of ecosystems. But the Recommendation also recognises the need for sustainable economic and employment opportunities, in which the tourism sector has an important role to play. While it is internationally recognised that small islands are particularly fragile, development projects are thus not precluded, but the acceptability of a specific local development scheme depends on the balance between environmental, social and economic aspects. Technical guidance for local carrying capacity assessment is provided in studies by the Commission and, specifically for the Mediterranean area, in the Mediterranean Action Programme [1].

As for the specific environmental impact of the construction project referred to by the Honourable Member, Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment [2] as transposed into the Greek law requires a complete environmental impact assessment for construction of hotels of this size.

[1] See respectively http://europa.eu.int/comm/environment/iczm/home.htm and http://www.pap-thecoastcentre.org/activities.html.
[2] OJ L 73, 14.3.1997.

(2003/C 280 E/130) **WRITTEN QUESTION E-0944/03**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(26 March 2003)

Subject: Lessons learned from the BEST procedure

The BEST procedure on education and training to encourage entrepreneurship within the Multiannual Programme on Enterprise and Entrepreneurship (2001-2005) is intended to identify and compare the various European initiatives to promote entrepreneurship within the educational system, from primary school to university.

The final outcome of the scheme was due to become available in September 2002, including a general summary of existing measures.

Now that September 2002 is well behind us, what lessons can be drawn from the BEST procedure and what guidelines does the Commission intend to put forward as a result?

Answer given by Mr Liikanen on behalf of the Commission

(24 April 2003)

As a result of the 'Best Procedure' project on Education and Training for entrepreneurship, an Expert Group Report on existing measures to promote entrepreneurship education in Europe was finalised in November 2002 ([1]). The document offers a picture of entrepreneurship teaching through formal education — from primary school to university — in the Member States and Norway.

The report acknowledges the existence in most cases — although to varying degrees — of a national policy commitment to promote the teaching of entrepreneurship, but notes that the requisite activities and programmes are not yet generally available to students. Although many interesting experiences do exist throughout Europe, they are not normally integrated into national structures or curricula, and teacher training is insufficient. Initiatives are often isolated, taken by individual institutions, by partnerships or by local authorities. Frequently, they are driven by external actors and not by the education system itself. Entrepreneurship is more likely to be seen as an extra-curricular activity.

Furthermore, a lack of detailed national figures on the numbers of schools involved in entrepreneurship, and the numbers of students taking part, makes it difficult to monitor progress.

The report also highlights some well established examples of good practice, with a particular focus on 'learning by doing', for instance by means of students at secondary level creating and running mini-companies during one school year.

The report suggests possible action to be taken at various levels. In particular, it calls for national administrations to carry on converting the existing commitment into concrete measures, ranging from changing the national curriculum to providing incentives to the schools or training the teachers.

On that basis, a follow-up to this initiative — open to candidate countries — has already been launched aiming to establish a methodology for achieving progress in this area. This work will lead to a new, more policy-oriented report. Final results are expected by July 2003. The whole process aims at encouraging policy change — one of the essential features being that the project is carried out jointly by the Commission and by the national administrations concerned — and may eventually lead to proposing national targets, to be reached on a voluntary basis by the participating countries.

([1]) The Report is available (in 12 languages) on the Enterprise DG web pages, at the following address: http://europa.eu.int/comm/enterprise/entrepreneurship/support_measures/training_education/index.htm.

(2003/C 280 E/131) **WRITTEN QUESTION E-0974/03**

by David Bowe (PSE) to the Council

(26 March 2003)

Subject: Falun Gong

Following the announcement by the Hong Kong Government of substantial concessions in the implementation of the controversial anti sedition laws (Article 23 legislation) after widespread public concern over the possible curtailment of basic freedoms in the territory, what plans does the Council have for monitoring developments in Hong Kong and ensuring that restrictions on freedom of religion and belief in China are a recurrent item on the agenda of the EU-China human rights dialogue?

Reply

(22 July 2003)

The Council recalls that the EU, in all political dialogue meetings with China, underlines the importance it attaches to respect for human rights, including the freedom of religion and belief. It will continue to do so on every possible occasion. At every session of the human rights dialogue with China, the EU urges the Chinese authorities to respect the human rights of the followers of Falun Gong. In addition, the EU Heads of Mission in Beijing and in Hong Kong follow developments in the human rights area very closely.

On 15 April 2003, the EU issued a statement on Article 23 of the Basic Law of Hong Kong.

The European Union will continue to follow this issue closely.

(2003/C 280 E/132) **WRITTEN QUESTION P-1030/03**

by André Brie (GUE/NGL) to the Council

(20 March 2003)

Subject: The first CWC (Chemical Weapons Convention) Review Conference

With the approach of the first CWC (Chemical Weapons Convention) Review Conference, scheduled for April 2003, I'd like to draw the attention of the Council to reliable information that the US military has initiated research and development of so-called non-lethal chemical agents for a wide range of possible civilian and military purposes. Moreover, during a meeting of the House of Representatives Armed Services Committee (on 5 February 2003) Mr Donald Rumsfeld not only announced his wish to use chemical weapons in a possible war against Iraq but also attacked the 'straitjacket' imposed by bans in international treaties on using those weapons. This would be illegal under the 1993 Chemical Weapons Convention which prohibits development, production and use of chemical weapons and the 1925 Geneva Protocol, which bans the use of chemical weapons as a method of warfare.

In the light of these developments:

— Is the Council aware of this problem?

— What is its position towards such an anachronistic position (when on the one hand UN Resolution 1441 tries to disarm Iraq of exactly those weapons (among others), and on the other hand the US Government threatens to use them)?

— What does it intend to do to encourage the active defence of the CWC against attempts to undermine this unique international disarmament instrument and to uphold the rule of law?

Reply

(22 July 2003)

The Council considers that the first Review Conference of the Chemical Weapons Convention is a key event in the life of this multilateral instrument, which is virtually unique in many respects.

Member States have reiterated their commitment to several key aspects of the implementation of the Chemical Weapons Convention. Among these key aspects are the universality of the Convention, the principle that all countries having ratified the Convention must adopt national implementing legislation for the Convention which is as complete as possible, and the principle of compliance (and possible use of challenge inspections).

The Conference also provides for the opportunity to uphold the prohibition on use, as defined by Articles 1 and 2 of the Convention. The prohibition is the very basis of the Convention. Member States are of the view that there can be no room for compromise in this area. This means that monitoring compliance with the Convention, even by countries that are not States parties, is a key and irreplaceable task.

(2003/C 280 E/133) **WRITTEN QUESTION E-1125/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the European Regional Development Fund (ERDF) 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 regenerate areas in industrial decline and to reduce imbalances in social and economic development,

Can the Commission state:

1. whether the municipality of Terni has submitted projects for the ERDF?

2. whether the municipality of Terni has secured funding for these projects?

3. whether this funding has been used?

Answer given by Mr Barnier on behalf of the Commission

(16 April 2003)

Terni municipality is partly eligible for assistance from the European Regional Development Fund (ERDF) under the Umbria SPD (single programming document) for 2000-2006.

The Umbria SPD has been approved by Commission decision [1] and provides for ERDF financing of EUR 150,5 million for total public expenditure of EUR 221,7 million.

Since the Umbria SPD is a programme with decentralised management, the authority responsible for carrying out operations is the Umbria region — which has laid down project selection criteria in the programming supplement and is responsible for appraising applications. The Honourable Member could therefore appropriately ask that authority for detailed information on the projects presented and financed for Terni municipality.

[1] COM(2001) 2119 final.

(2003/C 280 E/134) **WRITTEN QUESTION E-1144/03**

by Christopher Huhne (ELDR) to the Commission

(1 April 2003)

Subject: Welfare of broiler chickens

1. Given the EU's commitment to the protection of animals kept for farming purposes (defined in Council Directive 98/58/EC and the European Convention for the protection of animals kept for farming purposes), does the Commission intend to bring forward any new measures to improve the health and welfare of broiler chickens?

2. In particular, is the Commission aware of the problem of overcrowding of broiler chickens, which can lead to birds being unable to reach food or water and sometimes starvation or heart failure?

Answer given by Mr Byrne on behalf of the Commission

(15 May 2003)

In an '…/sc/scah/out39_en.pdf' adopted in March 2000, the 'aw_scahaw_en.html' (Scahaw) described welfare problems of broilers kept in intensive conditions [1]. Having regard to this opinion, the Commission is in the process of elaborating a proposal for the protection of chickens kept for the production of meat. In doing so the Commission will also take into account the Scahaw recommendations addressing the questions related to the rapid growth rate of these animals.

The Commission is examining the possibility of following an integrated approach in its proposal, by promoting good management practices and monitoring the welfare status of the animals via integrated veterinary controls carried out at slaughterhouses. Concerning the specific question referred to by the Honourable Member, the Commission foresees to include in its proposal standards for the stocking density in order to enable the animals to perform natural behaviour patterns and to avoid problems in relation to the access to watering and feeding devices.

[1] 'The Welfare of Chickens Kept for Meat Production (Broilers)'.

(2003/C 280 E/135) **WRITTEN QUESTION E-1227/03**

by Anne Jensen (ELDR) to the Commission

(2 April 2003)

Subject: Periodic inspection of motor vehicles for the conveyance of passengers

It is surprising that it was deemed necessary for the EU to draw up rules governing the periodic inspection of motor vehicles for the conveyance of passengers. Does the Commission consider that regulation in this area, with all the bureaucracy and inconvenience that it has entailed — not least in Denmark — is in proportion to the impact of the directive?

What results have been achieved by Directive 91/328/EEC [1] (subsequently amended by Directive 96/96/EEC [2]), which requires Member States to carry out periodic inspections of motor vehicles used for the conveyance of passengers? Could not such regulation have been carried out just as well at national level in the light of Article 5 of the EC Treaty concerning the subsidiarity principle?

[1] OJ L 178, 6.7.1991, p. 29.
[2] OJ L 46, 17.2.1997, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(12 May 2003)

As the question correctly identifies, legislation that stipulates the in-use standards that vehicles should attain before they can circulate within the Union is governed by Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicle and their trailers ([1]). The Community's Roadworthiness policy was framed over twenty-five years ago (framework Directive 77/143/EEC of 29 December 1976 ([2])) and originally only included trucks, buses, taxis and ambulances within its scope. The original directive has been modified nine times and now includes the inspection of passenger cars and light vans within its scope and also gives detailed requirements for the testing of vehicle brakes and exhaust emissions.

The Commission decided to include passenger cars within the scope of the roadworthiness Directive following a study made by the German vehicle inspection institute (TUV Rhineland) that estimated that around 5 % of car crashes in the Community were the direct result of poor maintenance, mostly due to poor brakes, tyres and lights. This study complemented other studies make by the Netherlands, Finland, Sweden and the United Kingdom.

When the original roadworthiness Directive was expanded to include passenger car testing (Directive 91/328/EEC of 21 June 1991 ([3])) there was considerable discussion with Member States' representatives within the Council and within the Parliament on the scope and detail of that Directive. The final Directive that requires cars to be inspected for their roadworthiness when they are four years old and then every two years thereafter as a minimum, was a reduction in severity from the Commission's original proposal which was for testing once the car was three years old and then every subsequent year. In fact, the periodicity for passenger car testing was made the same as for light commercial vehicles.

Over the past decade there has been significant advances in vehicle construction standards. Also, vehicles are becoming more reliable and there may be potential for 'the law of diminishing returns' on what traditional vehicle inspection can deliver. On the other hand, the reliability of these electronically based systems once the vehicle has been in service for some time could compromise road safety and environmental benefits.

The Commission is considering how roadworthiness testing requirements can evolve for the future. To assist in its analysis, the Commission is to launch later in 2003 an 'open tender' study contract with the title: 'Assessment of future roadworthiness enforcement options for road vehicles taking full account of the complexity of current vehicle safety and environmental control systems and their expected developments for the future and other developments such as "mutual recognition" and the possibility of self certification in some circumstances.'

([1]) OJ L 46, 17.2.1997.
([2]) OJ L 47, 18.2.1977.
([3]) OJ L 178, 6.7.1991.

(2003/C 280 E/136) **WRITTEN QUESTION E-1229/03**

by Freddy Blak (GUE/NGL) to the Council

(2 April 2003)

Subject: Enhanced legal cooperation

Following a visit to a Danish national who is imprisoned in Spain, I now realise that European legal cooperation leaves much to be desired. The person concerned has been in prison since 28 November 2001 accused of murder. On 14 January 2002, the accused's lawyer sent an international court order to the Spanish Ministry of Justice, to be forwarded in turn to the Danish Ministry of Justice, with a view to summoning a witness for questioning. More than a year later, this international court order has still not left the Spanish Ministry of Justice.

It is appalling that such sluggish procedures can delay and prolong legal cases. To date, no formal charge has yet been made against the accused.

Will the Council therefore say what initiatives it intends to take to enhance European cooperation in this field?

Reply

(22 July 2003)

The Council cannot comment on matters that are pending before national authorities.

Provisions aiming at speeding up procedures of mutual co-operation in criminal matters between the Member States of the European Union are contained in the 1990 Schengen Convention (Article 53) and in the Convention adopted on 29 May 2000 on mutual assistance in criminal matters between the Member States of the European Union [1]. (Article 6, which will in due time replace Article 53 of the 1990 Schengen Convention).

The European Judicial Network, introduced by Joint action 92/428/JHA of 29 June 1998, has, as its mission to local judicial authorities of different Member States, to establish the most appropriate direct contacts, and to enable local judicial authorities to prepare effective requests for judicial cooperation.

At present no further proposal or initiative has been submitted to the Council dealing with procedures as described by the Honourable Parliamentarian in his question.

[1] OJ C 197, 12.7.2000.

(2003/C 280 E/137) **WRITTEN QUESTION E-1244/03**
by Chris Davies (ELDR) to the Commission

(2 April 2003)

Subject: Methyldibromo glutaronitrile

I understand that this preservative, methyldibromo glutaronitrile, used in cosmetics and toiletries, is currently being investigated by the EU Scientific Committee on Cosmetic and Non-Food Products. Its use is said to be associated with a rise in incidences of allergic contact dermatitis.

What investigations into this substance are being carried out by the Scientific Committee, and has it so far reached any conclusions?

In the meantime has the Commission so far expressed any concerns about the use of this substance in cosmetics, toiletries or other products, and if so with what response from industry?

Answer given by Mr Liikanen on behalf of the Commission

(6 May 2003)

Methyldibromo glutaronitrile (1,2-dibromo-2,4-dicyanobutane) is regulated in the Cosmetics Directive [1] Annex VI, part 1, reference 36 and can therefore be used as a preservative up to a maximum concentration of 0,1 % in the finished product. It shall not be used in cosmetic sunscreen products at a concentration exceeding 0,025 %.

The Commission received a letter from the chairman of the European Environmental and Contact Dermatitis Research Group (EECDRG) with data demonstrating the rising incidence of contact allergy to methyldibromo glutaronitrile. These data were given to the Scientific Committee on Cosmetic Products and Non-Food Products intended for Consumers (SCCNFP) for their expert review.

In its Opinion on Methyldibromo Glutaronitrile Colipa No P77 SCCNFP/0585/02, final, adopted during the 20th plenary meeting of 4 June 2002 the SCCNFP stated that until appropriate and adequate information is available to suggest a level of the preservative in leave-on products that poses an acceptable risk to the consumer (compared with the risk to the consumer from other preservatives), its use should be restricted to rinse-off products at the current maximum permitted level of 0,1 %.

Based on this scientific opinion and following the Comitology procedure the Commission will submit a proposal to the Standing Committee and will take the necessary measures in order to modify accordingly the Annex VI of the Cosmetics Directive.

(1) Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products — OJ L 262, 27.9.1976.

(2003/C 280 E/138) **WRITTEN QUESTION E-1256/03**

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

(3 April 2003)

Subject: Establishment of the European Maritime Safety Agency in Galicia

Taking account of the corresponding demand which has just been made by the Galician Government, will the Commission propose that the European Maritime Safety Agency be located in Galicia, bearing in mind its strategic position for Europe in terms of intercontinental maritime traffic, following the accidents which have hit Galicia in recent years?

Answer given by Mrs de Palacio on behalf of the Commission

(12 May 2003)

The Commission has indeed received a fully documented application on behalf of the Galicien government, proposing to host in Galicia the European Maritime Safety Agency.

While there is no doubt about the value of this initiative, the decision of the Agency location remains a responsibility of the Council.

Pending a Council decision on the final location of a number of new Community Agencies (including the Maritime Safety Agency), the Commission has decided to host provisionally this Agency in its own premises in Brussels.

(2003/C 280 E/139) **WRITTEN QUESTION E-1259/03**

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

(3 April 2003)

Subject: European Union action on the problem of recovering fuel oil from the Prestige

What actual technical and financial measures have ensued from the Commission's position that recovering fuel oil from the Prestige represents a problem for the whole of the EU?

Answer given by Mrs Wallström on behalf of the Commission

(8 May 2003)

The Commission would refer to the Honourable Member to its reply it gave to Oral Question H-069/03 by Mr Camillo Nogueira Roman during question time at Parliament's March 2003 session (1) and to his Written Question E- 3595/02 (2).

The Commission wishes to remind him that a report on action to deal with the effects of the Prestige disaster was adopted on 5 March 2003. This report concerns past, present and future actions undertaken at Community level in order to remedy the consequences of the Prestige disaster and to prevent similar accidents from occurring in the future. It has been submitted to the European Council of 21 March 2003.

(1) Written reply, 11.3.2003.
(2) OJ C 242 E, 9.10.2003, p. 63.

(2003/C 280 E/140) **WRITTEN QUESTION E-1262/03**

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

(3 April 2003)

Subject: Amendment of the international compensation and liability mechanism under the International Convention on Civil Liability

In the communication from the Commission to the Council of 5 March 2003 (1) on action to deal with the effects of the Prestige disaster, the Commission proposes amending the international compensation and liability mechanism under the International Convention on Civil Liberty in order to make the parties responsible for pollution financially liable.

What progress has been made on this initiative? What measures have the Member States taken in this connection?

(1) COM(2003) 105 final.

Reply

(22 July 2003)

The Council has on several occasions in recent years expressed its support for a possible revision of the Civil Liability Convention (CLC) of 1992, which governs the liability of shipowners for oil pollution damage. Already in its conclusions on maritime safety from December 2000, the Council called on Member States to consider possible amendments to the applicable rules in order to render parties other than shipowners liable, as well as the introduction of unlimited liability of shipowners in the event of severe or deliberate infringement of their safety obligations. Similarly, in the common approach it took in June 2001 with a view to the negotiations in the framework of the International Oil Pollution Compensation Fund (IOPCF) on the establishment of a supplementary oil pollution compensation fund for the victims of oil pollution, the Council acknowledged the need for a broad examination of the issues of liability and compensation from parties concerned to compensate for oil pollution damage and stated that Member States should support and participate actively in the review of the 1992 regime.

More recently, the European Council of Brussels on 21 March 2003 specifically called for an increase of the liability of maritime transport operators through the amendment of the relevant provisions of the CLC. Finally, the Council (Transport, Telecommunications and Energy) on 27 March 2003 underlined the importance of the polluter-payer-principle in this context.

Against this background, Member States are actively taking part in the review of the present compensation and liability regime, in particular in the Working Group established to this end by the Assembly of the IOPCF in April 2000. No deadline, however, has been set for the adoption of possible modifications.

On the occasion of the meeting of the Working Group which place in February 2003, two Member States and the European Commission submitted a proposal for a modification of the present liability regime, introducing the possibility to breach the threshold for the loss of a shipowner's right to limit his liability in cases where an actual fault on behalf of the owner has been established and to channel liability to others than the shipowner. In a second document, a Member State recommended a revision of the CLC following

a two-pronged approach, consisting in a return to strict channelling involving liability for others than the registered owner and an increase of the owners' financial obligations concerning the financing of the proposed supplementary oil pollution compensation fund. These proposals will now form part of the future debates of the Working Group. Its next meeting is scheduled to take place in October 2003.

(2003/C 280 E/141) **WRITTEN QUESTION E-1265/03**

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

(3 April 2003)

Subject: Outcome of the Transport Council's decision of December 2002 on the conclusion of agreements by the States with their respective industries

A decision was taken at the Transport Council of December 2002 on the conclusion of agreements by the States with their respective industries to ensure quality shipping and ban the transport of heavy fuel oil in single-hull tankers.

What has been the outcome of this decision? What agreements have been entered into in the various States with their industries?

Reply

(22 July 2003)

As the Honourable Member of the European Parliament rightly noted, the Council conclusions on ships' safety and pollution prevention, adopted on 6 December 2002 in response to the Prestige accident, urged Member States to enter into agreements with their respective industries to ensure quality shipping and eliminate older single hulled vessels transporting the heavy grades of oil and invited the Commission to develop a model agreement to this end.

The Commission, however, deemed it more appropriate to include the ban of transport of heavy grades of oil in single hull tankers into its proposal for an amendment of Regulation 417/2002 on the accelerated phasing in of double hull or equivalent design requirements for single hull oil tankers, presented to the European Parliament and the Council on 20 December 2002, with a view to ensuring a uniform implementation throughout the Community.

The Council has followed the Commission's reasoning on the matter and agreed, at its meeting on 27 March 2003, a general approach on this proposal, including a ban on transport of heavy grades of oil in single hull tankers.

As indicated by the Commission in its Communication 'Report to the European Council on action to deal with the effects of the Prestige disaster', of 5 March 2003, it seems that industry shares the view that Community legislation is the most appropriate means to ensure equal treatment between competing companies.

(2003/C 280 E/142) **WRITTEN QUESTION E-1277/03**

by Dana Scallon (PPE-DE) to the Council

(4 April 2003)

Subject: Uniates in Romania

On 7 February 2002, after having gained legal title in the courts, the Greek Catholic minority (also called Eastern Rite Catholic, or Uniates) was able to to recover their Church of Ocna Mures, Transylvania, Romania.

A few weeks later, on 16 March 2002, they informed me that they were driven out of their church by a mob led by three Orthodox priests, aided and abetted by the local police.

I'm further informed that a similar case happened a few years ago. In the town of Ardud, the police warned the Greek Catholic priest that he would be arrested then called the members of the congregation one by one and told them the same. Also in 1995, in the city of Craiova, the Orthodox Bishop had the Greek Catholic church demolished, with the involvement of the army and the police.

Is the Council aware of such discrimination against the Uniate minority in Romania?

In the context of accession negotiations, will the Council raise the issue of religious persecution?

Is the Council ready to demand an end to such religious discrimination against the Catholic minority or any other religious minority in Romania?

Reply

(22 July 2003)

The Council attaches the utmost importance to the respect, by the candidate countries, of human rights, including religious freedom. With regard to Romania, the Council notes that the Commission's 2002 Regular Report on Romania's progress towards accession, which was issued in October 2002, has concluded that, in general, Romania continues to fulfil the Copenhagen political criteria.

As regards the specific issue raised by the Honourable Parliamentarian, the Regular Report states that freedom of religion in Romania is guaranteed by the Constitution and is observed in practice. There is however a particular issue concerning the property of churches. In this regard, the Report notes that 'In July 2002, Parliament adopted legislation that clarified the process of restituting property confiscated from churches. The legislation extends the scope of the previous law in several important respects. However, only church property is covered and there is presently no legal framework for the restitution of actual churches. This is a particularly important issue for the Greek-Catholic Church which had a large number of properties confiscated by the Communist regime but still has no legal redress. The Government has committed itself to producing specific legislation on this issue but delays in preparing such a law means that there has been no substantial progress.'

In the framework of the pre-accession strategy, the Union will continue to monitor the situation in Romania in the light of the Copenhagen criteria for accession and, should the need arise, will discuss the matter with the Romanian side, in particular within the bodies established by the Europe Agreement such as the Association Council and Association Committee.

(2003/C 280 E/143) **WRITTEN QUESTION E-1291/03**

by Gabriele Stauner (PPE-DE) to the Commission

(4 April 2003)

Subject: 'Cellule de Communication'

1. On the basis of the report submitted in August 2001 by the official Paul van Buitenen, in a letter of 12 April 2002 Commissioner Neil Kinnock informed the chairman of the Committee on Budgetary Control, Diemut Theato, that on 8 April 2002 an administrative inquiry had been initiated into the case of the 'Cellule de Communication', which, at the behest of the former Commissioner Edith Cresson, and under the leadership of the current Director-General François Lamoureux, is alleged to have awarded contracts to French firms under dubious circumstances. Mr Kinnock stated that the inquiry would be completed and that the claims made by Mr van Buitenen would be 'verified' by 'late June 2002 at the very latest'. Is it the case that this inquiry has still not been completed?

2. Why has the inquiry continued at least nine months beyond the final deadline given by Mr Kinnock?

3. How can it be that more than 18 months after the submission of the Van Buitenen report the Commission has still not satisfactorily verified the claims made in it?

4. Is it the case that as long ago as October 1999, in an unexpurgated version of his book 'Blowing the Whistle', i.e. one in which he identified the alleged guilty parties by name, Mr van Buitenen forwarded to Romano Prodi, who had just taken office as President of the Commission, the relevant information concerning the 'Cellule'? Why did the Commission not instigate a full investigation of those allegations at the time?

5. If the administrative inquiry concerning the 'Cellule de Communication' has already been completed, what disciplinary action has the Commission taken on the basis of its outcome, in particular, if appropriate, against Mr Lamoureux?

Answer given by Mr Kinnock on behalf of the Commission

(6 June 2003)

The Honourable Member may recall that, as I said to the President of the Budget Control Committee in April 2002, the Appointing Authority took a decision on 8 April 2002 to open an administrative inquiry into a number of alleged irregularities relating to the awarding of contracts allegedly deriving from the 'Cellule de communication'. By virtue of this decision, the Appointing Authority mandated the Investigation and Disciplinary Office of the Commission (IDOC) to carry out the inquiry and to report on potential individual responsibilities. This inquiry followed investigations conducted by the Commission's former anti-fraud unit, now OLAF, into numerous allegations made by Mr Van Buitenen, including those related to the 'Cellule de Communication', even before the publication of his book.

The Administrative Inquiry report was produced in October 2002. The Honourable Member will appreciate that, for any inquiry to be thorough and conclusive, the possibility of additional investigative measures taken in the course of an inquiry should be allowed for. In this particular case, the sheer volume of the material consulted, the number of persons heard and the thoroughness of the analysis conducted has meant that it has proved impossible to maintain the time frame originally envisaged.

In addition, according to Article 5 of the Commission Decision of 19 February 2002 on the conduct of Administrative Inquiries and Disciplinary Proceedings [1], each person implicated in any inquiry is given the right to comment on the conclusions of the report before its finalisation. Obviously, fulfilment of that necessary requirement has time implications.

On the basis of the conclusions of the Administrative Inquiry report, the Appointing Authority decided on 10 February 2003 to open disciplinary proceedings against nine officials or former officials of the Commission. The Honourable Member will understand that the rights of the persons concerned to confidentiality and due process imply that the Commission must refrain from disclosing their identity. However, in view of the reference to a name in the Honourable Member's question, it should be noted that the above-mentioned report did not recommend any disciplinary action against Mr François Lamoureux.

[1] C (2002) 540.

(2003/C 280 E/144) **WRITTEN QUESTION E-1293/03**
by Claude Moraes (PSE) to the Council

(4 April 2003)

Subject: Progress on the Seville European Council proposals

Can the Council give its view of progress on the Seville European Council proposals on dealing with illegal immigration and the formation of a European border guard or border police around the external EU border?

Reply

(22 July 2003)

The Council attaches great importance to the follow-up to the conclusions of the Seville European Council, in particular with regard to combating illegal immigration and border control.

With regard to combating illegal immigration, a number of important instruments have been adopted by the Council. It is worth mentioning in particular the Comprehensive Plan to combat illegal immigration and trafficking of human beings in the European Union [1], adopted on 28 February 2002, and the Return Action Programme, adopted on 28 November 2002. These instruments, which have a general scope, aim at defining a common strategy at the level of the Union in the areas of fight against illegal immigration and return of illegal immigrants, by identifying a number of actions and measures to be adopted and implemented in this field. A number of such specific actions and measures are currently being considered by the competent Council bodies.

It has also to be recalled that the Council has adopted mandates authorising the Commission to negotiate readmission agreements between the European Community and 11 third-countries (Morocco, Russia, Pakistan, Sri Lanka, Albania, Algeria, China, Turkey, Hong Kong, Macao and Ukraine). The agreements with Hong Kong, Macao and Sri Lanka have already been initialled by the Commission and the Council should shortly adopt the relevant Decisions for their conclusion.

With regard to the gradual introduction of a coordinated and integrated management of external borders, the Seville European Council referred to concrete measures which the Council, the Commission and the Member States, within their respective spheres of responsibility, were invited to implement. The European Council also asked the Council, in cooperation with the Commission, to submit a final report on the implementation of these measures to the European Council in June 2003. The implementation of these initiatives is linked to a concrete timetable.

The progress reports which were presented to the Council bodies show that important progress was realised in implementing the above-mentioned measures with a view to strengthening border controls and combating illegal immigration. Following the adoption of the Plan for the management of the external borders by the Justice and Home Affairs Council in June 2002, Member States have initiated new projects, operations and ad-hoc centres, 17 in total. Joint operations were carried out at the external land, sea and air borders both in 2002 and 2003. Various pilot projects were initiated relating to inter alia rational repatriation procedures, coordinated criminal investigation regarding cross-border crime, the creation of a Centre of Excellence-Mobile Detection Unit and an international airports plan. Furthermore, a common integrated risk analysis model (CIRAM) was adopted and a core curriculum for border guard training was drafted. An immigration liaison officers network is expected to be fully operational by the end of 2003 together with the completion of a Belgian-led immigration liaison officers network in the Western Balkans.

However, the Council is not yet in the position to comment on the final results of these operations, projects and ad-hoc centres. Once all reports are submitted and analysed, the Council will submit a full evaluation report to the Thessaloniki European Council in June 2003, as requested by the Seville European Council. This evaluation report is currently being prepared.

With regard to ideas on the formation of a European border guard, the Council is awaiting the results of a Commission study on its advisability and feasibility. The Commission is currently carrying out a study concerning burden-sharing between Member States and the Union for the management of external borders. The results of this study will be presented to the Thessaloniki European Council. The Commission is also preparing a proposal to recast the Common Manual on border control.

[1] OJ C 142, 14.6.2002, p. 23.

(2003/C 280 E/145)

WRITTEN QUESTION E-1298/03

by José Ribeiro e Castro (UEN) to the Council

(7 April 2003)

Subject: The Olivença issue (Portugal/Spain) and of the 'Ajuda' Bridge

The Olivença issue is, briefly, as follows:

— By the Treaty of Alcanizes, signed in 1297 by Dom Dinis, King of Portugal, and Fernando IV, King of Castille, Olivença was definitively integrated into Portuguese territory, and remained so following the end of the 'Dynastic Union' between Portugal and Spain (1580-1640). On 20 May 1801, Spanish troops occupied Olivença. On 6 June 1801, in the face of a threatened French invasion, Portugal was

coerced by the Treaty of Badajoz into ceding Olivença to Spain. The Spanish invasion of Portugal in 1807, in violation of the Treaty, led to its annulment. The Treaty of Paris of 30 May 1814 declared the 1801 Treaty of Badajoz null and void. The Final Act of the Vienna Congress (9 June 1815), Article 105, recognised the rights of Portugal. On 7 May 1817, Spain signed the Treaty of Vienna, 'recognising the just claims made His Royal Highness, the Prince Regent of Portugal and Brazil, to the town of Olivença and the other territories ceded to Spain by the Treaty of Badajoz of 1801', and thereby undertook to make 'its best efforts to ensure that these territories were handed over (in the shortest time possible) to Portugal'.

— To this day, the frontier between Portugal and Spain from the mouth of the river Caia to the mouth of the river Cuncos is still undefined, thanks to the Olivença issue.

— To come to details, in 1709, following the War of the Spanish Succession, the Bridge of Olivença or of Our Lady of Help — the Ajuda bridge, was destroyed by Spanish forces.

— On 11 March 2003, with a view to rebuilding the bridge, on the initiative of Spain, work began on earth-moving operations on the left bank of the Guadiana, which is Portuguese territory administered de facto by Spain. This led to the Portuguese Foreign Minister's office requesting an explanation from the Spanish Minister. More recently, the Spanish project reached the right bank of the Guadiana (Elvas local authority), located on Portuguese territory de jure and de facto.

Can the Council answer the following:

— Does it have a position on the Olivença issue?

— If not, how does it assess the issue from a legal point of view?

— What parallels does it draw with the Gibraltar issue, repeatedly raised by Spain?

— Does it intend to take steps to help resolve the problem?

— How does the Council view a Member State which fails to meet international legal obligations repeatedly given to another Member State?

— With regard to the Ajuda Bridge, could the Council consider intervening with a view to putting a stop to this Spanish initiative?

Reply

(22 July 2003)

The Honourable Member should note that the Council has never broached this subject, as it does not come within the Council's purview.

(2003/C 280 E/146) **WRITTEN QUESTION P-1299/03**

by Linda McAvan (PSE) to the Commission

(1 April 2003)

Subject: Watered down chicken

Is the Commission aware of media reports concerning poultry processors from Holland and Brazil pumping chickens with water, artificial chemicals, and even material from pig and cow skin? The objective is apparently to increase the weight of the product and mislead consumers.

Is this legal, and if so what tests have been done to ensure consumer safety? Are there labelling requirements? If this is illegal, what is the Commission doing to address this problem?

Answer given by Mr Byrne on behalf of the Commission

(10 June 2003)

The Commission learned on 12 March 2003 the results of the checks performed by the Irish and British authorities which were published on the Internet the same day [1]. These checks concerned mainly products based on chicken fillets processed in the Netherlands and intended for the catering trade and followed on from the investigations carried out by the same authorities in 2001 and 2002.

These chicken fillets had been subject to the addition of water and other ingredients such as salts, polyphosphates, animal and vegetable proteins, flavourings and flavour enhancers. The animal proteins used are generally extracted from milk (casein and caseinates), or are protein hydrolysates obtained from the processing of animal by-products. The presence of salts, polyphosphates and proteins has the deliberate effect of retaining a significant proportion of water in the end product.

As the Commission stated in its answers to Written Questions E-2418/02 from Mrs Jackson [2] and E-2331/02 from Mrs Corbey [3], this type of procedure is not illegal, as long as the ingredients used meet the applicable regulations in terms of authorisation and labelling.

According to the information communicated to the Commission, the bovine proteins used in the Netherlands for the production of the chicken fillets concerned are from establishments in Spain and Germany. Additional investigations carried out in 2002 by the German and Spanish authorities at establishments that produce these hydrolised proteins did not find that the law was being broken.

However, investigations in Ireland and the United Kingdom have shown that infringements of the European law on labelling [4] persist. The infringements recorded in respect of the products from the Netherlands included labelling likely to mislead consumers about the real nature of the product, an incomplete list of ingredients, an incorrect percentage of meat, and the use of the word Halal in a product containing pork.

At the meeting of the Standing Committee on the Food Chain and Animal Health on 8 April 2003, the Commission reminded the Member States in which such products are produced and marketed of their obligation to enforce the existing legislation and to encourage the national authorities to cooperate further in order to ensure greater effectiveness in their inspections and to intensify inspections whenever repeated infringements of the legislation are found.

(1) http://www.foodstandards.gov.uk/news/pressreleases/chickenwater0303.
http://www.fsai.ie/press_releases/120303.htm.
(2) OJ C 28 E, 6.2.2003, p. 234.
(3) OJ C 52 E, 6.3.2003, p. 152.
(4) 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 — OJ L 109, 6.5.2000.

(2003/C 280 E/147) **WRITTEN QUESTION E-1300/03**

by Gabriele Stauner (PPE-DE) to the Commission

(7 April 2003)

Subject: Administrative investigations against Mrs Cresson

In the answer to my Written Question E-0296/03 [1] Vice-President Kinnock, on behalf of the Commission, refused to give information concerning the investigations which the Commission has opened against Mrs Cresson following Parliament's resolution of 29 November 2001 [2].

In paragraph 21 of the resolution on the protection of the Communities' financial interests, Parliament had recalled that, in addition to the affair involving the employment of a dentist as a scientific adviser, the ex-Commissioner had been accused:

(a) of irregular conduct as regards the award of several contracts to a firm with which she had connections, shortly before taking up office as a Commissioner;

(b) of having an expensive apartment in Brussels made available free of charge to one of her advisers;

(c) of having contracts for inconsequential studies and research awarded to a German lawyer as cover so that he could visit her office and possibly gain access to and influence sensitive cases (Leuna affair) with which the Commission was dealing at the time.

The Commission justified its refusal to answer by stating that the defendant's rights must be protected.

1. Can the Commission state how Mrs Cresson's rights as a defendant would be endangered if the Commission were to provide information revealing whether it has followed up Parliament's calls and recommendations in this matter and investigated the allegations referred to above. Would such clarifications not perhaps even be in Mrs Cresson's interest?

2. Can the Commission state how its refusal can be reconciled with Article 197 of the EC Treaty, which requires the Commission to answer questions put by Members of the European Parliament? The Commission surely cannot seriously take the view that this requirement has been met when it answers a question by stating that it has no intention of answering?

Will the Commission now give a proper answer to my Written Question E-0296/03?

([1]) OJ C 192 E, 14.8.2003, p. 168.
([2]) OJ C 153 E, 27.6.2002, p. 325.

Answer given by Mr Kinnock on behalf of the Commission

(28 May 2003)

Article 197 of the EC Treaty provides that 'the Commission shall reply orally or in writing to questions put to it by the European Parliament or by its Members.'

The Commission has replied to Written Question E-0296/03 of the Honourable Member, explaining that the Commission decided to address a statement to Mrs Cresson and that it would not be appropriate, for reasons of confidentiality and rights of defence, to provide details of this statement.

The Commission would point out that it is a general and fundamental legal principle that nothing should be said in relation to contentious matters which are the subject of legal proceedings which might prejudice the outcome of those proceedings. The Commission regards this principle as also applying at the 'pre-litigation' stage.

The Commission would remind the Honourable Member that the EC Treaty must be interpreted consistently with fundamental principles, as established by the European Court of Justice. Thus, it considers that Article 197 EC must be applied in a manner which does not imply that risks should be taken with the possible abridgement of rights of natural justice.

The Commission further notes that under the discharge for 2001, it has agreed to inform Parliament on the outcome of the procedure. That undertaking will be fulfilled.

Meanwhile, a refusal to provide information in a Parliamentary answer because of reasoned consideration of fundamental legal principles cannot fairly be construed to be a failure to answer questions in a way that deliberately or accidentally contravenes the Treaty.

(2003/C 280 E/148)

WRITTEN QUESTION E-1302/03

by David Bowe (PSE) to the Commission

(7 April 2003)

Subject: 'Let me tell you a secret about the environment' — Publication ISBN 92-894-3866-5

Can the Commission say which age group the publication is targeted at? Can it also say whether the level of language and vocabulary in the text has been approved as appropriate for that age group, if so by whom? Can the Commission say whether the book has been examined by an educational psychologist and whether the content/storyline has been approved by such a professional as suitable for the targeted age group?

Answer given by Mrs Wallström on behalf of the Commission

(2 May 2003)

The publication the Honourable Member is referring to, 'Let me tell you a secret about the environment', has been produced within the Environment Directorate General (DG) in co-operation with the Press and Communications DG.

The message is about three environmental problems requiring our urgent attention: the proliferation of waste, the destruction of the ozone layer and the greenhouse effect. The story is targeting children between six and ten years of age and has been written in Belgium by a specialist in children's literature who has published several booklets in this field. As part of the preparations, a test group of children (six to ten years old) chose this story among three as their favourite one.

When addressing children, messages have to be simplified and symbols and feelings have to be used to get messages across.

The Commission has also followed the advice on how to address children, expressed in the work of RETZ 'Pedagogy and the Environment':

- to make them think and ask questions about the world around them;
- to extend their thoughts to different environments, near and far;
- to encourage their desire to understand and to learn more (about their environment) so that they will feel responsible for a part of the planet;
- to help them observe better, implement actions, anticipate, explain and respect the global environment.

Numerous spontaneous letters and requests from teachers all over Europe confirm the success of the story for children in primary schools. As a further example 'Kindergarten Times' offered to deliver the booklet together with their magazine as they felt it to be of importance to parents. The Commission is, therefore, convinced that the publication is suitable for the targeted age group.

(2003/C 280 E/149)

WRITTEN QUESTION E-1323/03

by Elizabeth Lynne (ELDR) to the Commission

(8 April 2003)

Subject: Consequences of Pressure Equipment Directive on small boiler manufacturers

Is the Commission aware that the implementation of the Pressure Equipment Directive 97/23/EC [1] will devastate Britain's copper-boiler-making industry?

The seven professional boilermakers who export their handcrafted copper boilers for use in model steam engines across the world are faced with going out of business due to the prohibitive costs of complying with the directive. While the directive exempts amateur boilermakers and those building for 'heritage' steam engines, such small but important and unique craftsmen and women have no other choice but to give up.

What steps has the Commission taken to ensure that this world leading industry is not forced into extinction due to a directive about which it was not properly consulted?

Will the Commission look favourably upon an application for these craftsmen and women to be granted a de minimis exemption from this directive?

(1) OJ L 181, 9.7.1997, p. 1.

Answer given by Mr Liikanen on behalf of the Commission

(8 May 2003)

The Pressure Equipment Directive 97/23/EC (PED) has been adopted in 1997 after intense consultations with Member States, the Parliament and industry and has to be applied in all Member States since May 2002. It lays down harmonised rules concerning the essential requirements and certification procedures for pressure equipment to be placed on the market or put into service with regard to the safety risk arising from pressure and replaces former manifold national laws by a unique European legislation, thereby simplifying cross-border procedures and reducing cost. This is particularly true for small manufacturers having little administrative resources and for manufacturers, which are export-oriented due to the uniqueness and the high quality of their products. The Commission recognises that the adaptation to the requirements of the PED implies some initial investment for manufactures, which however has been kept as low as possible due to a sufficiently long 'notice' period of five years.

The main objective of the PED is to minimise and control safety risks for the citizen. Existing exemptions of certain products (e.g. products of small dimensions) or products used under certain conditions (e.g. experimentation, presentation at exhibitions) from the PED are justified, since the associated safety risks are minor, covered by some more specific regulations or well-controlled due to the special circumstances.

An exemption from the PED based on the (small) size of the manufacturer or the 'uniqueness' of a product would not be adequate, because these criteria are not related to its safety risk. The dangerous potential created by a copper boiler is not diminished if it is 'unique' or produced by a small manufacturer. Therefore, the Commission does not look favourably upon a 'de minimis' exemption from the PED.

(2003/C 280 E/150) **WRITTEN QUESTION E-1324/03**

by Jens-Peter Bonde (EDD) to the Commission

(8 April 2003)

Subject: Statement by Mr Gómez-Reino on the resignation of the Santer Commission

In the 'European Voice' of 27 March – 2 April in an article by David Cronin, Mr Santiago Gómez-Reino is quoted as saying that Jacques Santer and his Commission stepped down due to fraud allegations that were 'disproportionate, completely unjust and for a large part simply non-existent'.

Does the current Commission agree with the statement by Mr Santiago Gómez-Reino?

Answer given by Mr Prodi on behalf of the Commission

(28 May 2003)

The Commission would refer the Honourable Member to its answer to written E-0749/03 by Mr Dell'Alba (1)

(1) See page 83.

(2003/C 280 E/151)

WRITTEN QUESTION P-1337/03

by Antonios Trakatellis (PPE-DE) to the Commission

(3 April 2003)

Subject: Protecting the environment from the discharge of sludge into landfill sites and the implementation of integrated waste management in Greece

Thousands of tons of sludge from the sewage treatment plant in Psittalia are being deposited in the landfill in Ano Liosion in Attica, and, despite the fact that it is required by Community environmental law, integrated waste management is not practised. This situation is creating several problems in the functioning of the landfill (continual landslips and subsidence), and contravenes Community law by endangering public health while at the same time damaging the environment.

1. What measures will the Commission take, as guardian of the treaties and Community law on the protection of human health and the environment in Greece, and to ensure that Community rules in the waste sector are complied with?

2. How will the Commission ensure that Greece complies in the area of integrated waste management, which requires the treatment of sludge (drying of sludge), its use as fuel for energy production and the sustainable operation of sewage treatment plants?

3. Is sludge subject to preliminary treatment so as not to exceed permissible levels of concentrated heavy metals or other dangerous substances under Community legislation, and what is the extent of compliance with the provisions of Directive 75/442/EEC [1] on waste, as amended by Directive 91/156/EEC [2], and those of Directive 1999/31/EC [3] on the landfill of waste?

[1] OJ L 194, 25.7.1975, p. 39.
[2] OJ L 78, 26.3.1991, p. 32.
[3] OJ L 182, 16.7.1999, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(14 May 2003)

Waste management operations must meet the requirements of Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, and of Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste.

1. The Commission had initiated infringement proceedings against Greece for failure to transpose Directive 1999/31/EC. However, now that the Greek authorities have adopted and notified to the Commission measures incorporating the Directive into national law (joint ministerial decision 29407/3508/10.12.2002), Greece is deemed to have met this requirement. The notified measures are being examined to check conformity with the provisions of Directive 1999/31/EC.

Regarding Directive 75/442/EC, as the Greek authorities have admitted that there are around 1 400 illegal or unregulated landfills in the country and that 60 % of household waste is disposed of in sites which do not meet the requirements of Community legislation, the Commission has initiated infringement proceedings against Greece. A reasoned opinion was addressed to Greece in December 2002. If Greece does not comply with the reasoned opinion, the Commission may decide to bring the matter before the Court of Justice.

2. and 3. Regarding the treatment of sewage sludge from the waste water treatment plant in Psittalia, the Commission does not believe the Greek authorities have taken all necessary measures to ensure that the sludge is reused on the site where it is produced in order to ensure recovery or disposal without endangering human health or harming the environment. On the contrary, the sludge is taken to the landfill in Ano Liosia which is already almost full to capacity. In October 2002 the Commission sent Greece a letter of formal notice, thereby initiating infringement proceedings as provided for in Article 226

of the EC Treaty. The Greek authorities replied, giving their comments. The reply is now being examined. If the Commission finds that Greece has failed to meet the requirements of Community legislation, it will deliver a reasoned opinion on the matter.

It should be noted that the Commission recently received a complaint on the malfunctioning of the landfill in Ano Liosia, also linked to the discharge of sewage sludge from Psittalia on this site. The Commission will not hesitate to take all necessary measures to ensure that Community law is observed.

(2003/C 280 E/152) **WRITTEN QUESTION E-1360/03**

by Erik Meijer (GUE/NGL) to the Commission

(10 April 2003)

Subject: Shipments of uranium and enrichment technologies by the Urenco company to Iran and other states seeking to develop nuclear weapons

1. Is the Commission aware that the Uranium Enrichment Company (Urenco), which is established in Capenhurst (UK), Gronau (D) and Almelo (NL), and which was set up in 1970 on the basis of a treaty by the governments of the United Kingdom, the Federal Republic of Germany and the Netherlands for the commercial development of ultracentrifuge technology, commands a 12 to 15 % share of the world market in enriched uranium?

2. Is the Commission also aware that in the 1970s Urenco attracted controversy, not least for having supplied enriched uranium to the then Brazilian dictatorship, interested as it was in developing nuclear weapons, by going against the wishes of the United Nations in using uranium originating in the Rössing mine in what was then South-African occupied Namibia, and by unintentionally playing into the hands of the Pakistani government by creating the possibility for it to develop its own atomic bomb on the strength of industrial espionage by Abdul Qadeer Kahn, an employee of the Dutch FDO company working in cooperation with Urenco?

3. Can the Commission confirm that Urenco centrifuge technology and centrifuge rotors were found during inspections in Iraqi installations early in 1996, possibly shipped via Pakistan or Brazil?

4. Is Urenco now supplying Iran with centrifuge technology and other apparatus suitable for use in uranium enrichment, as brought to public attention by the government of the Russian Federation? Have such shipments always been registered by the IAEA in Vienna?

5. Does the Commission share the view of US Secretary of State Colin Powell to the effect that Iran had a more aggressive nuclear programme than the International Atomic Energy Agency had thought?

6. What action will the Commission take to prevent Urenco from wittingly or unwittingly contributing to the further proliferation of the means of producing nuclear weapons to states with non-democratic regimes?

Answer given by Mrs de Palacio on behalf of the Commission

(6 June 2003)

1. The figures suggested by the Honourable Member concerning the market share of Urenco agree with the information available to the Commission.

2. The Commission does not have further information on the issues raised by the Honourable Member outside the public information released by the media.

3. The Commission has not participated in any inspection in Iraq; the public information released by the media is known to the Commission.

4. The Commission is not aware of such a case.

5. The Commission is aware of the concerns of the United States. Member States are discussing this specific issue in the appropriate fora, in particular the International Atomic Energy Agency (IAEA) Board of Governors on the basis of the preliminary report of Dr El Baradei. The final report is expected in June 2003.

6. The Commission undertakes, through a comprehensive safeguards system, to prevent any diversion of nuclear materials from the intended use as declared by the users within the Union. The Commission co-operates in this respect closely with the IAEA, supporting its international non-proliferation regime.

It should also be noted that the equipment and technology required for enriching uranium are expressly covered by the Guidelines of the Nuclear Suppliers' Group (NSG). Accordingly, exports of such equipment and technology require an export authorisation from the competent authorities in each Member State. All EU Member States participate in the work of the NSG. Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology [1] restates the need for an export authorisation and makes it a legal obligation at Community level.

[1] OJ L 159, 30.6.2000.

(2003/C 280 E/153) **WRITTEN QUESTION E-1375/03**

by Bart Staes (Verts/ALE) to the Commission

(15 April 2003)

Subject: Radioactive contamination of mineworkers in Shinkolobwe heterogenite mines

According to various international media sources, young Congolese in Shinkolobwe in the Democratic Republic of Congo are mining the radioactive cobalt ore heterogenite, without protection. The ore lies in former uranium mines, which, following their closure, were covered with concrete by the then Union Minière in order to protect the surrounding area against radioactive contamination from the mines.

However, under the government of Kabila the mines were re-opened in order to mine the cobalt ore heterogenite, a cheap raw material for cobalt which is very competitive on the world market. The ore is being mined by young people working under conditions which they describe as 'slavery'. Furthermore, Alex Stewart, a specialist company providing laboratory services to the mining industry, has found a high concentration of the highly radioactive uranium-235 in steels from Shinkolobwe. That means that not only mineworkers are at risk, but also people living near sites where the ores are stored, including in the town of Lisaki where tonnes of the uranium-containing ore lie piled up.

Is the Commission aware of the situation in Shinkolobwe in south-eastern Congo?

What steps can the Commission take to identify those responsible for these abuses?

What further action does the Commission intend to take to address the problem?

Answer given by Mr Nielson on behalf of the Commission

(11 June 2003)

The Commission is aware of the problem of unprotected young miners handling radioactive substances at Shinkolobwe, and of the effects of radioactivity on the entire population living in the vicinity of the mine. This is part of the wider problem of failure to manage the natural resources of the Democratic Republic of Congo (DRC). It is the State, through Gécamines, that owns the Shinkolobwe uranium mine which has been officially closed since 1969. However, the fact that 'wildcatters' operate on the site is an open secret.

It has to be borne in mind that the DRC is only just emerging from a long period of warfare which has totally laid waste the country's society, economy and institutions. It is therefore having to deal with fundamental structural problems such as restoring its territorial integrity, re-establishing the administration and setting up functioning state structures that are capable of managing the transition to lasting stability and of raising the human development standard of all Congolese.

It is against the background of this post-conflict situation that the Commission has identified its short- and medium-term priorities, namely:

— Support the State in rebuilding its structures. Here the Commission has committed EUR 16 million to the eighth European Development Fund (EDF), which is to provide institutional support for the key departments and ministries, whilst EUR 28 million is going from the sixth EDF to support the judicial system and a further EUR 10 million from the ninth EDF will also go towards institutional support.

— Help re-establish access to health care since, as a result of the war, 37 % of the population does not have access to primary health care and mortality is rising steadily.

Given these priorities and the limited funding available for the DRC, the Commission cannot deal with all the problems arising out of the absence of state structures. Nevertheless it hopes that, once such structures have been re-established, problems such as those at Shinkolobwe can be raised through the normal channels in relations between the European Union and the DRC. Bringing to book those responsible for failures is not part of the Commission's remit in its relations with the DRC.

(2003/C 280 E/154) **WRITTEN QUESTION E-1393/03**

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

(15 April 2003)

Subject: Protection of CDs against copying

The illegal distribution of music recordings via the Internet and the copying of CDs has become very much more common in recent years. Consumers often make illegal copies in protest at the high price of CDs. In addition, the greater prevalence of copied CDs can be explained by the dramatic rise in the number of households which own several CD players. Many cars, for example, are now equipped with CD, rather than cassette, players.

Consumers are complaining about the measures taken to protect CDs against copying. A number of record labels have brought on to the market CDs whose unusual design is causing serious playing problems. The aim is to make the playing of CDs via personal computers more difficult so that those computers cannot be used to make copies of the CDs. In practice, however, this also gives rise to many problems in playing these protected CDs on car CD players, DVD players which double as CD players and many types of portable CD players. It is precisely those honest consumers who pay for their CDs who are frequently being made to suffer, even though such CDs can generally be copied perfectly without problem on standard CD players and recorders.

1. Is the Commission aware of the problems in connection with the playing of protected CDs? If so, is it planning to carry out an investigation and does it regard this protection method as lawful?

2. Does the Commission take the view that consumers who are unable to play CDs which have been protected against copying on (often more expensive) DVD and CD players are suffering unfairly as a result of these measures? If so, how does the Commission plan to protect consumers against this practice?

3. Does the Commission take the view that the industry has a responsibility to ensure the interoperability of content and equipment?

Answer given by Mr Bolkestein on behalf of the Commission

(11 June 2003)

Directive 2001/29/EC of the Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society [1] provides the legal framework for the protection of effective technological measures. The term 'technological measure' means any technology or device which is designed to prevent or restrict acts, which are not authorised by the rightholder of the copyright or related right. Such measures are typically those used by rightholders to protect their works or subject matter such as those which are enshrined in a CD, which are protected by copyright or related rights from unauthorised copying. The Community and its Member States are required to protect such measures in accordance with the provisions laid down in the World Intellectual Property Organisation (WIPO) Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) which were adopted in 1996 under the auspices of the WIPO. The Directive is the means by which the Community and its Member States will implement its obligations under the Treaties, by introducing, inter alia, such protection for technological measures. The Directive was required to be implemented into Member States' law by 22 December 2002.

1. The Commission is indeed aware of the problems in connection with the playing of protected CDs. A separate issue is whether those who market CDs may, in principle, lawfully limit their playability to standard CD players and exclude playability on other platforms, such as PC operated systems. Playability on various platforms is of relevance not only to consumers but also to the consumer electronics and information technology (IT) industries as the question of legacy arises i.e. how to accommodate technological progress and new requirements while respecting consumer investments in earlier systems. The issue of playability on various platforms may arise irrespective of whether a technical measure in the sense of the above Directive is applied to the CD. This issue is therefore not limited to the scope of legal protection of technical measures provided by the Directive which is aimed at acts which are not authorised by the rightholder.

2. The Directive also provides that the legal protection of technical measures should not prevent the normal operation of electronic equipment and its technological development. In the view of the Commission, consumers are entitled to be clearly informed, at the time of purchase of a CD or other product, about all its features and notably all effects of technical protection measures that have been applied including those affecting playability.

3. The Commission encourages the compatibility and interoperability of the different systems. However, achieving interoperability and compatibility between content carriers and equipment requires cooperation amongst all stakeholders including rightholders, the consumer electronics industry, the IT industry and users. In dynamic markets, achieving interoperability and compatibility is a rolling process, as new technology is constantly entering the market. In the view of the Commission, interoperability and compatibility are desirable and should be achieved through processes that are voluntary, industry led and driven.

[1] OJ L 167, 22.6.2001.

(2003/C 280 E/155) **WRITTEN QUESTION E-1399/03**

by Mihail Papayannakis (GUE/NGL) to the Commission

(16 April 2003)

Subject: Consumer confidence — Directive 93/13/EC

The subject of unfair terms in contracts is of particular concern to Member States and national authorities. As part of the CLUB project, and in the report on the application of Council Directive 93/13/EEC [1] on unfair terms in consumer contracts, the Commission has found evidence of unfair terms which leave consumers without protection.

Will the Commission step up controls to prevent or address the problem of unfair terms in contracts? What measures will it take regarding unfair provisions (taxes) in loan contracts between credit institutions, particularly banks, and businessmen which, as a result of provisions on limited liability, excessive

guarantees and lack of information, have generated great concern in Europe (imbalances in European markets) and are directly undermining the balance in relations between banks and consumers?

(1) OJ L 95, 21.4.1993, p. 29.

Answer given by Mr Byrne on behalf of the Commission

(18 June 2003)

As the Honourable Member pointed out, the Commission already assists Member States in the application of Council Directive 93/13/EC of 5 April 1993 on unfair terms in consumer contracts, by continuously updating the CLAB-database that provides to date for about 9,000 entries of examples of unfair terms. A conference was held in July 1999 on experience with the Directive, which involved a workshop on the application of the Unfair Terms Directive to financial services and new technologies. Its findings have been published in a document 'The Unfair Terms Directive — Five Years On'. The Commission has also published, on 27 April 2000, a Report on the implementation of Directive 93/13/EC on unfair terms on consumer contracts (1). The Commission has therefore taken its supervisory role very seriously and provides assistance to legal practitioners as far as its powers reach. However, the day-to-day enforcement of the Directive is the responsibility of the Member States.

Nevertheless, in its Consumer Policy Strategy, the Commission committed itself to a review of the consumer acquis after the adoption of a Framework Directive on Unfair Commercial Practices that is currently being prepared. Moreover, the work to be undertaken following the adoption of an 'Action Plan on a More Coherent European Contract Law' of 12 February 2003 (2) will have an impact on a reform of the Unfair Terms Directive as a part of the contract law acquis.

As far as consumer credit agreements are concerned, Council Directive 87/102/EEC of 22 December 1986 for the approximation of the laws, regulations and administrative provisions of Member States concerning consumer credit (3), as last amended by Directive 98/7/EC of the Parliament and of the Council of 16 February 1998 (4), already provides for a certain level of protection. A thoroughly revised Directive has been proposed by the Commission in September 2002 (5) and is currently being debated.

In its proposal, the Commission puts forward a new provision regarding unfair contract terms in the field of consumer credit contracts. This article aims at establishing an ad hoc regime for some contractual terms to be considered as unfair, without prejudice to the application of Directive 93/13/EC.

(1) COM(2000) 248 final.
(2) OJ C 63, 15.3.2003.
(3) OJ L 42, 12.2.1987.
(4) OJ L 101, 1.4.1998.
(5) OJ C 331 E, 31.12.2002.

(2003/C 280 E/156) **WRITTEN QUESTION E-1402/03**

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

(16 April 2003)

Subject: Network of protected areas under threat in the Netherlands

The survival of almost half the vertebrates and butterflies in the Netherlands will come under threat if current government policy continues. This has emerged from a study carried out by Alterra (Quick Scan policy changes in the Network of protected areas, 18 February 2003) commissioned by the Council for Rural Areas. This was an investigative study into the consequences of government policy for species of animals and plants. This policy involves delaying the introduction of the Network of protected areas (EHS) because of a cut in the purchasing budget. This delay means that there is a less vigorous approach to combating the erosion of the countryside.

The Council for Rural Areas makes similar comments on government policy in its statement of 18 February 2003 entitled 'Champagne taste on a beer budget'.

The Council calls on the national government:

— to continue to accept its responsibility for creating the Network of protected areas in full;

— to ensure that resources are available to achieve the objectives set;

— to create forms of financing to allow these resources to be used so that sustainable funding is available for the countryside now and in the future;

— to use every opportunity to create the Network of protected areas and actively promote the participation of the farming community and private individuals in nature conservation.

Is the European Commission aware of the contents of the above publications?

Does the European Commission share the concern about Netherlands government policy on the Network of protected areas?

Is the European Commission prepared to insist that the Netherlands government complies with its responsibility to implement the Birds and Habitats Directive in full?

Answer given by Mrs Wallström on behalf of the Commission

(5 June 2003)

As for all other Member States, the Commission is monitoring the implementation of the Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [1] (Birds Directive) and the Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [2] (Habitats Directive) in the Netherlands. With the designation of 76 Special Protection Areas under the Birds Directive and with 78 proposed Sites of Community Importance under the Habitats Directive, the Netherlands made their first contributions to the Natura 2000 network of protected areas. The communication to the Commission of an additional list of 56 proposed Sites of Community Importance under the Habitats Directive has been announced, as well as the extension of the area of six Special Protection Areas under the Birds Directive. This increase in number and total area of Natura 2000 sites in the Netherlands will represent a substantial contribution to the protection of biodiversity in the Netherlands and the Union.

As far as the transposition of the Habitats Directive into Dutch legislation is concerned, the Commission has decided to refer the Netherlands to the Court of Justice because of shortcomings in Dutch legislation for implementing the Habitats Directive. So far, the existing legislation does not provide adequate safeguards for Natura 2000 sites, it fails to provide adequately for the monitoring of habitats and species and omits measures for certain plant species protected under the Directive. Meanwhile, a proposal for the revision of the Dutch Nature Protection Act of 1998 was submitted to the Dutch Parliament with a view to improving this situation.

The Commission is not aware of the particular publications mentioned by the Honourable Member. However, the Commission will continue to insist that the Netherlands fully comply with the Habitats and Birds Directives.

[1] OJ L 103, 25.4.1979.
[2] OJ L 206, 22.7.1992.

(2003/C 280 E/157) **WRITTEN QUESTION E-1408/03**

by Kathleen Van Brempt (PSE) to the Commission

(23 April 2003)

Subject: Dangers to motorcyclists caused by from road markings

On a large number of roads, motorcyclists experience problems with slippery road surfaces and road markings. In rainy conditions, road markings become very slippery, and travelling by motorcycle can be very dangerous, especially on bends. The authorities frequently opt for the cheapest solutions and do not always choose good quality anti-skid paints. Furthermore, checks on whether or not the paint meets

current standards are too infrequent. Problems also arise with pitch, which is used to make minor repairs to road surfaces. However, in rainy conditions, pitch becomes very slippery. Motorcycles skid very easily on such surfaces, and the braking distance becomes longer. In addition, the material used is not long-lasting. There are, nevertheless, road repair products which are safer and which last longer.

Is the Commission aware of these problems?

What measures is the Commission taking to prevent slippery road surfaces and road markings?

Does the Commission have any information about alternatives to conventional paints used for road markings, and what is its opinion thereof?

Answer given by Mrs de Palacio on behalf of the Commission

(27 May 2003)

The Commission is very concerned about the dangerous condition of certain stretches of road and skid resistance is an important determinant for the level of safety of a road. However, it is to be recalled that the maintenance of roads including the proper use of road markings and pavements is the competence of Member States.

Upon mandate of the Commission, CEN [1] has adopted a standard on materials for road markings that provide a good grip even when the road is wet (norm EN 1423:1997 — Road marking materials drop on materials — Glass beads and anti-skid aggregates and mixtures of them). As to road bound pavements CEN/TC 227 is about to prepare a standard on products, which will be subject to CE marking on the basis of the Construction Products Directive (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 [2]) once the standard is adopted. The quality classes defined in these norms allow road authorities to procure much better performing materials than paint without such additives.

Once such markings and pavements are in place, their skid resistance needs to be controlled. At this point in time, each Member State uses one or two in a total of twelve different models of measuring devices for skid resistance. In an attempt to create safety conditions comparable between the different Member States, CEN group TC 227 WG 5 is developing a draft standard defining a uniform procedure to determine skid resistance from a dynamic measurement.

The Commission supports these activities though the research projects Format (maintenance of road pavements) and Silvia (low noise pavements), both of which were launched in 2002. In its work programme of 2003, the Commission has announced to submit to Parliament and Council a Directive on black spot management and road safety audits. With such procedures in place, it is possible to identify sections of high risk and develop remedial measures in a cost effective way and target to safety critical sections on spots in the network.

[1] Committee European Normalisation.
[2] OJ L 40, 11.2.1989.

(2003/C 280 E/158) **WRITTEN QUESTION P-1410/03**

by Kathleen Van Brempt (PSE) to the Commission

(14 April 2003)

Subject: Bull bars

The proposal for a directive relating to the protection of pedestrians and other vulnerable road users in the event of a collision with a motor vehicle [1] concerns, inter alia, bull bars. Car manufacturers have given a commitment not to install rigid bull bars on their motor vehicles, nor to sell them as spare parts. In practice, many Belgian car dealers have already put an end to the use of bull bars. However, the proposal

for a directive makes no reference to a ban on the sale of bull bars by dealers in spare parts for cars. New 4x4s with bull bars are therefore still being seen on Belgian roads.

Does the Commission agree that bull bars are dangerous accessories which increase the likelihood of collisions involving vulnerable road users being fatal?

What research data does the Commission have on the consequences of collisions between cars fitted with bull bars and vulnerable road users?

Does the Commission intend to take steps to completely ban bull bars? If so, when? If not, why not?

(1) COM(2003) 67 final.

Answer given by Mr Liikanen on behalf of the Commission

(7 May 2003)

The Commission is aware that frontal protection systems, such as bull bars, mounted on vehicles constitute an increased risk of injury to pedestrians and other road users in the event of a collision.

In June 2001, the European automobile manufacturers represented by the European Automobile Manufacturers Association (ACEA) committed themselves to introduce a range of safety measures to improve pedestrian protection. Similar commitments were subsequently made by the Japanese and Korean automobile manufacturers (represented by JAMA and KAMA, respectively) in July 2001 and March 2002 respectively. The commitments include an agreement not to install so-called 'rigid bull bars' as original equipment on new motor vehicles, nor to sell them as spare parts, as of 1 January 2002. Rigid bull bars are defined in the commitments as a frontal protection system made of steel or any other metal or material presenting similar behavioral characteristics.

However, before taking a decision on whether to accept the commitments by the industry, the Commission decided to consult the Parliament and the Council. The Council, in its Conclusions of 26 November 2001, stated the view that the use of rigid bull bars should be banned for passenger vehicles carrying up to eight passengers and for vehicles designed for the carriage of goods up to 3,5 tonnes and that the Commission should propose a means to do so. The Parliament, in its Resolution of 13 June 2002 also invited the Commission to propose legislation providing for a ban of bull bars on the after-market.

As a result, the Commission is preparing the submission of a legislative proposal aimed at reducing the severity of injuries caused to pedestrians and other vulnerable road users when in collision with vehicles fitted with frontal protection systems. This proposal will contain test procedures for all bull-bars and similar devices placed on the market either as original or after-market equipment. In this regard the Commission has taken into consideration a report (1) made by the Transport Research Laboratory in the United Kingdom which provides a good assessment on potential approaches to the testing procedures required for bull bars.

(1) 'Assessment and test procedures for bull bars', G. Lawrence, C. Rodmell and A. Osbourne. TRL Report 460.

(2003/C 280 E/159) **WRITTEN QUESTION E-1415/03**

by Joan Vallvé (ELDR) to the Commission

(23 April 2003)

Subject: Closure of the newspaper 'Egunkaria'

On 20 February this year the newspaper 'Euskaldunon Egunkaria' was closed down in an operation ordered by the judge of the Spanish National Court Juan del Olmo. The Civil Police Force arrested 10 people responsible for the newspaper, among them its director, Martxelo Otamendi, because of his presumed entanglement with ETA. At present, three of them are still in prison.

On 10 March the same judge of the National Court decided to close temporarily for six months the trading companies Egunkaria Sortzen SL and Egunkaria SA and the daily newspaper Euskaldunon Egunkaria, and its premises, headquarters and establishments, and to suspend its activities for the same period. The magistrate justified his decision arguing that 'the whole framework or project is supposedly managed and generated by ETA and responds to a terrorist strategy'. The charge that the newspaper is part of the project and of the economic and cultural framework of the etarra cupola is based on documents that had been seized from terrorists during 1992 (date of foundation of the newspaper).

Egunkaria was the only newspaper published completely in Euskera. The legal and political decision to close it can entail a breach of freedom of expression if there is no specific evidence. Article 11 of the Charter of Fundamental Rights of the EU on freedom of expression and information reads as follows: 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. 2. The freedom and pluralism of the media shall be respected.

On 26 March the 'Association of minority daily newspapers in Europe', which includes 32 newspapers, gathered in Brussels. The Spanish authorities banned the director of Egunkaria, Martxelo Otamendi, from attending.

Only two years ago the EU held the European Year of Languages, of all languages, with the aim of promoting linguistic diversity. Today, in view of this situation, we regret that a minority language such as Euskera is suffering an additional problem and is encountering difficulties with expressing its identity after the closure of the only newspaper published completely in this language at that moment. I would like to point out the special importance that having a newspaper in your own mother tongue has for this type of minority communities.

In view of this situation I would like to know: has the European Commission so far asked the pertinent Spanish authorities for explanations, or is it planning to do so in the near future, in order to make sure that no fundamental right is being violated and that this action has not been contrary to the EU policy of promotion and respect for linguistic diversity in the Member States?

Answer given by Mr Vitorino on behalf of the Commission

(4 June 2003)

The Commission would refer the Honourable Member to its joint answer to Written Questions E-0641/03 and E-0672/03 by Mr Ebner and others [1].

[1] See page 75.

(2003/C 280 E/160) **WRITTEN QUESTION P-1424/03**

by Bert Doorn (PPE-DE) to the Commission

(15 April 2003)

Subject: Reserve funds for European inland waterway transport

Reserve funds have been set up in recent years in the European inland waterway transport sector with the aim of providing a cushion in the event of crises affecting the sector. The funds are financed by contributions from the inland waterway transport sectors in the current EU Member States.

Following the forthcoming enlargement, the inland waterway transport sectors in the new Member States would also be able to benefit from the reserve funds, despite having to date made no contribution to the establishment of the funds.

Will the inland waterway transport sectors in the new Member States have access to these reserve funds following the forthcoming enlargement?

If so, does the Commission consider it fair that inland waterway transport in the new Member States will be able to benefit from these reserve funds without itself having contributed to them?

If it does not regard this as fair, how does the Commission intend to prevent or limit claims of this kind?

Answer given by Mrs de Palacio on behalf of the Commission

(15 May 2003)

The inland waterways funds are governed by Council Regulation (EC) No 718/1999 of 29 March 1999 on a Community fleet capacity policy to promote inland waterway transport [1].

Pursuant to Article 3 of that regulation, each Member State whose inland waterways are linked to those of another Member State is required to set up an inland waterways fund under its national legislation. The financing, management and use of the funds are governed by the regulation. The funds are financed by the surplus funding from the structural improvement schemes for the Community fleets in the 1990s, special contributions paid by the vessel owners under the 'old-for-new' rule, and financial resources which could be made available in the event of serious disturbance of the inland waterway market. The funds' resources now stand at around EUR 38 million.

The use made of the funds is subject to the principles of mutual financial support and Community action. Mutual financial support means that all the funds set up on the basis of the regulation are mutually responsible for all the expenditure and resources, irrespective of the (national) fund to which the vessel belongs (Article 3(6)). The principle of Community action means that the funds may be used to meet financial obligations only if the measures in question are the subject of action at Community level (Article 3(5)), which by definition covers all the Member States concerned by the regulation.

Following enlargement, Regulation No 718/1999, like all the other Community legislation concerning inland waterways, will also apply to the new Member States under the same conditions as apply to the existing Member States. The incorporation of this legislation into national law was not called into question during the accession negotiations either by the Candidate States or by the Member States.

Consequently, the new States concerned will have the same rights and obligations deriving from the regulation when they join the EU.

The Commission therefore considers that — de jure and taking into account the principle of equal treatment — the new Member States' fleets cannot be excluded from action at Community level financed by the reserve funds for inland waterways provided they meet the conditions laid down.

[1] OJ L 90, 2.4.1999.

(2003/C 280 E/161) **WRITTEN QUESTION E-1439/03**

by Gabriele Stauner (PPE-DE) to the Commission

(24 April 2003)

Subject: Reform of the disciplinary procedure

As part of the reform of the Staff Regulations, the Commission has proposed changes to the disciplinary procedure.

At present, disciplinary proceedings that have been concluded can be re-opened, at the request of the official concerned, and also on the initiative of the Appointing Authority, if there are new facts, supported by relevant evidence, that cast a different light on the official's behaviour.

Under the Commission proposal, only the official concerned will in future be able to have disciplinary proceedings re-opened.

In practice this would mean that the Appointing Authority's hands would be tied if it came upon new, incriminating evidence of misconduct by an official who previously had been cleared and not subject to any disciplinary measures.

Why has the Commission proposed this change, which would mean that, even in important cases, it would be unable to take action?

Does the Commission stand by its proposal, or will it change it?

Answer given by Mr Kinnock on behalf of the Commission

(19 June 2003)

In the version of the Commission proposal for amendment of the Staff Regulation which the Honourable Member has apparently seen, the words 'on its own initiative or' were inadvertently omitted from the new Article 25 of Annex IX. The relevant article in the revised Staff Regulations was subsequently corrected. The text agreed with the Council consequently reflects the current Staff Regulation as follows: 'Where new facts supported by relevant evidence come to light, disciplinary proceedings may be re-opened by the appointing authority on its own initiative or on application by the official concerned' ([1]).

([1]) see doc 5752/03 STAT 10 FIN 31 of 6 February 2003 of the Council of the European Union.

(2003/C 280 E/162) **WRITTEN QUESTION E-1443/03**

by Olivier Dupuis (NI) to the Commission

(24 April 2003)

Subject: Twenty year prison sentences for peaceful demonstration in Laos

According to the 2002 human rights report published on 31 March 2003 by the US State Department, the five leaders of the '26 October Movement', Thongpaseuth Keuakoun, Khamphouvieng Sisa-At, Seng-Aloun Phengphanh, Bouavanh Chanmanivong and Keochay, who had been arrested in October 1999 for organising a peaceful demonstration in Vientiane in support of democracy, have been sentenced to 20 years' imprisonment for anti-governmental activities (sic), following a trial held in camera, and are currently incarcerated in Vientiane. Previously, it should be said, the Laotian authorities had provided other — totally contradictory — versions of the fate of the five student leaders. For example, after the authorities of the Lao People's Democratic Republic (LPDR) had denied for two years that the five student leaders had been arrested, in November 2001 the country's Foreign Minister, Mr Somsavad Lengsava, told Italian Vice-Minister for Foreign Affairs, Mrs Margherita Boniver, that the students had not yet been tried. Then, in June 2002, the chairman of the Legal Affairs Committee of the LPDR National Assembly told a meeting of the European Parliament in Strasbourg that they had been sentenced the previous year. On that occasion, he undertook to produce documentary records of the trial, a commitment which has yet to be honoured, despite repeated reminders.

Has the Commission expressed to the LPDR authorities its indignation at the severity of the sentences handed down to the students and at the way in which the whole judicial process was conducted? Has it expressed its extreme annoyance at the failure to provide it with accurate information? In the light of this series of particularly serious incidents and bearing in mind the breadth and scale of the European Union's cooperation programmes with Laos, does the Commission not think that the cooperation agreement between the European Union and Laos should be suspended, unless the LPDR authorities give a formal undertaking to review the trial of the five student leaders without delay?

Answer given by Mr Patten on behalf of the Commission

(23 May 2003)

The Commission is fully committed to emphasising the need to strengthen respect for civil and political rights in Laos, including freedom of expression, assembly, association and religion, as expressed in the Community-Lao People's Democratic Republic (PDR) Co-operation Agreement.

The question of the five leaders of the '26 October 1999 Movement' has been raised by the Commission in bilateral meetings with the Lao Government, as well as in other fora, but so far only limited information has been provided.

Regarding the question of a possible suspension of the Community-Lao PDR Co-operation Agreement, the Commission continues to be of the opinion that maintaining a cohesive policy of constructive political dialogue with the Laotian Government, paired with continued support to the most vulnerable segments of the Laotian population through Community-assisted development programmes, will be more fruitful than a confrontational approach.

However, should the political and human rights situation in the country deteriorate to such an extent that continued Community co-operation with Laos be put into question, the Commission will be prepared to undertake the necessary steps in order to get an agreement on the appropriate action to take.

(2003/C 280 E/163) **WRITTEN QUESTION E-1444/03**

by Francesco Rutelli (ELDR), Mariotto Segni (UEN), Graham Watson (ELDR), Enrique Barón Crespo (PSE), Daniel Cohn-Bendit (Verts/ALE), Monica Frassoni (Verts/ALE), Francis Wurtz (GUE/NGL), Teresa Almeida Garrett (PPE-DE), Guido Bodrato (PPE-DE), Luciano Caveri (ELDR), Luigi Cocilovo (PPE-DE), Armando Cossutta (GUE/NGL), Paolo Costa (ELDR), Luigi De Mita (PPE-DE), Giuseppe Di Lello Finuoli (GUE/NGL), Antonio Di Pietro (ELDR), Carlo Fatuzzo (PPE-DE), Fernando Fernández Martín (PPE-DE), Marco Formentini (ELDR), Fiorella Ghilardotti (PSE), Florence Kuntz (EDD), Franco Maríni (PPE-DE), Mario Mastella (PPE-DE), Reinhold Messner (Verts/ALE), Luisa Morgantini (GUE/NGL), Pasqualina Napoletano (PSE), Giorgio Napolitano (PSE), Juan Ojeda Sanz (PPE-DE), Elena Paciotti (PSE), Giuseppe Pisicchio (PPE-DE), Giovanni Pittella (PSE), José Pomés Ruiz (PPE-DE), Giovanni Procacci (ELDR), Giorgio Ruffolo (PSE), Guido Sacconi (PSE), Luciana Sbarbati (ELDR), Bruno Trentin (PSE) and Gianni Vattimo (PSE) to the Commission

(24 April 2003)

Subject: Freedom and pluralism of information

In view of:

- the fact that freedom of information, which is vital in guaranteeing the democratic principles on which the European Union is based (Article 6(1) TEU) must, particularly in the perspective of the enlargement, be given a framework of legal guarantees protecting all European citizens and restricting the establishment of legal or de facto monopolies;

- the fact that the specific nature of the information market justifies special protection both in the context of international negotiations (Doha) and within the European Union's internal law 'not only using economic indicators but also in connection to the respect of fundamental rights' (paragraph 58 of European Parliament resolution of 15 January 2003);

- the need to guarantee respect for pluralism and the accuracy of information provided by the media, particularly those playing a public service role;

- the urgent need to resolve the situations condemned in Parliament's resolution of 15 January 2003;

- the fact that this condemnation is backed by the Council of Europe, which considers that in Italy '… the potential conflict of interest (…) is a threat to media pluralism and unless clear safeguards are in place sets a poor example for young democracies' (paragraph 12 of Recommendation 1589 of 28 January 2003); and since

— the procedure set out in Article 7(1) of the EU Treaty, which entered into force on 1 February 2003, also applies to the protection of the fundamental right to information safeguarded by Article 6 of the EU Treaty,

The Commission:

1. When does it intend to submit a communication on the state of media pluralism in the EU and a directive for safeguarding it, as requested in Parliament's resolution of 20 November 2002?

2. When does it intend to submit to the European Convention, as requested in Parliament's resolution of 20 November 2002, a proposal for a legal basis to protect the principle of pluralism and freedom within the information media in the new constitution?

Answer given by Mr Bolkestein on behalf of the Commission

(7 July 2003)

The Commission can only reiterate the position which it has already communicated to the Parliament (letter of 2 May 2003 from Ms de Palacio to Mr Rocard) regarding the possibility of follow-up action to the resolution of 20 November 2002.

As stated, the Commission does not intend to take action on the European Parliament resolution since the resolution deals with pluralism as a democratic and institutional value within each Member State, expressing the desire to maintain free and diversified media in all the Member States.

The existing Community instruments, which are founded on the legal bases of the Treaty of Rome, are designed to ensure a certain economic balance between economic operators and thus directly affect the media as an economic activity, but not — or only very indirectly — as a vehicle for delivering information to citizens.

The Commission does not therefore have the legal instruments to allow it to take the problems raised by the Honourable Members into consideration.

The Commission backed the inclusion of the Charter of Fundamental Rights — Article 11 (2) of which clearly sets out the principle that the EU should respect freedom and pluralism of the media — in the draft Constitutional Treaty. This request has been taken into consideration and its inclusion features among the results of the Convention's work.

Finally, the Commission would point out that one of the issues dealt with in the Green Paper on services of general interest, which was adopted on 21 May 2003, is that of the protection of pluralism. The question is raised about whether the possibility of taking specific measures to protect pluralism should be re-examined at Community level and which measures could be envisaged. All interested parties are invited to submit their comments by 15 September 2003.

(2003/C 280 E/164) **WRITTEN QUESTION E-1445/03**

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

(24 April 2003)

Subject: European citizens' right to health — Charter of EU Citizens' Health Rights

The EU institutions have not yet recognised the right to health for all European citizens. There are still unacceptable disparities between the health services provided by the different Member States. For instance, the average number of hospital beds per 1 000 inhabitants is 4,1 in Spain, as against 9,4 in Germany, 8,3 in France, 10,1 in Ireland and 11,3 in the Netherlands. The United Kingdom average has, as a result of the Thatcher Government's ultraliberal policy, stagnated at 4,4 beds. In Spain, Central Government policy has tended to favour private management of hospital centres and has reduced the number of health professionals per bed. There is even a trend, promoted by the governments of certain countries, towards privatisation of public health services, along the same lines as the United States, which is the developed country with the poorest health standards and the lowest life expectancy.

The European Union should therefore adopt a Charter of Health Rights and a European Health System, with due respect for the autonomy of each Member State. The Charter has already been promoted throughout the European Union by various citizens' groups, as well as political and trade union organisations. The Charter would be based on the principles of universality of health care and equal quality of services in all Member States, guaranteeing equal and free access to such services for all citizens through public funding.

Is the Commission prepared to promote the adoption of such a Charter of EU Citizens' Health Rights? Is it also prepared to promote a European health system?

Answer given by Mr Byrne on behalf of the Commission

(11 June 2003)

Article 152(5) of the EC Treaty clearly states that Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care. Issues such as the average number of hospital beds per 1000 inhabitants, are therefore the responsibility of the Member States, not of the Community. In light of this, the Commission does not have the competence to come forward with proposals for a Charter of Union Citizens' Health Rights and for a European Health System.

Although we are not about to see the emergence of a Europe-wide health system, the coming years will see growing co-operation between Member States on healthcare issues. Issues in relation to this are currently under discussion by Health Ministers and other stakeholders in the high level reflection process on patient mobility and healthcare developments in the Union.

(2003/C 280 E/165) **WRITTEN QUESTION P-1449/03**

by Bárbara Dührkop Dührkop (PSE) to the Commission

(16 April 2003)

Subject: Charging of fees to children of MEPs' assistants attending the European Schools

At a meeting held in Copenhagen on 28/29 April 1998, the Board of Governors of the European Schools decided, despite not having the support of the Commission, to classify the children of MEPs' assistants in Category III, thus obliging their parents to pay the full fees (for 2003-2004, EUR 1 886 for the pre-school level, EUR 2 622 for the primary level and EUR 3 578 for the secondary level).

The children of MEPs' assistants had previously been classified in Category I and were therefore exempted from the fees.

Despite the fact that this decision was taken by the Board of Governors of the European Schools, can the Commission, given that it has a representative on the Board, explain the latter's reasons for changing the long-established practice of classifying the children of MEPs' assistants in Category I?

As the Commission is aware, MEPs' assistants have their salaries paid directly from the EU budget: Section I (Parliament), Chapter 39 ('Expenditure relating to parliamentary assistants'), item 3 910 contains the appropriations for expenditure arising from the appointment and use of the services of one or more assistant(s). In addition, under Article 14 of the Rules governing the payment of expenses and allowances to Members, an assistant's contract of employment is agreed between either the MEP and the assistant or a paying agent and the assistant.

Given that Category I includes children of other employees who have no public or private contractual relationship with the European institutions, whose salaries are not paid from the EU budget and who, unlike MEPs' accredited assistants, do not work regularly on the premises of one of the institutions, does the Commission not consider that, in view of the above, there are more than sufficient objective reasons for classifying MEPs' assistants' children in Category I?

Answer given by Mr Kinnock on behalf of the Commission

(4 June 2003)

The question of the appropriate category for children of MEPs' assistants' was raised by Brussels European School I when the children of two assistants were enrolled for the 1997-1998 school year. The headteacher of the School was unsure of whether the admission of MEP's assistants' children in category I was well-founded.

The question was put to the Board of Governors at the meeting on 28/29 April 1998. As the Hon. Member accurately states, the Commission favoured classification in category I, arguing: While is it true that, formally speaking the direct link is between assistant and MEP and not between assistant and Parliament it is nonetheless true in reality that MEPs in engaging their assistants act not as private individuals or persons external to the Institution but, by virtue of their being MEPs, as an integral part of it.

Except for Italy, which was the only national delegation which shared the Commission's view, all delegations thought that these children should, in the absence of a 'direct' employment link between assistants and Parliament, be ranked as category III pupils pending modification of the status of assistants.

The relevant extract of minutes of the meeting says: The Commission representative and the Italian delegation maintained that these children should be considered to fall into category I but a number of delegations objected. The Dutch delegation pointed to the illegal nature of the decisions that appeared to have been taken — as the document shows — in admitting some of these children in category I. The Board decided that children already admitted could remain in the schools in the category in which they had been admitted. For future admissions it decided, although the Commission was not in agreement, to approve the Administration and Finance Committee's proposal that these children be classed in category III, in which they should have priority.

As appropriate opportunities arise, the Commission will nonetheless continue to argue for inclusion of MEP's assistants' children in category I, particularly if the status of assistants alters in line with the changes proposed by Parliament in the context of the reform of the Staff Regulations for officials and other servants of the Communities.

As the Honourable Member may know, according to the Convention of 21 June 1994, the European Schools are establishments which were created primarily to educate children of the staff of the European Communities. Other children may attend them within the limits set by the Board of Governors.

The Board of Governors, the non-Community intergovernmental organisation responsible for the Schools, is charged with implementation of the Convention and holds the decision-making powers in educational, budgetary and administrative matters necessary for that purpose. In exercising those powers, the Board has adopted a rule which puts pupils into three categories for the purposes of admission and payment of school fees.

Category I relates to children of staff in the service of the Community Institutions and bodies considered by the Board to be comparable, who are employed directly and continuously for a minimum period of one year. These children have to be admitted to the European Schools and are exempt from school fees.

Category II is comprised of pupils who are covered by individual agreements or decisions entailing specific rights and obligations in regard to them.

Category III is comprised of pupils who are not covered by I or II. They are admitted if places are available. An order of priority applies for admission and school fees are payable.

Responsibility for applying the Board ruling when pupils are enrolled rests with the headteachers of the Schools.

(2003/C 280 E/166) **WRITTEN QUESTION E-1459/03**

by Herman Schmid (GUE/NGL) to the Commission

(29 April 2003)

Subject: Employment and economic effects of takeovers

The European Parliament's Directorate General for research has concluded a study on 'Employment and economic effects of corporate restructuring and takeover' (Division for Social and Legal Affairs IV/WIP/2003/01/008). It gives an overview of empirical studies in this field and draws some general conclusions.

Studies in UK, where most mergers and acquisitions (M & A) take place, have found UK takeovers to be associated with significant falls in both employment and output. Employment in the new firms post-takeover drops on average by 11 % in the five years following the bid.

The Parliament study refers to Unctad's World Investment Report 1999: 'Empirical evidence shows a puzzling result, M & As fail in terms of wealth creation in remarkably high numbers' (IV/WIP/2003/01/008 p. 6). It shows that the most common result of a merger is the following: profitability and productivity do not improve, it seems to have a decelerating impact on market share growth, it is likely to have a negative effect on R & D investments, etc. It is beyond any doubt that the employees will be profoundly effected by a merger, due to changes in organisational structure, employment and working conditions and lay-offs.

What is the usefulness of takeovers if they are not empirically and unambiguously found to create wealth?

How does the Commission justify the proposal to have companies inform and consult with employees, although they can be ignored in the final descision, knowing that many of the mergers result in major job losses and profitability does not improve, or improves less than could have been the case without the merger?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(23 June 2003)

It is true that many restructuring operations, mergers and take-overs do not sometimes produce the anticipated result in terms of increasing profitability, competitiveness and productivity of the companies in question. But the question whether this is always the case is a very debated one [1]. In fact, some studies have argued that mergers and acquisitions can reduce production costs, increase output, improve product quality, obtain new technologies or provide entirely new products. Some other studies have pointed out that the implementation of a merger is often problematic and difficult, which explains why a large number of mergers fail to deliver their promises in terms of value creation and synergies. One should therefore be cautious about sweeping statements that mergers always fail. Mergers and acquisitions are sometimes the best way for some firms to improve their efficiency. They are generally considered neutral if not beneficial for the economy; for instance, the Community Merger Regulation, in Article 10(6) establishes a general presumption of legality for concentrations of Community dimension. In any case, the conduction of business is a prerogative of management in which the Union should not intervene.

That being said, mergers and acquisitions typically lead to corporate restructuring. The ability of firms to quickly re-deploy their activities is a key factor of competitiveness for the European economy, and consequently for the creation of jobs in the long run. However, it is also true that most of those operations may also have a negative impact in terms of employment, as well as in the surrounding environment, at least in the short run. For that reason, it is important to accompany restructuring operations, to prevent those likely to be affected from suffering from it. The Commission would like to remind that the Union has developed throughout the years a comprehensive policy for dealing adequately with the social consequences of corporate restructuring, including mergers and take-overs. As a result of that on-going policy, every restructuring operation must be preceded by effective information and consultation of employees' representatives with the aim of avoiding or attenuating its social impact, in accordance with Community Directives on 'Collective Redundancies' ([2]), 'Transfers of Undertakings' ([3]), 'European Works Councils' ([4]) and 'Information and Consultation' ([5]).

More generally, the Commission advocates the idea that companies should always take into account the effects that their decisions can have on their employees as well as on the social and regional context. This has recently been underlined in the Commission Communication concerning Corporate Social Responsibility (CSR) A business contribution to Sustainable Development ([6]).

Furthermore, the Commission invited the European social partners to engage in a dialogue on anticipating and managing change with a view to apply a dynamic approach to the social aspects of corporate restructuring. The social partners agreed to incorporate this issue in their pluriannual work program 2003-2004. The Commission very much hopes that their joint work in this field results in a Community framework which helps companies and their workers to successfully address the social dimension of corporate restructuring.

([1]) For a general review of the evalutaion of mergers and acquisitions, see for instance the working paper No 243 by Paul A. Pautler, Bureau of Economics, Tederal Trade Commission; it can be found on the Internet http://www.ftc.gov/be/econwork.htm; see also http://www.ftc.gov/be/rt/mergerroundtable.htm.

([2]) Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies. (This Directive consolidates Directives 75/129/EEC and 92/56/EEC) — OJ L 225, 12.8.1998.

([3]) Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses — OJ L 82, 22.30.2001.

([4]) Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees — OJ L 254, 30.9.1994.

([5]) Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community — OJ L 80, 23.3.2002.

([6]) COM(2002) 347 final.

(2003/C 280 E/167) **WRITTEN QUESTION E-1460/03**

by Bárbara Dührkop Dührkop (PSE) to the Commission

(29 April 2003)

Subject: The Comenius programme and intercultural education

Will the Commission say how many projects on intercultural education and the schooling of children of migrant workers, gypsies and itinerant workers have been undertaken under the Comenius programme since 1997? Will it also provide a list of those projects and state the total amount of appropriations earmarked for projects of this kind each year?

Answer given by Mrs Reding on behalf of the Commission

(11 June 2003)

When the Socrates I Programme was established in 1995, a specific action (Comenius Action 2) was set up to promote intercultural education in schools. Annually, about EUR 5 million were provided in the framework of action 2. The table below indicates the typology of approved project applications and the grants earmarked for these projects for the years 1997-2000:

Typology of approved project applications and grants earmarked under Comenius Action 2 (1997-2000)

Year	Intercultural Education	Migrants	Gypsies	Occupational travellers	Total
1997	51	34	12	1	98
1998	61	32	12	4	109
1999	59	25	11	4	99
2000	46	12	9	3	70
Projects	217	103	44	12	376
Grants (euro)	9 756 468	4 774 754	3 148 170	1 943 900	19 663 292

Comenius Action 2 projects could have a duration of up to three years but had to apply for a grant every year. Therefore, a project could have several applications throughout the years which explains why a high number of project applications appear in the table above. The average grant per project per year was EUR 52 000.

Under the Socrates II programme, as approved by the Council and the Parliament, the old Comenius Action 2 ceased to exist as an independent action. All activities (both intercultural education and activities envisaged for the specific target groups of old action 2) were integrated into other parts of the Comenius action, namely into teacher training activities (Comenius 2.1) and thematic networks (Comenius 3). However, the main part of the old Action 2 type projects was to be funded under the teacher training oriented Comenius 2. This was to bring traditional Action 2 projects closer to the national initial and in-service teacher training systems, thus increasing the impact of these projects on the educational systems.

Moreover, intercultural education projects targeting all 'pupils at risk' became over the years more numerous than projects focusing specifically on marginalised groups such as migrant children, gypsies and occupational travellers. Thus the table below indicates the total number of project applications and the amount of grants allocated to these 'mainstreamed' intercultural projects per year and no longer the grants allocated per target groups.

Year	Number of approved applications	Grant (euro)
2001	26	3 635 047
2002	13	489 352
Total	39	7 124 399

Under Socrates II Comenius projects on intercultural education may also have a project duration of maximum three years. The novelty, however, is that the project co-ordinator has to apply only once for the total project duration. Therefore, the number of approved applications appears less high but one has to note that the grant is approved for a longer period. Moreover, the grants allocated to these projects are proportionally higher than their 'Comenius 2 Action' predecessors, the average grant per project per year being EUR 67 000.

A copy of the lists of approved project applications for the years 1997-2000 and 2001-2002 which were co-financed by the Commission is sent direct to the Honourable Member and to Parliament's Secretariat.

Further information on the content of these projects can be found on the following web site: http://europa.eu.int/comm/education/socrates/comenius/projects.htm#compendia

(2003/C 280 E/168) **WRITTEN QUESTION E-1461/03**

by Bárbara Dührkop Dührkop (PSE) to the Commission

(29 April 2003)

Subject: European Social Fund and intercultural education

In its resolution of 21 January 1993 on cultural plurality and the problems of school education for children of immigrants in the European Community [1], the European Parliament called on the Commission to submit to it, within twelve months, a detailed report on the contribution of the European Social Fund to the teaching of the mother tongue of the country of origin to children of immigrants.

In its answer to my Written Question 815/95 [2] on mother-tongue teaching for the children of migrants in 1995, the Commission stated that it had undertaken to carry out a thorough evaluation of all operations being co-financed by the ESF over the period 1994-1999.

Did the Commission indeed carry out that evaluation? If so, what was the outcome thereof?

In any case will the Commission give details of the number of projects co-financed by the ESF for intercultural education (whether for teaching in the mother tongue or in the native language of the host country) and of the appropriations earmarked for them, with a breakdown by country, over the period 1994-2003?

[1] OJ C 42, 15.2.1993, p. 187.
[2] OJ C 190, 24.7.1995, p. 28.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(13 June 2003)

According to Regulation (EC) No 1784/1999 of the Parliament and of the Council of 12 July 1999 on the European Social Fund [1], the European Social Fund (ESF) intervenes in five policy fields: active labour market policies, equal opportunities, life-long learning, adaptability and gender equality. On the basis of their labour market situation and workforce skills needs, Member States decide which priorities they wish to be funded under these policy fields.

Language skills are important for facilitating the integration of immigrants in the labour market and can be co-financed by the ESF. Activities related to the education and care of children can be supported by the ESF to facilitate the integration or re-integration of parents, especially women, in the labour market. However, the intercultural education of children of immigrants (in the sense of teaching children of immigrants in their mother tongue or in the language of the host country) is not an ESF priority as such.

The Commission is currently in the process of undertaking an overall ex-post evaluation of the mainstream ESF interventions in the programming period 1994-1999. This evaluation will be completed in Autumn 2003 and shall be submitted direct to the Honourable Member.

Evaluations have also been carried out on the former Community Initiatives, Adapt and Employment, which included the integration in the labour market of socially excluded people, including migrants (in particular the Integra strand). The Commission is sending these evaluations direct to the Honourable Member and to Parliament's Secretariat.

As the Member States are responsible for the implementation and management of the funds in accordance with the provisions of the Structural Funds regulations, the Commission has no details of the number of ESF projects for particular activities, such as intercultural education, and of the appropriations earmarked for them.

[1] OJ L 213, 13.8.1999.

(2003/C 280 E/169)

WRITTEN QUESTION E-1464/03

by José Ribeiro e Castro (UEN) to the Commission

(29 April 2003)

Subject: European charter for children in hospital

The Commission's answer to Question P-3850/02 [1] appears to suggest that there is increasingly solid support for the view that 'The treatment of children in hospital is a subject related to the organisation and delivery of health services and medical care which are matters for the Member States. Accordingly,' The Commission … does not intend to make any proposals in relation to a charter for children in hospital'.

However, in the first place the Court of Justice has already recognised 'the principle set out in Article 152(1) EC that all Community policies must ensure a high level of human health protection' [2]. The Court has been tending to consider that the Union is competent to lay down harmonised criteria intended ultimately to protect public health, having particular regard to the criterion of a 'high level of protection' (Article 95(3)), although the proportionality principle must be deemed to constitute a specific limit.

Secondly, since as long ago as May 1986 the Commission has had a compelling reason — if not a duty — to submit a proposal because Parliament adopted a resolution [3] in which it explicitly called on the Commission to submit 'a proposal for a European charter on the rights of patients and for a European charter on the rights of children in hospital'.

Can the Commission answer the following questions?

Does the Commission still believe that it should not submit a proposal for a European charter for children in hospital because the matter lies outside its responsibility? How does it view both the implications of the Court's case law regarding Article 152 of the TEC and the express request made by Parliament in 1986, which has gone unheeded ever since?

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[1] Written Question P-3850/02 by Françoise Grossetête to the Commission (18 December 2002), together with the answer given by David Byrne on behalf of the Commission on 23 January 2003. See also the question by Adeline Hazan (P-0158/03) and David Byrne's answer of 18 February 2003.

[2] Conclusions delivered by Advocate-General L. A. Geelhoed on 10 September 2002 in Case C-491/01 The Queen v Secretary of State for Health ex parte British American Tobacco (Investments) Ltd and Imperial Tobacco Ltd (interveners: Japan Tobacco Inc. and JT International SA).

[3] OJ C 148, 16.6.1986, p. 37.

Answer given by Mr Byrne on behalf of the Commission

(11 June 2003)

It is indeed true that the first paragraph of Article 152 of the Treaty establishing the European Union stipulates that a high level of human health protection shall be ensured in the definition and implementation of all Community policies.

However, a distinction must be drawn between public health issues, where the Union has a role to play, and health-care issues. In that respect, paragraph 5 of the same Article clearly states that Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care.

The treatment of children in hospital, as well as the rights of these patients, is the sole responsibility of the Member States, not of the Community.

Therefore, the Commission does not have the competence to come forward with proposals for a European charter on the rights of patients and for a European charter on the rights of children in hospital.

The Opinion delivered by Advocate-General L. A. Geelhoed on 10 September 2002 in Case C-491/01 does not alter that position. The focus of that particular Case is on the protection of public health and not on the harmonisation of health care.

(2003/C 280 E/170)

WRITTEN QUESTION E-1489/03

by Reinhold Messner (Verts/ALE) to the Commission

(2 May 2003)

Subject: Hygiene rules for slaughter and processing on farms

Since the publication of the White Paper on food safety a large number of new regulations have been introduced in the area of food safety and hygiene.

What rules are currently applicable to the slaughter of animals (cattle, pigs, sheep, goats and fowl) on farms? What requirements have to be complied with in respect of buildings? What rules are applicable to processing (sausage products, escalope) on farms? What special rules apply to direct marketing of such products on farms (guest house or farm shop)?

In respect of which of these rules has the Commission recently put forward legislative proposals or plans to do so in the near future?

Answer given by Mr Byrne on behalf of the Commission

(10 June 2003)

At present the main hygiene rules on slaughter of domestic bovine animals, pigs, sheep and goats, on the one hand and of poultry, on the other hand, are contained in Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat [1] and in Council Directive 71/118/EEC of 15 February 1971 on health problems affecting trade in fresh poultrymeat [2], respectively. The scope of the Directives does not include the slaughter of an animal for private consumption by the farmer and his immediate family, which may be subject to the national law of the Member State. However, the production of these meats for human consumption, other than for private consumption, is subject to meeting the requirements of the Directives.

Lesser conditions, permitting certain simplified structure and infrastructure criteria, apply in respect of low-capacity slaughtering establishments. However, compliance with the hygiene rules of the Directive is required and, therefore, public health safety is not compromised. These establishments must be registered and may market their meat on their national territory under certain conditions. Such meat must, in particular, be marked with a national stamp that cannot be confused with the Community stamp.

Assuming that the sausage goods and the breaded, boned cutlets referred to by the Honourable Member are not produced by undergoing a treatment which modifies the internal cellular structure of the meat and causes the characteristics of fresh meat to disappear, such products fall within the definition of 'meat preparations'. The rules currently in place for the production of meat preparations are contained in Council Directive 94/65/EC of 14 December 1994 laying down the requirements for the production and placing on the market of minced meat and meat preparations [3]. Certain production authorisations may be permitted by the Member States, while ensuring that the health requirements of this Directive are observed, in order to take account of particular habits of consumption.

No special rules applying to establishments on farms as such are laid down. This means that, provided that the relevant requirements of the above-mentioned Directives, either for the placing on the Community or national market are met and that the national rules permit the sale of such meats at farm level, meat may be produced, cut and stored in approved or registered establishments located on farms.

Equally, no 'special arrangements' exist for the direct marketing of these products on the farm, apart from certain situations concerning direct sale to the final consumer. Cutting and storage of meat, and preparation of meat preparations for the purpose of supplying the final consumer directly with the products are exempt from the requirements of the relevant Directive but are subject to the public health checks provided for in national rules governing retailing. Provisioning restaurants, hotels or premises outside the farm from the farm in question may not be considered as sales made direct to the consumer.

It should also be noted that the terms of Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs [4] apply horizontally to foodstuffs in general. This means that food business operators, including those covering stages after primary production, such as preparation, processing, storing, handling and offering for sale or supply to the consumer, must meet the requirements of this Directive to ensure the safety and wholesomeness of foodstuffs.

The principal objective of the new general and specific hygiene rules is to ensure a high level of consumer protection with regard to food safety, taking into account certain principles. Pending the adoption, entering into force and implementation of the draft Regulations making up the proposal, the existing requirements prevail.

The proposed Regulation of the Parliament and of the Council on the hygiene of foodstuffs [5], as it stands, includes the principles that the primary responsibility for the food safety rests with the food business operator and that there is a need to ensure food safety throughout the food chain. The general rules will apply to all stages of production and processing of food. However, Member States may, without compromising food hygiene objectives, adopt national measures adapting the requirements laid down in the new food hygiene Regulations in order (i) to enable the continued use of traditional methods at any stage of production, processing and distribution, and (ii) to accommodate the needs of food businesses situated in regions suffering from special geographical constraints.

The proposed Regulation of the Parliament and of the Council laying down specific hygiene rules for food of animal origin will not apply to the domestic preparation, handling or storage of food for private domestic use. Neither will it apply to the direct supply by the producer of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local establishments directly supplying such meat to the final consumer as fresh meat. Member States will be obliged, in respect of such supply, to establish rules under national law to ensure the achievement of the objectives of the proposed Regulation. This Regulation, unless indicated otherwise, will not apply to retail. Under Article 10(3) of the proposal Member States will have the opportunity, without compromising food hygiene objectives, to adopt national measures adapting the specific requirements set down in Annex III under five sets of conditions.

(1) OJ P 121, 29.7.1964.
(2) OJ L 55, 8.3.1971.
(3) OJ L 368, 31.12.1994.
(4) OJ L 175, 19.7.1993.
(5) OJ C 365 E, 19.12.2000.

(2003/C 280 E/171) **WRITTEN QUESTION E-1490/03**

by Olivier Dupuis (NI) to the Commission

(2 May 2003)

Subject: Impact of the war in Chechnya on the Russian economy

In a recent interview for the 'Ekho Moskvy' radio station, Mr Khasbulatov, former President of the Russian Supreme Council, stated that the first three to four months of the second Chechnyan war (August-November 1999) had cost some USD 3 billion and that the annual cost of the three years of war from 2000-2002 had been USD 10 to 13 billion. As for this year, the cost of the first three months is estimated at USD 3,5 billion.

Mr Khasbulatov also said that Russia's overall expenditure for these three-and-a half years of war, i.e. since the beginning of the second invasion and the occupation of Chechnya in 1999, was USD 40 billion. These are some of the figures contained in a report drawn up by Mr Ruslan Khasbulatov and Mr Ivan Rybkin under the title 'Economic aspects of the war in Chechnya'.

Has the Commission seen the report by Mr Khasbulatov and Mr Rybkin? If so, how does it view the report? Does it not consider that this expenditure is totally incompatible with the Russian economy's current state? Moreover, does it not consider that it is only through the economic and financial aid provided by the EU and its Member States that Russia is capable of spending such huge amounts in order to continue the war in Chechnya?

Answer given by Mr Patten on behalf of the Commission

(21 May 2003)

The Commission deeply regrets the tragic situation which has existed in the Russian republic of Chechnya over the past decade. The ongoing conflict has entailed huge costs for both federal and local administrations and for the civilian population of Chechnya, in human, social and economic terms. The Commission hopes that the constitution adopted during the referendum held on 23 March 2003 will provide a platform for dialogue, reconciliation, restoration of the rule of law and effective protection of human rights in line with the statement made by President Putin on 16 March 2003. It will continue to raise the concerns which it has in this regard with the Russian authorities, in the context of the Union's political dialogue with Russia.

The Commission recalls that it has provided assistance via the European Initiative for Democracy and Human Rights (EIDHR) to promote civil society, media freedom and respect for human rights in the north Caucasus throughout the period of conflict in Chechnya, with the aim of promoting a lasting peace in the region. The Commission notes that assistance provided to Russia via the Tacis programme aims, inter alia, at the promotion of civil society, the rule of law and public institutions, as well as assisting Russia's difficult political, economic and social transition.

The Commission notes the analysis presented by Mr Khasbulatov and Mr Rybkin. The Commission is unable to make a judgement on the estimated costs of the Russian Government's present policy in Chechnya or their impact on the wider economic situation. There is however no evidence that the Russian authorities present policy is dependent on financial assistance from the EU.

(2003/C 280 E/172) **WRITTEN QUESTION E-1498/03**

by Ian Hudghton (Verts/ALE) to the Commission

(5 May 2003)

Subject: 2003 financial package to tackle BSE and other animal diseases

What amount of financial aid was available to the UK Government under the 2003 EU financial package to tackle BSE and other animal diseases; further, which of the Member States applied for such assistance and what amounts have been awarded to each; and finally can the UK Government still make a claim for payment to be made?

Answer given by Mr Byrne on behalf of the Commission

(10 June 2003)

The budget available for the 2003 transmissible spongiform encephalopathy (TSE) Monitoring Programme was EUR 94,5 million. Of this, it is estimated that around EUR 4,2 million would have been available initially for the United Kingdom's eligible costs if their programme had been submitted on time, with a possible reallocation of the budget from the underspending Member States to the overspending Member States before the end of the year, as was done for the 2002 TSE Monitoring Programmes.

The other 14 Member States all submitted a programme for TSE Monitoring 2003.

The global amount committed for the 14 Member States was EUR 94 327 000, with the maximum amount for the eligible costs of each individual Member State set out in Commission Decision 2002/934/EC of 28 November 2002 [1] as follows:

— Belgium: EUR 4 719 000;

— Denmark: EUR 2 977 000;

— Germany: EUR 20 723 000;

— Greece: EUR 975 000;

— Spain: EUR 5 984 000;

— France: EUR 30 554 000;

— Ireland: EUR 9 577 000;

— Italy: EUR 6 952 000;

— Luxembourg: EUR 198 000;

— The Netherlands: EUR 6 312 000;

— Austria: EUR 2 455 000;

— Portugal: EUR 1 059 000;

— Finland: EUR 1 402 000;

— Sweden: EUR 440 000.

The budget available for the 2003 Eradication Programme was EUR 41 million. Of this, at least EUR 765 000 (EUR 700 000 for Brucellosis and EUR 65 000 for Tuberculosis — the same as for the year 2002) would have been available initially for the United Kingdom's eligible costs had they submitted their programmes on time, with a possible reallocation between the Member States before the end of the year, as was done for the 2002 Eradication Programmes.

The other 14 Member States submitted Eradication Programmes for 2003.

The global amount committed for the various programmes approved for the 14 Member States was EUR 37 850 000, with the maximum amount for the eligible costs of each individual Member State set in Commission Decision 2002/943/EC as follows:

— Belgium: EUR 650 000;

— Denmark: EUR 150 000;

— Germany: EUR 2 090 000;

— Greece: EUR 1 170 000;

— Spain: EUR 14 200 000;

— France: EUR 2 555 000;

— Ireland: EUR 6 855 000;

— Italy: EUR 4 925 000;

— Luxembourg: EUR 150 000;

— The Netherlands: EUR 900 000;

— Austria: EUR 215 000;

— Portugal: EUR 3 95;

— Finland: EUR 35 000;

— Sweden: EUR 5 000.

The United Kingdom Government cannot make a financial claim for its 2003 Eradication Programmes and TSE Monitoring Programmes. The United Kingdom's programmes were not approved for co-financing due to the fact that they were submitted after the 1 June deadline given in Article 24(3) of Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field [2]. Therefore, any payment application submitted by the United Kingdom for 2003 eradication or monitoring programmes will not result in a financial contribution on the part of the Commission. The Department for Environment, Food and Rural Affairs (DEFRA) was informed of this in a letter dated 11 November 2002.

[1] OJ L 324, 29.11.2002.
[2] OJ L 224, 18.8.1990.

(2003/C 280 E/173) **WRITTEN QUESTION E-1499/03**

by José Mendiluce Pereiro (PSE), Alexander de Roo (Verts/ALE) and Miquel Mayol i Raynal (Verts/ALE) to the Commission

(5 May 2003)

Subject: Zebra mussels and transfers from the Ebro

The zebra mussel (Dreissena polymorpha) is a bivalve mollusc some three centimetres in size, similar in appearance to the common mussel. The population explosion that results when these mussels are introduced makes it virtually impossible to stop them colonising the various natural and artificial substrata encountered in the freshwater environment. They feed on phytoplankton, for which they compete with other autochthonous species, disrupting the ecological balance. The pseudofaeces they expel cover the beds of rivers and reservoirs forming a cloak that is toxic to humans and also eliminates all fish in the zone concerned. The colonisation capacity of these mussels enables them to block irrigation channels, intakes and outtakes of power stations, hydraulic constructions of all types, turbines, drainage channels, tanks, engines and anchors of vessels, water treatment plants, streams and watercourses and even to totally obstruct pipes and pipelines. In the early 1980s they were introduced into the North American Great Lakes. Efforts to control the species have already cost some USD 2 billion and, despite this large-scale investment, it is now firmly established.

During summer 2001 the presence of zebra mussels was detected in the Ebro (at the Riba Roja reservoir and at various points between Flix and Xerta). In the space of a few months, the species became commonplace from the Riba Roja reservoir to the Ebro delta. It has recently been found in the irrigation systems of Les Garrigues and Terra Alta, more than 20 kilometres from where it initially appeared, having reached the area as a result of normal water harnessing.

1. Does the Commission know what measures the Spanish Government is taking to eradicate this pest?

2. Are any of these measures 100 % effective? If not, what measures would be 100 % effective?

3. Will the Commission support the funding of the National Hydrological Plan, under which it is proposed to transfer infected waters (from the river Ebro) to other river basins?

4. Would a transfer be legal under such circumstances? Would it not be in breach of the habitats directive prohibiting the introduction of non-native species?

5. Does the Commission plan to take a decision on the National Hydrological Plan before or after the eradication of this pest?

Answer given by Mrs Wallström on behalf of the Commission

(5 June 2003)

The Commission would refer the Honourable Members to its answer to Written Question E-0510/03 by Joan Colom i Naval [1] on the same issue.

With regard to the specific issues raised in the present question:

1. The Commission is not aware of any steps being taken by the Spanish Government to eradicate the Zebra mussel in the Ebro river system.

2. The Commission is not aware of any method which is 100 % efficient in eradicating these animals.

3. The use of structural funds and cohesion funds is subject to the detailed rules laid down in the relevant regulations. These rules include the necessity to respect Community legislation and policies.

4. The Commission is engaged in an extensive dialogue with the Spanish Authorities concerning the proposed Ebro transfer and in particular with regard to the respect of Community legislation on water protection, habitats' protection and Environmental Impact Assessment. The issue of the zebra mussel and the threat of spreading this animal to other river basins is part of this dialogue.

5. The Spanish Hydrological Plan covers the entirety of the country and includes hundreds of proposed projects relating to the construction of sewage works, water purification plants, canals, dams, pipelines etc. The Commission will monitor compliance with the relevant legislation and will ensure that the detailed rules relating to use of Community funds are respected. With regard to the proposed Ebro transfer, which is part of the hydrological plan, the Commission is still engaged in detailed discussions with the Spanish Authorities concerning the environmental impact in the Ebro river, the Ebro delta and the receiving river basins.

([1]) OJ C 242 E, 9.10.2003, p. 141.

(2003/C 280 E/174) **WRITTEN QUESTION E-1521/03**

by Mario Borghezio (NI) to the Commission

(6 May 2003)

Subject: Illegal immigration and the spread of the SARS virus

Since the SARS virus is also spreading within Europe in a way which threatens everyone's health.

Since the international authorities consider people arriving from certain parts of the world to be possible carriers of the virus (in particular people coming from China, a country whose health authorities significantly delayed the issue of an international warning regarding the dangers inherent in any spread of the virus).

Since in many European countries there are extensive networks of Chinese restaurants and other businesses which are known to employ staff of doubtful origin who entered the EU as illegal immigrants.

Will the Commission provide information regarding the action it intends to take in order to ensure that proper checks are carried out on the state of health of such individuals?

(2003/C 280 E/175) **WRITTEN QUESTION E-1547/03**

by Mario Borghezio (NI) to the Commission

(7 May 2003)

Subject: Adoption in Europe of joint measures to combat SARS

The recent epidemic caused by the atypical pneumonia virus (SARS) has now forced the Chinese authorities to place a large number of people under quarantine, whilst special prevention provisions have already been taken in Canada and in other Asian countries directly involved. However Europe, which has

close trade relations with all these countries and receives a constant influx of Asian immigrants, many of them illegal immigrants, has not yet devised an appropriate prevention and control plan for the continent as a whole, with standard measures to be carried out by all the Member States, not least in order to devise the means of tackling a possible epidemic.

In view of all this, does the Commission not intend to take any urgent action?

(2003/C 280 E/176) **WRITTEN QUESTION P-1604/03**

by Cristiana Muscardini (UEN) to the Commission

(6 May 2003)

Subject: Atypical pneumonia virus (SARS)

Severe acute respiratory syndrome (SARS) has been causing worldwide concern since February.

At the beginning of April there were 2 223 suspected cases in the world, 78 of which resulted in death. In Europe there were 5 suspected cases in Germany, 8 in Italy, 3 in the United Kingdom, 2 in Ireland, 1 in France and 1 in Belgium (none of them fatal).

According to the most recent information supplied by the Chinese Ministry of Health, SARS has killed another 9 people in the country and there are 203 new suspected cases (95 of them in Beijing). The total number of cases in China has now risen to 3 117, and the number of deaths has risen from 131 to 140 (59 of them in Beijing).

The antibiotics used to combat the most serious form of the infection have proved ineffective and as yet there are no antiviral drugs (it will allegedly take at least a year to develop any).

The Member States have taken action to tighten up preventive measures. In Italy, for example, not only will people arriving from countries at risk have to fill in a form at all airports, they will also be interviewed by doctors accompanied by interpreters.

Can the Commission say whether:

1. it intends to take prompt action aimed at coordinating European-wide measures to prevent, control and monitor the disease;

2. it will propose the creation of a European centre to combat disease, as Commissioner Byrne recommended when addressing the European Parliament on 7 April 2003;

3. it considers it appropriate to coordinate the increasingly rigorous checks to be carried out by the airlines flying to EU airports from China, Hong Kong, Taiwan, Singapore and Canada (for example, measuring the temperature of passengers when they leave the areas at risk and when they arrive in Europe, with the possibility of quarantine for suspected cases) and urge countries outside the EU to carry out the same checks?

(2003/C 280 E/177) **WRITTEN QUESTION E-1613/03**

by Caroline Lucas (Verts/ALE) to the Commission

(13 May 2003)

Subject: Severe Acute Respiratory Syndrome (SARS)

On 28 April 2003 the World Health Organisation stated that there were 32 reported probable cases of Severe Acute Respiratory Syndrome (SARS) in EU Member States.

Should the Commission consider the measures taken by a Member State to be inadequate, would the Commission consider implementing a coordinated EU response?

Will the Commission be persuading Member States to initiate the checking of all airline filters for coronavirus (and other micro-organisms) after each journey, given that the SARS PCR test only takes about 4 hours to come through with a result?

Does the Commission accept that with a disease such as SARS, the EU's defence will only be as strong as its weakest point — i.e. the least effective national measures?

(2003/C 280 E/178) **WRITTEN QUESTION E-1617/03**

by Antonio Tajani (PPE-DE) to the Commission

(13 May 2003)

Subject: SARS

In view of the spread of the severe acute respiratory syndrome or SARS virus, urgent action by the Union authorities is required to devise common protection measures and strengthen cooperation between Member States.

The Italian Health Minister, Girolamo Sirchia, has called for checks in Europe to be stepped up because, without close coordination, the open frontiers between the countries of the Schengen area could prove to be a weak spot in preventing the spread of the epidemic.

It is vital to establish a European health protection strategy at borders, and above all at airports, and to introduce a health safety code that will have to be enforced by all the countries that are signatories to the Schengen agreement.

In the light of this, can the Commission indicate what action it intends to take to prevent the spread of the virus and strengthen coordination between the national authorities?

When does intend to respond to the request from the Italian Government for checks in countries of the Schengen area to be improved?

Joint answer
to Written Questions E-1521/03, E-1547/03, P-1604/03, E-1613/03 and E-1617/03
given by Mr Byrne on behalf of the Commission

(10 June 2003)

The Commission has taken a proactive and leading role in responding to the outbreak of Severe Acute Respiratory Syndrome (SARS).

As recently stated by the Council on SARS (6 May 2003), this has been undertaken through the Union Network for the Epidemiological Surveillance and Control of Communicable Diseases in the Community working under the Decision No 2119/98/EC of the Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community [1], and it has provided a very effective basis for the rapid exchange of information within the Union and for a co-ordinated response, in which the European Economic Area/European Free Trade Association (EEA/EFTA) and Candidate Countries have fully participated in collaboration with the World Health Organisation (WHO).

The Commission is also keeping regular contact with Europe's airlines and airports associations, promoting the exchange of information and good practices on SARS. The air travel industry has been consulted on their expectations for a Community-wide co-ordination, although it must in any case follow standard WHO guidelines under the supervision of national health authorities.

The Council, at its extraordinary meeting on SARS, broadly agreed the orientation developed by the Commission with the assistance of the Network Committee.

Although the application of health protection measures falls to the authorities of the Member States the orientation for immediate and future actions will focus on the following issues:

— Rapid detection of all suspect cases of SARS through good surveillance.

— Protection of those at risk of infection from the cases through effective isolation of SARS patients in hospitals, including measures to protect carers.

— Particular attention to be paid to air travel, which has been an important factor in the spread of SARS, notably to standardised screening of passengers leaving affected areas, onboard advice to passengers and effective information at ports of entry from infected areas.

— The importance of raising awareness among professionals and public and the timely and accurate reporting and sharing of information with other countries, in particular EEA/EFTA countries, acceding and candidate countries and with the WHO. Co-operation should also be developed with other partners, such as airline companies.

The Council also took note of the Commission's intention to submit a proposal to create a European Centre for Disease Prevention and Control.

In the case of controls at the external borders, each Member State conducts these controls in accordance with the provisions of Chapter 2, Title II, of the Convention implementing the Schengen Agreement, in particular Article 5, which lists the conditions for granting entry to third country nationals. The correct application of these provisions is enough to guarantee an adequate level of safety for the Schengen countries without the need for new control measures at the external borders to deal with the current situation.

As for the possible reintroduction of controls at internal borders, it should be stressed that it is up to the Member States to decide whether to take such a decision in accordance with Article 2(2) of the Convention implementing the Schengen Agreement. However, given that the source of the problem here is in third countries, the Commission considers that the correct implementation at airports of the provisions on controls at the external borders should suffice.

(1) OJ L 268, 3.10.1998.

(2003/C 280 E/179) **WRITTEN QUESTION E-1524/03**

by Erik Meijer (GUE/NGL) to the Commission

(6 May 2003)

Subject: Compulsory payment of contributions for health care in a Member State other than the state of residence and the health care services used

1. Is the Commission aware that the free movement of persons and freedom of establishment has resulted in many people no longer being dependent on residence in their Member State of origin for their income, including many pensioners who settle in areas with warm climates and attractive recreational facilities, such as the coastal areas of Spain?

2. Is this influx of new residents resulting in a relatively heavy burden being imposed on the Spanish social security system, which has to meet the needs of local residents on low incomes with few doctors and facilities, thus resulting in growing waiting lists?

3. Can the Commission confirm that EU Regulation (EEC) 1408/71 (1) requires persons in receipt of a pension or social benefit from their Member State of origin to pay contributions in that State to cover their entitlement to health services in another Member State where they have chosen to live? Does this mean that people may be required to pay for a much broader or limited package of provisions than is available in the Member State where they live, so that there is no relation between the level of

contributions and the range of services to which they are entitled? To what extent is this compatible with the principle that people within the EU must not be disadvantaged from the point of view of the free movement of persons and freedom of establishment?

4. What would the implications be if some of the provisions that are now covered by the Exceptional Medical Expenses Act (AWBZ) in the Netherlands were transferred to the Sickness Insurance Fund, as a result of which the remaining AWBZ contribution would mainly or primarily cover services not available in Spain? Would it not be better if they could pay for additional provisions in Spain instead of in the Netherlands?

5. What measures is the Commission taking to ensure that the pressure of foreign residents on the Spanish social security system does not become too great and prevent a large group of insured persons from continuously complaining about high contributions and limited health care services?

(1) OJ L 149, 5.7.1971, p. 2.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(6 June 2003)

The Commission would inform the Honourable Member that, in the absence of harmonisation of social security systems across Europe, Regulation (EEC) No 1408/71 (1) set up a system of coordination of national social security schemes in order to provide optimum social security protection for persons moving within the Union.

Regulation (EEC) No 1408/71 contains provisions entitling persons residing on the territory of another Member State than that in which they are insured to obtain medical treatment there.

As a general rule, the principles of Regulation (EEC) No 1408/71 provide that the health care shall be given in accordance with the legislation of the Member State in which the person concerned resides, as if the person was insured in that country. This system is designed to ensure equality of treatment for persons residing on the territory of a Member State. Persons residing in a Member State other than the State that pays their pension will thus be entitled to health care in the Member State of residence in accordance with the legislation of that State, as if they were insured there. In order to obtain health care in the country of residence, the pensioner registers with the institution of the country of residence, by means of a form certifying that he/she is entitled to health care. Once the pensioner is registered with the institution of the country residence, the authorities of that country can take him/her into account when planning what medical resources they need.

Regulation (EEC) No 1408/71 also contains provisions determining which institution shall bear the costs of health care provided to a pensioner. If the pensioner has a pension from a single Member State other than that in which he/she resides, it is the institution of the country responsible for paying the pension that bears the costs of health care. The Regulation establishes how the accounts are settled between institutions: the institution of the Member State of residence receives from the institution of the Member State responsible for the pension a fixed amount (at present 80 % of the annual average health care costs for a pensioner in the country of residence) which covers all the health care provided to the pensioner.

In return, the Regulation provides that the institution which bears the health care costs may deduct from the pension payable by it any deductions of contributions provided for by its country's legislation.

In certain situations, these rules may indeed result in a pensioner paying relatively high social security contributions in relation to the services he/she can claim in the country of residence. However, the reverse can also be true.

The Commission can inform the Honourable Member that a partial solution to this problem has been found during the negotiations on the proposal to simplify and modernise Regulation (EEC) No 1408/71 (2). At its meeting of 3 December 2002, the Council reached an agreement on a general orientation for the chapter relating to sickness and maternity, whereby the pensioner may also obtain health care in the

Member State of the institution which pays the costs of the health care for the pensioner (and to which he may pay social security contributions), provided that this Member State has opted for this solution and is listed in an Annex included for this purpose in the Regulation.

(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, last updated by Council Regulation (EC) No 118/97 of 2 December 1996 — OJ L 28, 30.1.1997.

(2) Proposal for a Regulation of the European Parliament and of the Council on coordination of social security systems — OJ C 38, 12.2.1999.

(2003/C 280 E/180) **WRITTEN QUESTION P-1533/03**

by Frédérique Ries (ELDR) to the Commission

(30 April 2003)

Subject: Innovative medicinal products in the enlarged European Union

The enlargement of the European Union became a reality in Athens on Wednesday, 16 April 2003 when the Accession Treaty was signed by ten new Member States. This historic event has already had a tangible impact in that the new Member States are already beginning to participate in Community affairs. In this respect, enlargement gives rise to a number of questions concerning the protection of pharmaceutical innovation in some accession countries.

The European Commission and the European Parliament have on several occasions voiced the need to safeguard pharmaceutical innovation, not least by means of the registration data protection granted at the time marketing authorisation is issued for new products.

It now seems necessary to ensure the full and inclusive application of registration data protection, which is an integral part of the Community acquis, in the new Member States as soon as they join the European Union.

There are still certain doubts and fears as regards the situation vis-à-vis registration data protection for products that are covered within the European Union by a Community marketing authorisation granted via the centralised route.

Could the Commission indicate, in these specific but very frequent cases:

— whether the registration data protection granted under the centralised Community procedure for placing on the market will apply in full in the new Member States as soon as they join the European Union;

— and whether the marketing authorisations granted by local authorities in the candidate countries to generic copies of such products prior to accession will become null and void as soon as those countries join the European Union, with the de facto result that these copies are withdrawn from the market?

Answer given by Mr Liikanen on behalf of the Commission

(21 May 2003)

The Commission can confirm that for medicinal products authorised according to the centralised procedure set out in Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorization and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products (1), the data protection set out in Article 13(4) of this Regulation read together with Article 10(1)(a)(iii) of Council Directive 2001/83/EC of the Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (2) fully applies in the new Member States as from accession. As a consequence, a new application for a generic product submitted in the new Member States after accession cannot benefit from the abridged procedure set out in Article 10(1)(a)(iii) of Directive 2001/83/EC as long as the reference product is still covered by data protection.

The wording of Article 10(1)(a)(iii) of Directive 2001/83/EC implies that an abridged application can only be lodged with the authority that evaluated and authorised the reference product. It is only this authority that holds the full dossier on the reference product, to which the generic applicant wants to refer and which is indispensable to assess the generic application.

This interpretation has already been set out in section A 2(a) 1 of the Commission Communication of 1998 on the Community marketing authorisation procedures for medicinal products [3].

For medicinal products authorised via the centralised procedure, only the European Agency for the Evaluation of Medicinal Products set up under Council Regulation (EEC) No 2309/93 holds the full dossier, not the agencies of the acceding Member States.

As a consequence, the national authorisations for generic copies of centrally approved medicines lose their legal effects with accession.

(1) OJ L 214, 24.8.1993.
(2) OJ L 311, 28.11.2001.
(3) OJ C 229, 22.7.1998.

(2003/C 280 E/181) **WRITTEN QUESTION E-1537/03**

by Charles Tannock (PPE-DE) to the Commission

(7 May 2003)

Subject: Transition period for the upgrading of markting authorisations for medicinal products

Under the accession requirements, Candidate Countries are required to bring all existing medicinal marketing authorisations in line with EU standards by the date of accession. Any medicines without this authorisation will be on the market in contravention of EU law and should be withdrawn. Five of the Candidate Countries (Cyprus, Lithuania, Malta, Poland and Slovenia) requested and were granted a transitional period during which the full requirements of the acquis will not be applied.

Each country was required to produce a list of those marketing authorisations that would be upgraded during the transitional period. The lists were not made public and apparently have not been subjected to any independent scrutiny from either a legal or a public health perspective.

Lists of pharmaceutical products eligible for transitional periods negotiated with Cyprus, Lithuania, Malta, Poland and Slovenia which will be annexed to the Accession Treaties are believed to contain substantial inaccuracies or deficiencies which require rectification.

The most serious problems are:

(a) the list contains products which are not yet approved in Candidate Country markets;

(b) the lists contain products which are the same as products approved through the centralised procedure of the EU, and which will, therefore, be illegal from the day of accession and should be removed from the market;

(c) the lists contain local copies of the same centralised products, despite the paper of the Pan-European Regulatory Forum on phasing-in issues clearly stating that 'nationally authorised generic versions of centrally-approved products cannot stay on the market in the CC's after accession'.

Examples include Bactoban (a copy of a patented GSK product (Poland)), Clopidrogel and Klopidrogel (not registered, despite being copies of a Sanofi-patented product (Poland)), Betaferon (centrally-approved by Schering (Malta, Slovenia)), Taxotere (centrally approved by Aventis (Slovenia)) and Viagra (centrally-approved by Pfizer (Cyprus, Lithuania and Slovenia)).

The lists were not made public during the negotiations. How soon will it be before the lists are revised and can the Commission confirm that copies of centralised products must be withdrawn from the market on the day of accession?

Answer given by Mr Liikanen on behalf of the Commission

(13 June 2003)

The Member States decided to incorporate into the Accession Treaty lists of the medicinal products covered by the transitional period. This transitional period is foreseen in the section on free movement of goods in the Accession Treaty of five Candidate Countries. The Commission does not have any information on how far the Member States checked the lists as provided by the Candidate Countries. As the lists are part of the Accession Treaties as signed on 16 April 2003 in Athens, a revision of these lists would require changing the concerned Accession Treaties.

The provision on the transitional period as foreseen in the draft Accession Treaty is worded in a rather restrictive way, being limited to aspects of quality, safety and efficacy ('by way of derogation from the requirements of quality, safety and efficacy laid down in Directive 2001/83/EC [1] …'). Other aspects than those of quality, safety and efficacy such as the respect of other legal or procedural requirements of the Community pharmaceutical legislation are not referred to.

National marketing authorisations for medicinal products, which are not in compliance with European legislation and which are not covered by the transitional period, must be withdrawn immediately after accession. Such national authorisations granted by the new Member States, before accession, for generic copies of products authorised via the centralised procedure become inapplicable on the day of accession.

The wording of Article 10(1)(a)(iii) of Directive 2001/83/EC implies that an abridged application can only be lodged with the authority that evaluated and authorised the reference product. It is only this authority that holds the full dossier on the reference product, to which the generic applicant wants to refer and which is indispensable to assess the generic application.

For medicinal products authorised via the centralised procedure, only the European Agency set up under Regulation (EEC) No 2309/93 [2] holds the full dossier, not the agencies of the acceding Member States. As a consequence, the national authorisations for generic copies of centrally approved medicines become illegal and have to be withdrawn upon accession.

[1] Directive 2001/83/EC of the Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use — OJ L 311, 28.11.2001.

[2] Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal products — OJ L 214, 24.8.1993.

(2003/C 280 E/182) **WRITTEN QUESTION E-1538/03**

by Charles Tannock (PPE-DE) to the Commission

(7 May 2003)

Subject: EU and WTO rules regarding business with companies based in tax havens

There has been some discussion within the UK about the propriety of the sale by the Inland Revenue of tax and customs offices to the Bermuda-based company Mapeley Steps for GBP 370 million. Some of the details of the case are laid-out on page 26 of the 21 February — 6 March 2003 issue of the investigative/satirical publication Private Eye which has taken a close interest in the case. The Chairman of the Inland Revenue appears to have justified the sale of the buildings on the grounds that it is contrary to EU and WTO rules to turn-down a contract with a company on the grounds that it operates within a tax haven, although there appears also to be some dispute as to whether Mapely Steps was registered in Bermuda or the UK at the time of the sale.

Can the Commission clarify the EU and WTO rules regarding the sale of government property to companies based in tax havens and whether the government in question would be entitled to take into account the overall net benefit to the Exchequer when deciding to make a sale? Can the Commission also confirm whether or not it is correct that the United States government will not sign contracts or come to arrangements with any organisation based in a tax haven, and, if so, whether that is in the opinion of the

Commission compatible with the US WTO. obligations? Finally, has the Commission asked the British government for clarification of the details surrounding this particular sale and, if so, is the Commission satisfied that the British Government and the Inland Revenue have acted in conformity with EU law?

Answer given by Mr Lamy on behalf of the Commission

(10 June 2003)

There are no World Trade Organisation (WTO) rules governing property transactions with companies based in tax havens. WTO agreements generally apply to trade in goods and services and not to property transactions.

Community law on taxation does not contain any provisions specifically applicable to property transactions carried out between the public authorities of a Member State and a company based in a jurisdiction described as a 'tax haven'. However, and more generally, the Commission considers that more transparent tax systems would minimise the opportunity for fraud and tax evasion. It reiterates its commitment to eliminating, on as broad a geographical basis as possible, harmful tax practices which distort free and fair competition and hamper the cross-border activities of businesses.

(2003/C 280 E/183) **WRITTEN QUESTION E-1546/03**

by Marco Cappato (NI) to the Commission

(7 May 2003)

Subject: Closure of Internet cafes in Inner Mongolia

According to the Chinese press agency Xin-Hua News more than 700 Internet cafes in Inner Mongolia have been the subject of intimidation and intrusion by the Chinese authorities since 1 April, and as a result a number of them have been closed down. According to the official press agency the 'Inner Mongolian Daily', the local police authorities have mobilised 400 officers and 150 vehicles to inspect more than 500 Internet cafes since 10 April. As a result of these checks 80 % of the premises inspected in the region of Huhhot City have been closed down.

A meeting between representatives of the public security authorities, the Bureau of Culture and the telecommunications department of the Autonomous Region was held on 10 April under the supervision of the Inner Mongolian authorities. The final declaration issued at the end of the meeting states 'using online games, allowing young people access to the Internet, keeping cybercafes open until late and allowing people access to the Internet without ascertaining their identity constitute unlawful activities'.

Is the Commission aware of this initiative on the part of the Inner Mongolian authorities? How does it intend to prevent this initiative being used to suppress freedom of speech and expression in China further?

What pressure does it intend to exert in order to ensure that the citizens of Inner Mongolia may exercise fully freedom of speech and expression which, as stated in Article 19 of the Universal Declaration of Human Rights, covers freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers?

Answer given by Mr Patten on behalf of the Commission

(13 June 2003)

The Commission is aware of the restrictions placed by the Chinese government on the use of the Internet including the requirement for users of Internet cafes to declare their identity and for servers and owners of Internet cafes to remove any 'subversive' content and to keep a record of users and their connections. Following a number of tragedies resulting from non-compliance with safety standards the Chinese authorities introduced a campaign against non-registered Internet cafes in 2001 and this has led to the closure of many establishments.

Although it does not contest the legitimate concern of the Chinese authorities to protect Internet users, the European Union considers that in many respects China's policy on the Internet does not allow Chinese citizens to make full use of the freedom of expression and opinion guaranteed by the pact on civil and political rights signed by China in 1998. This matter is systematically raised by the European Union with the Chinese authorities at the six-monthly meetings held under the Euro-Chinese dialogue on human rights. The European Union regularly calls for a number of 'cyber dissidents' to be released.

The Union also regularly calls for the release of prisoners who in its view have been detained because they wished to exert their right to freedom of opinion and expression, including over the Internet.

The Commission is not aware that this general policy of the Chinese authorities is applied more severely in Inner Mongolia but will closely monitor the situation in the province.

(2003/C 280 E/184) **WRITTEN QUESTION E-1558/03**

by Claude Moraes (PSE) to the Commission

(7 May 2003)

Subject: Soccer and racism

Can the Commission please give its response to the rise in racism and the organised racist behaviour of soccer supporters of particular soccer clubs within EU countries and to the fines recently levied by UEFA on particular soccer clubs?

Does the Commission have a view on the disturbing evidence of organised racism at soccer matches in particular accession countries, again identified by UEFA (for example in Slovakia)?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(25 June 2003)

The Commission shares the Honourable Member's concern at the recent manifestations of racist violence at football matches in certain Member States and Applicant Countries.

The Commission is providing financial support for practical initiatives designed to tackle racism in football, including FARE (Football Against Racism in Europe).

The Commission has also adopted on 28 November 2001 a proposal [1] for a framework decision to approximate the laws and regulations of the Member States regarding racist and xenophobic offences. The purpose of this framework decision is twofold. First, to ensure that racism and xenophobia are punishable in all Member States by effective, proportionate and dissuasive criminal penalties, which can give rise to extradition or surrender, and second, to improve and encourage judicial cooperation by removing potential obstacles.

Finally, the Commission would like to inform the Honourable Member that the Council has adopted on 25 April 2002 a decision concerning security in connection with football matches with an international dimension [2]. For exchange of information in relation to a football event and with a view to the necessary international police cooperation in connection with football matches with an international dimension, this Decision establishes national football information points.

[1] OJ C 75 E, 26.3.2002.
[2] OJ L 121, 8.5.2002.

(2003/C 280 E/185) **WRITTEN QUESTION E-1560/03**

by Proinsias De Rossa (PSE) to the Commission

(7 May 2003)

Subject: Hair dyes and cancer

In response to Written Question P-0090/03 [1] on hair dyes and cancer, the Commission said that in the specific area of oxidative hair dyes, the majority of substances have already been banned or their use is subject to specific conditions on the basis of risk assessments made by the Scientific Committee on Cosmetic Products and Non-Food Products (SCCNFP). It went on to say that the Commission was discussing with Member States and consumer and industry representatives the 'prioritisation' of substances to be assessed or re-assessed.

Could the Commission indicate when a conclusion is expected to these discussions, what action it then proposes to take and to what extent the effects on 'third persons' or non-users of these products are taken into account in the assessment of these products by the EU?

[1] OJ C 155 E, 3.7.2003, p. 212.

Answer given by Mr Liikanen on behalf of the Commission

(13 June 2003)

In a recent meeting held end of April 2003 with Member States and representatives of both consumers and industry, the Commission presented for discussion a strategy for the systematic evaluation of hair dyes in relation to published reports on a possible link between permanent hair dye use and bladder cancer.

The main element of the strategy is a tiered, modulated approach requiring industry to submit by certain deadlines safety dossiers on hair dyes to be evaluated by the Scientific Committee on Cosmetics and Non Food Products (SCCNFP). The overall objective of this strategy is to regulate the use of these substances on the basis of scientific evaluation of dossiers. Substances for which no file has been submitted for risk assessment by the SCCNFP will be treated on the highest priority basis whereas substances for which information is available will be phased in later on. In the former case the Commission will consider the most appropriate measures, including a possible ban on their use.

The approach was very much welcomed by the participants of the meeting. The Commission asked industry and Member States for further information in order to prioritise the future work. The discussion will be continued during the summer and a conclusion is foreseen in the following months.

(2003/C 280 E/186) **WRITTEN QUESTION E-1582/03**

by Ilda Figueiredo (GUE/NGL) to the Commission

(8 May 2003)

Subject: State of the shipbuilding industry in the European Union

A recent visit to the shipyard in Viana do Castelo, in northern Portugal, revealed the concern felt at the problems which continue to affect the shipbuilding industry in the European Union and which may have serious consequences in Portugal unless action is taken to safeguard this key strategic sector.

Furthermore, the recent ecological disasters caused by the wrecks of the ERIKA and Prestige make it imperative to act on the calls for a 'zero tolerance' approach to the transport of heavy hydrocarbons by sea to or from European Union countries. The Commission should not only ensure the swift and flexible application of the temporary protection mechanism for the shipbuilding industry currently in force, but should also provide new forms of support, particularly in the areas of R & D and innovation, with regard to both the drawing-up of plans and prototypes. The new Leadership 2015 initiative is an innovation deserving of support.

Can the Commission provide the following information:

1. What stage has been reached in the proceedings brought against the Republic of Korea in the WTO?

2. What steps will the Commission take, particularly as regards amending the current Regulation (EC) No 1540/98 [1] and the new Leadership 2015 initiative, with the aim of supporting the shipbuilding industry, a strategic sector in the European Union, and promoting the rapid renewal of fleets by Community shipowners in order to help improve safety in maritime transport?

[1] OJ L 202, 18.7.1998, p. 1.

Answer given by Mr Liikanen on behalf of the Commission

(17 June 2003)

The Commission is aware of the difficult situation in the shipbuilding market, as evidenced by the information provided in the Commission's 7th shipbuilding report which has been submitted to the Council on 13 May 2003 [1] and is now publicly available.

The Commission has responded to this continued crisis in several ways. In 2002, it adopted a two pronged strategy consisting of a World Trade Organisation (WTO) action against Korea and the possibility to authorise direct aid to shipyards for the construction of certain shiptypes under Council Regulation (EC) No 1177/2002 of 27 June 2002 concerning a temporary defensive mechanism (TDM) to shipbuilding [2]. The TDM is an exceptional measure and is applicable as of 24 October 2002. It is now up to Member States to implement the Regulation and notify any aid measure to the Commission, if they have not yet done so.

Concerning the WTO dispute, the Commission held various rounds of consultations with the Korean Government since the initiation of the dispute in October 2002 which have, however, failed to resolve the issue. The Commission is, therefore, currently preparing its next step i.e. the request of a WTO Panel.

With regard to Council Regulation (EC) No 1540/1998 of 29 June 1998 establishing new rules on aid to shipbuilding, the Commission is actively engaged in the preparation of new appropriate rules for State aid to shipbuilding, as the Regulation will expire by the end of 2003.

The Commission is also strongly supporting the work in LeaderSHIP 2015, which is an initiative of the Union's shipbuilding industry, in co-operation with the Commission, designed to develop new working structures and technology priorities and so to sustain the competitiveness of the Community's shipbuilding industry. The initiative will, among other issues, look into new possible ways to support Research and Technological Development (R & D) and innovation in the sector. First results will be presented before the end of 2003.

As to the question of fleet renewal, this is already being promoted by the recent Union maritime safety legislation. Any other specific measures would have to comply with the state aid rules for the shipping and shipbuilding industry.

[1] COM(2003) 232 final.
[2] OJ L 172, 2.7.2002.

(2003/C 280 E/187) **WRITTEN QUESTION E-1598/03**

by Chris Davies (ELDR) to the Commission

(12 May 2003)

Subject: Animal Transport Directive

Further to my question H-0180/03 [1], when will inter-departmental consultations commence on the draft proposal on the protection of animals during transport?

In the experience of the Commission how long do such inter-departmental consultations take?

[1] Written answer of 8 April 2003.

Answer given by Mr Byrne on behalf of the Commission

(20 June 2003)

The Commission has initiated the inter-service consultations.

The standard period for an inter-service consultation for a document of this size is 15 working days. After this period additional time may be necessary to adjust the text to take into account all relevant observations in order to ensure the agreement of the relevant Departments.

(2003/C 280 E/188) **WRITTEN QUESTION E-1602/03**

by Maria Carrilho (PSE) to the Commission

(12 May 2003)

Subject: Toys in foodstuffs

In view of the fatal accidents in which children have died of asphyxia in the last few years, some of the more conscientious manufacturers have voluntarily withdrawn potentially dangerous products from the market.

Nestlé withdrew its 'Magic Ball' (a chocolate-covered plastic ball containing a figurine of a Disney character) because toys inside food products are considered extremely dangerous.

In Denmark and the United Kingdom a yoghurt containing a toy (Onken) was also voluntarily withdrawn from the market.

In Finland a chocolate egg containing a novelty toy manufactured in Austria was withdrawn from the market.

Meanwhile, unscrupulous manufacturers continue to advertise and sell their food products under the pretext of offering a toy (which is of course just another marketing gimmick to promote the food product), which can cause fatal accidents and irreparable damage to the lives of families.

What specific action will the Commission take with a view to protecting European consumers?

Answer given by Mr Byrne on behalf of the Commission

(13 June 2003)

The Honourable Member is asked to refer to the Commission's answer to Written Questions E-1475/03 by Mr Carlos Lage, E-1505/03 by Mr Arlindo Cunha, E-1552/03 by Mr Paulo Casaca and E-1591/03 by Mr Antonio Campos [1].

[1] OJ C 268 E, 7.11.2003, p. 202.

(2003/C 280 E/189) **WRITTEN QUESTION E-1645/03**

by Bill Miller (PSE) to the Commission

(16 May 2003)

Subject: Methods to reduce unemployment in labour-intensive industries

In order to try and alleviate unemployment there was a decision to look at a reduced rate of VAT on labour-intensive industries. I understand that there have been pilot projects in the building industry in France. What have been the results?

Answer given by Mr Bolkestein on behalf of the Commission

(26 June 2003)

In line with the recommendations of the Vienna European Council of 11 and 12 December 1998, and in particular the Vienna Strategy for Europe, the Council adopted Council Directive 1999/85/EC of 22 October 1999 amending Directive 77/388/EEC as regards the possibility of applying on an experiment [sic] basis a reduced VAT rate on labour-intensive services [1]. This amendment to Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment [2] (the Sixth VAT Directive) enabled Member States wishing to do so to test the effects of a reduced VAT rate on certain labour-intensive services in terms of job creation and curbing the black economy.

In view of the experimental nature of the measure, Directive 1999/85/EC stipulated that Member States taking part in the experiment were to carry out a detailed assessment of its impact in terms of job creation and efficiency. Nine Member States took part. The Commission was required to submit a global evaluation report on that basis to the Parliament and the Council. The report was adopted on 2 June 2003 [3]. It can be found with the Member States' reports on the Commission's website at:
http://europa.eu.int/comm/taxation_customs/taxation/labour_intensive/labour_intensive_en.htm

The following table sets out the services concerned and the Member States' choices:

1. Small services of repairing:	
— bicycles	B, L, NL
— shoes and leather goods,	B, L, NL
— clothing and household linen	B, GR, L, NL
2. Renovation and repairing of private dwellings	B, E, F, I, NL, P, UK
3. Window cleaning	F, L
4. Domestic care services	GR, F, I, P
5. Hairdressing	E, L, NL

[1] OJ L 277, 28.10.1999.
[2] OJ L 145, 13.6.1977. Directive last amended by Council Directive 2002/38/EC of 7 May 2002.
[3] COM(2003) 309 final.

(2003/C 280 E/190) **WRITTEN QUESTION E-1652/03**

by Eija-Riitta Korhola (PPE-DE) to the Commission

(16 May 2003)

Subject: Regulation of locksmithing in the EU

Regarding Roberta Angelilli's Written Question E-2454/98 [1] and the answer given on 2 October 1998 by Mario Monti on behalf of the Commission, the subject of concern raised by Mrs Angelilli in July 1998, namely the fact that locksmithing is not regulated, still applies today. It ought to be possible firstly to give effect to the right of establishment and the freedom to provide services on EU territory and, secondly, to protect the places that give shelter to people and their possessions. From the latter point of view locksmiths play literally a key role.

Does the Commission realise that there is a delicate balance between on the one hand the freedoms enjoyed by Europeans and, on the other, the security requirements linked to practice of the locksmith profession?

Will the Commission draw up uniform rules governing admission to practise the profession of locksmith?

Which professions are currently regulated under Community legislation as regards admission to practise?

(1) OJ C 142, 21.5.1999, p. 17.

Answer given by Mr Bolkestein on behalf of the Commission

(10 June 2003)

With regard to the recognition of professional qualifications, the profession of locksmith is covered by Directive 1999/42/EC (1). Under Article 4 of the Directive, which incorporates without amendment the corresponding provision of Directive 64/427/EEC, which is no longer in force, Member States which make the taking-up or pursuit of the activity in question subject to possession of general or specific knowledge and ability must accept as sufficient evidence of such knowledge and ability the fact that the activity in question has been pursued in another Member State for a certain length of time (in principle, six years) in either a self-employed capacity or as a manager of an undertaking. Alternatively, professionals who do not meet the conditions of professional experience required under Article 4 may request recognition of their diploma, certificate or other formal qualification in accordance with the conditions of Article 3 of the Directive. Where the differences between the qualifications acquired by the applicant and those required by the host Member State are substantial, the Member State may require the applicant to undergo an aptitude test or adaptation period in accordance with the procedures provided for.

The profession of locksmith is therefore regulated by a mechanism for mutual recognition which is not based on coordination of the minimum training requirements nor of the conditions of access to the profession. It is therefore, in principle, the responsibility of the Member States to regulate the professions on their territory, and it is within the framework of national regulations that security requirements relating to the exercise of a profession are taken into account where necessary. Where coordination of the conditions of access to professions would involve in at least one Member State amendment of the existing principles laid down by law to regulate this matter, a Directive would have to be adopted unanimously by the Council in accordance with Article 47(2) of the EC Treaty. From the information available to the Commission, the Member States have little inclination for further coordination in this area.

The professions for which the conditions of access are currently coordinated by Community rules are doctor, midwife, nurse responsible for general care, dental practitioner, veterinary surgeon and pharmacist, as well as the auditing profession.

(1) Directive 1999/42/EC of the European Parliament and of the Council of 7 June 1999 establishing a mechanism for the recognition of qualifications in respect of the professional activities covered by the Directives on liberalisation and transitional measures and supplementing the general systems for the recognition of qualifications — OJ L 201, 31.7.1999.

(2003/C 280 E/191) **WRITTEN QUESTION P-1656/03**
by Giovanni Pittella (PSE) to the Commission

(13 May 2003)

Subject: Parmalat 'FrescoBlu' milk

A milk called 'Latte FrescoBlu', produced (in a plant in Germany) by the microfiltration process, is being marketed in Italy by the Parmalat company under the denomination of 'Latte Fresco', thus implying that it has the properties of fresh milk.

However, as the microfiltration technique used to produce this milk has not yet been authorised by the Commission, doubts remain as to whether the product meets the defining criteria for fresh milk and, consequently, whether it is legitimate to denominate it as such.

The Italian government issued two decrees, one concerning the authorisation of the technical process involved (microfiltration), and the other the labelling of products obtained by that process, without notifying the Commission thereof.

To remedy that omission, Italy, in line with Directive 98/34/EC [1], subsequently forwarded to the Commission two new proposals for decrees repealing those previously issued.

Despite the fact that the Commission is still considering the two proposals, Parmalat is continuing to market 'FrescoBlu' (microfiltered) milk in Italy.

No Member State has officially authorised the technical process in question up to now.

To date, the Italian authorities have not released any information concerning the progress of the notification procedure, while the press continues to publish information to the effect that the two decrees are in force without referring to the procedure currently under way in the Commission

Would the Commission state what is the probable timescale for the completion of the procedure currently under way and what steps it intends to take in the meantime to remedy the unacceptable disparity between the criteria applied to fresh milk produced in Italy (under Law 169/89) as opposed to microfiltered milk marketed in Italy, but produced abroad (e.g. the strict requirement, under that law, for fresh milk to have a shelf life of no more than 4 + 1 days)?

What measures does the Commission intend to take, furthermore, with regard to the legitimacy or otherwise of applying the term 'fresh' to milk obtained by microfiltration and distributing it, with particular reference to consumer protection and the need for consumers to be provided with accurate information?

[1] OJ L 204, 21.7.1998, p. 37.

Answer given by Mr Byrne on behalf of the Commission

(13 June 2003)

Under the notification procedure introduced through Directive 98/34/EC [1], to which the Honourable Member refers, the Italian authorities sent the Commission, on 10 October 2002, a draft ministerial decree concerning the labelling of fresh milk, which applies without distinction to national products and to those from other countries. In response to the draft decree, the Commission delivered a detailed opinion, to which the Italian authorities gave their reaction on 9 May 2003. The Commission is currently examining the reaction and will take appropriate action in this regard.

In the absence of Community provisions concerning the definition of fresh milk, it is up to each of the Member States to adopt, for its own territory, all the rules concerning the marketing characteristics of this product, provided that they neither cause discrimination against imported products nor hinder the importation of products from other Member States.

In general, the use of the term 'fresh' in, or together with, the name under which a particular foodstuff is sold and, likewise, the use of any other term, is possible only if the principles established in Article 2 of Directive 2000/13/EC on the labelling of foodstuffs [2] are complied with. In particular, this Article stipulates that the labelling and methods used must not be such as could mislead the purchaser as to the characteristics of the foodstuff.

With an eye to modernising harmonised legislation on the labelling of foodstuffs, the Commission has undertaken a major project to evaluate this legislation, the results of which are expected at the end of 2003. As part of this work, the Commission will also investigate whether it is necessary and feasible to establish clearer criteria on the use of terms such as 'fresh'.

[1] Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations — OJ L 204, 21.7.1998.

[2] 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 — OJ L 109, 6.5.2000.

(2003/C 280 E/192)

WRITTEN QUESTION E-1692/03

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

(21 May 2003)

Subject: Paediatric medicine

Improved medicines developed specifically for children should be regarded as a priority. In December 2000 the Council called for a package of measures to be drafted as soon as possible to promote research and development in the area of paediatric medicine and effective medication. In February 2002 the Commission produced a consultation document on this subject. This gave rise to hope among the parties concerned (patients' organisations, scientific institutes and the pharmaceutical industry) that the necessary measures would be implemented rapidly and effectively. However, so far the Commission has still taken no action resulting in a specific proposal to the Council and Parliament.

In the United States measures of this kind in the area of paediatric medicine already exist, providing incentives for research and development since as long ago as 1997. As a result, the United States has a clear edge over Europe in the sphere of paediatric medicine.

1. Is the Commission aware of this situation?

2. If so, does the Commission not share the view that measures to promote research and development in the sphere of paediatric medicine should be taken as soon as possible?

3. If so, what initiatives or practical measures does the Commission envisage taking and on what timescale?

Answer given by Mr Liikanen on behalf of the Commission

(19 June 2003)

The Commission intends to present a final text of the proposal for a Regulation on medicinal products for paediatric use before the end of 2003. A first draft was prepared in September 2002. The Member States and the European Medicines Evaluation Agency were consulted on the basis of this draft.

The Commission has decided that this proposal should be among the 43 important proposals within the framework of the 2003 legislative and work programme, which should undergo an extended impact assessment. The extended impact assessment is an important element of the Commission's better regulation action plan.

The Commission has now started preparing this impact assessment and intends to conduct it as swiftly as possible in order to be able to adopt the proposal. It is anticipated that the impact assessment will be completed by the end of 2003. In the meantime, the Commission has established an informal working group of the Pharmaceutical Committee to discuss the informal draft proposal.

Concerning the research activities of the Commission in this sector, a number of research projects addressing issues of clinical trials in children, especially in the area of rare diseases which predominantly affect children, have already been supported or are supported.

Furthermore, the specific programme for the 6th Framework programme of the Community for research, technological development and demonstration activities, adopted on 30 September 2002, clearly indicates in its thematic priority 'Life sciences, genomics and biotechnology for health' ([1]) that attention will be paid to childhood diseases and related treatments, whenever appropriate.

In this thematic priority, the following research actions are of particular relevance for that sector:

— 'Technological platforms for the developments in the fields of new diagnostic, prevention and therapeutic tools' where rational and accelerated development of new, safer and more effective drugs including pharmacogenomics approaches are expected to deliver better therapies for children. An indicative topic on 'Medicines for children' is already foreseen for the second call,

— 'Combating cardiovascular disease, diabetes and rare diseases' and especially research activities on rare diseases which are expected to be naturally mostly dedicated to children,

— 'Combating resistance to antibiotics and other drugs' which includes the development of vaccines and alternative therapeutic strategies to circumvent the problem of antimicrobial and other drug resistance will also undoubtedly be of interest for children,

— 'Studying the brain and combating diseases of the nervous system' where the development of strategies for prevention and management of neurological and mental disorders and diseases is expected to have specific research action towards children,

— 'Studying human development and the ageing process', where the understanding of human development from conception to adolescence is expected to have application as regards child health.

The thematic priority 5 'Food quality and safety' is also expected to contribute to several aspects of child health and especially in the following research actions:

— 'Epidemiology of food-related diseases and allergies' where epidemiological studies of the effect of diet, food composition and lifestyle factors on the health of children and the prevention or development of specific diseases, allergies and disorders will be tackled,

— 'Impact of food on health' and 'Environmental health risks' where specificity of children is clearly addressed.

(1) OJ L 294, 29.10.2002.

(2003/C 280 E/193) **WRITTEN QUESTION E-1701/03**

by Ian Hudghton (Verts/ALE) to the Commission

(22 May 2003)

Subject: Traditional herbal remedies

The UK Flower Essence Producers Association believes that the Commission's rejection of Amendment 13 to the Traditional Herbal Remedies Directive puts 'Bach Flower Remedies' and its related products under threat. Could the Commission comment on the following concerns expressed by the Association.

1. The methods of production required by the Directive will render Bach Flower Remedies products as being incorrectly labelled as a flower essence and ineffective as a flower essence.

2. The required method of production is inimical to the traditional methods of making flower essences. Accordingly, even if products, say from Nelson Bach, were registered under the Directive, they would no longer be classified as flower essences. They might be able to be classified as homeopathic, but, by default, and under the Trades Descriptions Act, they could no longer be marketed as 'Bach Flower Remedies' as they would not be made in the way that Edward Bach laid down in 1936.

3. Within the range of Bach Flower Remedies there are several which would not be on the positive herbal list (i.e. Star of Bethlehem). This would deplete the list of traditional products.

Could the Commission also comment on the UK Flower Essence Producers Association's concerns that the impact of the Directive on Bach Flower Remedies will seriously damage this traditional British industry and have wide-ranging economic impacts.

Answer given by Mr Liikanen on behalf of the Commission

(23 June 2003)

The Commission proposal for a Directive of the Parliament and the Council amending the Directive 2001/83/EC [1] as regards traditional herbal medicinal products intends to provide a harmonised legal framework for these specific medicinal products, removing the differences on the status between the Member States to facilitate the free movement in the Single Market.

Article 1 of Directive 2001/83 EC states the definition of medicinal product. Traditional herbal medicinal products are being defined in the Commission's proposal of herbal medicinal products; this definition is identical with the scientific definition agreed within the European Pharmacopoeia of the Council of Europe.

Regarding the Parliament Amendment 13 and the concern expressed by the British Flower Essence Producers Association, the Commission considers that the Bach Flower Remedies could continue to be regulated under the same conditions in the Community as a flower essence, after the entry into force of this Directive, as far as these products are not marketed either as medicinal products or as traditional herbal medicinal products.

[1] Directive 2001/83/EC of the Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use — OJ L 311, 28.11.2001.

(2003/C 280 E/194) **WRITTEN QUESTION P-1707/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(16 May 2003)

Subject: Relocation of companies outside the EU

Recently the multinational Schiesser decided to relocate its Greek subsidiary, Schiesser-Palco, from Greece to Bulgaria, putting 500 Greek workers — mainly women — out of work.

According to statements by officials at the Greek General Confederation of Labour (GSEE), when a company relocates from the USA to a country with lower labour costs (so that the company can take advantage of these lower costs), the USA imposes an additional tax (in the guise of a 'social clause') on products imported from the third country in order to support those dismissed and also to discourage company relocations outside the USA.

The most recent report from the Economist Intelligence Unit, dated 30 March 2003, on foreign direct productive investment, says that Greece is one of the lowest ranked in Europe, at eighteenth of 22 EU Member States included in the report, below all the current EU members and also four of the new members from eastern Europe (the Czech Republic, Poland, Hungary and Slovakia).

Does the EU intend to follow the USA's example in doing something to support those dismissed by companies which relocate, and — primarily — to check the flood of companies abandoning EU countries? What other urgent initiatives does the Commission intend to take on this major issue which is reducing the EU's jobs and sapping its wealth?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(16 June 2003)

The Commission has no intention of proposing to introduce in the Union a retaliatory measure such as the one mentioned by the Honourable Member. The Commission is not aware of any such measure being taken by the United States.

The Commission, however, would like to remind that the Union has developed throughout the years a comprehensive policy for dealing adequately with the social consequences of corporate restructuring. As a result of that on-going policy, every restructuring operation must be preceded by effective information and consultation of employees' representatives with the aim of avoiding or attenuating its social impact, in accordance with Community Directives on 'Collective Redundancies' ([1]), 'Transfers of Undertakings' ([2]), 'European Works Councils' ([3]) and 'Information and Consultation' ([4]).

In particular, Directive 98/59/EC concerning collective redundancies provides for information and consultation with the workers' representatives in cases where the employer is contemplating such redundancies. These consultations should be carried out in good time with a view to reaching agreement and cover, at least, ways and means of avoiding collective redundancies or reducing the number of workers affected as well as of mitigating the consequences by recourse to accompanying social measures. These measures aim, inter alia, at aid for redeploying or retraining workers made redundant.

More generally, the Commission advocates the idea that, when deciding on their relocation, enterprises should always take into account the effects that those decisions could have on their employees as well as on the social and regional context. This has recently been underlined in the Commission Communication concerning Corporate Social Responsibility (CSR) A business contribution to Sustainable Development ([5]).

Furthermore, the Commission invited the European social partners to engage in a dialogue on anticipating and managing change with a view to apply a dynamic approach to the social aspects of corporate restructuring. The social partners agreed to incorporate this issue in their pluriannual work program 2003-2004. The Commission very much hopes that their joint work in this field results in a Community framework which may help companies and their workers to address adequately the social dimension of corporate restructuring.

([1]) Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies. (This Directive consolidates Directives 75/129/EEC and 92/56/EEC).
([2]) Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses.
([3]) Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.
([4]) Directive 2002/14/EC of the Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community.
([5]) COM(2002) 347 final.

(2003/C 280 E/195) **WRITTEN QUESTION E-1715/03**

by Pasqualina Napoletano (PSE) to the Commission

(23 May 2003)

Subject: Transposition into national law and application of Directive 93/104/EC

Council Directive No 93/104/EC ([1]) concerning certain aspects of the organisation of working time, along with its amending Directive 2000/34/EC ([2]), have recently been transposed into Italian national law through Decree Law No 66 of 14 April 2003, published in Official Gazette of the Italian Republic No 87 of 14 April 2003. It appears that in Italy the category 'caretakers and janitors' is not considered to fall within the scope of the EU directive on working time. This is because Royal Decree No 692 of 15 March 1923, which is still in force, states that discontinuous and passive types of work do not qualify as sustained and uninterrupted employment.

Today, 80 years later, that contention seems meaningless in the light of the fact that the duties that caretakers and janitors are expected to perform almost always call for constant attentiveness. This theory is supported by recent Court of Justice case-law concerning doctors in Spain, which treats periods of availability as working time when such periods presuppose physical and mental vigilance on the part of a worker present at the workplace.

The fact is, however, that in Italy certain categories of caretaker and janitor work up to 59 hours a week, and up to a maximum of 11 consecutive hours per day. Moreover, it is often the case that the relevant national collective agreements contain no reference to length of work. This too runs contrary to the directive, which establishes that all workers have the right to know their working time.

The aim of the European working time directives is to implement the Charter of Fundamental Social Rights of Workers, and they have as their legal basis the articles of the Treaty relating to the improvement of the health and safety of all workers.

The European Parliament has already highlighted the problems associated with the definition of working time provided in Directive 93/104/EEC in its report A5-0010/2002 [3], which was adopted in February 2002, and which also emphasised that reference to national laws could give rise to grave risks of distortions and disparities between Member States.

Does the Commission consider the exclusion of caretakers and janitors from the scope of this directive to be justified?

How will it remedy the problems that have been encountered with regard to the definition of working time when undertaking its forthcoming, eagerly-awaited and urgent review of Directive 93/104/EC?

[1] OJ L 307, 13.12.1993, p. 18.
[2] OJ L 195, 1.8.2000, p. 41.
[3] OJ C 284 E, 21.11.2002, p. 362.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(23 June 2003)

Directive 93/104/EC [1] lays down minimum safety and health requirements for the organisation of working time. According to Article 1(3) of this Directive, it applies to all sectors of activity, both public and private, within the meaning of Article 2 of Directive 89/391/EEC, without prejudice to Article 17 of this Directive, with the exception of air, rail, road, sea, inland waterway and lake transport, sea fishing, other work at sea and the activities of doctors in training. The sectors and activities excluded from Directive 93/104/EC are now covered by Directive 2000/34/EC [2], which Member States must transpose into national law by 1 August 2003 (1 August 2004 for doctors in training).

The exclusion from the scope of the Directive of workers other than those expressly mentioned in the Article above would not be in compliance with the Directive.

The new Italian legislation [3] is currently being examined in order to determine whether it complies with the Directive.

With regard to the second question, the Commission intends to address the definition of working time, particularly in the light of the case-law of the Court of Justice, in the communication on working time which will be adopted in the course of this year.

[1] Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time — OJ L 307, 13.12.1993.
[2] Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive, — OJ L 195, 1.8.2000.
[3] Forwarded to the Commission by letter dated 14 April 2003.

(2003/C 280 E/196) **WRITTEN QUESTION E-1727/03**

by Antonio Di Pietro (ELDR) to the Commission

(23 May 2003)

Subject: The Merloni Law on public procurement

In Italy, Law No 166 of 1 August 2002 on public procurement — the so-called 'Merloni Law' — abolished the principle whereby, even in the case of contracts of under the threshold value of EUR 40 000 (the limit

is now EUR 100 000), the 'contracting authority must in all cases adequately publicise the call for tenders' (phrase now deleted).

Does the Commission not consider that this change brings Italian legislation in this area into conflict with Community Directive 92/50/EEC [1] of 18 June 1992?

Is it true that the Commission has initiated infringement proceedings against Italy in respect of this and other aspects of the Merloni Law that contravene the principles laid down in the Treaty regarding competition and the freedom to provide services?

If so, can it provide detailed information on the grounds, timing and current stage of the proceedings?

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

Answer given by Mr Bolkestein on behalf of the Commission

(4 July 2003)

Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts [1] applies as a general rule to contracts with an estimated value excluding VAT equal to or more than the equivalent in EUR 200 000 special drawing rights, i.e. EUR 249 681 for 2002 and 2003. For central government departments, the Directive applies as a general rule to contracts with an estimated value excluding VAT equal to or more than the equivalent in EUR 130 000 special drawing rights, i.e. EUR 162 293 for 2002 and 2003. The amendment to Italian law on public works referred to by the Honourable Member which aims to raise the threshold for the need for appropriate advertising from EUR 40 000 to EUR 100 000 does not therefore infringe on Directive 92/50/EEC. However, as the Court of Justice ruled in its recent case law, contracting authorities which conclude contracts are still bound to comply with the fundamental rules of the EC Treaty, particularly those relating to the freedom of establishment and the freedom to provide services, and also with the general principles of non-discrimination, equality of treatment and transparency [2], even for contracts not exceeding the thresholds set by the Community directives on public contracts. On the subject of compliance with the latter principle, the Court stipulated that the obligation of transparency which is imposed on the contracting authority consists in ensuring, for the benefit of any potential tenderer, a degree of advertising sufficient to enable the services market to be opened up to competition and the impartiality of procurement procedures to be reviewed [3].

On 19 December 2002 the Commission initiated proceedings against Italy with regard to several provisions of Law No 109/1994 (framework law on public works), recently amended by Law No 166/2002. One of these provisions, which appears to violate the general principle of transparency, relates to service contracts for engineering and architecture falling below the threshold of EUR 100 000.

In addition to the provision mentioned above, the proceedings initiated by the Commission also concern the scope of the rules on works contracts vis-à-vis those of service and supply contracts, the rules on works carried out in order to set off development charges, provisions on works management and project validation services, technical control services (collaudo), and the role of the promoter in the project-financing procedure (Article 37(a) ff. of the law referred to above). The Commission will decide how to continue with the proceedings on the basis of the remarks made by the Italian Government, which are expected shortly.

[1] OJ L 209, 24/07/1992.
[2] See the Order of 3 December 2001, Case C-59/00, § 19-20.
[3] See in particular the Judgment of 7 December 2000, Case C-324/98, § 61-62.

(2003/C 280 E/197)

WRITTEN QUESTION E-1761/03

by Jan Mulder (ELDR) to the Commission

(27 May 2003)

Subject: Industrial biotechnology

In various resolutions in recent years, the European Parliament has urged the Commission to promote the use of agricultural products as raw materials for industrial products. The industrial biotechnology sector is developing in precisely that direction. The edition of 'The Economist' dated 29 March 2003 includes an overview of those technologies. It is striking to note that, while the United States is taking a very positive stance on the development of these technologies, the same cannot, unfortunately, be said of the EU.

1. Does the Commission take the view that the use of agricultural raw materials for industrial purposes must indeed be promoted in the interests of the environment?

2. Is the Commission prepared, as part of the Lisbon Strategy, to promote the development of these technologies under the Sixth Programme of Research?

3. Is the Commission prepared to devise legislation so that, in the interests of the environment, the use is made compulsory of vegetable-based lubricating oils in environmentally sensitive areas and of organically produced plastics and fibres in general?

4. What other measures is the Commission envisaging with a view to stimulating industrial biotechnology? Is it intending to discuss the issue with all those involved with a view to tackling these technological arrears in a dynamic fashion?

Answer given by Mr Liikanen on behalf of the Commission

(14 July 2003)

1. The Commission would agree that such uses can indeed be in the interests of the environment. It should be underlined that since the beginning of the 90's bio- and raw- materials have already been considered within the framework of the European efforts in industrial research. Furthermore, since the beginning of the European Climate Change Programme (ECCP) in Summer 2000 the Commission had recognised the potentially valuable contribution that bio-based industrial products can make to the environment. Accordingly one of the stakeholder working groups established under the ECCP was exclusively dealing with renewable raw materials (RRM) for industrial products (except energy). As part of the Commission's general report from June 2001 on the results of the ECCP (http://europa.eu.int/comm/environment/climat/eccpreport.htm) the RRM working group published specific results on the amount of green house gases that could be saved assuming a realistic take-up of these technologies in assorted industries. Although so called direct annual green house gas emission savings could amount to a modest 8 million tonnes (CO_2 equivalent.) by 2010, indirect savings that could be made due to the improvement of product performances could be substantially higher. The RRM working group identified further environmental but also economic and social benefits that could be expected from an enlargement of that sector and listed a number of policy measures that would be needed in order to achieve this.

After the conclusion of the first phase of the ECCP in June 2001, the Commission Services continued the work of this stakeholder working group, with the aim to identify the obstacles for the further promotion of these technologies and of the industry using it and to find solutions of how to overcome them. Together with the co-operation of the European Renewable Resources and Material Association (ERRMA) an internal report was finalised on the 'Current Situation and Future Prospects of Union Industry Using Renewable Materials'. Among others, that report contained a detailed list of further actions that would need to be undertaken in the future and the RRM working group is currently in the process of addressing them. (http://europa.eu.int/comm/enterprise/environment/reports_studies/reports_studies.htm)

On 6 June 2002 the Council of Industry Ministers in its conclusions on the contribution of enterprise policy to sustainable development, called on Member States and the Commission, 'each within its own field of responsibility, to further work on the contribution of enterprise policy to sustainable development, notably to further encourage the use of renewable raw materials in manufacturing industry, building on the results of current work of the Commission.'

2. As part of the Lisbon Strategy, the Commission is keen to promote the development of these technologies under the Union's Strategy and Action Plan for the Life Sciences and Biotechnology. This includes making financial support available under the Sixth Framework Programme (6th FP) as well as numerous other actions to facilitate development of these technologies in Europe. The successive Framework Programmes for Research and Technological Development (RTD) have supported research in this area. During the period 1993-2002, bio-based product research (excluding bio-energy and forest industry) has received a total Union investment of nearly EUR 190 million on 173 projects involving over 1000 partners of which 40 % were from industry, mostly SMEs. Details can be found on the Bio-Mat web site: http://www.nf-2000.org/home.html and http://www.biomatnet.org. Moreover, support continues under the 6th FP and tenders for project funding can be placed under Priority 3: 'Nano-technology and nano-sciences, knowledge-based multifunctional materials, new production processes and devices'. The use of biological raw materials and biological processes in industry, as opposed to minerals and chemical processes, can provide benefits, such as reductions in resource use, less toxic waste or less energy consumption, and can be profitable for companies. This concept, now known as 'White Biotechnology', is being promoted as a policy priority also by organisations such as the OECD (with Community support).

3. At this stage of the activities the focus of the RRM working group is on actual measures that are directly effective to further promoting the industry. Against this background use is first and foremost made of what exists already. Examples are the development of an Union Eco-label for bio-lubricants or the addressing of specific RRM requirements in the amending of other policies and measures such as the packaging and waste legislation. Furthermore, the working group explores ways and means on how to set up an Union wide information platform on and for RRM industry and on how best to guarantee that for instance RRM based polymers would comply with certain standards on bio-degradability. As far as energy use of renewable raw materials is concerned it is worth mentioning that the recently approved Directive on the promotion of the use of biofuels for transport (2003/30/EC) calls for a 5,75 % increase of the share of biofuels in transport fuel by 2010. In the very long run, as fossil resources become increasingly scarce, the use of renewable raw materials can be expected to become more commercially viable.

4. The Commission is seeking to stimulate the development of industrial technologies through the Union's Strategy and Action Plan for the Life Sciences and Biotechnology. This recognises the interdependence between industrial biotechnology and other sets of applications (medical, agricultural, environmental as well as of platform technologies such as bio-informatics). Although a few of the actions in the 30-point action plan are specific to problems faced by other sets of applications, most should be effective in stimulating the development and use of industrial biotechnology and tackling the problems that it faces. The Union's Strategy and Action Plan is highly dynamic, promoting actions not only by the Commission but also by a wide variety of authorities and other organisations at different levels of decision-making.

(2003/C 280 E/198) **WRITTEN QUESTION E-1780/03**

by Claude Moraes (PSE) to the Commission

(28 May 2003)

Subject: Conclusions from the Round Table on Anti-Semitism and Islamophobia

What conclusions has the Commission drawn from the European Monitoring Centre on Racism and Xenophobia and European Commission Round Table on Anti-Semitism and Islamophobia held in Brussels on 21 March 2003?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(25 June 2003)

The Member of the Commission responsible for Employment and Social Affairs requested the European Monitoring Centre on Racism and Xenophobia in 2002 to organise, with the co-operation of Directorate General (DG) Employment and Social Affairs, a series of Round Table meetings on Islamophobia and anti-Semitism in Europe. Three meetings took place on anti-Semitism (5 December 2002), Islamophobia (6 February 2003) and Intercultural Dialogue (20 March 2003). The Member of the Commission called for these Round Table meetings as she was concerned about the growing evidence of discrimination against Jewish and Muslim communities in Europe in the aftermath of the terrorist attacks in the United States on 11 September 2001. The Member of the Commission also wished to explore how far intercultural and inter-religious dialogue in Europe could contribute to lessening tensions between communities.

The three Round Tables brought together in total over 100 high-level experts, including religious leaders, academics, journalists and non-governmental organisations, from across Europe to discuss the problems facing religious minorities in Europe today.

The Monitoring Centre is currently preparing, together with the Commission, a conference report containing summaries of the three Round Table meetings and written contributions of key speakers. Although a wide range of views and opinions were expressed during the three discussions, the aim of this report is to draw out the themes and issues which recurred across all three meetings, including in particular the importance of action at local level, of the balanced portrayal of religious minorities in the media, and of the vital role of education in promoting tolerance and respect. This report will be used to disseminate to a wider audience the results of the discussions.

(2003/C 280 E/199) **WRITTEN QUESTION E-1787/03**

by Claude Moraes (PSE) to the Commission

(28 May 2003)

Subject: Open coordinated method

What is the view of the Commission on the Report of the Employment and Social Affairs Committee on the 'open coordination method' (A5-0143/2003 — Smet, EPP-ED, B)?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(27 June 2003)

The Commission would ask the Honourable Member to consult the results of the discussion on the Smet Report which was held during the plenary sitting of 4 June 2003.

(2003/C 280 E/200) **WRITTEN QUESTION E-1793/03**

by Claude Moraes (PSE) to the Commission

(28 May 2003)

Subject: Cervical cancer screening practices

What information does the Commission have on the variation in cervical cancer screening practices in EU countries?

Answer given by Mr Byrne on behalf of the Commission

(24 June 2003)

The average incidence of cervical cancer in the Union was in 1997 of 10,48 cases per 100 000 women. This incidence varied among the different Member States, from a minimum of 4,24 in Luxembourg or 5,06 in Finland to a maximum of 17,34 in Portugal or 14,62 in Denmark. This wide variation reflects both background risk and screening activity during the previous decades. The mortality rates have been falling in all Member Sates, where screening programmes have been implemented.

The Commission acknowledged this variation through the information provided by the European Network on Cervical Cancer Screening, the Advisory Committee on Cancer Prevention, and other experts from the International Agency for Research on Cancer (IARC) as well as other different sources.

Organised cervical cancer screening has been implemented in some Member States for decades (e.g. the Netherlands, Finland, Sweden, the United Kingdom). In some other Member States the programmes are regionally administered and therefore vary in coverage and implementation. In some countries screening is based on recommendations to service providers only.

As a reaction to this situation, the Commission adopted a proposal for a Council Recommendation on Cancer Screening on 5 May 2003 [1]. The purpose of this proposal is to make recommendations for organised screening programmes on a sound scientific basis and to close the gap between differences in screening among the Member States. The final aim is to achieve a similar reduction of cancer-specific mortality in all Member States bringing about a similar high level of health protection for all European citizens.

[1] COM(2003) 230 final.

(2003/C 280 E/201) **WRITTEN QUESTION E-1813/03**

by José Ribeiro e Castro (UEN) to the Commission

(2 June 2003)

Subject: Portuguese workers — United Kingdom

According to recent media reports the UK non-governmental organisation Citizens' Advice (CA) has this month submitted to a House of Commons committee of inquiry a report condemning the exploitation of Portuguese workers in the UK.

According to the report, thousands of Portuguese agricultural and industrial workers are being exploited by Portuguese and UK recruitment agencies, which use the link between employment and accommodation as a means of intimidation: workers put up with sub-human conditions through fear of being evicted from their lodgings.

They are reportedly housed in containers lacking any water supply, in caravans or in other sub-let council accommodation. All the dwellings are subdivided many times over and all bills are paid by the workers themselves. In Bristol there is allegedly a house shared by 27 people: seven to a room, with only two mattresses.

According to Citizens' Advice the problem affects all parts of the country but the situation is currently worst in East Anglia (where many farms and food-sector factories are located), in Northern Ireland and in Wales.

Can the Commission answer the following:

— What information does it hold regarding this state of affairs?

— What action has it taken (or is it intending to take) — in particular vis-à-vis the UK authorities — in response to the situation?

— Is it considering the possibility of offering the workers any kind of support if the situation continues?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(15 July 2003)

The Commission is not in possession of the facts relating to the situation described by the Honourable Member. Whilst it deplores the existence of situations such as these, the Commission must point out that it cannot intervene unless the situation constitutes a violation of Community law.

It is not clear from the question whether the circumstances described fall within the scope of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services [1], which states that, with regard to certain matters, posted workers should enjoy the working and employment conditions applicable in the host country. However, accommodation conditions are not covered by these measures to protect posted workers, nor by any other Community provisions. In any event, it would be up to the national judicial or other authorities, as a first resort, to monitor the proper application of these rules where they are contacted by those who consider that their rights have been infringed.

[1] OJ L 18, 21.1.1997.

(2003/C 280 E/202) **WRITTEN QUESTION P-1952/03**

by Paulo Casaca (PSE) to the Commission

(5 June 2003)

Subject: Serious delay in the implementation of the Cohesion Fund in Portugal

The Commission's communications 2003/C 123/03 [1] and 2003/C 123/05 [2] setting out the main points of decisions to grant financial assistance to Portugal in 2002 under the Cohesion Fund, published in the Official Journal of 24 May, are cause for serious concern.

According to these communications the Commission has approved only five new projects submitted by Portugal for Cohesion Fund assistance in 2002, namely the treatment of solid urban waste in Vale do Ave, water purification in the municipality of Braga (with a spelling error in the original, incidentally), studies on water purification in the Algarve, the integrated management of solid waste by LIPOR, and the IP 6 road section linking Peniche to the IC 1, accounting for total funding of just over EUR 106 million.

If we bear in mind that this total corresponds to budgetary commitments for a number of years, the amount is insignificant compared with the objectives approved by the Council at the Berlin Summit in March 1999.

Bearing in mind that the Commission has repeatedly urged Members of the European Parliament to monitor the implementation of structural funding measures in their constituencies, can it answer the following questions:

1. What amount of budgetary commitments in 2002 does the total value of the five newly approved projects described in the communications represent?

2. What amount of Cohesion Fund budgetary commitments for Portugal in 2003 will allow the country to reach the annual average envisaged by the Berlin European Council for the 2000-2006 programming period?

3. Supposing that the annual distribution of budgetary commitments for projects approved in the future is the same as for the projects already approved, what would the total amount of the Community contribution be for the projects which will have to be approved in 2003 in order to reach the average referred to above?

(1) OJ C 123, 24.5.2003, p. 4.
(2) OJ C 123, 24.5.2003, p. 13.

Answer given by Mr Barnier on behalf of the Commission

(27 June 2003)

As the Honourable Member indicates, Cohesion Fund assistance for the five Portuguese projects adopted in 2002 amounts to EUR 106 million, EUR 85 million of which is assigned to the 2002 budget, with the remainder to be committed in subsequent budget years according to the state of advance of the projects.

On the basis of the midpoint of the indicative bracket applied to the commitment appropriations entered in the budget for each financial year, the resources available for Portugal for 2003 amount to EUR 647 million: EUR 478 million relating to 2003 and EUR 169 million of appropriations for 2002 that could not be used.

The sums committed or in course of commitment amount at the moment to around EUR 200 million. The projects at present under examination could permit a maximum commitment of about EUR 240 million were they all to be adopted in 2003. To absorb the target amount for 2003 Portugal would have to present projects allowing commitment of a further amount in excess of EUR 200 million in order to maintain a reasonable safety margin.

The answer to the Honourable Member's third question depends on the commitment procedures for the Community assistance.

Under the financial implementation rules commitments can be executed in two ways:

— by annual instalments, in the case of projects where the aid is more than EUR 50 million and the project realisation period more than two years;

— otherwise, by a first commitment of 80 % when the project is adopted and a second of the remaining 20 % at a time depending on its state of advance.

In the first case the amount to be charged to each budget year depends on the financial plan drawn up for the project. Thus unless the financial plans are already known it is impossible to determine the value of the projects that will allow the amount available for 2003 to be reached.

In the second case the additional projects likely to be approved in 2003 should permit allocation of assistance of at least EUR 260 million.

The amount to be committed following the approval of the new projects would of course be higher should it not be possible to adopt all the projects now under examination.

(2003/C 280 E/203) **WRITTEN QUESTION P-1981/03**

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

(10 June 2003)

Subject: Role of the Netherlands Broadcasting Corporation (NOS) in European rules on invitations to tender for Digital Audio Broadcasting (DAB) transmitters

The Netherlands Broadcasting Corporation (NOS) has drawn up tender specifications relating to the operating licence for the development and management of DAB transmitters. DAB (Digital Audio

Broadcasting) is a digital audio standard in respect of which the NOS had held a licence for one terrestrial multiplex since 1 February 2003. That operating licence will probably be granted to Nozema.

59 % of Nozema is owned by the Netherlands Government, 40 % by the NOS and 1 % by Radio Nederland Wereldomroep (Radio Netherlands World Broadcasting Service). It is reported that there is a veritable confusion of offices on the Management Board of the NOS and on the Administrative Board of Nozema. The duality of offices in those bodies prompts serious doubts as to the independence of decisions taken during the tendering procedure. The NOS states that the procedures set out in the European Directive on the award of tenders are adequate to guarantee fair implementation. It also states that any connection between members of the Management Board and of the Administrative Board and one of the bidders cannot result in unlawful preferential treatment. However, by making that statement, the NOS itself admits that preferential treatment cannot be ruled out.

Given that DAB has never been operational in the Netherlands in a regular set up, it is striking that the tendering procedure shows that NOS gives preference to a service provider with proven experience when all other considerations are equal. In 2001, Nozema won a contract from the NOS to develop a roll-out plan for DAB. In 2000, Nozema was involved in DAB projects with regard to what is known as the 'WebAnywhere' project, in which the NOS also took part.

1. Is the Commission aware of this situation?

2. Does it take the view that Nozema has a possibly decisive competitive advantage in the award procedure compared with other bidders for the operating licence?

3. Does it take the view that, whenever fair competition and a level playing field between various bidders is involved, the prospects of DAB are enhanced and that this is desirable in the introduction of new technologies such as DAB?

4. Does the Commission take the view that Nozema should keep separate accounts in respect of the public and commercial services that it provides, and is it prepared to verify with the Netherlands Government that Nozema does indeed keep such separate accounts?

5. Does it take the view that the NOS is properly complying with European law on the awarding of contracts, and, if not, does it intend to take appropriate measures?

6. Is it aware that the Netherlands Government has exempted Nozema from the payment of company tax?

Answer given by Mr Bolkestein on behalf of the Commission

(8 July 2003)

1. The Commission was not informed about this tendering procedure.

2. and 3. The Commission holds the opinion that on the basis of the information provided, the Commission has found no evidence of activities that indicate possible infringements of public procurement legislation or relevant provisions of the EC-treaty.

The Court of Justice of the European Communities (hereafter: the Court) has ruled in the judgement C-94/99 that:

> … the mere fact that contracting authorities allow bodies which receive subsidies enabling them to submit tenders at prices appreciably lower than those of the other, unsubsidised, tenderers, to take part in a procedure for the award of a public procurement contract does not amount to a breach of the principle of equal treatment.

Therefore, the mere fact that Nozema is participating in a public procurement procedure as an organisation exempt from paying corporation tax, nor the current situation regarding the state of separation in the bookkeeping of Nozema, does in itself not constitute a breach of the principle of equal treatment of tenderers.

The fact that the NOS is requiring past experience for qualification and Nozema has acquired such experience, is not viewed discriminatory by the Commission as this does not exclude service providers in other Member States to meet this requirement as well.

4. The Commission would like to refer to the answer on the previous question.

5. and 6. The Commission has concluded that, as mentioned before, it has not found evidence of activities that indicate a possible infringement of public procurement legislation or relevant provisions of the EC-treaty. This conclusion is based on all of the information provided by the Honourable Member. The Commission, as guardian of the EC-treaty, shall however not hesitate to take action under Article 226 of the EC-treaty in case new evidence should provide proof for possible breaches of this legislation.

(2003/C 280 E/204) **WRITTEN QUESTION E-2028/03**

by Erik Meijer (GUE/NGL) to the Commission

(18 June 2003)

Subject: Greek customs authorities' unnecessarily lengthy procedure of collecting up EU citizens' passports at the border with Macedonia, a procedure that is also open to fraud

1. Is the Commission aware that in trains from Greece to Skopje in Macedonia and Belgrade in Serbia the passports of nationals of other EU Member States are collected up shortly after leaving Thessaloniki by a person who is not recognisable as a Greek government official, and passengers are merely told that their passports can be collected later from the police?

2. Is the Commission also aware that at the police station in the Greek border town of Idomeni, where the passports can be collected, nothing whatsoever is done with the passports and they are merely given back after a waiting period?

3. Does the Commission agree with me that maintaining a procedure, which was also in force many years ago at this border, involves the risk of passports being collected by unauthorised persons, or of one or more passports from the large number collected by an authorised person being lost, or of unattended luggage left behind in the train being stolen?

4. Are citizens of EU Member States in fact allowed to hand over their passports to a person who is not recognisable as an authorised official or are they entitled to refuse to do so?

5. What is the point of this procedure other than the fact that requiring passengers to disembark and wait generates customers for the duty-free shops in Idomeni station or that it delays traffic with a neighbouring country whose name is considered undesirable?

6. What action can the EU take to speed up and normalise passports checks at this border, in particular for EU citizens? What is the Commission doing to facilitate a solution?

Answer given by Mr Vitorino on behalf of the Commission

(16 July 2003)

The Commission has no knowledge of the facts referred to by the Honourable Member. It has asked the Member State concerned for information and will inform the Honourable Member of its findings.

(2003/C 280 E/205) **WRITTEN QUESTION P-2030/03**

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

(12 June 2003)

Subject: Geographical toll

The French authorities have announced their intention to levy a new 'geographical' tax on all heavy goods vehicles within the country's territory, over and above the motorway tolls already paid there.

This would constitute a blatant distortion of the proper functioning of the single market. What steps will the Commission take vis-à-vis France to ensure the proper functioning of the market in the event of the 'geographical toll' being introduced?

To what extent might this measure constitute a violation of the principle of non-discrimination on the grounds of nationality within the European Union?

Finally, what effect would this measure have on the free movement of goods?

Answer given by Mrs de Palacio on behalf of the Commission

(16 July 2003)

The Commission would refer the Honourable Member to the reply it gave to Oral Question H-0383/03 by Mr Perez Alvarez during question time at Parliament's July 2003 part-session [1].

[1] Written answer of 1.7.2003.

(2003/C 280 E/206) **WRITTEN QUESTION E-2295/03**
by Christopher Huhne (ELDR) to the Commission

(11 July 2003)

Subject: EU funded projects

Will the Commission list the projects for which EU funds (including any EIB loans) were committed, and for which funds were disbursed, during the last financial year in Hampshire/Kent/Surrey/W Sussex/E Sussex/ Isle of Wight/Oxfordshire/Berkshire/Buckinghamshire?

Answer given by Mr Prodi on behalf of the Commission

(15 July 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.