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EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

(2004/C 33 E/001)

WRITTEN QUESTION E-0415/02

by Erik Meijer (GUE/NGL) to the Commission

(20 February 2002)

Subject: Collection and recovery from the Third World and destruction of unused toxic agricultural chemicals produced in the EU

1. Is the Commission aware that in recent decades large quantities of toxic agricultural chemicals which are non-biodegradable or virtually so have been transported to the Third World, as part of development aid or with the aim of dumping old stocks which were no longer required in countries with stronger economies, as samples supplied by industry in order to promote sales or for the purpose of scientific experiments?

2. Is the Commission also aware that many of these old stocks have never been used, that by modern standards they are regarded as hazardous and unusable, and that because of the way in which they have been stored and packaged, these undesirable substances have escaped into the environment or will do so in due course unless prompt measures are taken to prevent this?

3. Does the Commission have any data which would make it possible to identify which businesses within the EU produced and transported these toxic chemicals and what know-how they possess which could be used to recover these substances and destroy them in a properly controlled manner?

4. What contacts does the Commission have on this subject with Greenpeace, which is carrying out a campaign, inter alia in Nepal, to recover and destroy such substances?

5. How and to what extent are former suppliers or any other parties already helping to defuse this chemical time bomb?

6. What additional measures does the Commission consider necessary in order to ensure that such substances are collected as comprehensively as possible, and what steps are being taken to this end?

Source: '2 Vandaag', Dutch TV current affairs programme, 29 January 2002.

Answer given by Mr Nielson on behalf of the Commission

(16 April 2002)

The Commission is conscious of the problem represented by the shipment of hazardous chemicals to developing countries and particularly by the threats of obsolete pesticides to human health and the environment.

All obsolete pesticides, being unfit for use must be considered as hazardous waste due to their dangerous properties. The shipment of hazardous waste to non-Organisation for Economic Cooperation and Development (OECD) countries is forbidden according to Council Regulation (EEC) No 259/93 of

1 February 1993 on the supervision and control of shipments of waste within, into and out of the Community [1]. This Regulation establishes a control regime and specific measures such as take back of the waste by the exporting country in cases of waste illegally shipped. In this context pesticides exported with the intention of discarding them, would be deemed to be waste even if labelled as products by the exporting party and thus constitute illegal shipments. For this provision to apply evidence of the intention to discard by the exporting party would be required.

Furthermore, the Commission is preparing for the ratification of the Stockholm Convention on Persistent Organic Pollutants (POPs) signed in May 2001 which currently addresses nine pesticides out 12 pollutants.

The provisions of the Stockholm Convention with regard to stockpiles, wastes containing or contaminated by POPs stipulate the goal of their environmental sound management. To this end Parties shall, inter alia, manage stockpiles in a safe, efficient and environmentally sound manner until they are deemed to be wastes and take measures to handle, collect, transport and store wastes in an environmentally sound manner disposing of them in a way that destroys the POP content. Parties should not allow recovery, recycle, reclamation, direct reuse or alternative uses of POPs and not transport POPs across international boundaries without taking into account international rules (e.g. Basel Convention on transboundary movements of hazardous wastes).

Although these provisions concern for the time being only the nine pesticides included in the Stockholm Convention, an environmentally sound management must be applied to all types of obsolete pesticides to ensure the maximum protection of the environment against the effects of this type of hazardous waste.

In parallel the Commission has recently put forward proposals to ratify and give effect in the Community to the provisions of the Rotterdam Convention for the application of the Prior Informed Consent (PIC) Procedure. The objectives of the Convention are to better inform developing countries on chemicals (pesticides, industrial and consumer chemicals) and to help these countries to manage them properly, in a sustainable way. The Rotterdam Convention therefore represents another significant step in improving international regulation and management of hazardous chemicals.

The Commission is not in possession of data allowing the identification of companies having produced and transported the toxic chemicals referred to by the Honourable Member.

The Commission is however well informed of initiatives undertaken by Greenpeace in Nepal as well as in other Asian and African countries focussing on unsafe storing conditions of large amounts of expired pesticides.

Finally, the Commission is also aware of the fact that Food and Agriculture Organisation (FAO), United Nations Environment Programme (UNEP), OECD, aid agencies, countries with obsolete stocks, pesticide producers and non-governmental organisations have undertaken collaborative projects to inventory, collect and dispose of existing stocks of obsolete pesticides and to prevent the accumulation of new ones.

[1] OJ L 30, 6.2.1993.

(2004/C 33 E/002)

WRITTEN QUESTION E-1285/02

by Glenys Kinnock (PSE) to the Commission

(7 May 2002)

Subject: East Timor

What plans does the Commission have to open a delegation in Dili, East Timor? Has a timetable been set?

Answer given by Mr Patten on behalf of the Commission

(28 May 2002)

After the events of 1999, the Commission established an office of the Humanitarian Aid Office (ECHO) in Dili to help to manage the ongoing emergency aid actions in the territory. Since February 2001, a Community Correspondent Technical Assistance office has been established in Dili which, for reasons of economy and efficiency, is sharing office facilities with ECHO. The Commission plans to continue this Community Correspondent Technical Assistance office in Dili until the end of 2004. It is funded from budget line B7 304A to provide project management and local technical assistance support to the ongoing Community rehabilitation, reconstruction and development programmes and actions in East Timor.

The Commission's Head of Delegation based in Jakarta is presently in process of being formally accredited to the United Nations Transitional Administration for East Timor and is proposed to be accredited to East Timor after its independence on 20 May 2002. Given that the Community Correspondent Technical Assistance Office funding provides for a local presence until the end of 2004, and that the Commission's budget for Delegations in third countries is committed to the maximum, the Commission does not currently have any plans to open a Community Delegation in Dili, since to do so would require closing on scaling back another delegation.

(2004/C 33 E/003) **WRITTEN QUESTION E-1638/02**

by Bart Staes (Verts/ALE) to the Commission

(10 June 2002)

Subject: Position of Commissioner Busquin on tax competition in the European single market

On 18 May 2002 in the newspaper De Morgen the European Commissioner for research policy, Philippe Busquin, was reported as stating that he is in fundamental disagreement with his colleague Commissioner Bolkestein. He blames Bolkestein for encouraging the Member States to compete against one another in the area of taxation and is quoted as saying 'Should we drive up fiscal competition within the European internal market? Mr Bolkestein (internal market) is in favour of this. I must make it quite clear that I am against it. It is time that we had a serious discussion of the issue.'

In the meantime has Commissioner Busquin officially informed his fellow commissioners of his dissatisfaction with Mr Bolkestein's policy and has he now urged his colleagues in the Commission to debate the issue?

If not, when will Commissioner Busquin officially notify the Commission of his views?

If so, how did the Commission react to the proposal for a thorough debate?

Can Commissioner Busquin once again explain why he disagrees with Mr Bolkestein's approach. If not, how are we to interpret the interview published in De Morgen?

Answer given by Mr Bolkestein on behalf of the Commission

(18 July 2002)

The Commission's position on Union taxation policy is set out in its Communication 'Tax policy in the European Union — priorities for the years ahead' ([1]). This Communication is very comprehensive and identifies several levels of actions and priorities for the coming years. It is the result of a debate within the Commission on the role of fiscal policy and fiscal measures.

Tax competition is addressed in this Communication and more particularly in Section 2.3 which states that the EU tax policy 'must, as a priority, serve the interests of citizens and business wishing to avail themselves of the four freedoms of the Internal Market (the free movement of persons, goods and capital, and the freedom to provide services). It must, therefore, focus on the removal of tax obstacles to the exercise of those four freedoms. Moreover, to the extent that tax systems are used as a tool for allocation, redistribution, and stabilisation objectives, the tax consequences must be clear to the intended economic agents. For both these reasons, tax systems must be made simpler and more transparent. In this context it is important to recognise that, while harmful tax competition must be addressed both at EU level and at the broader international level, notably within the OECD, and the State aid provisions of the Treaty must be respected, some degree of tax competition within the EU may be inevitable and may contribute to lower tax pressure.'

In this Communication it is also recognised that tax policy cannot be designed in isolation but should be coherent and underpinning other Union policy objectives and in particular support the modernisation of the so-called European social model. In this context, it is also up to the Council of Ministers to decide which actions to take up as a priority. And, as the Communication also makes clear, it remains the Commission's view that a move to qualified majority voting at least for some tax issues is indispensable.

Accordingly, the statements made on the subject of tax competition in the article in De Morgen are fully in line with the Communication adopted by the Commission. But it needs to be realised that this Communication contains several levels of actions for the short, medium and long term.

(1) COM(2001) 260.

(2004/C 33 E/004)

WRITTEN QUESTION E-1954/02

by Glyn Ford (PSE) to the Commission

(3 July 2002)

Subject: European Year of Remembrance and Reconciliation

What consideration is the Commission giving to whether it would be desirable to designate 2005 as the European Year of Remembrance and Reconciliation in order to positively mark the 60th anniversary of the end of the Second World War?

Answer given by Mr Prodi on behalf of the Commission

(7 October 2002)

The Commission has given careful consideration to the suggestion that 2005 should be designated as the 'European Year of Remembrance and Reconciliation'.

It is clearly desirable that the 60th anniversary of the end of the Second World War — the end of war within the boundaries of our Union — should be marked in a positive way. The Commission believes, however, that the process of enlargement including the welcoming of new Members of the Parliament and new Members of the Commission is its most tangible demonstration of reconciliation. It is, of course, precisely because it remembers the First and Second World Wars and the sacrifices made by its fellow Europeans that the Commission is determined to ensure the peace, security and stability of an enlarged Union.

Whilst the Commission is not proposing to designate 2005 as the European Year of Remembrance and Reconciliation as suggested by the Honourable Member, it is considering the possibility of focusing activities on 9 May 2005 on these specific themes. This would be an effective means of informing citizens of the very essence of the Union, of the values on which the Union was founded and which continue to guide the aims and objectives of the enlarged Union. The celebration of the peaceful enlarged Union of 2005 would be fitting act of remembrance.

(2004/C 33 E/005)

WRITTEN QUESTION E-2094/02

by Roger Helmer (PPE-DE) to the Commission

(16 July 2002)

Subject: EU funding of Palestinian terrorism

Would the Commission confirm that it has read the report entitled 'Lifting the Veil on EU Funding and Palestinian Violence' published in the Wall Street Journal Europe on 19 June 2002 and that it is taking immediate action to address the concerns raised in the article?

Would the Commission specifically confirm that it is investigating claims by Die Zeit that the EU's large-scale funding of PA-TV is being used for propaganda and anti-Semitic purposes and to promote racism and xenophobia, which are now held to be illegal under the European Arrest Warrant?

Would the Commission outline what steps it is taking to ensure that money intended for 'educational purposes' is not being misused to fund religious intolerance of the Jews?

Would the Commission agree that, regardless of funding for budgetary management and accounting capacity in Palestine, it can no longer ensure that EU funds intended for reform and aid are not being misused to fund terrorism, especially when Mr Arafat has said that he 'does not differentiate between the structure of his autonomy government and the Fatah movement' (Die Zeit, authors Kleine-Brockhoff and Schirra).

Answer given by Mr Patten on behalf of the Commission

(23 October 2002)

The Commission can confirm that it has read the newspaper article referred to by the Honourable Member. This is largely based on an article which appeared in Die Zeit in June 2002 that contained an unacceptable number of inaccuracies and to which the Commission has responded. A copy of the Commission response will be sent direct to the Honourable Member.

It is incorrect to say that the Union is providing direct large-scale funding to PA TV (presumably referring to the Palestinian Broadcasting Company — PBC). The Commission initially contributed to the start-up of the PBC in 1994 along bilateral funding from some Member States. Plans for an additional grant of EUR 1,5 million were eventually cancelled in 1997 and the money de-committed.

Whilst the Commission has never provided funding for Palestinian textbooks (funding has been provided by a number of Member States on a bilateral basis), it nonetheless takes a very serious view of the allegations of incitement in their content. For this reason the Union representatives in Jerusalem and Ramallah have drawn up a report (entitled Palestinian Textbooks — 15 May 2002) on the matter which can be found on the web-site of the Council of the European Union [1].

The Commission is concerned about the issue of incitement via TV, print press, textbooks or any other medium and will continue, along with the Council, to raise these concerns with Chairman Arafat and the PA. In this context the Commission welcomes, as positive, the commitment in the 100-day action plan on reform of 25 June 2002 'to seek to reinforce … humanistic values, … and renounce fanaticism in the educational curricula and spread the spirit of democracy, enlightenment and openness on a wide scale'.

With regard to allegations of misuse of Union monies to fund terrorism, the Commission refers the Honourable Member to its reply to question E-1554/02 by Mr Bob Van Den Bos [2].

[1] http://ue.eu.int/newsroom/newmain.
[2] OJ C 92 E, 17.4.2003, p. 64.

(2004/C 33 E/006)

WRITTEN QUESTION E-2448/02

by Erik Meijer (GUE/NGL) to the Commission

(29 August 2002)

Subject: Plans for a major mining project in Romanian Transylvania to extract gold using toxic cyanide

1. Does the Commission recall that early in 2000 a cyanide pond built by the Australian mining company Esmeralda to extract gold from ore obtained from an open-cast mine near the town of Baia Mare in the northwest of Romania overflowed, causing toxic river water to stream through Romania, Hungary and Serbia via the Tisza river and river system killing huge numbers of fish?

2. Is the Commission aware that the Canadian mining company Gabriel Resources, in cooperation with the state-owned mining company Minvest as part of the Eurogold joint venture, is looking for investors for a large-scale mining project in the valley near Rosia Montana (known as Verespatak before 1918) to the east of Cimpeni and Abrud in the Romanian 'judetul' or province of Alba and the flood plain of the Mures/Maros river, in which a 600 hectare cyanide pond is being built without a concrete floor and an area of 1600 hectares of age-old mountain villages is being evacuated, and that work on the project has now started?

3. Is the Commission also aware that Gabriel Resources has since bought up the local copper mine with a view to closing it and taking over the skilled workers and that no significant increase in local employment can therefore be expected?

4. Does the Commission consider it acceptable for the use of a dangerous and out-dated method of gold mining, now used only in the Third World, to make large areas downstream in future Member States of the EU uninhabitable?

Source: De Volkskrant, 13 July 2002 and 17 July 2002.

(2004/C 33 E/007)

WRITTEN QUESTION E-2449/02

by Erik Meijer (GUE/NGL) to the Commission

(29 August 2002)

Subject: Contacts with the World Bank, the Romanian government and the Alburnus Maior action group to prevent a toxic disaster area in Transylvania

1. What does the Commission know about World Bank involvement in the Eurogold project near the Romanian village of Rosia Montana, which is being used by the company with the passive agreement of the World Bank as an argument to attract investors, in that the firm claims that the World Bank itself is in favour of a large goldmine in the area whereas the World Bank says that the project is still at the feasibility study stage?

2. Does the Commission not share my view that the necessary strengthening of the Romanian economy will not be helped by projects based on crude short-term over-exploitation resulting in virtually irreparable damage to neighbouring countries, the environment and future generations?

3. Is the Commission prepared to advise the Romanian government and the World Bank strongly against going ahead with this project, by advocating that any further extraction of gold in the area should not be done by opencast mining and by ensuring that no source of lethal toxicity remains after mining has ceased?

4. Is the Commission prepared to establish contacts with the Alburnus Maior action group set up in connection with this project and take other measures to prevent a situation in which, after 15 years mining, a toxic area is left and disaster areas similar to Chernobyl may arise in the surrounding area in the future?

Source: De Volkskrant, 13 July 2002 and 17 July 2002.

Joint answer
to Written Questions E-2448/02 and E-2449/02
given by Mr Verheugen on behalf of the Commission

(21 October 2002)

Following the incident referred to by the Honourable Member, the Commission set up the Baia Mare Task Force to establish the facts, assess the damage and draw the lessons to be learned from the incident. Following this episode and other similar incidents, the Commission published a Communication on the 'Safe operation of mining activities: a follow-up to recent mining accidents' ([1]).

The Commission has received some information concerning the project mentioned by the Honourable Member. The Commission is not involved in it and has had no specific contacts with the World Bank on this subject.

The Commission has not been informed on the purchase of a copper mine in the Judet of Alba and in particular about the intentions of the purchasing company.

The Commission assists the candidate countries in the process of transposing and implementing the Community 'acquis' as they prepare for accession. While there is at present no 'acquis' specifically related to environmental protection in gold mining and no Community funding is involved in this particular project, Romanian legislation transposing the Directives on Access to Environmental Information and Environmental Impact Assessment ([2]) should be applicable, even if transposition of both Directives is still as yet incomplete.

However, at this stage it should be underlined that until now the project promoter, who is under an obligation to apply for an environmental licence, has not submitted any official request to the Romanian authorities.

Finally, in the context of its activities promoting good governance, the Commission has adopted a specific action plan on environmental governance. One of the basic pillars of good governance is ensuring that decisions are taken on the basis of full information, and in consultation with all the groups who will be affected, including citizens groups and residents in the area of a proposed project. Thus, the Commission would expect Romania to take these principles into account.

([1]) COM(2000) 664 final.
([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. Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment, OJ L 158, 23.6.1990.

(2004/C 33 E/008)

WRITTEN QUESTION E-2495/02

by Mogens Camre (UEN) to the Commission

(9 September 2002)

Subject: EU aid to countries practising sharia

In November 2001 in Nigeria, a woman was sentenced to be stoned for infidelity. In March 2002, the woman was freed after immense international pressure. A similar situation has now arisen again. On 19 August 2002, Amina Lawal was condemned to death by stoning for having engaged in extramarital sex. Such barbaric and medieval methods of punishment are unacceptable to the international community.

Experience shows that people who are condemned to such insane punishments can only be saved by the international community. However, the international community should not have to be mobilised on an ad hoc basis every time such a case occurs in a country which practises sharia. The author of this question takes the view that systematic sanctions against and constant pressure on such medieval regimes would have a far more beneficial effect than the method used hitherto which has principally consisted in the international community reacting only after extreme pressure from various interest groups.

Will the Commission therefore provide figures to illustrate the extent of EU aid to countries practising sharia? If the EU does give aid to such countries, will the Commission say whether such aid, which is provided with no human rights conditions attached, is consistent with the Commission's understanding of law and order, and whether it should be withdrawn immediately?

(2004/C 33 E/009)

WRITTEN QUESTION E-2496/02

by Mogens Camre (UEN) to the Commission

(9 September 2002)

Subject: Sharia law in Muslim countries

On 19 August 2002, a young woman named Amina Lawal was condemned to death by stoning by a court in northern Nigeria. Her 'crime' consists in having had a relationship with a man to whom she is not married!

This is not an isolated case or a situation confined to Nigeria. Young women being condemned to death by stoning is a common occurrence in Muslim countries which practise sharia law. There have been several similar cases in Nigeria, Pakistan, Saudi Arabia and a number of other Muslim countries.

Stoning young women for infidelity and extramarital sex is a situation that any normal thinking person condemns. Indeed, women's rights groups, immigrant organisations, Amnesty International and others have condemned the verdict handed down in Nigeria.

The international community must respond if such barbaric acts of cruelty are to be prevented in the future.

Will the Commission, therefore, say what it will do in the specific case of Ms Lawal? Will it also say in which countries sharia is practised and how many cases of the stoning of women occur on an annual basis in each of the countries practising sharia?

Joint answer
to Written Questions E-2495/02 and E-2496/02
given by Mr Nielson on behalf of the Commission

(6 November 2002)

The Union has consistently opposed the imposition of the death penalty and has set out its policy in the Guidelines to EU policy towards third countries on the death penalty [1]. These guidelines refer not only to the Union's goal of worldwide abolition of the death penalty they also underline that those States, which persist in applying the penalty must do so in a manner which inflicts the minimum possible suffering. Clearly, the practice of stoning does not conform to that condition.

The Commission has offered concrete support for projects to support the abolition of the death penalty worldwide. The results of a Call for Proposals for EUR 7 million under the European Initiative for Democracy and Human Rights are currently being evaluated.

In the case of Amina Lawal, the decision has been appealed to the Sharia Court of Appeal in Katsina. Amina can appeal further to the Federal Court of Appeal in Kaduna and to the Federal Supreme Court in Abuja. Amina cannot be executed while breastfeeding her infant, that is until January 2004. The Union issued a declaration on 21 August 2002 expressing its deep concern about the sentence. The Union has urged the Government of Nigeria to abolish the death penalty, or, as a first step, establish a moratorium. Furthermore, it expresses its concern at inhuman punishments inflicted in some states in Nigeria. The Commission, through its Delegation in Abuja, will follow the evolution of the Amina case attentively. No executions by stoning have yet taken place in Nigeria. For Nigeria, the Commission notified a 9th European Development Fund (EDF) allocation of EUR 222 million in March 2001. Including unspent sums from previous EDFs, the total available for programming is EUR 552 million.

The Union adopts a similar approach for other countries which impose cruel and inhuman sentences such as stoning. In the case of Iran, Amnesty International has reported the execution of at least 139 people in 2001 with two women reported as stoned to death. The Union tabled a resolution at the 56th United Nations General Assembly which, inter alia, deplored the use of such executions and the issue is raised in dialogue with the Iranian authorities. Iran is not at this stage subject to any project programming by the Commission, which, however, over the years has financed a limited number of activities in sectors such as drugs and refugees.

The Commission is not in a position to provide detailed information on countries practising sharia and the precise number of stonings in each such country.

All Community agreements with third countries include a clause stipulating that respect for human rights is an essential element of the agreement. In the event that a party fails to fulfil its human rights obligations, suspension of the Agreement is possible. However, suspending aid to a country would normally be more detrimental to the poorer sections of society and would decrease our possibility to exert pressure in cases such as these. It is therefore a measure of last resort.

([1]) Available at www.europa.eu.int/comm/external_relations/human_rights.

(2004/C 33 E/010)

WRITTEN QUESTION E-2558/02

by Erik Meijer (GUE/NGL) to the Commission

(13 September 2002)

Subject: Financial control 2: opposing views on the part of members of the Commission and of the administration

1. Why did the Commission take the risk, despite the damage this was likely to cause (see previous series of questions), of further alienating public opinion by removing the former head of the accountancy service Marta Andreasen from office in May 2002, after she warned, first internally and later publicly, about the Commission's poor internal controls?

2. Does the Commission recall that this is not the first time that an official has been removed from office for voicing criticism in this way? What lessons has it learned from the earlier case of dismissal (Paul van Buitenen, 1999)?

3. Is the Commission surprised that the criticisms made by Mrs Andreasen were later confirmed by Jules Muis, head of the internal audit service, as well as by the European Court of Auditors, which, according to a report in the Financial Times, considers that the Commission's accounting systems are unreliable and insecure and fail to take account of generally accepted accounting standards or to use double-entry bookkeeping methods which, in comparable cases, facilitate control of revenues and expenditure?

4. Have the documents prepared by the Court of Auditors and by Mr Muis been made public, so as to enable anyone wishing to do so to verify the criticisms leaked by the press? If not, why not?

5. Why, following a statement by Mrs Andreasen in London on 1 August 2002 claiming that the EU budget was highly susceptible to fraud, that the system was worse than that of the collapsed American companies Enron and WorldCom, that there was no means of verifying figures and that fraud could be concealed in the system without anyone seeing or detecting it, did Commissioner Schreyer help further discredit the way in which the EU operates by responding that the report by the Court of Auditors would not be published because it contained errors and because the tenor of the report was inaccurate and that Mrs Andreasen should never have been recruited?

6. Does the Commission consider — not only in this case but also in other cases — that it is an appropriate and effective administrative response to brand conflicting opinions 'inaccurate' and to use this description as an argument for excluding them from the debate, or is it willing from now on to abandon such an approach?

Answer given by Mrs Schreyer on behalf of the Commission

(15 January 2003)

1. The Commission refers to its reply to Written Question E-2557/02 by the Honourable Member [1]. It refrains from commenting on individual cases which are under investigation.

The Commission started an important and extensive administrative reform already in the year 2000. Many measures in the White Paper 'Reforming the Commission' [2], adopted by the Commission on 1 March 2000, are specifically dedicated to enhancing internal control and audit and the accountability of officials, to creating an internal audit service and a central financial service, and to strengthening Financial management and control within the Directorates-General. The Commission has proposed a new Financial Regulation and it is pleased that this change supported by the Parliament has been decided by the Council. This modernisation was already foreseen in the Commission's working document from June 2001, which was the basis for recruiting the Accounting Officer in January 2002.

2. In order to fulfil an obvious need for clear and precise rules on how to report concerns about serious wrongdoings, a strong regime was introduced in 1999, which imposes a duty on officials to report serious irregularities. This regime provides for a number of safe and effective reporting channels for officials to raise their concerns, and offers protection to officials who do so in good faith. In 2002, new whistleblowing rules were introduced which further strengthen and extend this regime. As the Honourable Member will no doubt be aware, these new rules were applied in relation to Mr Van Buitenen, with his agreement, in anticipation of their actual adoption.

The Commission would point out that these provisions are concerned with disclosures of information about fraud, corruption and other comparable serious wrongdoing. They do not extend to disagreements about lawful policies. The Honourable Member will also know that Mrs Marta Andreasen has claimed that the Commissioner responsible for the Budget was promoting a Financial Regulation which would increase the risk of fraud. The new version of the Financial Regulation was not only welcomed by the European Court of Auditors but was supported by the Parliament and unanimously adopted by the Council. Therefore, the claims made by Mrs Andreasen are not only against the Commission; they are also against the European Court of Auditors, the Parliament, the Council and the 15 Member States.

3. For the 2001 financial year, the Court, as for earlier financial years, stated that the annual accounts faithfully reflect the Commission revenue and expenditure for the year and their financial position at the year-end. However, it made four reserves concerning the general accounts. The accounting of the Commission respects the standards of the Financial Regulation and of budgetary accounts on a cash basis. On the general accounts the Honourable Member will know that there are different standard ways of presenting them. The Commission will observe the new Financial Regulation and its standards based on accrual accounting. These rules will be binding as of 2005.

On the subject of its accounting methods, the Commission would also refer to its recent reply to Written Question E-2455/02 by Mr Heaton-Harris [3]. In a recent article, which the Commission will send direct to the Honourable Member and to Parliament's Secretariat, Professor Vicente Montesinos [4] acknowledges the progress that has already been made under the reform programme and concludes that the situation is comparable to that in most European public administrations.

Furthermore the recasting of the Financial Regulation [5], as a result of the Commission's own proposal made in 2000, already contains those rules whose introduction is being called for, namely integrated principles of accrual accounting.

4. The letter of the Commission's Internal Auditor to which the Honourable Member refers was based on preliminary findings of an on-going audit and, as such, it should not have been circulated outside the Institution. Neither the Financial Regulation nor the relevant professional standards for internal auditing provide that preliminary results of ongoing internal audit work are shared outside the Institution. This is to protect the relationship between internal auditor and auditee, which is key to an effective internal audit function.

However, based on the provisions of the Financial Regulation the Parliament receives regularly reports by the Internal Auditor, which summarise audit findings, recommendations and follow-up.

The internal note referred to by the Honourable Member was also preparatory to the establishment of the Annual Activity Report and Declaration of the Director General for Budgets. The Annual Reports of the Director General, the Synthesis report and the IAS Annual activity Report have been submitted to Parliament.

The question to the Court is not in the competence of the Commission.

5. There is no basis for comparison between cases such as those of Enron or Worldcom and the Commission's accounts. Enron and Worldcom cases involved alleged deliberate concealment of debts with the aim of hiding the true financial position of the companies, influencing the stock market and assuring bonuses for senior managers. Conversely, the Commission accounts have been consistently certified by the Court of Auditors to reflect faithfully the reality of revenue and payments, as required by the Financial Regulation. Such actions as were allegedly perpetrated on the accounts of Enron and Worldcom are not possible in a cash accounting environment as that of the Communities.

6. The Commission has recognised the criticisms which have been made of its accounting system over the past years by the Court of Auditors, and has taken corrective action.

Apart from certain specific actions foreseen in the White Paper on Reform, and its proposals for the recast of the Financial Regulation as referred to above:

— Following a call for tenders, a study on the accounting system was delivered mid 2000 by a high level expert on public accounting (Professor Montesinos from Valencia University).

— In 2000, the Commission adopted a Reform White Paper which covered amongst other things, the recast of the Financial Regulation, and foresaw measures concerning the role of the accountant. Many of the reform acts has been implemented already.

— In June 2001, following the above-mentioned study, the Commission drafted an action plan for modernisation which was subsequently discussed with the Court of Auditors. Modernisation of its accounting systems has continued.

— On 25th June 2002 the Council adopted the recast Financial Regulation which requires by 2005 an integrated accrual accounting system as proposed by the Commission.

— On 24 July 2002 the Commission presented a memorandum on the reform of the accounting framework and system.

This shows, the Commission listens to well-founded critical comments, and is open to implement recommendations in its ongoing reform process. The Commission has not only the right but also the duty to defend itself against untrue claims.

(1) OJ C 242 E, 9.10.2003, p. 25.
(2) COM(2000) 200 final.
(3) OJ C 161 E, 10.7.2003, p. 22.
(4) Secretary-General of the European Organisation of Regional Audit Institutions (Eurorai).
(5) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.9.2002.

(2004/C 33 E/011)

WRITTEN QUESTION E-2750/02

by María Izquierdo Rojo (PSE) to the Commission

(1 October 2002)

Subject: Rape of Pakistani teacher Mukhtar Mai and tribal law

In June 2002, Pakistani schoolteacher Mukhtar Mai was gang-raped by four men by order of a people's court or 'panchayat' in the southern Punjab. Mai was punished because her twelve-year-old brother had had relations with a young woman from a higher caste. She was found guilty on the basis of the 'laws of

honour' applied by (illegal) tribal courts in Pakistan. After being raped, Mai returned to her house on foot, semi-naked, in full view of hundreds of neighbours. Two of the rapists were subsequently sentenced to death in late August.

In the light of this case and of others like it which, regrettably, are becoming increasingly common in Pakistan, what action could the European Union take to prevent this use of tribal law, which constitutes a violation of human rights? What development and cooperation projects might be used to counter these so-called 'crimes of honour'?

Answer given by Mr Patten on behalf of the Commission

(16 October 2002)

The Commission is seriously concerned by human rights violations in Pakistan, in particular by the discriminatory 'laws of honour' applied in some cases by Pakistani tribal juries.

In addition to official demarches to the Pakistani authorities, the Union, through the Delegation of the Commission in Pakistan, together with Member States Embassies tries to draw the attention of the Pakistani authorities to such issues at every appropriate opportunity. An official Union demarche to the Pakistani Minister of Law and Justice focusing on human rights including the issue of laws of honour is expected to take place in the coming weeks.

The Commission, as a rule, in all development projects related to education, health, agriculture and social and rural development increasingly takes account of gender equity as a cross-cutting theme so that the actual implementation of our programmes has a significant impact on issues related to gender discrimination. An example of this is the 'Rural Social Development Programme' (RSDP) in Pakistan which is addressing gender related issues through education, advocacy and raising of awareness through funding of small local non-governmental organisations (NGOs), which can operate in remote rural areas where codes of honour are still practised.

Moreover, Pakistan has been declared a priority country under the 'European Initiative for Human Rights and Democracy'. In this connection, a call for proposals has been issued, with the specific objective of strengthening the capacity of civil society organisations and providing support to the legal system, emphasising on institutional strengthening and legal assistance for victims of domestic and gender-based violence.

(2004/C 33 E/012) **WRITTEN QUESTION E-2861/02**

by José Ribeiro e Castro (UEN) to the Commission

(10 October 2002)

Subject: Angola — transparency of public accounts

According to the media, the World Bank Vice-President for the Africa Region, Calisto Madavo, declared in Luanda on 12 September last that the World Bank suspected that USD 1 000 million had disappeared from the Angolan State budget. At the same time he advocated the transparent management of accounts as being essential to reduce the high levels of poverty.

He also said it was significant that it was the Head of State Eduardo dos Santos who had referred to the issue of the transparency of Angola's public accounts during an interview he gave him. According to Mr Madavo it was up to politicians and civil society to take steps to throw light on the real state of the public accounts.

With regard to World Bank support for the process of structural reforms in Angola, he said that aid would be provided in stages and that it was essential that the appropriations be used for the projects for which they were intended.

In the resolution adopted on 4 July last (P5_TA(2002)0375) the European Parliament 'calls on the Angolan Government and its industrial and trade partners to set up transparent, responsible mechanisms for managing Angola's natural resources, in particular oil production and diamonds, so that the revenue therefrom is used to combat poverty and to finance global, sustainable, fair and lasting development'.

This concern has, moreover, been expressed in various European Parliament resolutions, not only on Angola, but on other similar situations or as regards the European Union's cooperation policies in general.

Can the Commission say whether it has followed developments in this important issue of the transparency of public accounts in Angola and their accuracy? What is its current assessment of the present situation and the prospects for the immediate future, both in the sphere of oil and diamond revenue and the public accounts in general?

(2004/C 33 E/013) **WRITTEN QUESTION E-2862/02**

by José Ribeiro e Castro (UEN) to the Commission

(10 October 2002)

Subject: Angola — 2003 budget

The international community and NGOs closely acquainted with the situation in Angola have frequently commented on and criticised the Angolan Government's low level of commitment in social areas, one of the symptoms of this being the low level of budgetary resources allocated, year after year, to areas such as health, social assistance, education, housing, hygiene, etc. The protracted civil war is supposed to be the decisive factor in all this, contributing to the paradoxical situation pointed out by the last ACP-EU Joint Parliamentary Assembly ('the inhuman paradox of a potentially very rich country whose population lives in conditions of extreme poverty, which has been a feature of the suffering of the Angolan people for many years') and by the European Parliament in its resolution of 11 April this year — P5_ TA(2002)0192 ('the inhuman paradox of a potentially very rich country whose population lives in conditions of extreme poverty, which has been for long years a feature of the suffering of the Angolan people').

At times the Angolan Government has shown some receptiveness to the criticisms and a willingness to change this state of affairs. This was the case during the drafting and adoption of the State Budget for 2002, when the Angolan Minister for Planning declared, in November 2001, that for the first time since Angola's independence the defence sector was being relegated to third place, whilst health and education were to be allocated a larger share.

Now a profound and even more pronounced change is to be expected in the 2003 budget, with two factors being taken into account: firstly, the war is over, and secondly, support and assistance is being sought by millions of displaced persons and refugees, because of the resettlement of the population and the simple return to normality for the civilian population, who are eager for normal living conditions and development.

Without prejudice to the aid which must continue to be provided by the international community, in particular the EU and the Member States, if this new approach with a marked social bias is adopted unequivocally by the Angolan authorities, it would be likely to encourage future donor conferences considerably, since it would constitute an important sign of good governance and an indication that the enormous wealth, capacity and potential of Angola are finally being used for the benefit of the whole population and for the overall progress of the country.

In view of all this, can the Commission say whether it has followed the developments in the Angolan budgets, in particular as regards the implementation of the 2002 budget and the preparation of the budget for 2003? What is its opinion of the implementation of the 2002 budget and the preparation of the forthcoming budget for 2003, in particular as regards social areas and responsibilities and the importance they are or are not given?

**Joint answer
to Written Questions E-2861/02 and E-2862/02
given by Mr Nielson on behalf of the Commission**

(4 December 2002)

The issues of the transparency and accuracy of public accounts and the implementation/preparation of the 2002 and 2003 budgets are closely linked. There is consensus that the transparency and accuracy of Angolan public accounts are far from satisfactory, in particular as regards oil and diamond revenues, and that reliable data are almost impossible to come by. This is at the root of the difficulties of the International Monetary Fund (IMF)/Angolan relationship. The Commission considers close co-operation between Angola and the IMF to be crucial for the reconstruction of the country and encourages Angola to make efforts to overcome the current deadlock.

The Commission stresses the need to set up transparent, responsible mechanisms for managing Angola's natural resources, in particular oil production and diamonds, so that revenues therefrom can be used to combat poverty and to finance the reconstruction of the country, complemented by the ongoing contributions of the international community. One of the Community's priorities in its future co-operation strategy with Angola is therefore to assist in the improvement of the management of public finances. The level and nature of that assistance, estimated in the range of EUR 5-10 million, depends very much on solid co-operation with and co-ordination within the Angolan Government. The Government of Angola declared that full transparency will be achieved during the next three years and the fulfilment of this pledge will be followed closely. Furthermore, an audit on the oil sector is under preparation. An IMF mission to Angola is expected to take place late 2002, indicating some positive movement.

As regards information on the implementation of the 2002 budget and the preparation of the 2003 budget, the lack of accurate and detailed information excludes a substantiated comment in this matter. In the 2002 state budget, which was adopted in a revised form on 17 July 2002, it has not been possible to verify to what extent — if at all — spending in the social sectors exceeds that in the defence sector. The budget for 2003 is still under discussion. However, the government's Economic and Social Programme for 2003/2004 was approved last month, including the Investment Programme for the recovery of basic services (health, education, water, electricity, and rural roads) for the rural population. This investment programme envisages a USD 20 million investment per province in the next two years (USD 10 million for 2003 and US$ 10 million for 2004). This would, if implemented, mean an important improvement in social spending and a welcome matching of expenditure with the Community financed rural rehabilitation programme in the central highlands.

(2004/C 33 E/014) **WRITTEN QUESTION E-3142/02**

by Sérgio Marques (PPE-DE) to the Commission

(4 November 2002)

Subject: Common VAT system

The legal and political goal of promoting a system based on taxation of goods and services in the Member State of origin, charted in 1967 when the VAT arrangements were adopted, has been shelved time after time. Although it has enabled checks to be abolished at the Union's internal frontiers and it is permissible under certain circumstances to continue to levy tax in the Member State of destination, the transitional VAT system currently in force is complex, out of date, and conducive to fraud. In particular, it is difficult to obtain a refund of tax paid in other Member States, and the fact that tax representatives are costly and complicated to use is the main source of problems for firms, especially SMEs, operating in Member States other than their base. Firms frequently mention differences in treatment from one Member State to another.

In addition, some provisions of the Sixth Directive and the various legal instruments which have amended it over the years are ambiguous and incomplete. The numerous exceptions requested by Member States have likewise led to a degree of confusion in the system.

The recent adoption of further legal instruments has not substantially altered the situation described above.

The Commission:

1. When will it move forward to the definitive VAT scheme or at any rate gear the existing rules to meet present needs? Regarding this latter option, does it not consider it imperative to produce a single legal instrument grouping together the various provisions scattered throughout primary and secondary Community legislation?

2. Should not the many exceptions granted to Member States also be reviewed so that only those which proved to be particularly necessary and effective would continue to be allowed?

Answer given by Mr Bolkestein on behalf of the Commission

(9 December 2002)

The definitive VAT system is intended to be based on taxation in the Member State of origin of transactions giving rise to consumption in the Community. Before such a system can be put in place, the taxation systems of Member States have to be closely harmonised. It has not been possible yet to achieve the necessary degree of harmonisation.

However, although the Commission still regards the definitive system as a long-term Community goal, it recognises that, in order to overcome the shortcomings of the present arrangements, improvements to the present system are necessary in the short term. It therefore launched a new VAT strategy in June 2000 based on four main objectives: simplification and modernisation of current rules, more uniform application of those rules and closer administrative cooperation ([1]).

Among the priorities pursued under the new VAT strategy is the codification of the Sixth VAT Directive ([2]). Codifying existing rules is consistent with the objective of simplification. This codification will take place in the form of a recast of the existing text. It is the purpose of the recast to rationalise the structure of the text without introducing substantial changes, which should rather be the subject of specific proposals for implementing the new strategy. The Commission is currently preparing the recast text, which will be presented as a Commission proposal in 2003. Once adopted, the recast will provide a clear overview of Community legislation currently in force.

In its Communication on the new VAT strategy, the Commission also indicated that it would proceed to a certain rationalisation of the considerable number of derogations, authorised by the Council under Article 27 of the Sixth VAT Directive, currently in place. It is envisaged that this exercise should lead to the presentation of a proposal integrating into the Directive some derogations which have proved to be particularly effective. The Commission has started the preparatory work for this exercise in order to be in a position to present a proposal in the course of 2003.

([1]) Communication from the Commission to the Council and the European Parliament: A strategy to improve the operation of the VAT systems within the context of the internal market (COM(2000) 348 final).

([2]) Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, OJ L 145, 13.6.1977.

(2004/C 33 E/015) **WRITTEN QUESTION P-3173/02**

by Charles Tannock (PPE-DE) to the Commission

(30 October 2002)

Subject: EU funding of the Palestinian Territories

In an exchange which took place in the European Parliament on 22 October 2002 over the issue of whether or not a Parliamentary Commission of inquiry should be set-up to investigate allegations that EU funds have been used to fund terrorist activities in the Palestinian Authority territories, Commissioner Patten suggested that the effect of such scrutiny by the Parliament would be to dry-up assistance to the

Palestinian Authority because of the psychological effect which it would have on those on the ground required to disburse funds. The Commissioner also made the point that the Americans, the Israelis and the UN all look to the EU to provide humanitarian funds, and he has argued in the Foreign Affairs Committee that to stop funding the Palestinian Territories altogether would be counterproductive to the extent that it would help to generate wider social tensions, more hatred and ultimately more terrorism. These are all, clearly, serious arguments.

There are many of us who would accept that the primary focus of our activities must remain the desire to work towards a two-state solution which affords security to the State of Israel and dignity to the Palestinians. There remain concerns, however, that EU funds are directly implicated in acts of terrorism carried-out against women and children, and that more can be done on the ground to ensure that the opportunities for such abuses are reduced. For example, there are reports that EU monies are paid towards the salaries of people who do not exist, and that these funds are then misused. The Commission has indicated that the IMF has played a role in monitoring the use of EU funds and yet in the 27 May edition of Der Spiegel it is reported that the IMF official responsible has admitted not only that he does not know how each euro would be spent but that it was impossible to do an effective audit. He went on to add that the IMF only verifies if the sums of the Palestinian Authority's are going to the respective department in the correct amounts.

Could the Commission clarify the role of the IMF in the monitoring process? Is it normal for the IMF to be involved in monitoring EU funds and who is responsible for the 'stringent system of ex-ante and ex-post controls' to which the Commissioner has referred in the past? Who, for example, is responsible for ensuring that everyone who receives a salary exists and is involved in the work for which he or she is being paid?

Answer given by Mr Patten on behalf of the Commission

(10 December 2002)

On 4 November 2002 Commission officials met with Members of the Parliament from Budgetary Control Committee (Cocobu), Committee on Budgets (COBU), Foreign Affairs Committee (AFET) on EU aid to the Palestinians. A similar meeting was held on 14 November 2002 between Vice-President Podestà and Commission officials. A series of documents on the management of Community funds to the Palestinians were handed over to the Members of Parliament and to Mr Podestà at these meetings.

As regards ex-ante and ex-post controls, EU Direct Budgetary Aid is a financial contribution that accrues to the Palestinian Authorithy (PA) budget together with tax transfers from the Israeli government, and other PA revenue, as well as other donor budget support. All these funds serve to finance PA public expenditures in general under the control of the PA Ministry of Finance. Neither EU funds nor the other donor funds are earmarked for specific expenses, and therefore, cannot be attributed to any specific payment. However, the International Monetary Fund (IMF) monitors if the budget in its aggregates (overall expenditure, wages, non-wage expenditure, arrears) is executed in line with the monthly expenditure plan that has been agreed with the IMF and the EU. All payments to the budget, including the most recent transfers of tax revenue withheld by the Israeli government (July, August and October 2002) have been made on the basis of this monitoring mechanism. Furthermore, in order to improve control of public expenditure in general, conditions attached to EU budgetary assistance to the PA foresee the establishment of both internal and external audit systems that correspond to international best practices. These measures are part of an overall fiscal and administrative reform program that has been announced by the Palestinian Authority in July 2002 and which has been endorsed by the Quartet (United States, European Union, Russia, United Nations Secretary General). As confirmed by the most recent report of the task force (local level) on the progress of reform (20 September 2002), the Ministry of Finance has hired a chief financial controller and has deployed nine financial controllers in nine ministries, the objective being to have forty financial controllers in major ministries and spending agencies. Necessary steps to strengthen the existing external audit system are planned for the coming months.

Recently, the control over the payroll of the West Bank staff has been transferred to the Ministry of Finance. Therefore, the Ministry of Finance is the responsible entity for the control of the payroll, new recruitment and the respective allocations for payment of the salaries to the Ministries concerned.

(2004/C 33 E/016)

WRITTEN QUESTION P-3307/02

by Marco Cappato (NI) to the Commission

(14 November 2002)

Subject: Four-year prison sentence for the cyber-dissident Le Chi Quang

The Vietnamese 'cyber-dissident' Le Chi Quang, accused of publishing criticism of the communist regime on the Internet, has been jailed for 4 years by a Hanoi court for 'offences against the State and the Socialist Republic of Vietnam'. Foreign journalists were not allowed to attend the trial, which lasted only a few hours.

Le Chi Quang was arrested on 21 February 2002 at an internet café in Hanoi and has since been detained in the 'B14' prison accused of circulating via the Internet a letter on the situation in the border regions with China. The letter was addressed to the Chinese President Jiang Zemin on the occasion of an official visit to Vietnam. The 32 year old IT professor accused Hanoi of having made territorial concessions to China when negotiating the common borders. He also circulated on the Internet some documents in support of democracy.

Since June, free access to the Internet and satellite television has been reserved for Communist Party and Vietnamese government cadres, while those responsible for cybercafés have been required to monitor how their clients use the Internet. France has reportedly provided the Vietnamese government with control systems for Internet access free of charge.

Did the Commission ask to attend Le Chi Quang's trial? What steps has the Commission taken or does it intend to take to secure the immediate release of Mr Le Chi Quang and the review of his trial on the basis of the relevant international standards? What control mechanisms has the Commission established to ensure that EU funded or co-funded development and cooperation programmes are not used by the Vietnamese authorities to implement anti-democratic and repressive policies, such as the recent measures concerning the use of Internet?

Answer given by Mr Patten on behalf of the Commission

(6 December 2002)

The Commission would refer the Honourable Member to its answer to Written Question E-2854/02 by Mr Pannella [1].

The Commission did not request to be present at the trial of Mr Quang, nor was it informed in advance of its date and place. It is not customary for the Commission to attend trials of Vietnamese citizens as official observers.

Promotion of human rights and democracy and of good governance were identified as cross-cutting themes in the Country Strategy for Vietnam approved by the Commission in May 2002. In this context, the Commission and the Member States have welcomed the elaboration by the Government of Vietnam of a Master Plan for legal reform based on a 'Legal Needs Assessment' prepared in collaboration with the international donor community.

All projects and programmes supported by the Commission in Vietnam, as in other countries, are subject to a rigorous process of — financial and other — checks and balances, including for compliance with Union policy on human rights and democracy.

In addition, the Commission has obtained confirmation that there is no foundation for the suggestion referred to by the Honourable Member that the French Government has supplied the Government of Vietnam with control systems for the Internet.

[1] OJ C 192 E, 14.8.2003, p. 82.

(2004/C 33 E/017)

WRITTEN QUESTION P-3311/02

by Regina Bastos (PPE-DE) to the Commission

(15 November 2002)

Subject: EU financing for the United Nations Population Fund

Following the decision by the US to suspend its financial contribution (to the sum of USD 34 million for 2002) to the United Nations Population Fund (UNFPA), the Danish presidency of the EU has reaffirmed its support for the work of that organisation, and has stated that the EU will replace the US funding with its own.

Can the Commission confirm that the EU will provide funding for the UNFPA in replacement of the former US contribution?

If so, can the Commission give information on:

— the total amount of this funding;

— the date on which it is expected to become operative;

— the stage which the process has reached?

Answer given by Mr Nielson on behalf of the Commission

(7 January 2003)

The Development Council of the Union, at its meeting on 30 May 2002, issued a statement underlining the importance of the work of the United Nations Population Fund (UNPFA) and calling on all donor countries to pursue their support of the Fund. The statement also welcomed the Commission's intention to strengthen its cooperation with UNFPA.

The Commission has repeatedly expressed its disappointment at the decisions by the American administration to withdraw funding for UNFPA. The Commission considers that the resulting gap in UNFPAs Core budget will seriously weaken the organisation mandated by the international community to lead implementation world-wide of the Programme of Action adopted by consensus at the UN International Conference on Population and Development (Cairo, September 1994). The Commission has not pledged to replace the US contribution to UNFPA's Core budget. Rather, in the light of the decisions by the American government, the Commission will increase its programme support to UNFPA and the IPPF to implement reproductive health activities in developing countries.

On 10 September 2002, the Commission signed the financing agreement for the 8th European Development Fund (EDF) EUR 32 million programme, to be implemented by UNFPA (two-thirds) and the International Planned Parenthood Federation (IPPF, one-third) in 22 of the poorest African, Caribbean and Pacific countries. This programme aims at improving the capacities in ACP countries to deliver basic reproductive health services to vulnerable and under-served communities. The Commission expects that the contracts with UNFPA and IPPF will be signed in the near future, and that programme implementation will commence early in 2003. Additional support for UNFPA to implement reproductive health activities is envisaged under the 9th EDF.

(2004/C 33 E/018)

WRITTEN QUESTION E-3349/02

by José Ribeiro e Castro (UEN) to the Commission

(26 November 2002)

Subject: Crime in South Africa — another Portuguese citizen murdered

In its reply of 7 September 2001 to Written Question E-1683/01 [1] on the same subject tabled on 14 June 2001 the Commission, represented by the Commissioner Poul Nielson, said 'although the current Multi-annual indicative programme does not concentrate on crime prevention as a focal sector, the Commission

believes that an improvement in the social and economic situation of the country will have positive effects on the crime situation. The EU development policy will contribute to this. In the past, the Commission has funded two programmes for support to the South African police force, one of which is still ongoing'.

Around the same time, on 5 July 2001, the European Parliament adopted a resolution on the situation in South Africa [2], which expresses much less optimism about the problem and probable developments. It points out that 'South Africa would have serious difficulties in overcoming these problems without the support and solidarity of the international community, in which the role of the European Union is crucial in so far as the Union and its Member States account for 70 % of international aid to the country'.

Unfortunately, violent crime in South Africa shows no signs of abating and a large number of EU citizens, especially Portuguese, are still being murdered. A person murdered a few days ago was the twenty-fifth Portuguese victim since the beginning of the year.

This is obviously an unacceptable situation and calls for more determined measures on the part of the competent South African authorities, as well as more intensive international support.

Does the Commission still have the same confidence and the optimistic feeling that the problem of violent crime against European residents in South Africa will be solved by 'an improvement in the social and economic situation', which is of course a desirable aim for this and for other countries? Or does it rather intend to include crime prevention, especially prevention of violent crime and murder, as a central issue in the whole policy of cooperation and development between the EU and South Africa? What are the main indicators and conclusions emerging from the two recent programmes for support to the South African police force funded by the Commission?

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[1] OJ C 115 E, 16.5.2002, p. 8.
[2] OJ C 65 E, 14.3.2002, p. 371.

Answer given by Mr Nielson on behalf of the Commission

(24 January 2003)

The Commission has never affirmed that an improvement in the economic and social situation will 'solve' the problem of violent crime against European residents in South Africa. However, it continues to believe that the root causes for violence in the country lie — at least partially — in the extreme inequalities observed still today in South African society, in the legacy of Apartheid and the institutional violence that went with it, and in the deep poverty of disadvantaged communities which still constitute a sizeable portion of the population. It feels that its contribution to addressing these inequalities will in the long term 'have a positive effect on the crime situation'. In addition, the Commission has implemented important programmes in this field and will continue to do so.

The Commission would like to repeat that the fight against crime as such is not a focal area in the current 'Multi-annual indicative programme', nor will it be in the new programme which is in the process of approval.

However, under the current programme and in the focal sector 'Consolidation of the Rule of Law and Promotion of Human Rights', the Commission has funded two programmes for support to the South African Police Service (SAPS).

The programme for 'Assistance to policing in Eastern Cape' is aimed at improving the effectiveness and responsiveness of the police services in the province. The programme included several training courses for police officers as well as construction/refurbishment of 34 police stations. The commitment of EUR 10,8 million has been almost totally disbursed. The programme is currently being closed and a programme evaluation will be conducted.

The programme for 'Capacity building and institutional development for the South African police service and the department of safety and security' aims at strengthening human resources capacity in order to enable the police service to implement crime prevention programmes, establish a DNA criminal database, draft a KwaZulu-Natal safety master plan and improve its human resources and management capacities. The programme was slow in starting up, but is now on track; approximately one quarter of the commitment of EUR 18,5 million has been disbursed.

In addition, the Commission is funding a comprehensive programme for support to the ministry of Justice that aims at ensuring better access and a more effective justice system for all South Africans.

Concerning the new 2002-2006 multi-annual programme (MIP), the focal area 'Deepening Democracy' focuses much more than before on the fight against crime. The new MIP reads: 'The European Programme for Reconstruction and Development will contribute to the strengthening of social capital and democratic values at local level through crime prevention — especially regarding violence against and among vulnerable groups — and the promotion of community participation and accountability of the Criminal Justice System.' Among the programmes that could be implemented in this focal area it mentions: 'Based on lessons learned, a programme to support policing in the Eastern Cape. This will focus on crime prevention and, in particular, violence against women and children. Service delivery, community participation and accountability of the Criminal Justice System will be supported.' The possibility of replicating parts of this programme in the KwaZulu-Natal province remains an option.

(2004/C 33 E/019)

WRITTEN QUESTION P-3365/02

by Brian Crowley (UEN) to the Commission

(20 November 2002)

Subject: AFCon Management Consultants, Ireland, and denial of Services Contract TACIS FDRUS 9902

What is the Commission's view on the case being pursued by AFCon Management Consultants, Ireland, for redress with regard to the improper denial to it by the Commission of the Services Contract TACIS FDRUS 9902?

Why has the Commission refused to consider AFCon's proper entitlement to the contract award due to it being in no worse than second position after the mis-award of technical marks to the 'winning' tenderer; the basis on which the Commission continues to disregard the finding on the matter which is in AFCon's favour and what are the Commission's views on the poor implementation of the project?

Will the Commission seek an early and amicable settlement of the case brought by AFCon and will the Commission make a general statement on the matter?

Answer given by Mr Patten on behalf of the Commission

(23 December 2002)

With regard to the Tender FDRUS 9902 — Agricultural Extension Services in South Russia, the Commission does not share AFCon's view that it has been improperly denied the award of the contract. Furthermore, the tender provisions do not foresee the possibility of compensation for tenderers who have not been awarded the contract. Therefore the Commission does not accept any claim for compensation.

Tender FDRUS 9902 was launched at the time when the Commission did not apply any specific rules in the standard tender dossier to prohibit the inclusion of fees under reimbursable expenses. Indeed, the tender dossier FDRUS 9902 was not specific in this regard and therefore open to different interpretations. The winning tenderer and AFCon adopted two different approaches for the presentation of their offers, both of which were acceptable according to tendering rules valid at the time of tender.

The contract was awarded to the economically most advantageous offer, which was defined as the tender that presented the best ratio of quality to price (i.e. mix of technical and financial elements — respectively with a weight of 70 % and 30 %). The financial evaluation was carried out on the basis of the total prices of the offers including Fees, Per Diem, Direct Expenses and Reimbursable Expenses.

The winning tenderer was recommended as the best bidder and awarded the contract as per TACIS tender rules.

AFCon has employed the O'Connor and Company Law Firm to assist them in a claim for compensation. At Mr O'Connor's request, a meeting took place on 4 September 2002 between Mr O'Connor and the Commission to allow both AFCon's lawyer and the Commission to exchange views about AFCon claims.

As far as the implementation of the project is concerned, the Commission is aware of difficulties arising from a lack of co-operation from the local partner and the local government. As a result, there has been a distinct lack of progress in project implementation. The Commission, therefore, has undertaken the necessary measures to modify the project activities in order to reach the remaining objectives and to ensure its sustainability.

(2004/C 33 E/020)

WRITTEN QUESTION E-3406/02

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

(29 November 2002)

Subject: Case of the Sudanese citizen Dimiana Murad Nashid

On 4 November 2002, the Sudanese daily newspaper 'Al-Watan' reported that a Coptic Christian student had been abducted in the north of Sudan and forced against her will to convert to Islam and to enter into a forced marriage.

Dimiana Murad Nashid, who was in her first year of studies at Al-Neelain University in Omdurman, disappeared at the end of October. Dimiana's friends and colleagues informed her family that a Muslim man called Ehab had abducted her from the university.

Dimiana's father, who presented the case to Freedom House's Center for Religious Freedom said that he had been summoned by the court in Kalakla (a small town near Khartoum) to attend his daughter's wedding. Also present in court were a religious leader who presented a marriage certificate and claimed to be the father of the bridegroom, and a lawyer, who submitted a document signed by Dimiana stating that she had converted to Islam and wanted to marry Ehab.

After meeting with his daughter in the presence of her abductors, Dimiana's father said that she appeared to be drugged and that her eyes and lips were swollen. He also said that he was told that if he wanted his daughter back he would have to convert to Islam.

Has the Commission formally asked the Sudanese Ambassador to clarify this situation? If not, why not? If so, what answers was it given? What will the Commission do to prompt the Sudanese Government to put an end to the constant threats to the freedom of non-Muslim men and women in that country?

What action will the Commission take to prevent the widespread violations of the 1927 International Convention against Slavery, which the Khartoum regime sanctions and itself commits, and what kinds of political and diplomatic pressure does it intend to exert in order to put an end to these violations of international law?

Answer given by Mr Nielson on behalf of the Commission

(8 January 2003)

The Commission is not aware of the events reported by the Honourable Members based on the information from the Sudanese newspaper 'Al-Watan'. The Commission will request a report from its Delegation in Sudan and communicate directly with the Honourable Members.

The Union has consistently underlined its opposition to contemporary slavery, including at the 58th session of the United Nations Commission on Human Rights (CHR). The Union also expressed its concern at incidences of forced labour in the resolution on Sudan, which it introduced at the last CHR.

The Commission is aware of slavery occurring in some Sudanese states. Where possible, it tries to discuss the issue with the authorities. However, it also acts through support to non-governmental organisations (NGOs) and civil society. Article 8 of the Cotonou Agreement is the basis for the on-going political dialogue with Sudan, where such topics can be raised by the Community. This issue will be assessed during the next Troika visit to the Sudan.

The Commission has followed with great interest the work of the International Eminent Persons Group (IEPG) in the framework of the mission of the United States Presidential Envoy for Peace in the Sudan, Senator J. Danforth. They were requested to investigate the situation on Slavery, Abduction and Forced Servitude in the Sudan. The Commission considers the report as a very useful tool for a better understanding of these sensitive matters. Furthermore, as suggested by the IEPG, deeper research and analysis is needed.

Finally, funding is being considered for projects tackling the issue of trafficking, child labour and slavery.

(2004/C 33 E/021) **WRITTEN QUESTION P-3415/02**

by Harald Ettl (PSE) to the Commission

(25 November 2002)

Subject: Notification of the Pfizer-Pharmacia concentration, announcement in OJ C 265, 31.10.2002, p. 2

How closely did the Commission/DG Competition examine whether the Pfizer-Pharmacia concentration will create or strengthen a dominant position as a result of which effective competition will be significantly impeded on the common market or in a substantial part of it, in particular in view of the fact that by taking over Pharmacia Pfizer will become the world's largest pharmaceuticals company? To what extent can conditions be imposed with a view to preventing the creation or strengthening of a dominant position in certain product sectors which would be incompatible with Article 2(3) of Regulation (EEC) No 4064/89 (concentration control regulation)?

By means of the concentration Pfizer will secure a dominant position in many product markets which may result in a worsening of the supply situation for consumers, in the form of a reduced variety of products and higher prices. How closely did the Commission/DG Competition consider this aspect, and what conclusions did it come to? What conditions were imposed with a view to preventing such a development?

Did the Commission/DG Competition consider whether the concentration in question is consistent, pursuant to Article 2(1) of the concentration control regulation, with the need to preserve and develop effective competition within the common market in view of the structure of all the markets concerned, given that, as a result of the concentration, some 30 000 to 40 000 jobs will be lost around the world, including 10 000 in Europe and a third of the existing jobs in Austria?

Answer given by Mr Monti on behalf of the Commission

(13 January 2003)

When the Commission examines a merger, the aim is always to establish whether the operation will create or strengthen a dominant position as a result of which effective competition will be significantly impeded in the common market or in a substantial part of it (Article 2.2 of Regulation (EEC) No 4064/89,

'the Merger Regulation') ([1]). This has also been the case with this particular merger. The Directorate General for Competition has launched a broad market investigation, including detailed questionnaires to customers and competitors in all relevant markets. The fact that the merged entity will become the world's largest pharmaceutical company does not alter the scope of the investigation — to detect strengthening or creation of dominance.

When a concentration raises serious doubts as to its compatibility with the common market, the undertakings concerned may suggest remedies to remove the competition concerns. If the Commission finds the proposed remedies to be sufficient and remove the serious doubts, it may decide to declare the concentration compatible with the common market, on the basis of Article 6.2 of the Merger Regulation. A typical remedy would be to divest the part of the business in the markets where serious doubts arise. Proposed divestitures are then subject to scrutiny by the Commission which will ask customers and competitors for their views as to whether the proposals will effectively remove competition concerns. In addition to divestitures, the Commission can prevent the creation or strengthening of a dominant position in certain product markets by declaring the whole operation incompatible with the common market and, effectively, to prohibit it. Such a decision would be taken only after an in-depth investigation and only in those cases where the proposed undertakings do not adequately address the competition concerns.

As the investigation of the proposed merger between Pfizer and Pharmacia is still ongoing, the Commission is not in a position to comment on the details or the likely outcome of the case.

The preservation and development of effective competition, which is the aim of merger control, focuses in large measure on the potential economic impact of the transaction upon consumers. Although the restructuring caused by mergers may have effects on employment, such considerations are not within the remit of an economic analysis of the specific effects of a transaction upon competition in a particular market. However, the Merger Regulation affords third parties, including the representatives of the employees, a right to express their opinion in writing and/or orally. In the present case, interested third parties have been invited to submit their observations on the operation in a document published on 31 October 2002 in the Official Journal ([2]).

([1]) Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings, OJ L 395, 30.12.1989.
([2]) OJ C 265, 31.10.2002.

(2004/C 33 E/022) **WRITTEN QUESTION P-3755/02**

by Antonios Trakatellis (PPE-DE) to the Commission

(16 December 2002)

Subject: Compensation to farmers for havoc wrought by bad weather

The latest spell of bad weather in the regions of Macedonia and Thessaly caused incalculable damage to crops and property and severe disruption to transport. A large part of agricultural production disappeared under water and much of the road network was paralysed as a result of defects in construction.

Will the Community provide financial aid to the above regions to help restore normal conditions as soon as possible in the areas affected by natural disasters, pursuant to Council Regulation (EC) No 2012/2002 ([1]) of 11 November 2002?

What measures have the Greek authorities taken to commit the special financial resources required to cover the abovementioned damage?

Given that Greece has suffered similar situations in the past, will the Commission say whether any subsidies that Greece may have received pursuant to the above regulation were utilised and, if not, whether the unused portion was returned to the Commission?

([1]) OJ L 311, 14.11.2002, p. 3.

Answer given by Mr Fischler on behalf of the Commission

(22 January 2003)

The Commission has not so far received any application from the Greek authorities under Article 4 of Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund [1] for aid to make good damage caused by the natural disasters to which the Honourable Member refers.

For aid from the Fund to be granted the requirements of Articles 2 and 4(1) of the Regulation must be met, namely that estimated damage (unless exceptional circumstances as indicated in the last subparagraph of Article 2(2) apply) is more than EUR 3 billion or 0,6 % of the Member State's gross national income and that application is made within ten weeks of the date of the first damage caused by the disaster. Help from the Fund is given for action of the types listed in Article 3 of the Regulation. Compensation for loss of agricultural production is not included.

This Regulation is of very recent date and has not yet been used to help Greece.

[1] OJ L 311, 14.11.2002.

(2004/C 33 E/023) **WRITTEN QUESTION E-3806/02**

by Karin Junker (PSE) to the Commission

(7 January 2003)

Subject: Commission and Member State ICT projects in developing countries

Access to global communication, in particular to modern information and communication technology (ICT), can play a crucial role in enhancing sustainable economic and social development in the ACP countries and make an important contribution to the democratic forming of opinions.

Speeding up the introduction of ICT can considerably improve the chances of sustainable development and aid EU development cooperation in fundamental areas such as fighting poverty, health, education, training, the environment and strengthening the private sector.

The Commission and the Council understand the importance of ICT, as emerged from the Commission communication [1] and the Council of Development Ministers' Decision of 30 May 2002 on the Commission communication. In its report, the Commission outlines the current programmes and future activities, albeit in a very general way.

At the Palermo Conference in April, the Italian Government outlined its ICT initiative for developing countries. Italy has made more than USD 100 million available for projects to advance e-government in five developing countries.

What specifically is the Commission doing for developing countries, especially for ACP countries in terms of ICT?

What programmes and activities are there and of what nature?

What are other Member States doing for developing countries with regard to ICT?

[1] COM(2001) 770.

Answer given by Mr Nielson on behalf of the Commission

(14 March 2003)

The Communication on Information and Communication Technologies (ICT) in Development highlights the importance of ICT as an instrument in support of the six Community development priorities. ICTs are a tool not a means in themselves.

In the framework of the 9th European Development Fund (EDF), all the six Regional Indicative Programmes contain references to ICTs. The Commission is now working with the competent regional organisations to put into practice these components as far as possible. Moreover, as a follow up to the Union-African, Caribbean and Pacific States (EU-ACP) Joint Parliamentary Assembly and following a request by the ACP Group, the Commission is preparing a feasibility study for an ACP ICT programme. As a result of this study, an operational programme could be set up and implemented over the 9th EDF implementation period.

In terms of the Community budget, budget line B7-623 (Capacity building for information and communication technologies and sustainable energy), the Commission is presently finalising a contract with the International Telecommunications Union to support several ICT programmes with a multiplier effect. It will be focused on low-income countries, principally ACPs.

For Asia, the Mediterranean and Latin America, the Commission is implementing the Asia IT & C, Eumedis and @LIS programs respectively. The first two programmes are near completion and a phase II is being considered.

The Commission is also trying to develop operational guidelines on how to mainstream ICT in the six focal sectors.

In parallel, under the World Trade Organisation (WTO) Doha Development Agenda, as well as in the negotiations such as ACP-Union Economic Partnership Agreements, the Commission invites developing countries to adopt appropriate regulatory frameworks and to allow private investment (whether local or foreign) in the sectors that are key for the ICT sector: telecommunications, computer related services, financial services, etc. Competition and investment in those sectors, along with financial and technical assistance to help the implementation of appropriate regulation, would promote ICT infrastructure in those countries and the development of e-commerce and e-government.

The Commission and Member States interact on ICT for development in the context of an expert group that has now met four times. The Commission, however, does not possess detailed and complete information about Member States' ICT for development programmes.

(2004/C 33 E/024) **WRITTEN QUESTION E-3845/02**

by Ieke van den Burg (PSE)
and Wilfried Kuckelkorn (PSE) to the Commission

(9 January 2003)

Subject: European law aspects of German benefits to encourage private supplementary pension schemes

1. In Germany, there are a number of measures designed to encourage people to subscribe to supplementary pension schemes ('Zusatzversorgung'/'Riesterrente'). The encouragement takes the form of a basic benefit ('Grundzulage') and a child benefit ('Kinderzulage') to which German workers are entitled if they subscribe to a supplementary pension scheme.

Does the Commission consider that these benefits are social and/or tax advantages pursuant to Regulation No 1612/68 [1] (Article 7(2))? If so, to what advantages is a frontier worker entitled who works in Germany while residing in another Member State if he is liable to tax either without restriction or to a limited extent?

2. If a frontier worker who is covered by social insurance in Germany and is liable to tax without restriction is entitled to the benefits to encourage subscription to supplementary pension schemes, is his or her partner also entitled to the benefits if he/she does not work either in Germany or in his/her country of residence?

3. If a frontier worker is covered by social insurance in Germany but is not liable to tax there because, under the terms of the double taxation convention between his country of residence and Germany, he is not permitted to pay tax in Germany, is he nonetheless entitled to the 'Grundzulage' and/or 'Kinderzulage'?

4. If a frontier worker who is liable to tax either without restriction or to a limited extent is entitled to the benefits to encourage subscription to supplementary pension schemes, is it permitted to terminate these benefits or even demand their repayment if the frontier worker resigns from his job, is dismissed for any reason, is declared unfit for work or retires?

[1] OJ L 257, 19.10.1968, p. 2.

Answer given by Mr Bolkestein on behalf of the Commission

(24 March 2003)

1. Under article 7 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community, migrant workers have the right to equal treatment in 'tax and social advantages' as workers of the host Member State. The European Court of Justice has defined these as: 'all the advantages which, whether or not linked to a contract, are generally granted to national workers primarily because of their objective status as workers or by virtue of the mere fact of their residence on the national territory and whose extension to workers who are nationals of other Member States therefore seems likely to facilitate the mobility of such workers within the Community [1].' Grundzulage and the supplement Kinderzulage are to be regarded as such advantages, since they are linked to contributions to occupational pension schemes. According to consistent case-law of the Court of Justice, a frontier worker is entitled to the benefit of social advantages [2].

2. As German legislation now stands, a non-resident partner also gets the benefits for a supplementary pension scheme subscribed by himself, if the couple is treated as tax liable without restriction. This is the case, if either the couple's income is subject to German tax for at least 90 % or if the income not subject to German tax does not exceed EUR 12 272.

In the view of the Commission, as a matter of Community law a non-resident partner is entitled to the benefits if a German worker's partner resident in Germany is also entitled to the benefits.

3. Again, as German legislation now stands, the right to the basic allowance is linked to the status of being subject to tax without restriction as referred to above. The supplement for children is granted only for those children for which the general children's allowance is paid.

In the view of the Commission, if the benefit in question is properly to be regarded as a social advantage within the meaning of Article 7 of Regulation 1612/68 it should be granted without regard to tax status.

4. If a frontier worker resigns from his job, is unemployed or incapacitated for work, he can claim social advantages from the Member State of previous employment, in so far as they may be related to the previous employment. In such circumstances Member States may not make payment of social advantages subject to a residence condition and may not claim any repayment in so far as their legislation provides for the recovery of such benefits on emigration.

[1] Case C-85/96, Martinez Sala ECR, [1998] I-02691.
[2] Case C-35/97 Commission v. France ECR [1998] I-5325.

(2004/C 33 E/025)

WRITTEN QUESTION E-3846/02

**by Ieke van den Burg (PSE)
and Wilfried Kuckelkorn (PSE) to the Commission**

(9 January 2003)

Subject: European law aspects of German benefits to promote home ownership ('Eigenheimzulagen')

1. In Germany, there are a number of benefits which have the purpose of promoting home ownership. These are known as the 'Eigenheimzulage' (including a supplement for children, the 'Kinderzulage'). Do they constitute social and/or tax advantages pursuant to Regulation No 1612/68 [1] (Article 7(2)/(4))?

2. If so, to which of these advantages is a frontier worker entitled who works in Germany while residing in another Member State where he has his home and where he is not entitled to tax advantages to promote home ownership if he is liable to tax without restriction and is covered by social insurance in Germany?

3. Is a frontier worker who is liable to tax to a limited extent and has social insurance cover in Germany pursuant to Regulation No 1408/71 [2] entitled to the 'Kinderzulage' and/or 'Eigenheimzulage'?

4. If a frontier worker who is liable to tax either without restriction or to a limited extent is entitled to the 'Eigenheimzulage', is it permissible to terminate the benefit if the worker resigns from his job, is dismissed for any reason, is declared unfit for work or retires?

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[1] OJ L 257, 19.10.1968, p. 2.
[2] OJ L 149, 5.7.1971, p. 2.

Answer given by Mr Bolkestein on behalf of the Commission

(27 March 2003)

1. Under Articles 12, 39 and 43 of the EC Treaty, migrant workers and self-employed persons have the right to equal tratment with workers of the host Member State.

The 'Eigenheimzulage' (and its component Kinderzulage) are not granted specifically for workers, but for everybody. It is a general promotion scheme for home ownership. These benefits to encourage home ownership — currently subject to modification by the German legislator — are linked to the status of being subject to unlimited tax liability. Consequently, all workers subject to German tax without limitation are eligible.

Under article 7 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community, migrant workers have the right to equal treatment in 'tax and social advantages' as workers of the host Member State. The European Court of Justice has defined these as: 'all the advantages which, whether or not linked to a contract, are generally granted to national workers primarily because of their objective status as workers or by virtue of the mere fact of their residence on the national territory and whose extension to workers who are nationals of other Member States therefore seems likely to facilitate the mobility of such workers within the Community [1].'

In so far as the 'Eigenheimzulage' is to be regarded as an advantage covered by Article 7 (2) of Regulation (EEC) No 1612/68, persons covered by that Regulation are entitled to it so long as they fulfil the general conditions are met.

However, it is far from clear that Article 7 (2) should be extended to cover all benefits related to tax status. While it is important to ensure that individuals are not deprived of entitlement to benefits when they exercise their right of free movement, it is also important to avoid overlapping benefits.

2. Under German legislation as it now stands, one of the conditions for grant of the benefits is unlimited tax liability, a status which a non-resident is granted on demand if more than 90 % of his income is subject to German income tax or if his income not subject to German tax does not exceed EUR 6 136. A further condition is that the house must be in Germany.

The Commission considers that the condition regarding the location of the house is incompatible with Community law and has therefore launched an infringement procedure (No 1999/4943).

The 90 % threshold requires some examination. What is important as a matter of Community law is whether the state of residence is in a position to take into account the taxpayer's personal and family circumstances, in order to grant him the corresponding tax or related advantages [2]. It is not immediately apparent whether or not a fixed 90 % threshold corresponds to that criterion, which relates to the particular situation of the taxpayer.

3. Under current German legislation a frontier worker in the situation described is not entitled to 'Eigenheimzulage' (and its component 'Kinderzulage'), not only because he is only liable to German tax to a limited extent, but also because his home is not in Germany.

As has already been noted, the Commission considers that the condition of the location of the house is unacceptable.

For the reasons already mentioned, the condition relating to unlimited tax liability requires closer examination.

4. As long as the frontier worker remains subject to German tax without restriction, he will be entitled to the benefit. That situation will most frequently come to an end when he ceases to be employed and instead receives a pension taxabloe in his Member State of residence.

[1] Case C-85/96, Martinez Sala ECR, [1998] I-02691.
[2] Case C-279/93 Schumacker [1995] ECR-I-225.

(2004/C 33 E/026) **WRITTEN QUESTION E-3904/02**

by Nelly Maes (Verts/ALE) to the Commission

(14 January 2003)

Subject: Financial assistance to Rwanda and Uganda

On Tuesday, 3 December, the European Parliament's Committee on Development and Cooperation held a debate with experts on the UN report, 'Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo'. Despite the so-called withdrawal of foreign troops, the plundering of Congo's natural resources is continuing unabated. The UN panel reported the existence of a network involving senior politicians, rebel leaders and military personnel from Rwanda and Uganda. Together with Zimbabwe, they have organised matters so as to avoid losing their control over diamonds, cobalt, copper, germanium, gold, coltan and timber.

In the light of this, might it not be desirable to bring pressure to bear by making part of the aid given to these countries — which directly or indirectly benefits their governments — conditional on such criteria as the complete withdrawal of their troops from Congo, a complete cessation of support for rebel groups in Congo and practical measures by those countries to put an end to the unlawful exploitation of natural resources by civilians and military personnel from their countries in Eastern Congo?

Ought not the Commission to recommend that the Council consider 'targeted sanctions' against individuals and businesses that promote this trade?

What support does the Commission give to Rwanda and Uganda?

Does it include direct budget support?

If so, ought it not to be halted immediately?

Answer given by Mr Nielson on behalf of the Commission

(3 March 2003)

The Commission has taken due note of the content of the expert panel report on the illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of Congo (DRC) transmitted by the UN Secretary-General to the Security Council on 15 October 2002.

The report states, notably in paragraphs 171, 172 and 173, that the UN Security Council could, if necessary, propose reductions in official development assistance in order to promote peace and good governance in the region. The report also proposes a general mechanism for implementing the reductions which would in particular be conditional on the withdrawal of foreign troops from the DRC (this has in fact already taken place). However, the report does not specifically state any other sort of corrective measures to take into consideration as regards the establishment of a mechanism for gradually reducing aid.

In resolution 1457 of 24 January 2003, the Security Council commented on the report, granting the panel a six-month extension of its mandate to allow the expert group to review relevant data and analyse the information it had already gathered in order to verify, reinforce and, where necessary, update its findings.

Because of the complexity of the issues involved, the Commission is in favour of the extension of the mandate which will help provide a clearer picture of the situation. The Commission likewise believes, if appropriate, that a Security Council resolution setting out the implementing framework of a common and concerted position by the whole international community on possible sanctions is a prerequisite for ensuring the effectiveness of such sanctions in securing the desired objectives.

In the context of the political dialogue between the Union and the ACP countries under Article 8 of the Cotonou Agreement, the Commission strongly urges the countries cited in the report to conduct extensive investigations and take appropriate measures against their nationals, also cited, where such action is warranted by incontestable proof and objective circumstantial evidence. The Commission also notes that the UN expert group's report cites individuals and businesses from the Member States of the European Union and from other countries outside the African continent as being responsible for the pillaging of the DRC's resources.

The Commission has no specific competence for targeted sanctions against individuals and businesses. Since the sanctions against individuals and businesses referred to in the report belong to the sphere of criminal justice and/or home affairs, the Commission cannot make a formal recommendation to the Council to adopt them.

Community support for Uganda and Rwanda takes the form of project aid in the health, education, transport and local development sectors and budgetary assistance for national poverty reduction strategies devised in conjunction with the World Bank, IMF, civil society and the donor community.

(2004/C 33 E/027) **WRITTEN QUESTION E-3909/02**

by Caroline Lucas (Verts/ALE) to the Commission

(14 January 2003)

Subject: GATS

The UK Government has clearly implied that at least some parts of the public education system do not fall under the exemption clause in Article 1.3 as they are supplied in competition with the private sector.

Especially in the UK, the higher education sector already comprises a mixture of public and private institutions with increasing amounts of funding coming from fees and other private sources.

In light of this, does the EC plan to agree to any requests from third countries which entail the removal of any limitation which would ensure that commitments apply only to privately-funded education?

Can the EC also clarify the term 'privately-funded education', in view of the fact that increasing amounts of funding are coming from fees and other sources to all educational institutions?

Answer given by Mr Lamy on behalf of the Commission

(11 February 2003)

The Community has no intention to modify the existing commitment on higher education services which is limited to privately funded services.

The term 'privately-funded education' limits the Community commitment only to those institutions whose operation is based on private resources. The fact that some educational institutions receive supplementary support from fees or other private funding does not automatically make them 'privately-funded'.

(2004/C 33 E/028) **WRITTEN QUESTION E-0037/03**

by Cristiana Muscardini (UEN) to the Commission

(21 January 2003)

Subject: Efficacy of somatostatin in fighting cancer

The International Congress of Oncology in Orlando (USA) and conferences in Naples and Como in Italy have identified vitamin A, retinoids and somatostatin as effective anti-tumour agents. This was in line with the claims made by Prof. Luigi di Bella, whose methods the Italian Ministry of Health deemed to have no scientific basis in 1997.

1. Is the Commission acquainted with the research findings made public at the recent congresses?

2. Does it knows whether the therapy named after Prof. Di Bella has any connection with the latest results emerging from the above-mentioned international congresses on oncology?

3. Does it considers it appropriate to set up a committee to establish the validity of the Di Bella therapy in treating tumours?

4. In view of the scientific basis now recognised for the use of somatostatin in treating certain kinds of tumour, it does not consider it should fund research to ensure that this method is used increasingly in Europe?

Answer given by Mr Busquin on behalf of the Commission

(28 February 2003)

The Commission is aware of state-of-the-art research undertaken regarding the use of somatostatin, retinoids and vitamin A in the treatment of cancer.

Somatostatin analogues have proved to be useful both in experimental tumour models in vitro and in animal models. In human subjects, clinical efficacy in the treatment of acromegaly and, to a lesser extent, in neuroendocrine tumours has also been established.

Derivatives of vitamin A, the retinoids, are being evaluated at present as potential cancer preventing agents. Recent results demonstrate their contribution in treating specific pre-malignant lesions and reducing the incidence of second primary tumours on patients with prior primary head and neck, cancers. It is not yet known, however, whether retinoids will prevent primary tumours at these sites.

The Commission considers the above results on somatostatin and retinoids not adding any relevant information which could help to give further light on the efficacy of Di Bella multitherapy regime or will justify its re-assessment. This method, based on a multidrug regime, included a variety of other components in addition to these two such as melatonin, bromocriptine, adrenocorticotropic hormone (ACTH), cyclophosphamide and hydroxyurea and was administered to cancer specific sites different than those reported above. Extrapolations on the potential efficacy of Di Bella multitherapy based on the above findings are therefore not possible.

The clinical efficacy and antitumour activity of the Di Bella multitherapy was already evaluated, at the request of the Italian Ministry of Health, through a multi-center phase II clinical trial study performed in 26 hospital cancer divisions and enrolling 386 patients with advanced cancer. The conclusion of this trial was that Di Bella multitherapy did not show sufficient efficacy on patients with advanced cancer to warrant further clinical testing. The full report on this trial was published in the international peer review journal British Medical Journal [1].

Cancer research in the 6th Framework Programme is supported within the Thematic Priority 'Life Sciences, genomics and biotechnology for health'. Amongst other issues, cancer research will concentrate in supporting clinical research, particularly clinical trials, aimed at validating new and improved interventions as well as supporting translational research aimed at bringing basic knowledge through to applications in clinical practice and public health.

In this context, the programme offers opportunities, amongst other subjects, for relevant research applications regarding somatostatin, vitamin A and retinoids in the treatment of cancer.

[1] No 318, pp. 224-228, 1999.

(2004/C 33 E/029) **WRITTEN QUESTION E-0044/03**

by Christa Randzio-Plath (PSE) to the Commission

(21 January 2003)

Subject: Application of competition law to rating agencies and auditors

The accountancy and financial market scandals of recent years have done severe damage to investor confidence. The authorities in the USA and the EU are concentrating on regulatory and supervisory measures. Is it not a failure of the system of monitoring fair competition that external ratings are decided upon by five agencies, and the auditing of over 80 % of the 100 largest businesses in Belgium, France, Italy, the United Kingdom and the Netherlands and well over 50 % of those in other EU countries is carried out by four accountancy firms?

1. What is the Commission's assessment of rating agencies' dominant market position and the lack of competitive mechanisms between them? What further distortions of competition are associated with initial contracts in the relatively new European rating market?

2. How does the Commission ensure that rating agencies do not gain a more dominant market position by offering additional services?

3. What forms of cooperation exist to meet the challenges posed by world market dominance?

4. Are there new findings indicating trends towards market dominance and/or distortion of competition among accountancy firms? Is the European Commission sure that there is no collusion on prices or territory?

5. Would it not be appropriate, from the point of view of competition policy and competition law, to introduce provisions establishing a set rotation system for the selection of accountancy firms in order to safeguard the interests of consumers?

Answer given by Mr Monti on behalf of the Commission

(12 March 2003)

1. The Commission agrees with the Honourable Member on the importance of rating agencies and accountancy firms for the well functioning of our economies, and in particular for investor confidence in light of recent events. In particular, the Commission thanks the Honourable Member for having brought the rating agencies' market to its attention. So far, the Commission has received no complaints regarding anti-competitive behaviour of rating agencies nor has there been any merger in this sector, which fell upon the Commission to review. Therefore, the Commission has not taken any position so far concerning any competition problems in this market.

2. The existence of few rating agencies world-wide does not automatically imply that they hold, separately or jointly, a dominant position. In fact, even a reduced number of competitors may make the market competitive if they compete vigorously with one another. The Commission has not investigated up to now and could not conclude that there is a 'lack of competitive mechanisms between them'. In any case, having a dominant position is not per se an abuse. Reinforcing a dominant position could be considered an abuse in some circumstances; however, the offer of additional services does not seem to be an abusive behaviour, insofar as it increases the choice of services available for the consumer. If the Honourable Member has any information on precise behaviour of the rating agencies that could be construed as anti-competitive, she is welcome to share it with the Commission. On the basis of the elements presented, the Commission might decide to launch an investigation.

3. The Commission co-operates closely with other competition authorities, and in particular with the two American agencies (Federal Trade Commission and Department of Justice), however the issue of rating agencies has never been raised in bilateral contacts with these two agencies. The American Securities and Exchange Commission in January 2003 has issued a report on the Role and Function of Credit and Rating Agencies in the Operation of the Securities Market. This report concludes that the American Securities and Exchange Commission will explore the extent to which allegations of anti-competitive or unfair practices by large credit rating agencies have merit and, if so, how to address them, as well as if there is scope for reducing potential regulatory barriers to entry. The Commission will monitor the developments of these investigations.

4. Concerning the international market for accountancy services, the Commission has looked at this market most recently in the summer of 2002, when it analysed three transactions under the Community Merger Regulation involving the former accountancy firm 'Andersen'. Only three transactions had Community dimension: the United Kingdom, Germany and France. These three mergers were cleared in first phase.

The final decisions can be found on the Internet:

— M.2810 Deloitte & Touche/Andersen UK, Article 6(1)(b) decision on 1 July 2002;

— M.2824 Ernst & Young/Andersen Germany Article 6(1)(b) decision on 27 August 2002;

— M.2816 Ernst & Young /Andersen France, Art. 6(1)(b) decision on 5 September 2002.
http://europa.eu.int/comm/competition/mergers/cases/index/by_cy_a.html#an_

The Commission had already looked at this industry in 1998, when Price Waterhouse and Coopers & Lybrand merged. At the time, a five-month investigation had taken place to look at the possible risks of collective dominance between the large players but no such risk had been found. So, when confronted with another concentration, the Commission had a careful look at the structures of the

industry. However, this time it was not a global merger, but a series of national mergers and the Commission paid particular attention to the specifics of each national market. The transactions were cleared mainly on the basis that, in any case, Andersen would not be able on its own to keep its large customers. Therefore, the mergers, on its own, would not impact the possible worsening of competition resulting from the loss of one of the Big Five auditors.

The Commission has not found any anti-competitive behaviour in this market. It will, however, continue to pay attention to developments in this industry.

5. The Commission Recommendation 2002/590/EC of 16 May 2002 — Statutory Auditors' Independence in the EU: A Set of Fundamental Principles [1] features a set of demanding, high level principles and in particular recommends that auditors should be prohibited from carrying out a statutory audit — one required by law — if the auditors have any relationship with their client that might compromise the auditor's independence. This may include any financial, business, employment or other link, or any situations where the auditors provide to the same client services additional to the audit.

The Recommendation deals with two key independence issues raised by the collapse of Enron, namely 'provision of additional services' by auditors and their 'employment with the audit client'. The Recommendation also recommends a rotation of auditors every seven years. Although the Recommendation is not legally binding, it will serve as a clear benchmark of good practice that the Commission expects to be immediately applied throughout the Community's audit industry. In 2005 the Commission will review how the Recommendation has been applied in practice and will consider whether binding Community legislation may then be required. However, the Commission may act earlier if it is not satisfied with Member States' application of the Recommendation.

[1] OJ L 191, 19.7.2002.

(2004/C 33 E/030) **WRITTEN QUESTION P-0065/03**

by Cristiana Muscardini (UEN) to the Commission

(15 January 2003)

Subject: Funding for Guatemala

The serious problems inherent in the shortage of roads and facilities to ensure traffic safety are jeopardising the safety of the inhabitants of large cities (a study carried out in Quetzaltenango, the second largest city in Guatemala, revealed a sharp increase in the number of road accident victims) and adversely affecting the government of the country, which needs to find large amounts of funding to rebuild basic urban infrastructure. Can the Commission say how much of the funding provided under existing cooperation programmes, in particular the PRRAC (Regional Programme for the Reconstruction of Central America), has been given to the government of Guatemala and how much of its allocation is still available?

Answer given by Mr Chris Patten on behalf of the Commission

(5 February 2003)

From the outset, aside from development issues the Commission's cooperation work with Guatemala has concentrated mainly on the need to achieve peace and democracy in a country gradually emerging during the 1990s from a major civil war that lasted for more than thirty years.

Since 1997 the main objective of Community cooperation with Guatemala has been to support implementation of the peace agreements signed in December 1996. Specifically, this has involved, inter alia, projects to help with reintegrating demobilised armed forces into the social fabric, providing assistance to refugees, setting up a civil police force, creating a national land register and strengthening the judiciary. These objectives were also set as priorities in the '2002-2006' strategy paper for Guatemala

adopted by the Commission in May 2002. The Commission has allocated an indicative amount of EUR 93 million to Guatemala for financial, technical and economic cooperation from 2001 to 2006.

In this context, investments in public infrastructure (rural roads, schools, water supply systems, etc.) are a minor component of Community action in Guatemala, with the exception of the regional programme for the reconstruction of Central America (RPRCA). Other donors, such as the EU Member States, the World Bank and the Inter-American Development Bank, are the main contributors of international cooperation funding for major public infrastructure works in Guatemala.

Under the RPRCA, the Commission has provided funding of an overall value of EUR 18,5 million for Guatemala for the period up to the end of 2006. It should be noted that RPRCA action in Guatemala has concentrated on the parts of the country that suffered most damage from Hurricane Mitch (principally Izabal and las Verapaces), and the Quetzaltenango region was not considered for the reconstruction programme. The bulk of these resources — a total of EUR 16 million — was allocated to three major projects currently underway: two for the health and education sectors and the third, under the management of the United Nations Development Programme, for water and sanitation.

In addition, ten small-scale projects covering the sectors referred to above, have been planned in collaboration with European and Guatemalan NGOs (non-governmental organisations). Four of them are already underway and the Commission is in the process of signing contracts for the other six.

Apart from these operations, the Commission is not planning to provide other funding for new initiatives under the RPRCA. As to expenditure, of the EUR 18,5 million provided for Guatemala, EUR 3,3 million has already been disbursed (in December 2002).

At the beginning of 2003 total funding from all budget lines available for Guatemala amounts to approximately EUR 100 million, including the funds for the RPRCA.

(2004/C 33 E/031)

WRITTEN QUESTION E-0095/03

by Olivier Dupuis (NI) to the Commission

(28 January 2003)

Subject: Child pornography

In his answer of 25 June 2002 to question E-1450/02 [1], Commissioner Vitorino stated that 'the Commission (had) decided to support the project "International Child Exploitation Database Feasibility Study", under the STOP II Programme Committee' and that 'this project (aimed) to assess the feasibility of an international database with images of child sexual exploitation, sourced from the Internet or any other pictorial systems'.

In his reply Commissioner Vitorino also pointed out that 'Europol, as well as the other Member States, Interpol and the group of eight most industrialised countries (was) fully associated to the project' and that 'the final report (was) expected for December 2002'.

Can the Commission provide information on the final report of the 'International Child Exploitation Database Feasibility Study'? What is the Commission's assessment of the feasibility study on the creation of an 'international database with images of child sexual exploitation, sourced from the Internet or any other pictorial systems'? Does the Commission plan to move on to the operative phase of the creation of the database, and if so, when does it plan to begin?

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[1] OJ C 28 E, 6.2.2003, p. 107.

Answer given by Mr Vitorino on behalf of the Commission

(14 February 2003)

Following the reply of 25 June 2002 to the Honourable Member's Written Question E-1450/02, the Commission is pleased to inform the Honourable Member that on 14 January 2003 the project group has formally presented to the Commission the final version of the 'International Child Exploitation Database' feasibility study, which has been co-funded under the STOP II Programme. The executive summary of the feasibility study will be shortly published on the web-site of Directorate General Justice and Home Affairs.

The project group has produced various recommendations, including the key recommendation that a sophisticated networked international child sexual exploitation image database, building on the fledgling system at Interpol, is urgently required, and both technically and legally possible. The project group agreed that the database would have to take into account the different national laws governing images of child sexual exploitation and protection of personal data. Consideration should therefore be given to a model that could be distributive and allowing participation at various levels and interoperability of different existing systems.

As far as the creation of the database is concerned, the Commission is not responsible for the actual setting up of such an international database, which is left to the appreciation of the Member States and other willing countries. The project group has clearly pointed out that the work undertaken so far must be further developed, in the form of an implementation plan which could allow the confirmation and resolution of the policy and legal issues that are not within the scope of this feasibility study. Whether the decision of establishing such an international database is definitely taken by Interpol, the Commission would consider how to ensure that all Member States could benefit from its creation.

(2004/C 33 E/032) **WRITTEN QUESTION E-0169/03**

by Wilhelm Piecyk (PSE) to the Commission

(29 January 2003)

Subject: Lack of democratisation in GATS negotiations

In 2000, a new round of negotiations on the liberalisation of trade in services (General Agreement on Trade in Services) began. At the Fourth WTO Ministerial Conference in Doha in 2001, clear deadlines were set for initial requests for market access in other countries, and for the submission of offers to other countries. In early July 2002, the EU submitted its initial requests for improved market access in services sectors to 109 members of the WTO, and itself received numerous requests from third countries seeking further access to the EU services market. Initial offers of service sector liberalisation by individual countries are due to be published in late March 2003.

There has been widespread criticism that the negotiations, which are now at a decisive stage, continue to be insufficiently democratic. It is claimed that the negotiations are not conducted transparently or monitored democratically. Neither national parliaments nor the European Parliament are in any position to monitor the conduct of negotiations, let alone bring their influence to bear on them.

What action does the Commission intend to take to improve the democratic credentials of the GATS negotiations and give the negotiations greater transparency?

(2004/C 33 E/033)

WRITTEN QUESTION E-0185/03

by Ian Hudghton (Verts/ALE) to the Commission

(31 January 2003)

Subject: Public access to documents — consultation on GATS proposals

Given the EU's commitment to transparency and to ensuring that citizens have the widest possible access to documentation, and given the widespread concern being voiced by European citizens who want clarification on:

— how GATS may be applied to public services;

— the impact of present rules on the poorest nations;

— the potential impact on national and local government regulations;

— the implications of the binding nature of GATS rulings and the requirement of future governments of a different political composition to these rules;

would the Commission state what access members of the public will have to Commission documents on the current round of GATS negotiations? In particular will unlimited access be granted to documents containing what requests are made of the European Union and what offers are made in the EU's name?

Joint answer
to Written Questions E-0169/03 and E-0185/03
given by Mr Lamy on behalf of the Commission

(19 March 2003)

The Commission is fully committed to being as transparent as possible with all stakeholders in the General Agreement on Trade in Services (GATS) negotiations. Transparency is a natural component in a democracy and the Commission makes considerable time and resources available to debate trade policy issues with all stakeholders, in particular the Parliament. But an appropriate balance must be struck between transparency and the Community's ability to negotiate in an atmosphere conducive to frank and open discussions.

The Commission ensures that Members of the Parliament are regularly briefed on trade policy issues and consulted on key questions in accordance with the Framework Agreement of 5 July 2000. The Member of the Commission responsible for Trade meets and takes part in exchanges of views with Members in the Parliament whether in plenary, in the Committee on Industry, External Trade, Research and Energy (ITRE) or in the framework of informal groups on a regular basis. In keeping with the Commission's desire to keep Members fully abreast of developments in the trade policy area, the initial requests to other World Trade Organisation (WTO) Members for improved market access on services were made available to the ITRE Committee in July 2002.

For further details on the Community's requests, the Honourable Members are referred to the Commission's answer to Written Question E-3130/02 by Mrs Figueiredo [1]. The Commission has followed the same procedure with the draft Community offer and has made this available simultaneously to the ITRE Committee and to the Council.

As regards the general public, the Commission makes considerable time and resources available to consult on and debate all trade policy issues. In 1998 the Commission launched a Civil Society Dialogue with the specific objective of developing a confident working relationship between all interested stakeholders in the trade policy field. Within this framework, regular consultations in various formats with regard to all aspects of the Doha Development Agenda (DDA), including issues raised by the service negotiations, have taken place since 1999. Furthermore, the Community's general objectives for the GATS negotiations as well as its objectives for most of the sectors covered by the GATS have been publicly available for some time through, for example, the Union and WTO Web Sites. Indeed, the sectoral proposals were all submitted to the WTO in December 2000 and a Communication on the Community's general objectives was submitted in March 2001.

In addition, a summary of Community's initial requests was published in July 2002 on the Commission's Web Site (DG TRADE) [2] and on 12 November 2002 the Commission launched an unprecedented public consultation on the requests addressed by WTO members to the Community by publishing a comprehensive consultative document in all official languages outlining the main issues raised in the requests. The public consultation has been met with a large public response. The Commission has subsequently analysed the comments submitted and has considered these as it has prepared the draft Community offer. The Commission welcomes the many contributions it has received that have helped it identify issues of current concern or interests to all stakeholders.

With respect to what access members of the public will have to the initial requests tabled by the Community and other WTO Members in these negotiations, the Commission would refer the Honourable Members to its answer to Written Question E-2446/02 by Mr Deva [3]. As regards the Community's offer in the services negotiations the Commission has announced that the EU's offer will be made public once it has been sent to our trading partners. This is an unprecedented step.

The Commission believes the above efforts show its strong commitment to transparency while safeguarding its ability to negotiate.

[1] OJ C 11 E, 15.1.2004, p. 27.
[2] http://europa.eu.int/comm/trade/wto_overview/index_en.htm.
[3] OJ C 110 E, 8.5.2003, p. 55.

(2004/C 33 E/034)

WRITTEN QUESTION P-0275/03

by Wolfgang Ilgenfritz (NI) to the Commission

(31 January 2003)

Subject: Transfer of currency reserves

Transfers of currency reserves are reported to have been made in Belgium, the Netherlands and Italy without being challenged by any EU bodies.

Were currency reserves actually transferred by the national banks, and are they then freely available for use (to finance public road building or to fund research, for example) on the basis of national budget decisions?

Must such transfers be approved by EU bodies, and if so by which bodies, or can such a decision be taken at purely national level?

How large is the volume of currency reserves available for such transfers in the individual countries?

Answer given by Mr Solbes Mira on behalf of the Commission

(5 March 2003)

The Commission does not have any information about recent transfers of currency reserves by national central banks in favour of national governments.

There is limited availability of foreign reserves for transactions at the level of the Member States. For any such transaction the approval by the European Central Bank's (ECB's) Governing Council is indispensable.

Indeed, according to Article 105(2) of the EC Treaty one of the basic tasks to be carried out through the European System of Central Banks (ESCB), which is composed of the European Central Bank (ECB) and the euro area national central banks (NCB), is to hold and manage the official foreign reserves (gold, foreign currency, special drawing right (SDR)) of the euro area Member States. Thus, the euro area reserves consist of both the ECB's and those held by participating NCBs. Reserve assets of the ECB are those which are pooled under Article 30 of the Statute of the ESCB according to the capital subscription key. All other reserve assets are retained by the NCBs in relation to Article 30(4) as long as no transfer of ownership

takes place. According to Article 31(2) of the Statute of the ESCB all other operations in foreign reserves remaining with the NCBs shall, above a certain limit, be subject to further approval by the ECB to ensure that these operations will not interfere with the monetary and exchange rate policies of the euro area. Transactions undertaken by NCBs in fulfilment of their obligations vis-à-vis international organisations, such as the International Monetary Fund (IMF) and the Bank for International Settlements (BIS), are exempt from this requirement.

The amount of reserves held by NCBs that could be used in transactions is limited, because Council Regulation (EC) No 1010/2000 of 8 May 2000 concerning further calls of foreign reserve assets by the European Central Bank ([1]) provides the ECB with the option to ask for the transfer of additional foreign reserve assets. The type of reserves that can be considered for transactions is also subject to a constraint, the 1999 Central Bank Gold Agreement. Among its signatories are the ECB and 11 euro area NCBs (all except the Bank of Greece). They agreed not to sell gold for five years (until September 2004 with a possible extension) unless such sales had already been planned before. Furthermore, operations in foreign reserves are subject to all other parts of the legal framework of the euro area, in particular to Article 101 (central bank financing of the budget) and to Article 7 of the Protocol on the Statute of the ESCB (independence).

The Member States do not have foreign reserves at their disposal for transfers between the NCBs and the national governments for budgetary purposes.

([1]) OJ L 115, 16.5.2000.

(2004/C 33 E/035) **WRITTEN QUESTION E-0329/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(10 February 2003)

Subject: Recognition by Unesco of 'olive and olive oil routes' as the fourth cultural heritage route

Unesco has already received proposals from many quarters that it should sponsor the 'olive and olive oil routes' by officially proclaiming them the fourth world cultural heritage route.

Events along the 'olive and olive oil routes' are organised every year by various bodies — such as chambers of trade, local councils and agricultural associations — following an itinerary which starts in Greece, passes along the Turkish coast and through the countries of the Middle East and North Africa and returns via Spain, Portugal, France and Italy to the Peloponnese. Along this route there are cultural activities and demonstrations focused around the theme of olives.

Olives and olive oil are not only prized by Mediterranean peoples for their gastronomic and therapeutic qualities but have also influenced their lives over thousands of years, in terms of their daily routines, customs, beliefs and religion; the olive-branch has prevailed as the global symbol of peace. In view of these facts, is the Commission intending to back the proposal for Unesco recognition of the 'olive and olive oil routes' in its meeting next May? If so, how is it intending to do so?

Answer given by Mrs Reding on behalf of the Commission

(18 March 2003)

The Commission, while acknowledging the historical, cultural and economic significance of olives and olive oil for Europe, would draw the Honourable Member's attention to the fact that it has no competence to intervene in decisions of the United Nations Educational, Scientific and Cultural Organisation (Unesco).

(2004/C 33 E/036) **WRITTEN QUESTION E-0339/03**

by Horst Schnellhardt (PPE-DE) to the Commission

(10 February 2003)

Subject: Ban on chocolate cigarettes

A letter from the Federal Ministry for Consumer Protection, Food and Agriculture of the Federal Republic of Germany announces measures drawn up by the European Commission designed to restrict advertising campaigns which seek to promote the consumption of tobacco by children and young people. In this connection, consideration would also be given to a ban on the manufacture, import and sale of sweets and toys which look like tobacco products.

1. On what basis and when will a measure of this nature be drawn up?

2. How are the objectives set out above to be attained?

Answer given by Mr Byrne on behalf of the Commission

(3 March 2003)

Banning the sales of chocolate cigarettes is not a measure adopted by the Commission. Rather, such a prohibition is part of the Recommendation on the Prevention of Smoking and on Initiatives to Improve Tobacco Control, which the Council adopted on 2 December 2002 upon a proposal by the Commission under Article 152 paragraph 4 of the EC Treaty [1]. With regard to this proposal of the Commission the Parliament adopted a resolution [2] which as modification 5 contains the following new paragraph under point 1(d) of the Commission's proposal:

> (da) By prohibiting the production, importation and sale of edible products and toys in the form of tobacco products.

The definitive version of the Recommendation adopted by the Council follows this suggestion with a different wording:

> (e) Prohibiting the sale of sweets and toys intended for children and manufactured with the clear intention that the product and/or packaging would resemble in appearance a type of tobacco product.

As the name implies this Recommendation of the Council is not legally binding. It is, therefore, left to Member States to decide in which way they will follow-up the Council's Recommendation to prohibit the sale of products like chocolate cigarettes.

[1] Council Recommendation 2003/54/EG of 2 December 2002 on the Prevention of Smoking and on Initiatives to Improve Tobacco Control — OJ L 22, 25.1.2003.
[2] 2002/2167 INI.

(2004/C 33 E/037) **WRITTEN QUESTION E-0391/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(13 February 2003)

Subject: Eco-label

The introduction of an eco-label in Regulation (EEC) 880/92 [1], recently amended by Regulation (EC) 1980/2000 [2], is intended to make it easier for consumers to identify environmentally-friendly products which have been officially approved by the EU and to encourage enterprises to develop projects having the necessary specifications. Criteria have now been adopted for 19 categories of product, and in the long term it is intended to establish 35 such categories.

1. To what extent has the eco-label found acceptance in the EU?

2. Which products and how many and which enterprises have been awarded an eco-label in Greece?

3. What measures must be taken to encourage more enterprises to take an interest in and obtain the eco-label, without any lowering of the quality and environmental protection criteria?

(1) OJ L 99, 11.4.1992, p. 1.
(2) OJ L 237, 21.9.2000, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(16 June 2003)

The Union Eco-label is a benchmark tool to help consumers, whether public or private purchasers, to identify environmentally friendly goods and services on the market. The main aim is to encourage businesses to market greener products which comply with high environmental and performance standards.

(a) At present the statistics for the Union Eco-label are as follows:

- 20 product groups with established criteria;
- 134 awarded companies;
- 81 million ecolabelled articles (1);
- EUR 179 million factory sales (1);
- EUR 314 million retail sales (1).

(b) Statistics for Greece are as follows:

- nine awarded companies:
  - Bed mattresses:
    - Ideal Strom Krdakos Bros S.A.;
    - Vas. Chantiridis S.A.;
    - Athenian Bed Mattresses Manufacturing Unit S.A.
  - Indoor paints and varnishes:
    - Berling S.A.;
    - 'ER — LAC' G.D. Koutlis S.A.;
    - International Ilios Cotachem S.A.;
    - Viochrom Ltd.
  - Dishwashers:
    - Morris S.A.
  - Textile products:
    - Gallop S.A.
- 2,1 million ecolabelled articles (1);
- EUR 17,8 million factory sales (1);
- EUR 26,8 million retail sales (1).

In answer to the question about how to encourage enterprises to join the Union Eco-label, it is important to note that the Union Eco-label is now part of a wider approach on Integrated Product Policy (IPP) within the 6th Community Environment Action Programme. Therefore the growth of the Union Eco-label will certainly benefit from the future development of such an environmental policy in terms of sustainable consumption and production.

The Union Eco-label has also adopted a working plan for the period 2002-2004 which seeks to increase significantly the visibility of the scheme. In particular, the Commission together with Member States, acting as the European Union Eco-labelling Board (EUEB), is actively operating to identify effective actions to increase the market penetration of the Union Eco-label, including specific marketing initiatives and a closer co-operation and co-ordination between the Union eco-label and national labelling schemes.

(1) Estimated data for 2002 based on a 50 % increase in turnover compared to 2001.

(2004/C 33 E/038)

WRITTEN QUESTION E-0399/03

by Karl von Wogau (PPE-DE) to the Commission

(17 February 2003)

Subject: Compulsory registration for visitors to health spas

The spa tax regulations of a German community stipulate that persons from outside the community who are accommodated free of charge not only have to register their presence on the next working day after arrival, and register their departure at the latest on the last day of their stay, but that they also have to pay spa taxes for the period of their stay.

These measures also apply to visitors from other Member States of the European Union.

This requirement means that people who stay overnight in the community, while visiting friends or relatives for example, have to pay spa taxes.

Does the Commission take the view that these regulations are compatible with European Union provisions on the free movement of persons?

Answer given by Mr Bolkestein on behalf of the Commission

(1 April 2003)

In the absence of harmonised fiscal legislation at Community level, the Member States and their local authorities are free to design their taxes according to their political preferences. In doing so, however, they must respect the general freedoms and principles enshrined in the EC Treaty. Neither the local tax, described by the Honourable Member, nor the corollary registration obligation, discriminate against nationals of other Member States, since all visitors, irrespective of their nationality or place of residence, are subject to it. Therefore, the Commission does not consider that these taxes interfere with the principle of free movement of persons.

(2004/C 33 E/039)

WRITTEN QUESTION P-0442/03

by Luciano Caveri (ELDR) to the Commission

(12 February 2003)

Subject: Business Tax

Italian shipping companies working with the People's Republic of China are obliged to pay Business Tax, a levy on the provision of services, at a rate of 3 % of locally produced turnover for transport and communications. The Agreement on Sea Transport between Italy and China of 8 October 1972 only covers tax on revenue and makes no provision for Business Tax, nor does the Protocol of 3 June 2002 amending the Agreement. Similarly, the Agreement between Italy and China against double taxation of 31 October 1986 only refers to direct taxation.

Shipping companies of other EU countries working with the People's Republic are not subject to Business Tax, since the relevant shipping and/or bilateral agreements provide for an exemption. The only exceptions, apart from Italy, are Spain, Austria and Luxembourg, which do not have any substantial shipping traffic with China.

The shipping companies of the People's Republic currently operating in Italy are not subject to any kind of levy comparable or similar to the Business Tax.

This situation creates a substantial disparity in treatment between European Union companies, giving rise to a blatant violation of the principles of free competition and equality of treatment between the Member States.

In order to remedy this situation, which causes an unintentional but nevertheless real discrimination between Member States, the Italian Government some time ago asked the Chinese authorities to amend the existing shipping agreements. So far the Chinese government has shown no real willingness to do so.

Can the Commission say:

1. how it interprets this situation, which creates a real disparity in treatment between the Member States;

2. whether it considers that it should take steps to put an end to this situation;

3. what measures it will take in this context?

Answer given by Mr Lamy on behalf of the Commission

(31 March 2003)

The Commission does not have any additional information on the matter raised by the Honourable Member concerning the business tax paid by Italian shipping companies working in the People's Republic of China. The Agreement on Sea Transport between Italy and China does not appear to include the relevant provisions on the business tax, whereas such provisions are foundin the aggreements that other Member States have concluded with China.

Agreements on double taxation are normally exempted from the Most Favoured Nations (MFN) obligation of the GATS agreement (General Agreement on Trade in Services). Article XIV of the GATS allows for measures that are inconsistent with Article II (the MFN principle), provided that the difference in treatment is the result of an agreement on the avoidance of double taxation or provisions on the avoidance of double taxation in any other international agreement or arrangement by which the Member is bound.

The 'business tax' issue is also exempted from the recently signed EU — China Maritime Agreement. In particular Article 2 (Scope), paragraphe 2 states that the agreement shall not affect the application of the bilateral maritime agreements concluded between China and the member States of the Community for issues not falling within the scope of the agreement.

The responsible Commission Services are in close contact with the respective National Administrations of Member States and with shipping industry representatives and associations in order to ensure the early ratification as well as the accurate implementation of the EU-China Maritime Agreement to the benefit of the European shipping industry.

(2004/C 33 E/040) **WRITTEN QUESTION E-0474/03**

by Erik Meijer (GUE/NGL) to the Commission

(20 February 2003)

Subject: Harsher punishment of incitement to hunger strike in Turkey instead of an improvement in the situation of political prisoners

1. Is the Commission aware of the reports by human rights organisations, such as IHD in Diyarbakir, that the number of arrests and disappearances in Turkey remains unchanged and that in practice the human rights situation has not been brought into line with recently adopted liberal laws and has even deteriorated?

2. Is the Commission aware that more than 60 people have died in the hunger strikes by political prisoners in Turkey since the end of 2000 to protest at their transfer from group detention in old prisons to solitary confinement in new prisons?

3. Is the Commission also aware that the Turkish government wants to end the hunger strikes not by improving the conditions of detainees but by increasing the maximum prison sentence for people calling for hunger strikes from four years to 20 years?

4. Does the Commission see a risk that a measure of this kind, which has now been approved by the newly elected Turkish Parliament, will not lead to reconciliation, the bridging of long-standing differences, human rights improvements and greater scope for legal democratic opposition, but above all to further tension as a result of the increase in the number of prisoners punished for their opposition to the civil rights restrictions imposed by the government and forces of law and order?

5. Is this development consistent with the Copenhagen criteria that Turkey is required to satisfy before negotiations on accession to the EU can begin?

6. What is the Commission doing to prevent Turkey from once again becoming a breeding ground for violent resistance by opposition groups protesting against what is felt to be permanent injustice?

7. What is the Commission doing to ensure that the human rights situation in Turkey does not deteriorate further and that there is an end to pointless repressive legislation?

Source: Netherlands edition of Metro, 7 February 2003.

Answer given by Mr Verheugen on behalf of the Commission

(21 March 2003)

The Commission is aware of the human rights situation in the South-East of Turkey and of reports of various human rights organisations, including the Turkish branch of the Human Rights Organisation (IHD).

The Commission is monitoring closely the situation of hunger strikes in Turkey. In its Regular Report of 2001 ([1]), the Commission reported that in Autumn 2000, the Turkish Government decided to implement a reform of the prison system replacing large dormitories (up to 80 prisoners in one room) with a system of small cells shared by one to three inmates (F-type high security prisons). This led to violent demonstrations and hunger strikes, which related not merely to improvement of prison conditions but also to other demands. In its Regular Report of 9 October 2002 ([2]), the Commission noted that the hunger strikes protesting against the F-type prisons continued. The death toll is now at 64.

The Commission is of the opinion that the continuing loss of life as a result of hunger strikes is deplorable. The Commission is aware of efforts taken by the Turkish authorities to put an end to the hunger strikes. It is also aware of the recent legislation amending Articles 307/a and 307/b of the Turkish Penal Code related to prison sentences applying to people calling for hunger strikes.

The Commission will continue to monitor closely the situation of human rights in Turkey, including the hunger strikes and the situation in the South East of the country, and raise these issues as appropriate with the Turkish authorities.

The Commission will give an assessment of the human rights situation in Turkey in light of the Copenhagen political criteria in its annual Regular Report to be published later in 2003.

([1]) COM(2001) 700 final.
([2]) COM(2002) 700 final.

(2004/C 33 E/041) **WRITTEN QUESTION E-0478/03**

by Erik Meijer (GUE/NGL) to the Commission

(20 February 2003)

Subject: Lifting of secrecy surrounding dubious financial transactions via the Republic of Cyprus

1. Is the Commission aware that during the 1990s large sums of money amounting to hundreds of millions of euro left civil-war-torn Lebanon and the states of the disintegrating Soviet Union and

Yugoslavia through banks established in the southern part of Cyprus, and that some of these money flows were recorded in Cyprus as 'investments' and the rest were channelled to other areas regarded as tax havens?

2. Does the Commission refute the fact that a mysterious firm, Antexo Trade Ltd, headed by former officials of the Beogradska Bank, played a key role in financial transactions with foreign countries and that all data concerning these transactions and the company were kept secret from the public as far as possible, partly with the help of the national central bank of Cyprus, and that those who dared to report what was going on, such as the newspaper Alithia and the businessman, P. Djordjevic, were threatened or put under pressure to leave the country?

3. Does the Commission consider that secrecy of this kind surrounding possible money-laundering is appropriate for an EU Member State?

4. Is the Commission aware that even after the law was changed in 1996 in order to combat money-laundering through Cyprus, such transactions in fact continued, including large transactions valued at hundreds of millions of Deutschmark in 1998, and that once again the banks and the government maintained the highest possible degree of secrecy and one of the candidates in the forthcoming presidential elections is alleged to have been involved?

5. What additional measures are required to ensure that Cyprus complies speedily, and before its accession to the EU on 1 May 2004, not only on paper but in practice with EU financial regulations concerning inexplicable money flows and how does the Commission intend to ensure that these measures are introduced in good time?

Source: Netherlands TV2, 'Twee Vandaag' news programme, 8 February 2003.

Answer given by Mr Verheugen on behalf of the Commission

(21 March 2003)

The Commission has addressed the matter of money laundering in detail in all the Regular Reports on Cyprus' progress towards accession.

In the 2002 Report [1] it was stated that Cyprus has implemented all the necessary legislation in the area of money laundering and put in place the necessary administrative capacity.

Further progress is still expected in terms of completing the reinforcement of the administrative structure of the Unit for Combating Money Laundering (MOKAS) with the recruitment of the approved additional staff.

The Commission continues to monitor how Cyprus is meeting the commitments it has made in the accession negotiations. A recent monitoring mission to Cyprus has shown that the country is generally meeting its commitments. A comprehensive monitoring report will be presented six months before accession.

[1] COM(2002) 700 final.

(2004/C 33 E/042) **WRITTEN QUESTION E-0485/03**

by Roberta Angelilli (UEN) to the Commission

(20 February 2003)

Subject: Centenary of the first flight by the Wright Brothers — Funding of a project in Eastern Europe

In June 2003 the Aero Club di Latina flying and parachuting school plans to organise a major cultural event, with the patronage of the Italian Prime Minister and air force, namely an air cruise, on the occasion of the centenary of the Wright Brothers' first flight, along the same lines as the cruise once embarked on by Italo Balbo in the eastern Mediterranean.

The event will include a variety of celebrations, involving complex organisational arrangements, which will focus not only on the United States but also on those countries, such as Italy, which have made a special contribution to the history of aviation.

The Aero Club di Latina initiative is intended to be one of the most significant events not only because of its historical and commemorative value, but also on account of its decision to fly towards Eastern Europe and the capitals of countries which will shortly join the European Union, as a welcoming gesture to these countries and a sign of interest and openness on the part of the Member States.

The cruise's stopping points will be the major cities of the forthcoming and future enlargement countries, i.e. Istanbul, Odessa, Budapest, Sofia, Burgas, Arad, Bucharest, Zagreb and Zara. Participants will thus have an opportunity to visit and become more familiar with some of the most significant aspects of Eastern European culture, which is due increasingly to become a part of EU culture.

In view of the project's special relevance, in particular with a view to Eastern Europe's cultural and social integration, and given that the EU has set up a wide range of funding programmes for this very purpose, including Sapard, ISPA and many others for small-scale projects, will the Commission provide the following information:

1. would the above project be eligible for EU funding through any of these programmes?

2. can the EU sponsor the operation in any other way?

Answer given by Mr Verheugen on behalf of the Commission

(26 March 2003)

The programmes referred to by the Honourable Member (Sapard, ISPA) are pre-accession instruments covering investment in transport and environment infrastructures, and in the agricultural and rural development sectors. Under the Phare instruments, no other possibilities exist. As to the Prince programme, it has to be dedicated in priority to the information needs of the citizens of the present Union. It must be added that no project can be financed outside an existing programme with a corresponding budget line.

To the knowledge of the Commission, there is at present no programme allowing to finance such project.

At the present stage of the project and its content, the Commission considers that commemorating this event is therefore a matter for the associations and organisations in the private sector related to aeronautics.

The Commission, in handling requests of this nature, recalls that pre-accession assistance available for the benefit of the candidate countries is not intended to be tailored to projects originating outside the candidate countries which have no bearing on their pre-accession needs.

(2004/C 33 E/043) **WRITTEN QUESTION E-0515/03**

by Miet Smet (PPE-DE) to the Commission

(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?

Answer given by Mr Patten on behalf of the Commission

(25 March 2003)

Egypt has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the United Nations (UN) Convention on the Rights of the Child. Women's rights are also covered by the Universal Declaration of Human Rights (UDHR) which defines the respect of democratic principles and fundamental human rights which, constitutes an essential element of the Union-Egypt Association Agreement (signed in June 2001 and now in the process of ratification).

Female Genital Mutilation (FGM) is illegal in Egypt and the practice of FGM in any government medical facility and by all medical personnel was banned in 1996 by decree. Although proponents of FGM temporarily overturned the ban in the courts, the government successfully re-imposed it. However the practice, largely imposed by families on their female children, is endemic and remains deeply rooted in the culture. Between 80-90 % of all Egyptian women of all religions, regions and class have been genitally mutilated. This is not only a gender issue but also a serious assault on the rights of the child. The Egyptian Government seems to remain committed to combating FGM through law and through actions to change attitudes through education, advocacy and support to civil society initiatives — and many senior political and religious figures are associated with the campaign. The European Union is supporting this approach through its programmes in reproductive and basic health and its co-financing of relevant civil society initiates (one of the specifically campaigns against FGM; and another one supports the registration of women voters).

With respect to divorce, the situation is much improved since 2000. Women can now end marriages unilaterally although only if they give up their rights to financial support. Other discriminatory aspects of family law, both secular and Islamic, are being slowly tackled, but many inequalities remain. One of the most contentious issues concerns the nationality laws which deny Egyptian nationality to children born to Egyptian mothers and non-Egyptian fathers. Literacy amongst girls, and access to further education and health facilities by girls and young women is also improving slowly and the Union strongly supports this process through its existing programmes in basic health and basic education, and in its planned programmes in vocational training, regional development, and support to non-governmental organisations (NGOs) working with the most socially vulnerable.

The enforcement of human rights, including women's rights, in Egypt is the responsibility of the Government of Egypt, the Egyptian Parliament and of the judiciary. But the Commission's Delegation and Member State Embassies in Cairo, together with many others, systematically monitor the state of human rights in Egypt and make representations to the Egyptian authorities through the appropriate channels whenever necessary. The Union does so regularly in support of individual cases. And it also actively supports Egyptian civil society organisations campaigning for civil rights.

In line with all Association Agreements signed with the Mediterranean Partners, the EU-Egypt Association Agreement provides for a structured and regular political dialogue. This will be an important additional forum for both parties to discus a range of important issues of common interest, including democratic and human rights. Respect for democratic principles and fundamental human rights is explicitly identified in the Agreement as an essential element. The Association Agreement also contains provisions for either party to take measures in the event of a material breach of the Agreement.

(2004/C 33 E/044)

WRITTEN QUESTION E-0519/03

by Miet Smet (PPE-DE) to the Commission

(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?

Answer given by Mr Nielson on behalf of the Commission

(4 April 2003)

The Commission has brought up the question of human rights and women's rights specifically with the Government of Kenya on various occasions, including the issue of Female Genital Mutilation (FGM). The Commission is also assisting civil society initiatives with regard to women rights and women's involvement in political decision making while supporting a specific project focussing on FGM prevention in the Kisii district.

The Commission will continue to support adequate measures to ensure progress on human rights, including women's rights and the eradication of FGM practices.

In particular, the Union is proposing to reinforce political dialogue with the newly elected Kenyan Government focussing, inter alia, on human rights. The Commission will also continue to bring up human rights issues, including gender issues, in the appropriate fora, including in the context of the dialogue with Non-State Actors who monitor and enforce women's rights.

Moreover, to monitor the situation, the Commission also relies on international initiatives, in particular the Committee on the Elimination of Discrimination Against Women (CEDAW) to which Kenya must submit regular reports.

In this context, some positive steps were achieved in Kenya in recent years. FGM was formally banned for girls under 17 when the Children's Act was adopted by the Parliament (2001), while civil society has raised country-wide public awareness on this specific aspect of gender violence.

The Commission also welcomes the Government's recent initiative to promote free primary schooling for all, as it believes that repressive measures will have to be complemented by education to confront the complex and culturally entrenched belief that underlie FGM practices and discrimination against women.

The Cotonou Agreement provides in article 8 for comprehensive political dialogue with all African, Caribbean and Pacific (ACP) States, including a regular assessment of developments concerning the respect for human rights.

Where there are failures to respect the essential elements, set out in article 9 of the partnership, any Party to the Agreement can invite the other Party to hold consultations in conformity with article 96 of the Cotonou Agreement. Respect for human rights is one of the essential elements of the Agreement and applies to all signatories. Article 96 provides that if the consultations do not lead to a solution acceptable to both parties, appropriate measures may be taken. The suspension of the Agreement would be a measure of last resort.

(2004/C 33 E/045) **WRITTEN QUESTION E-0523/03**

by Miet Smet (PPE-DE) to the Commission

(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?

Answer given by Mr Nielson on behalf of the Commission

(3 April 2003)

The higher rate of human immundeficiency virus (HIV) infection in girls rather than boys in Zambia and in the Southern African region is due to a number of factors of which sexual abuse is one, but there are others including earlier age of sexual intercourse and greater susceptibility of females to infection.

The Commission, in the framework of the Budget line B7-6211, announced in September 2002 a call for proposals aimed at combating poverty-related diseases, including HIV/acquired immundeficiency syndrome (AIDS), in all developing countries. The activities funded by these grants would improve care and treatment for persons already infected but would also cover projects addressing the needs of young women vulnerable to infection. The Human Rights Watch Report on Women's Rights in Zambia, mentioned by the Honourable Member refers to this European Community Programme [1].

Zambia has received a grant of USD 19 858 000 from the Global Fund for HIV/AIDS, to which the Community has contributed EUR 120 million.

Gender and HIV/AIDS are also the main crosscutting issues in the current Zambia National Indicative Programme (NIP).

The Human Rights Watch Report notes that among the key problems in the state response are both the weakness and the failure of the criminal justice system to deal appropriately with complaints of sexual abuse and the need for special training in gender violence and child abuse for the police. During the visit of the Member of the Commission responsible for Development to Zambia in January 2003, violence against women and the need for special training for judges were discussed with President Mwanawasa. Following that dialogue, the Commission is working with the Ministry of Legal Affairs to prepare special training programmes for judges and police officers within the framework of an Institutional Development and Capacity Building programme foreseen in the 9th European Development Fund NIP mentioned above.

The Cotonou Agreement provides in article 8 for comprehensive political dialogue with all African, Caribbean and Pacific (ACP) States, including a regular assessment of developments concerning the respect for human rights.

The Community and the Member States are monitoring very closely and discussing with the government the impact of HIV/AIDS and violence against women in the framework of the continuous political dialogue established under article 8 of the Cotonou Agreement.

Where there are failures to respect the essential elements, set out in article 9 of the partnership, any Party to the Agreement can invite the other Party to hold consultations in conformity with article 96 of the Cotonou Agreement. Respect for human rights is one of the essential elements of the Agreement and applies to all signatories. Article 96 provides that if the consultations do not lead to a solution acceptable to both parties, appropriate measures may be taken. The suspension of the Agreement would be a measure of last resort.

[1] Page 74.

(2004/C 33 E/046) **WRITTEN QUESTION E-0526/03**

by José Ribeiro e Castro (UEN) to the Commission

(24 February 2003)

Subject: Cooperation with Macao

The Commission has stated that it will 'use all the instruments at its disposal to help underscore Macao's autonomy within China and its particular way of life' [1], for it is convinced that a 'European presence in the territory and strong personal ties between Europe and Macao are … some of the main features which help to make Macao a natural springboard for the EU in the region' [2]. Parliament has endorsed and reaffirmed that commitment [3] by calling on 'the European Union to make active use of the instruments available to it, in particular the political dialogue, joint actions, the adoption of positions and, in particular, cooperation measures' [4].

However, in only two years, cooperation between the EU and Macao has declined to an extremely low level. Indeed, according to Mr Patten's answer to my recent question, it is currently confined to just one project [5].

This state of affairs is said to have been brought about to some extent by the widely held view in the EU that cooperation is synonymous with funding, the implication being that when there are no jointly financed projects, the EU has no practical possibility of organising and pursuing cooperation measures.

Given the pressing development cooperation needs where the world's poorest regions are concerned, funding for measures aimed at Macao is understandably not one of the EU's budgetary priorities. Be that as it may, it ought nevertheless to be possible to explore avenues for bilateral cooperation between the EU and Macao, even if they were to be financed mainly, if not exclusively, by the MSAR, assuming that a European interest were likewise involved or the EU were in a position to satisfy the MSAR's requests.

In the light of the foregoing, can the Commission say whether it is true that, expressed simplistically, cooperation is synonymous with funding? If that is the case, will it revise that definition, not least with a view to widening the opportunities and range of models for bilateral cooperation between the EU and the MSAR? What other ideas does it have for galvanising EU-MSAR cooperation in keeping with the policy statements? What would be the areas of action?

(1) COM(1999) 484 — C5-0169/2000, p. 3.
(2) COM(1999) 484 — C5-0169/2000, p. 4.
(3) A5-0017/2001.
(4) A5-0017/2001, paragraph 10.
(5) E-3098/02, answer given on 29 November 2002 — OJ C 242 E, 9.10.2003, p. 39.

Answer given by Mr Patten on behalf of the Commission

(4 April 2003)

Further to its earlier reply to the Honourable Member's Written Question E-3098/02 (1), the Commission confirms that it remains firmly committed to work and cooperate with the Macao authorities to help the Special Administrative Region's (SAR) stable development, in line with the 'one country, two systems' principle. Granting visa-free access to Macao SAR passport holders in 2001 and the initialling of a Community-Macao re-admission agreement in 2002, as well as the Community-Macao legal cooperation programme and Macao's successful participation in regional Community programmes such as Asia Invest and Asia Link are concrete examples thereof.

Given Macao's high income level, Macao — no longer features on the Organisation for Economic Co-operation and Development/Development Assistance Committee's (OECD/DAC) list of Developing Countries and Territories.

However, the Commission and Macao will continue to discuss and explore new ways and means of cooperation, as they did last in October 2002, in the context of the Joint Committee established under the Community-Macao Trade and Cooperation Ageement concluded in 1992.

(1) OJ C 242 E, 9.10.2003, p. 39.

(2004/C 33 E/047) **WRITTEN QUESTION E-0533/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(26 February 2003)

Subject: Ban on abortion in Poland

The Polish Government has decided to include in the country's treaty on accession to the European Union a declaration 'on ethics, culture and the protection of life', which contains a highly restrictive law on abortion. Inclusion of such a prohibition in Poland's accession treaty would strengthen — for legal and other purposes — an anachronistic and antidemocratic ban that is an attack on women's rights, and which, if accepted by the European Union, would pose a legal and moral threat to women's rights throughout the Union. In the light of the above, does the Commission intend to agree to the inclusion of this declaration in Poland's accession treaty? Irrespective of the accession treaty, what measures will it take to prevent such a prohibition from entering into force in Poland?

Answer given by Mr Verheugen on behalf of the Commission

(2 April 2003)

It is correct that the Polish government has succeeded in having a declaration on 'public morality' inserted in the Accession Treaty. That declaration does not specifically contain a reference to any Law on abortion in Poland. The declaration as such does not imply that Poland was granted an exemption from its duties and obligations under the EC Treaties. On the contrary, the present Member States have issued a general joint declaration underlining that the declarations added to the Accession Treaty cannot be interpreted or applied in a way contrary to the obligations of the Member States arising from the Treaty and the Act of Accession. The Commission has fully subscribed to this declaration.

It should be recalled in any event that Member States remain competent to decide upon their national legislation on abortion and that abortion is subject to various restrictions in current Member States.

(2004/C 33 E/048) **WRITTEN QUESTION E-0538/03**

by Erik Meijer (GUE/NGL) to the Commission

(26 February 2003)

Subject: Export processing zones on the island of Mauritius where goods are produced for the European market by workers who are paid extremely low wages and are subjected to unacceptable working conditions

1. Is the Commission aware that, on the Indian Ocean island of Mauritius, a former colony of various current Member States of the EU, 'export processing zones' have been set up where luxury goods, such as designer wear, electronic goods and cosmetics, as well as tinned tuna, are produced for the European market?

2. Is the Commission aware that the law in Mauritius allows the workers in such zones to be paid extremely low wages in return for very long working hours in unsafe conditions, which means that the people involved cannot lead even a very poor life on those wages without becoming dependent on financial aid from the state and on living in shacks made out of waste materials?

3. Is the Commission also aware that wages and working conditions in such zones have recently become so bad that no Mauritians want to work there any longer, with the result that the jobs are now being taken by immigrants from China, Indian and Bangladesh who, before they even arrive on Mauritius to start work, have had to pay extortionate recruitment fees, so that, ultimately, after many years of hard work on Mauritius, their reward is to be able to return to their homeland still burdened by debt?

4. Does the Commission agree with my conclusion that that the work undertaken does not result in local development but in permanent exploitation which maintains the cost of luxury goods in Europe at an artificially low level, with the result that our prosperity becomes increasingly dependent on permanent poverty elsewhere in the world, which also contributes to the destruction of good jobs in Europe?

5. What contribution can the EU make to ensure that this unacceptable situation is ended at the earliest possible opportunity, for example by advising companies importing such goods and their customers about the conditions in which the goods are manufactured, by banning imports of goods for which prices are kept artificially low and by contacting the Government of Mauritius and the governments of similar countries with a view to zones of this nature being closed down?

Source: TV Nederland 2, 'Twee Vandaag' (Two Today) news programme, 12 February 2003.

Answer given by Mr Nielson on behalf of the Commission

(22 April 2003)

The Commission is aware of the existence of Export Processing Zones (EPZ), which have played a major role in Mauritius' development over the past 30 years.

The Commission is also aware that, in general terms, EPZs have frequently been criticised for providing sub-standard working conditions and for discouraging unions. In Mauritius the labour market for the export sector was effectively segmented from the rest of the economy, and exporting firms were able to flexibly expand or reduce the labour force in response to changing market conditions. The recent increase in the number of illegal work stoppages in Mauritius' EPZs indicates that the otherwise extensive system of regulation is not entirely effective. New developments in international trade and labour patterns in relation to EPZs could also affect the situation of the EPZs in Mauritius. In that context, the International Labour Organisation (ILO) has intensified its work on employment and social policy in respect of EPZs. The ILO has reported on some problems which occurred in Mauritius relating to the recruitment of an employment practices for migrant workers and other issues such as working time [1].

The Commission would not agree that the EPZs in Mauritius have not resulted in local development. The EPZs, together with sugar, tourism and financial services, are considered one of the four pillars continuing to drive economic activity. Mauritius has successfully woven EPZs into its industrialisation process through the establishment of durable links between the EPZs and domestic suppliers, thus maximising the potential the zones offer in terms of employment creation.

The Commission does indeed deplore the abuse of labour legislation in Mauritius, as elsewhere. In this respect it should be recalled that the Community is committed to applying the ILO Core Labour Standards. Furthermore, the Commission has recently strengthened its co-operation with the ILO, which covers the world-wide promotion of core labour standards, the promotion of decent work including poverty eradication and the promotion of the social dimension of globalisation. The Community has also agreed to promote the application of core labour standards in the framework of bilateral and multilateral agreements with developing countries. A good example is Article 50 of the Cotonou Agreement; in this Article, the Community and the African, Caribbean and Pacific (ACP) States have reaffirmed their commitment to the ILO Core Labour Standards.

The negotiations of Economic Partnership Agreements between the Union and ACP states will be an opportunity to intensify the dialogue and co-operation on how to implement this commitment through concrete actions.

[1] http://www.ilo.org/public/english/standards/relm/gb/docs/gb286/pdf/esp-3.pdf.

(2004/C 33 E/049) **WRITTEN QUESTION E-0542/03**

by José Ribeiro e Castro (UEN) to the Commission

(26 February 2003)

Subject: Definition of 'population' — Abortion

On the web site to be found at http://www.europa.eu.int/comm/development/sector/social/population_en.htm, the Commission offers the following strange definition of the term 'population':

> The term 'population' is an umbrella term now used to describe issues relating to demography and reproductive and sexual health and rights. This can include issues such as contraception, abortion, safe motherhood, early child care, gender-based and sexual violence, and sexually transmitted diseases (STDs), including HIV/AIDS. 'Population' issues relate to men, women, adolescents and children.

This definition differs from all dictionaries in common use and is giving rise to serious anxiety about the Commission's real policies, especially where possible advocacy of abortion is concerned.

I already raised the matter at the time of the recent discussions on the Sandbæk report on the proposal for a European Parliament and Council regulation on aid for policies and actions on reproductive and sexual health and rights in developing countries.

Can the Commission answer the following:

— how does the Commission explain the situation and definition referred to above?

— does it officially stand by such a definition?

— what does it infer from the definition with regard to its policies or; has it taken steps to put matters right?

Answer given by Mr Nielson on behalf of the Commission

(4 April 2003)

The Community uses 'population' as umbrella term in its Development policy in reference to the policies and principles agreed at the International Conference on Population and Development (ICPD), held in Cairo in 1994. At that conference, 179 countries endorsed a Programme of Action that recognised the links between population, poverty and sustainable development. Population was broadened to encompass not only demography but also reproductive and sexual health and rights. Paramount to this was the role of women and their empowerment. 'Efforts to slow population growth, reduce poverty, achieve economic progress, improve environmental protection and reduce unsustainable consumption and production patterns are mutually reinforcing. Sustained economic growth within the context of sustainable development is essential to eradicate poverty. Eradicating poverty will contribute to slowing population growth and to achieving early population stabilisation. Women are generally the poorest of the poor. They are also key actors in the development process. Eliminating all forms of discrimination against women is thus a prerequisite for eradicating poverty, promoting sustained economic growth, ensuring quality family planning and reproductive health services, and achieving balance between population and available resources.' (Chapter 3 of Programme of Action: http://www.un.org/ecosocdev/geninfo/populatin/icpd.htm#chapter3)

In order to give concrete examples of this broader concept of population which includes reproductive and sexual health and rights, the Commission website lists several subjects which fall under this umbrella term. Abortion is mentioned as one of these subjects since it is part of reproductive health care as defined in ICPD [1]. The Community policy on abortion follows the ICPD guiding principles on abortion. A policy which was endorsed by 179 countries. The Commissioner responsible for Development has clearly stated in a letter to Members of Parliament (13 January 2003) that '… we aim, through our support for reproductive health programmes, to prevent the need for abortion. However, we recognise that unsafe abortion is a reality and causes the unnecessary deaths of many women each year … Where abortion is legal for given indications it should be safe … The Commission regards national legislation as paramount when it comes to the question of abortion being performed within the formal health care system. We do not support abortion policies as a means to limit population growth in developing countries and we are strongly opposed to forced abortion'.

[1] Reproductive health care is defined as the constellation of methods and techniques and services that contribute to reproductive health and well-being through preventing and solving reproductive health problems. (Programme of Action, ICPD).

(2004/C 33 E/050)

WRITTEN QUESTION E-0560/03

by Raina Echerer (Verts/ALE) to the Commission

(27 February 2003)

Subject: The Malta Broadcasting Authority censoring TV programmes

The Broadcasting Authority in Malta has taken a decision to screen recorded programmes produced by the Maltese production company 'Where's Everybody?' before these programmes are aired on TV. These programmes are aired on the national television station, Public Broadcasting Services. Programmes produced by 'Where's Everybody?' have never been found guilty of imbalance by the Broadcasting Authority. For the past year the Malta Labour Party has ordered a boycott on these programmes. These programmes have always given a platform for Maltese civil society to air its views in the most democratic way. The Broadcasting Authority has singled out for pre-view censorship and checking the programmes produced by the production company 'Where's Everybody?', but other programmes are not being subjected to the same treatment.

Can the Commission verify with the Maltese authorities why the Malta Broadcasting Authority is reserving this treatment unilaterally only to one production company and whether such an attitude is discriminatory, curtails freedom of expression in Malta and goes against the basic directives on freedom of speech and expression of the European Union?

Answer given by Mr Verheugen on behalf of the Commission

(31 March 2003)

The Commission monitors the freedom of expression in Malta, like in all other Candidate Countries, as one of the key political criteria for membership. In its Regular Reports on Malta's progress towards accession, it is consistently noted that the freedom of expression is enshrined in the Maltese constitution and continues to be well respected in practice.

Regarding the TV and radio journalists' freedom of speech, Malta has an independent Broadcasting Authority, whose members are appointed by the President of the Republic, following advice from the Prime Minister and consultations with the leader of the opposition.

According to the Maltese constitution and law, the Broadcasting Authority is responsible in particular for:

- ensuring impartiality in respect of matters of political or industrial controversy or relating to current public policy;
- fairly apportioning broadcasting facilities and time between political parties;
- monitoring the performance of the stations in terms of constitutional requirements, the provisions of the law and of the relevant broadcasting licences and contracts;

The Broadcasting Authority's decision to screen some recorded broadcasts produced by the Maltese production company 'Where's Everybody' is to be considered in the framework of the campaign for the accession referendum held on 8 March 2003 in Malta.

In order to ensure impartiality and fair apportioning of broadcasting time between different political parties, the Broadcasting Authority had considered and approved a schedule for broadcasts from the Public Broadcasting Services (PBS) for the referendum period. Following amendments to the approved schedule, and a subsequent complaint by the Malta Labour Party, the Broadcasting Authority asked PBS to submit for screening a series of broadcasts challenged as partial by the Malta Labour Party. The Broadcasting Authority argued that this was necessary in view of 'its duty to guard against every possibility that public broadcasting could be manipulated by partisan interests at a time of popular consultation' and also because it lacked information on the content of the broadcasts.

Following the submission of requested information by PBS on the contested broadcasts, the Broadcasting Authority decided to lift its request for a 'preventive screening'.

The Commission does not believe that the Broadcasting Authority has acted in a discriminatory way in this matter but rather that the tense accession referendum campaign in Malta incited it to take exceptional steps to guarantee the impartiality of the public television.

In view of these exceptional circumstances, and considering the status, duties and independence of the Malta Broadcasting Authority, the Commission believes that its assessment that freedom of expression continues to be respected in Malta, remains valid.

(2004/C 33 E/051) **WRITTEN QUESTION E-0574/03**

by Luigi Vinci (GUE/NGL) to the Commission

(28 February 2003)

Subject: Turkey and the 'Ocalan case'

For some weeks now the leader of the former PKK, Abdullah Ocalan, has been unable to receive visits from his defence lawyers or anyone else. This arbitrary decision on the part of the Turkish Government constitutes a flagrant violation of the European Convention on Human Rights and the 'political criteria' for enlargement identified by the Copenhagen European Council.

What steps does the Commission intend to take to ensure that Ocalan is guaranteed the basic right of defence? Does it not consider that, since Ocalan's sentence of death has been commuted, Brussels should now exert pressure on the government in Ankara to ensure that Ocalan is granted freedom and that negotiations are launched with a view to a political solution to the 'Kurdish question'?

Answer given by Mr Verheugen on behalf of the Commission

(2 April 2003)

The Commission is aware of Abdullah Öcalan's current detention conditions. Since 27 November 2002 there have been reports that relatives and lawyers of Mr Öcalan have had difficulties in gaining access to him.

As a Candidate Country, Turkey aims to fulfil the Copenhagen political criteria as well as the priorities identified by the Accession Partnership. These include the alignment of prison detention conditions with European standards and full compliance with the provisions of the European Convention on Human Rights.

The Commission has been informed of the visit made on 16 and 17 February 2003 by a delegation of the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), which was given access to Mr Öcalan. The CPT delegation concluded that the health of Mr Öcalan was good, but that his continued isolation was a problem. The CPT's delegation will take steps to ensure that Mr Öcalan's right to receive visits is effective in practice.

The Commission will continue to monitor the conditions of Mr Öcalan's detention, and the respect of his right to defence.

(2004/C 33 E/052) **WRITTEN QUESTION E-0575/03**

by Nelly Maes (Verts/ALE) to the Commission

(28 February 2003)

Subject: Forced sterilisation of Roma women in Slovakia

As a member of the EU-Slovak Republic JPC, I have visited Slovakia on many occasions and have been frequently in contact with the Roma community. Within the context of accession negotiations, I have continually emphasised the rights of minorities. The recent report by the Centre of Reproductive Rights

concerning forced sterilisation of Roma women, the strong warning from the rapporteur for the European Parliament J.M. Wiersma and the testimony here in Belgium of Roma women seeking asylum in our country all point to the same conclusion: practices which we thought belonged to a dark and distant past are still common.

Some women have told me that they were forced to undergo sterilisation, others that they were sterilised whilst under anaesthetic during a Caesarean section. Yet others have spoken of financial assistance being provided for sterilisation under the family planning budget.

The Slovak minister responsible for minorities is setting up an inquiry, but, according to news agency CTK, writing on 30 January 2003, the minister also envisages the institution of proceedings against the authors of the report.

Will the Commission be pressing for a detailed, objective national inquiry and will it be examining critically the results of such an inquiry against the background of Slovakia's accession to the EU? If so, could the Commission forward to me the results and measures to be taken by the Commission in response? If not, does the Commission consider this form of reproductive policy not to contravene human rights?

Answer given by Mr Verheugen on behalf of the Commission

(28 March 2003)

The Commission is aware of the allegations, recently published in a report of the 'Center for Reproductive Rights', that Roma women are being sterilised without their consent or with coerced consent by doctors in Eastern Slovakia.

The Member of the Commission responsible for Enlargement has immediately addressed this issue in a letter to Slovak Prime Minister Dzurinda, underlining that these allegations are a matter of serious concern and if proved to be true, would constitute a serious breach of human rights, provided the public authorities have supported, tolerated or not taken proper legal actions in this respect. Moreover, he has asked the Slovak authorities to vigorously carry out the necessary criminal investigations, to remedy possible discriminatory measures and keep the Commission informed about the proceedings.

According to the Commission's information, the competent authorities have launched the criminal investigations, with a special investigation team being set up. The Roma advisor to the Ministry of Interior, a Roma himself, has been assigned to consult this team. The Ministry of Health and the Slovak Gynaecological Society have been closely associated with the investigations. A preliminary inspection of the latter institutions to one of the hospitals, mentioned in the report, has not confirmed the allegations, so far. Finally, the Council of Europe has been invited by Slovakia to conduct a fact-finding mission in Eastern Slovakia.

The Commission will continue to closely monitor the further proceedings and outcome of the investigations. It will consider further measures, if appropriate and necessary and will, of course, keep the Parliament informed.

(2004/C 33 E/053) **WRITTEN QUESTION E-0594/03**

by Matti Wuori (Verts/ALE), Bart Staes (Verts/ALE) and Elisabeth Schroedter (Verts/ALE) to the Commission

(28 February 2003)

Subject: EU support for the indigenous peoples of the Russian Federation

The indigenous peoples of the Russian Federation are approximately 200 000 in number, distributed among 40 distinct groups with rich cultural heritages. Most of these peoples continue to live in the traditional way. They are spread over huge areas, often without basic transport and communication structures. They are the first to be affected by the serious environmental threats (linked to the presence of gas and oil extraction plants, whose products are exported to the European Union) and the effects of climate change. Their estimated life expectancy is 25 years lower than the average life expectancy of the population of Russia.

Has the Commission supported the indigenous peoples as a target group under TACIS or other Community programmes in the past five years? Could it provide a list of these projects?

How does the Commission monitor application of the principles of prior consultation, equal participation and the right of veto of the indigenous peoples in the context of projects affecting them? (See the Council's conclusions of 30 November 1998 on indigenous peoples in the developing countries.)

How does the Commission keep itself informed of the situation of the indigenous peoples in the Russian Federation, particularly as regards human rights, but also at the socio-economic, environmental and cultural levels?

Answer given by Mr Patten on behalf of the Commission

(2 April 2003)

The Commission is aware of the very particular situation of indigenous peoples living in Russia as well as the difficulties they face.

The EC has funded several technical assistance projects, with the aim of promoting awareness of issues affecting indigenous peoples and improving their access to education.

In addition to a certain number of more general projects which relate to ethnic relations (and which therefore touch on questions relevant to indigenous peoples), two projects funded by the European Initiative for Democracy & Human Rights (EIDHR) specifically target Russian indigenous peoples.

The first project, which runs until April 2003, aims to raise the awareness of the Russian population about the rights and problems of minority indigenous peoples of the North, Siberia and the Far East. This project has, inter alia, created a cycle of 12 weekly educational radio programmes for Radio Russia. The second project, which aims to extend the possibilities of the indigenous peoples of Siberia to obtain high level education, will be launched soon.

The EIDHR is a demand-driven programme. The Delegation of the Commission in Moscow seeks to make sure that all interested non-governmental organisations (NGOs) are aware of Commission EIDHR calls for tender as they are announced, including NGOs of indigenous peoples.

The Commission closely follows the situation with regard to indigenous peoples in Russia by for example maintaining contacts with organisations working to promote the rights of indigenous peoples. One example is the Russian Association of Indigenous Peoples of the North (Raipon), an NGO representing the interests of northern indigenous peoples in Russia. NGOs of this type regularly take part in calls for tender run by the Commission.

(2004/C 33 E/054) **WRITTEN QUESTION E-0608/03**

by José Ribeiro e Castro (UEN) to the Commission

(3 March 2003)

Subject: Angola: Budget 2003 — Government's Economic and Social Programme for 2003/2004

In reply to question E-2862/02 ([1]) of 10 October 2002 on the same subject (by the author of the present question), the Commission, in the person of Commissioner Poul Nielsen, stated on 4 December 2002: 'As regards information on the implementation of the 2002 budget and the preparation of the 2003 budget,

the lack of accurate and detailed information excludes a substantiated comment in this matter', especially as regards real social impact. He added, however, that the government's Economic and Social Programme for 2003/2004 'would, if implemented, mean an important improvement in social spending and a welcome matching of expenditure with the Community-financed rural rehabilitation programme in the central highlands'.

Meanwhile, time has passed and a new budget year has begun. Very recently, the EU and Angola signed the National Indicative Programme (involving, apparently, a sum in the region of EUR 200 m for the entire period covered), in which there is a clear reference to the option of a fund for the social sectors and the food safety/agricultural development sector.

Is the Commission in possession of data relating to the budgetary execution for 2002 and the preparation and execution of the first twelfth of the 2003 budget, especially with regard to social areas and tasks? Has the Commission monitored the execution of the government's Economic and Social Programme for 2003/2004? Does it have information at this stage on this programme's real contribution as regards resource allocation to the areas and tasks mentioned? What information and guarantees was Commissioner Nielson able to obtain during his visit to Angola at the end of January 2003?

(1) See page 13.

Answer given by Mr Nielson on behalf of the Commission

(10 April 2003)

The situation regarding the availability and reliability of data on Angola has not noticeably improved in the last months.

The Commission does not have data relating to budget execution for 2002, as the Government has not published such figures. The same applies to figures for budget implementation for the first months of 2003. In the first phase of the 2003/2004 government transition plan, it is foreseen that social spending as a whole will overtake defence spending, forecast at 4,71 % of total public spending: education 7,16 % of total, health 5,06 %, social security 1,26 %, housing and community services 1,36 %.

The lack of official and/or reliable information makes it very difficult to follow developments in the country. It is in any case, almost impossible to monitor the execution of a government plan so soon after its inception.

The Community/Angola Co-operation Strategy 2002-2007 signed on 28 January 2003 does indeed foresee a concentration of Community support to the social sectors (health and education) and food security. A concentration on these sectors is envisaged in the medium to longer term. In the short to medium term, priority is given to funding the measures necessary to support the peace process and national reconciliation, including creating the conditions for free and fair elections. In this context it is worth mentioning that the strategy also foresees support to the National Institute of Statistics (INE) to increase its capacity and to improve the availability of statistical information on poverty in Angola.

During the visit of the Member of the Commission responsible for Development and Humanitarian Aid to Angola, at which the signing of the Co-operation Strategy took place, the Member of the Commission in meetings with government representatives underlined repeatedly the necessity of increased spending in social sectors as part of Angola's peace dividend. He stressed that the international community's contribution to the reconstruction of Angola could and should only complement, but never substitute the government's own efforts. The Member of the Commission pointed out that the international community expected that the end of the conflict should enable the government to assume a greater share of the burden of meeting the needs of its own people. This would also be seen as an important element in the context of the international donors' conference on the reconstruction of the country. The Member of the Commission was assured that the government was prepared to tackle the issue of poverty reduction and stronger support for the social sectors in the framework of the above mentioned programme as well as of a long-term development strategy up to the year 2025, which is currently under preparation. The Post-Conflict Rehabilitation and Reconstruction Programme the government is preparing with World Bank assistance and which will be presented at the donors' conference, should give a further insight into the government's intentions as regards the social sectors.

(2004/C 33 E/055)

WRITTEN QUESTION P-0617/03

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

(25 February 2003)

Subject: Article in the Financial Times of 20 February 2003 on differences of opinion within the Commission on competition in the wholesale broadband internet market in the EU

With reference to an article appearing on the front page of the Financial Times of 20 February 2003, 'Brussels chiefs clash over internet':

- Could the Commission indicate what the situation has been since 1 January 2003 with regard to the significant dominance by incumbents (former monopolists) on the EU wholesale broadband internet market and with regard to local loop liberalisation?

- Is it correct that, as of 1 January 2003, only 4 % of the 187 million telephone lines in the EU were broadband and that most of this 4 % is in the hands of incumbents? Does the Commission have other data?

- When does the Commission expect to take decisions in connection with the probes it has launched into the market conduct of, inter alia, France Telecom (Wanadoo) and Deutsche Telekom?

- What differences exist within the Commission between the Competition DG and the Information Society DG with regard to analysing the market as referred to in the article in question, and could the Commission explain these differences?

Answer given by Mr Monti on behalf of the Commission

(4 April 2003)

1. The data provided in the Eighth report on the implementation of the telecommunications regulatory package [1] reflect the situation as of September 2002. At that time, alternative suppliers accounted for 22 % of all DSL connections, but only 4 % of retail DSL connections were provided through local loop unbundling (the difference between 22 % and 4 % corresponds to DSL resale services, whereby an alternative provider simply re-packages a service determined by the incumbent, and DSL lines served through wholesale bitstream access services). The most recent data made available to the Commission by the regulatory authorities of the Member States, and referring to the market situation as of 1 January 2003, indicates that there are 12,67 million broadband access connections in the EU (principally using telephone and T.V. cable modem connections). The market share of telecom incumbents for broadband access is now 60 %. As regards local loop unbundling, 1,27 million telephone lines have now been unbundled, representing an increase of 189 000 lines since 1 October 2002.

2. In the Commission's Eighth Report it was indeed reported that 4 % of the 187 million telephone lines in the EU were broadband lines. On the basis of the latest data available to the Commission, relating to 1 January 2003, this figure has now increased to 4,75 % (8,87 million lines).

In addition to the provision of broadband services over telephone lines, high speed Internet can also be supplied over cable networks. Access to broadband services through cable networks account for around 2,6 million connections.

It should be emphasised that the percentage of actual take-up of broadband services does not reflect the territorial coverage of broadband services. In fact, the large majority of EU households reside in areas where broadband services are now technically available.

3. The Commission has the intention to take a definitive position on the two cases mentioned before the Summer break.

4. The market analyses referred to (SMP Guidelines, Guidelines on Relevant Markets, Implementation Reports) are adopted as a formal position of the Commission. Before the Commission takes a decision, consultations between the services involved always take place. In relation to the situation in the markets in question, the most recent assessment adopted by the Commission was the Eighth Report, referred to

above. The Commission has also adopted its position on the future analysis of these markets, under the new regulatory framework, in the Commission Recommendation on relevant product and services markets within the electronic communications sector (C (2003) 497, 11/02/2003). Regarding broadband services, in this Recommendation the Commission has reached the conclusion that, while the development of competing technological platforms was an objective of primary importance, in compliance with the principle of technological neutrality, under specific conditions ex-ante regulation of wholesale broadband access may be necessary to foster competition.

(1) COM(2002) 695 final.

(2004/C 33 E/056) **WRITTEN QUESTION E-0634/03**

by Rosa Miguélez Ramos (PSE) to the Commission

(4 March 2003)

Subject: Protection of the Siberian tiger

Is the Commission aware of the threat to the Amurian or Siberian tiger, which, like the world's four other tiger species, is in danger of extinction?

What action is the Commission taking to contribute to the protection of the Amurian tiger, a species of which, according to the WWF, only between 200 and 400 are now in existence, in Primorsky Kray and the Khabarovsky Kray region in the far east of Russia near the border with China? Is this region covered by any TACIS projects?

Could a project be launched under the EU/Russian Federation cooperation arrangements with the objective of saving this endangered species?

What position and measures is the EU adopting in general to encourage the Russian Federation to protect its national parks, which are now facing substantial problems thanks to the difficult economic situation in the regions?

Is the Commission aware of the recent conflicts and tensions generated among the Udege, the main ethnic group in the Amur regions, who have traditionally protected the tiger, which has a vital place in their culture as a sacred animal? At present, following changes a few years ago in the local management of the project, a crisis is affecting the partnership between the Udege and the WWF-backed managers of the Changbai park in the Amur region. It appears that the WWF has been alerted at international level by the Udege, but is not taking the necessary measures to bring its practices into line with its own policy positions on strategy and principles regarding indigenous peoples.

Answer given by Mr Patten on behalf of the Commission

(28 March 2003)

The Commission is aware of the threat to the Amur tiger and has discussed this question with the Russian authorities in the framework of the EU-Russia Partnership and Co-operation Agreement.

The Siberian tiger is listed on Annex A of Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein (1) which implements the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in the Union. This means that commercial trade in the species is prohibited and imports may only take place under exceptional circumstances, e.g. for research aimed at the conservation of the species.

In the meeting of the Sub-Committee on Environment on 20 September 2001, the Russian authorities explained that a National Strategy for the Protection of the Amur tiger exists and that Federal funding has been allocated for a special programme. The Amur tiger population was reported to be about 450, probably as high as it could be. An anti-poaching task force had been established, a Joint-Intervention

Agreement had been signed with China and several meetings held (also with Japan and Korea) to coordinate action against poaching and smuggling. USD 3 million had been invested over the past three years to protect tigers; the programme was to be extended to cover other big cats.

TACIS projects are identified in a dialogue with the Russian authorities and are to be in line with the adopted strategy for Russia. Currently it is focussed on four main areas: support for institutional, legal and administrative reform; support to the private sector and assistance for economic development; support in addressing the social consequences of transition; nuclear safety. The Commission has not received any proposal for consideration from the Russian authorities with regard to the situation of the Amur tiger. If received, the Commission will assess to what extent it corresponds to the strategy for assistance and which priority such a project proposal could get relative to other pressing needs.

The Commission is currently not aware of problems related to activities of the World Wild life Fund (WWF) in the Amur region and the indigenous Udege people.

(1) OJ L 61, 3.3.1997.

(2004/C 33 E/057) **WRITTEN QUESTION E-0648/03**

by Erik Meijer (GUE/NGL) to the Commission

(5 March 2003)

Subject: Absence of compensation and rehabilitation measures for people illegally deported from Slovakia in 1946 and 1947

1. Is the Commission aware that Law No 88/1945 of 1 October 1945, which was in force for twenty years in the former Czechoslovakia, authorised the State to compel men between 16 and 60 and women between 18 and 55 to leave their homes and engage in forced labour for a maximum of one year in order to combat catastrophes or crises and carry out urgent public works, with the proviso that pregnant women, mothers and the sick were exempt, only individuals, and not whole families, could be requisitioned, and the people concerned retained their homes and property in their absence?

2. Is the Commission aware that in 1946 and 1947, 43 546 people were sent into forced labour, that, in violation of the law, in many cases the period of forced labour was in excess of one year, that people were sent far away from their homes — without decent accommodation or salaries — to work in agriculture and other industries where there was no crisis situation, that the army and police transferred whole families — including children and elderly people — in cattle trucks from what is now Slovakia to the present-day Czech Republic and confiscated their houses in order to give them to new occupants, a measure which, for the Hungarian-speakers from the southern border area of Slovakia and for members of the large Roma community living mainly in the east of Slovakia, came close to what is now known as ethnic cleansing?

3. Does the Commission understand the sense of indignation felt by the victims of these measures, originally from Slovakia, and their descendants, who now live in Slovakia, the Czech Republic and other — mainly European — countries, at the fact that the Slovak Government has in the meantime decided to compensate and rehabilitate the victims of illegal acts committed during the Fascist regime, between 1939 and 1945, and the Communist period, from 1948 to 1949, but is not taking any similar measures for the benefit of the victims of forced labour and ethnic cleansing during the allegedly democratic period in between, i.e. from 1945 to 1948, and that the Slovak Prime Minister does not reply to complaints on this subject?

4. What can the Commission do to ensure that when Slovakia becomes a member of the European Union a satisfactory solution is found to this problem, which has been dragging on for so long and which is reminiscent of situations that we now reject in the European Union?

Answer given by Mr Verheugen on behalf of the Commission

(7 April 2003)

The Commission is well aware of the post-war Czechoslovak legislation relating to members of the Hungarian and German minorities living in the Czechoslovak Republic. The Commission has conducted a thorough analysis of the relevant decrees issued by the Czechoslovak president and related laws of the years 1945 and 1946, as well as related aspects regarding the restitution legislation of the Czech(oslovak) Republic of the 1990s.

The Summary Findings of the Commission's analysis, which were presented to the public on 18 October 2002, do not show any obstacles to accession in the light of the acquis communautaire, as the decrees and laws in question cannot be applied anymore. Certain discriminatory elements in the relevant Czech(oslovak) restitution legislation with regard to confiscated property have not been found to be in contradiction with the acquis since all deadlines for filing new claims have expired. The Commission is grateful to the Honourable Member for pointing out that the law on forced labour he refers to has long ceased to apply.

The Commission cannot engage in a debate as to whether or not any given law on forced labour was applied in accordance with the same law's proper stipulations, at any given moment in history prior to the first European Community's coming into existence whether in an EU Member State or third country. The Commission recalls that article 5 of the Charter of Fundamental Human Rights of the European Union strictly prohibits any form of slavery or forced or compulsory labour, that is, irrespective of circumstances.

The Commission recalls that both the European Parliament and the European Council have repeatedly endorsed the Commission's view that the Slovak Republic fulfils the Copenhagen Criteria and will be able to fully implement and enforce the acquis communautaire by the date of accession. The Community has no competencies regarding matters of restitution or compensation for historical injustices. Member States may choose to set certain conditions or limitations to such measures as they see fit, provided the latter do not conflict with other applicable Community law such as the principle of non-discrimination.

The Commission appreciates all efforts by current and future Member States to address the burden and injustices of the past, and encourages them to persist in these efforts. The Communities have been founded on the common determination to overcome former tensions between the peoples of Europe. By addressing these questions of a moral and psychological nature, they contribute to the strengthening of our Union of mutual respect and understanding.

(2004/C 33 E/058) **WRITTEN QUESTION E-0654/03**

by Graham Watson (ELDR) to the Commission

(5 March 2003)

Subject: Mozambique sugar farmers

Is the Commission aware of the devastating effect the 8 000-tonne import quota imposed on sugar exports from Mozambique is having on Mozambican inhabitants?

Mozambique has the means to produce as much as 30 000 tonnes of sugar for export to European countries. However, they are unable to do so owing to the strict import quota. Sugar factories in Mozambique are prepared to fund small-scale farmers to buy equipment to enable them to produce sugar from their rich farmland, therefore alleviating the dependence of Mozambicans on EU aid. However, the quotas imposed are restricting this possibility.

Is the Commission prepared to review and increase the quota, beyond the proposed 15 % increase, imposed on Mozambique sugar imports? Will the Commission make every effort to open up the market to Mozambique, therefore empowering its people to rebuild their economy and in turn reduce the need for international aid?

Answer given by Mr Lamy on behalf of the Commission

(26 March 2003)

Mozambique had no access to the Community's sugar market before the 'Everything But Arms' (EBA) initiative. This initiative has, therefore, offered them new preferential export opportunities and has played an important part in the revival of the sector after civil war and flood.

Mozambique will be able to export unlimited quantities of sugar to the Community from 2009. Meanwhile, transitional arrangements apply: they participate in the EBA quota which increases year on year by 15 % from 74 185 tonnes in 2001-2002 to 197 355 tonnes in 2008-2009. These transitional arrangements were necessary to allow the Community to undertake the necessary internal adjustments necessary to cope with increased EBA imports.

It would be inadvisable for the sugar sector to rely solely on access to one foreign market: for development reasons, all export opportunities should be considered. Mozambique is thus starting to export to other markets both within the Southern African Development Community (SADC) region and to the United States, which should further help Mozambican sugar farmers.

(2004/C 33 E/059) **WRITTEN QUESTION E-0655/03**

by Bill Miller (PSE) to the Commission

(5 March 2003)

Subject: EU/Norway Anti-Dumping Agreement

If the Commission backs the decision by the Anti-Dumping Committee to abandon the EU/Norway Agreement, will the Commission be prepared to monitor the situation immediately, especially with regard to independent salmon farmers?

Would the Commission accept that if there is a marked deterioration in the livelihood of the independent salmon farmers, then reimposing a ban on the dumping of salmon would have to be considered not just on Norway, but also Chile and the Faroe Islands?

Answer given by Mr Lamy on behalf of the Commission

(31 March 2003)

On 20 December 2002, the Commission made disclosure to the parties concerned of the essential facts and considerations on the basis of which it was proposed to terminate the review of the anti-dumping and countervailing measures applicable to imports of farmed Atlantic salmon originating in Norway and the anti-dumping proceeding concerning imports of the same product originating in Chile and the Faeroe Islands without the application of trade defence measures.

In accordance with the relevant Community legislation, the parties concerned were given the opportunity to make written submissions to the Commission on the substance of the proposal. The Commission also sought the opinion of Member States' delegates to the Anti-dumping and Anti-subsidy Advisory Committee regarding the proposal as it is required to do by the same Community legislation. The opinions expressed by Member States' delegates to the Committee and discussions taking place in that body are confidential.

However, it should be made clear that the proposal as presented to the Committee concerned the termination of the existing measures applicable to imports of farmed Atlantic salmon from Norway and not the so-called 'Union/Norway Salmon Agreement.' This agreement, which was signed in 1997 between the Commission and the Norwegian Government and which came to an end on 28 February 2003, provided amongst other things a forum for an exchange of views between the signatories on the state of the market for salmon in the Community. The measures in place at the present time on the other hand,

including the system of price undertakings, do not depend upon the agreement. Consequently, the trade defence measures applicable to Norwegian imports of farmed Atlantic salmon remain in place and will continue to do so until a definitive decision is taken.

The issue of a system to monitor developments in the salmon market, should the application of the measures on Norwegian imports not be extended, has been raised by a number of parties. The Commission is currently considering the practicalities of such a system both in terms of its scope and of its legal implications.

The Commission remains ready to investigate all cases where there is positive evidence of unfair trade practices by third country exporters and to take action to redress injury suffered by Community producers where this is justified. Therefore, if it is ultimately decided to repeal the existing measures applicable to imports of farmed Atlantic salmon from Norway and not to impose measures on imports from Chile and the Faeroe Islands, the independent salmon farmers to which the Honourable Member refers, will have the possibility to present a substantiated complaint to the Commission in respect of some or all of these imports, which shows, inter alia, that the circumstances on which the termination was based have changed and that there is prima facie evidence of injurious dumping.

(2004/C 33 E/060) **WRITTEN QUESTION E-0656/03**

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

(5 March 2003)

Subject: Dredgers in Indonesia

On 26 July 2002 a number of dredgers, including three Belgian vessels, were stopped by the Indonesian navy near Sumatra. They were apparently not carrying the correct papers. An accusation of theft of sand was also made. The vessels were subsequently held under arrest.

On 9 October an Indonesian court fined each of the Belgian dredgers over EUR 3 000 for not having the correct papers on board, but only copies. Following payment of the fines the vessels should have been released. The judge makes no reference in his verdict to theft of sand. The fact is that there was no question of theft. If too small an amount of sand extracted was stated, this is solely to be ascribed to the local concession holders, who are in contact with the central authorities. That, however, is an internal Indonesian problem. The Indonesian Government ignored the judgement and decided, regardless of the judge, to demand damages of EUR 18,5 million as a condition for release. This sum amounts to 15 % of the dredgers' value. The Indonesian Government refers to compensation for the losses suffered by the Indonesian population due to disadvantageous conditions in respect of sand extraction laid down by previous governments. The dredgers have paid the sum and have since been released.

1. Is the Commission aware of this state of affairs?

2. If so, does the Commission consider that the Indonesian Government has acted in contravention of its obligations under the WTO?

3. Does the Commission consider that the Indonesian Government (wrongly) ignored the verdict of the Indonesian judge and thereby undermined the rule of law?

4. If so, does the Commission intend to intervene with the Indonesian Government in this connection?

Answer given by Mr Patten on behalf of the Commission

(4 April 2003)

The Commission is aware of the issue concerning court proceedings in Indonesia and the impounding and subsequent release of a number of dredgers, among them Belgian vessels.

At this stage, the Commission does not consider that the behaviour of the Indonesian Government conflicts with its World Trade Organisation obligations.

With regard to the alleged ignorance of the judgement by the Indonesian Government the Commission considers this as an internal problem which has no bearing on Indonesia's international obligations. The Commission therefore does not intend to intervene with the Indonesian Government at this stage.

(2004/C 33 E/061) **WRITTEN QUESTION E-0658/03**

by Charles Tannock (PPE-DE) to the Commission

(6 March 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.

UN 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 Commission accept that Iraq's longstanding failure to co-operate with the U.N. 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 Commission 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?

Answer given by Mr Patten on behalf of the Commission

(25 March 2003)

As already stated in previous Council declarations as well as in the last European Council conclusions of 17 February 2003, the Commission agrees that Iraq failed to comply with several United Nations Security Council resolutions from 1991 onwards.

The Commission believes that it is the responsibility of the United Nations Security Council to decide whether the United Nations Security Council Resolution 1441 provides or not the adequate legal basis for armed intervention. The Commission upholds the authority of the United Nations Security Council as the competent body to provide the adequate interpretation of these resolutions, and to answer the questions the Honourable Member raised.

(2004/C 33 E/062) **WRITTEN QUESTION E-0660/03**

by Maurizio Turco (NI) to the Commission

(6 March 2003)

Subject: Fraud against the EU budget involving 514 companies based in Italy and Luxembourg

Knowing that:

— on 18 February the Italian judiciary arrested 10 people charged in connection with false invoices and fraud against the EU budget, involving 514 companies based in Italy and Luxembourg;

— those arrested include the managing director of Maguro SpA, which has its registered office in San Prospero Parmense (Parma) and operational base in Sant'Ilario d'Enza (Reggio Emilia). He had already been cautioned in 2001 in connection with attempted embezzlement of Community funds from the Banco di Sicilia.

Can the Commission say:

— whether it knows about the two investigations and, if so, whether OLAF has launched inquiries;

— whether it has obtained or intends to obtain a list of the 514 companies implicated in the fraud;

— whether it has a data bank concerning individuals and companies who have defrauded or tried to defraud the EU and, in the case of companies, data concerning the people in charge of them?

Answer given by Ms Schreyer on behalf of the Commission

(28 April 2003)

The Commission can confirm to the Honourable Member that the facts in question are under criminal investigation in Italy and currently subject to judicial confidentiality (Article 329 of the Italian Criminal Code on preliminary investigations).

Should it emerge that Community funding has been affected, the Member State will have to notify the Commission of that fact, in accordance with the sectoral and general rules, following prior authorisation by the competent judicial authority. The European Anti-Fraud Office (OLAF) could establish from the notification whether there was any damage to the Community budget, as well as gathering information on the companies and individuals involved. At this stage, OLAF has indicated that no investigations are ongoing.

Finally, the Commission states that it has no register of individuals and companies guilty of fraud or attempted fraud against the European Union. However, depending on how the Community funds in question are managed, there are several databases with information on irregularities relating to Community funds.

It should also be noted that, in accordance with the subsidiarity principle, it is the Member States which are principally responsible for the financial control of Community funds.

(2004/C 33 E/063)

WRITTEN QUESTION E-0673/03

by Marco Pannella (NI)
and Maurizio Turco (NI) to the Commission

(7 March 2003)

Subject: Serious and persistent violation of religious freedom by the Russian authorities

On 21 February this year Bronislav Czaplicki, a Polish Catholic priest working in Pushkin, a town near St Petersburg, was asked by the Russian authorities to leave the country because his residence permit had been withdrawn.

This is the latest in a series of moves on the part of the Russian authorities to expel ministers of religion. The following are examples from 2002:

— in September Leo Martensson, a Swedish Evangelical minister working in the Krasnodar area, had his residence permit withdrawn; on 12 September Jaroslaw Wisniewski, a Polish Catholic minister working in the Sakhalin area, was stopped on his arrival in Khabarovsk (in the far east of Russia) and deported to Japan, from where he had arrived by air; on 10 September the residence permit of Eduard Mackiewicz, a Polish Catholic working in the Rostov-on-Don area, was withdrawn;

— in August Stanislav Krajnak, a Slovakian Catholic working in the Yaroslavl area, was refused a residence permit; Chalyshan Seidi, a Turkish Muslim working in the Bashkortostan area, was expelled; Victor Barousse, an American Pentecostal minister working in the Irkutsk area, was refused a residence permit;

— in June the residence permit of Aleksei Ledyayev, a Lithuanian Pentecostal minister was withdrawn; Ronald Cook, Virginia Cook and Jeffrey, Susan and Jordan Wollman, American Evangelicals working in the Kostroma area, were refused residence permits; the 14th Dalai Lama Tenzin Gyatso, a Tibetan refugee, was refused a visa;

— on 19 April the residence permit of Monsignor Jerzy Mazur, a Polish Catholic bishop in the diocese of San Giuseppe in Irkutsk (southern Siberia), was withdrawn; on 15 April the residence permit of Don Stefano Caprio, an Italian Catholic working in the Vladimir area, who had been resident in Russia for 12 years, was withdrawn;

— in February the residence permit of Paul Kim, a South Korean Evangelical working in the Kalmykia area, was withdrawn; Autumn Newson, Matthew Crain and Weston Pope, US citizens and Mormons, working in the Pskov area, were expelled.

Can the Commission answer the following questions:

— Does it know about these incidents? What steps has it taken or does it intend to take vis-à-vis the authorities of Russia, a signatory to the International Declaration of Human Rights, which it is seriously and persistently violating by virtue of these actions?

— What steps has it taken or will it take regarding the motion for a resolution signed by 133 MEPs calling for respect for religious freedom to be included among the priorities for action in the EU's relations with third countries and to make provision, in the event of violations, for sanctions similar to those envisaged since 1988 by the US law on religious freedom in the world (Public Law 105-292/105th Congress)?

Answer given by Mr Patten on behalf of the Commission

(3 April 2003)

The Commission is aware of the refusal to provide and/or withdrawal of residence permits from a number of persons seeking to practice religion in Russia. The Commission is conscious of the difficult situation in which religions other than Russian orthodoxy find themselves in Russia. Indeed, several expulsions have taken place since April 2002, following the decision by the Vatican to seek to upgrade the four temporary church structures in Russia to permanent Roman catholic dioceses. Other churches have also been the target of expulsions.

It is for this reason that the Commission — in the context of Union/Russia political dialogue — has on a number of occasions underlined that the Union/Russia partnership is based on fundamental core values, among which is full respect of human rights.

It is to be recalled that each State enjoys discretion whether to allow for the presence of foreigners within its territory or not. Therefore, in general, a revocation of a residence permit cannot be deemed to be incompatible with the major international and European Human Rights conventions that Russia has ratified. On the other hand, revocation of a residence permit for the sole reason to undermine the exercise of religion or belief might well constitute an indirect sanction contrary to the freedom of religion or belief, depending on the circumstances in each case. The Commission will continue to impress upon the Russian authorities on this issue

In parallel, the promotion of human rights in Russia will continue to be a priority in the framework of the European Initiative for Democracy and Human Rights (EIDHR), Russia being a focus country under this programme.

(2004/C 33 E/064) **WRITTEN QUESTION P-0675/03**

by Wolfgang Kreissl-Dörfler (PSE) to the Commission

(3 March 2003)

Subject: Green gene technology — developing countries

In 1999 the German NGO 'Internationaler Landvolkdienst der Katholischen Landvolkbewegung' (International Rural Service of the Catholic Rural Movement — ILD) was asked to consider the extent to which green gene technology might help improve food security in developing countries. Together with other non-governmental organisations, the ILD held an international hearing and two international congresses to create a broad platform for a public debate with representatives from the world of science, industry and organisations working in the field of agricultural development. The ensuing publications provide a detailed picture of the various aspects of green gene technology and also demonstrate the great need for information among the various players. This applies in particular to the ILD's project partners in the developing countries concerned. In order to continue the debate at European level, the ILD submitted its first application for funding together with a French and a Belgian partner in 2000. This application was rejected on the grounds that, firstly, the French partner was not a purely development-oriented NGO and, secondly, the ILD's annual budget of around EUR 500 000 meant that it did not have the required financial capacity. The ILD then submitted a fresh application — taking account of the Commission's criticisms — in 2002, but this application was also refused, for reasons which had not been cited previously.

1. Why is nothing being done to promote a broad grass-roots debate on green gene technology, particularly given that none of the approved projects tackles this issue?

2. Once it has been initiated, how can the discussion process be continued in an efficient way?

3. Can the Commission envisage a better way of cooperating with applicants so that any uncertainties which emerge can be clarified from the outset and projects which have been approved in principle can also meet the Commission's requirements as regards form and content?

4. Is there a country-based key for the approval of projects? If so, what form does it take?

5. How many projects have been approved during the past two years (2001/2002), and for which Member States?

Answer given by Mr Nielson on behalf of the Commission

(4 April 2003)

The Commission's funding of projects through budget line B7-6000 is based on published invitations for eligible non-governmental organisations (NGOs) to present proposals for co-financing, which must conform to the criteria spelt out in the invitation. It is up to the NGOs to identify the issues they consider

important when they put forward proposals to raise awareness of development issues. The area of using 'green gene' technologies to address the problem of food security in developing countries is one among many issues presented by NGOs.

The Commission has websites which provide information more generally on this question. In September 2001 a broad-based public consultation was launched on the general question of 'life sciences and biotechnology'. Around 320 contributions were received, many of which were very comprehensive. Following this consultation, a Communication was presented in January 2002 [1].

The Commission is fully prepared to co-operate with applicants, as indicated in the Call for proposals.

There is no country-based key for the approval of projects. The information on the award of funding in 2001 and 2002 is available on the website: http://europa.eu.int/comm/europeaid/projects/ong_cd/index_en.htm.

On 30 and 31 January 2003 the Commission organised the stakeholder conference: 'Towards Sustainable Agriculture for Developing Countries: Options from Life Sciences and Biotechnologies'. More than 600 delegates from around the world attended the conference. Scientists mixed with policy-makers, development experts, farmers, young people and representatives of civil society to address the most important and controversial issues surrounding the use of bio-sciences and their ability to offer sustainable solutions for food production and the alleviation poverty. Proceedings are accessible on the dedicated web-site: http://europa.eu.int/comm/research/sadc.

The Commission supported in May 2002 the Second European Forum for Agricultural Research for Development, which took place in Rome in advance of the World Food Summit. Scientists and representatives of the civil society attended to discuss research priorities in agricultural research for development. One of the priority areas identified was the use of modern biotechnologies and development.

[1] OJ C 55, 2.3.2002.

(2004/C 33 E/065)

WRITTEN QUESTION E-0677/03

by Marco Cappato (NI) to the Commission

(7 March 2003)

Subject: Fumigation in certain coffee-growing areas of Colombia

Whilst I was visiting Colombia last week together with the Secretary of the International Anti-Prohibitionist League, Marco Perduca, a number of reports were received about a plan for the imminent fumigation of the coffee-growing areas of Colombia, in the context of a disastrous and indiscriminate campaign of chemical fumigation, from a very high altitude, of vast areas of the country, designed to eradicate coca leaf production and to be carried out in agreement with the US Administration.

In view of the devastating impact of this practice on human health, the environment and socio-economic equilibrium, and the fact that the Commission is carrying out alternative development programmes in some of these areas, has it taken steps to inform the Colombian authorities of its disapproval and the need to suspend immediately the alternative development programmes in those areas as soon as the operation is launched?

How does the Commission intend to try and ensure that the fumigation is not carried out and officially request that the operation be suspended all over Colombia?

Answer given by Mr Patten on behalf of the Commission

(7 April 2003)

The Commission does not support the aerial spraying of illegal crops in Colombia.

The Commission has obtained a political commitment from the Colombian Government that the areas covered by its alternative development projects (that foresee voluntary manual eradication) be exempt from fumigation. The Commission also discusses this issue with the United States' Government, and follows closely developments on the ground.

This position derives in particular from the Commission's view on aerial spraying in the Union, which is that in the future it should be restricted as far as possible, if not banned completely. In its Communication 'Towards a Thematic Strategy on the Sustainable Use of Pesticides' [1], the Commission proposes a general ban on aerial spraying, with specific derogation to be authorised by Member States if aerial spraying presents clear advantages and also environmental benefits compared to other spraying methods. This is due to the impact that spray-drift from aerial spraying of pesticides may have on human health and the environment, as well as its possible socio-economic impact, notably on non-targeted areas, inhabited areas, and water [2].

[1] COM(2002) 349 final.
[2] For details please refer to the following web page: http://europa.eu.int/comm/environment/ppps/home.htm.

(2004/C 33 E/066) **WRITTEN QUESTION E-0679/03**

by Marco Cappato (NI) to the Commission

(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 Commission 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?

What results have been achieved by the Commission's projects in Peru designed to replace the cultivation of coca leaves throughout the country?

To what extent is the Commission's work in the region influenced by the increased militarisation of Peru and the tension following Palomino's arrest and what interlocutors among the 'campesinos' does the Commission have to help carry out its projects?

Answer given by Mr Patten on behalf of the Commission

(9 April 2003)

The Commission Delegation in Lima monitors closely the political, economic and social situation in Peru. This includes keeping abreast of important current issues such as counter-narcotics and alternative development efforts through, among other means, contacts with Peruvian government authorities.

Commission policy is to support voluntary rather than forced eradication, and this policy is known to the Peruvian Government. Until recently, the Commission was not involved in any significant projects in Peru aiming at promoting alternatives to coca leaf cultivation. In October 2002 a project promoting alternative development in the Pozuzo Palcazu area, PER B7 310 IB 98 0253, was launched. This project will approach the promotion of alternatives to cultivation of coca as one aspect among many others within the framework of an integrated regional development project. The Global Operational Program of the Pozuzo Palcazu project is in the process of being established.

The field work of the project, still very limited at this stage, has not been affected by any tensions in the area up to now. The Commission's Peruvian counterpart agency and principal national interlocutor for the project is the Commission for Development and Life without Drugs (Comisión para el Desarollo y la Vida sin Drogas — Devida).

(2004/C 33 E/067) **WRITTEN QUESTION E-0699/03**

by Bart Staes (Verts/ALE) to the Commission

(10 March 2003)

Subject: Investigation into protection of the ink cartridge market

In mid-May 2002, in the course of a meeting with the assistant attorney-general at the US Justice Department, Mr James, Commissioner Monti indicated that the European Commission would be launching an investigation into the high prices for ink cartridges sold for use with printers. The sale of such cartridges linked to brands may represent a form of distortion of competition. The Commissioner indicated that the obligation to use ink cartridges of the same brand as a particular printer would be investigated very thoroughly.

Has an investigation since been launched into this potential form of distortion of competition?

If so, at what stage is the investigation, and is it already possible to draw provisional conclusions?

If not, why did the Commission not consider it appropriate to launch an investigation, contrary to its earlier intentions and despite the various complaints about high prices for ink cartridges that have been lodged with the Commission?

Answer given by Mr Monti on behalf of the Commission

(1 April 2003)

The Commission can confirm that it has recently initiated a case concerning, amongst others, the inkjet cartridges and printers sectors. It is currently analysing the conduct of a number of companies in these markets in light of the Community's competition rules.

The case remains at a preliminary stage of analysis and therefore the Commission is unable to provide further detailed information with regard to its development or scope at this point in time. Nevertheless, were the case to be pursued, the Commission would naturally make public further details of its examination of this issue as soon as it were possible to do so.

(2004/C 33 E/068)

WRITTEN QUESTION E-0710/03

by Marco Cappato (NI) to the Commission

(10 March 2003)

Subject: Census of coca producers in Peru and reclassification of coca leaf

The first (and so far only) census of legal and authorised coca-leaf producers in Peru dates back to 1978 and the purchase of coca leaf (exclusively by the state-run ENACO) is now based perforce on arbitrary criteria employed for the purpose of selecting the producers from whom coca leaf is bought for legal use. Furthermore, the figures relating to the increase in the size of the areas set aside for coca-leaf cultivation are contradictory.

The UN classifies coca leaf in the same category as cocaine and heroin, despite the fact that independent studies and ones carried out by the World Health Organisation itself have demonstrated the medical and nutritional properties of the product which, in the Andes, has an essential role to play in local culture, tradition and religion.

In view of the above facts and the passage of 25 years, does the Commission not think that it should call for and assist the drawing up of a new register of authorised producers on the basis of public, transparent and non-discriminatory criteria, not least for the benefit of the alternative-development projects to be implemented in the areas concerned?

Does the Commission not consider that, at the Ministerial-level segment of the UN Commission on Narcotic Drugs which is to be held in Vienna on 16 and 17 April 2003, it should propose the deletion of coca leaf from Table I in order to enable a legal coca-leaf market to emerge and thus a sustainable agricultural economy to develop in the Andean countries?

Answer given by Mr Patten on behalf of the Commission

(7 April 2003)

On the basis of the principle of co-responsibility, the Commission is supporting an alternative development programme in Peru, in the region of Pozuzo Palcazu (Community contribution of EUR 28 million). For the Commission, the objective of alternative development is to encourage economies that are based on the illicit cultivation of coca to move to a system based on licit activities, which is established through a dialogue with local communities and the respect for democratic principles. Consequently, the scope of alternative development is broad-based and does not merely consist of crop substitution.

Therefore, this programme only refers to illegal coca, which explains why the Community is not involved in ENACO activities. The Pozuzo Palcazu Programme includes different feasibility studies (such as environmental impact), support to transport and electricity infrastructures, productive activities (namely in agriculture, breeding and forest management), and the strengthening of representative structures among the beneficiaries involved in the project.

As regard the discrepancy in the figures about areas of coca cultivation, statistics from different sources give different figures for methodological and technical reasons.

The Commission is an active Permanent Observer of the United Nations Commission on Narcotic Drugs (CND), where it has been defending a balanced approach between prevention and treatment and the fight against production and trafficking. Alternative development projects are an illustration of the latter since, by providing alternative livelihoods, they seek to decrease the dependence of farmers on drug cultivation.

There are no plans for the next session of the CND to engage in a process of revising the three United Nations Conventions. Moreover, this matter has not been raised by Member States or by the Commission in the periodic discussions of Union drug policy.

(2004/C 33 E/069) **WRITTEN QUESTION E-0721/03**

by Rosa Miguélez Ramos (PSE) to the Commission

(11 March 2003)

Subject: Prestige: setting up a European civil protection force

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 20 calls for the setting up of 'a European civil protection force capable of responding to natural and industrial disasters, to create a legal framework for European responses to disasters and to appoint a Commissioner responsible'.

What measures has the Commission taken or does it intend to take in response?

Answer given by Mrs Wallström on behalf of the Commission

(15 May 2003)

The Treaty establishing the European Union does not allow for a European Civil Protection Force. Consequently, a Commission co-ordination mechanism to facilitate reinforced co-operation in civil protection assistance interventions ([1]) entered into force on 1st January 2002. Civil protection measures at Union level have strictly to respect the principle of subsidiarity.

The Union Response Centre, established in the above-mentioned framework, co-ordinates the assistance offered by the Member States in case of accidents.

Moreover, the Commission is also running a specific action programme in the field of response to marine pollution ([2]).

Finally, the Commission already announced its intention to ammend the Regulation creating the European Maritime Safety Agency in order to allow EMSA to purchase or lease anti-pollution ships in cases of maritime pollution in the Union.

([1]) Council Decision 2001/792/EC, Euratom of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions, OJ L 297, 15.11.2001.

([2]) Decision No 2850/2000/EC of 20 December 2000 of the Parliament and of the Council setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution, OJ L 332, 28.12.2000.

(2004/C 33 E/070) **WRITTEN QUESTION E-0732/03**

by José Ribeiro e Castro (UEN) to the Commission

(11 March 2003)

Subject: Guinea-Bissau: human rights

Recently there has been a spate of reports that trade unionists, human rights activists, leaders of opposition parties and those of various associations have been arrested in Guinea-Bissau. These reports come on top of others of severe restrictions on freedom of expression (RTP-Africa delegation, local radio stations and other media), and on other fundamental rights, making the gloomy overall picture of the economic, financial, social and political situation prevailing in Guinea-Bissau even blacker. Now, to complete this picture of general collapse, comes the news that the legislative elections originally scheduled for April will probably be postponed, on the grounds that the requisite funding simply cannot be found.

How has the Commission monitored the on-going deterioration of the situation in Guinea-Bissau and what measures has it taken, in particular with regard to protecting human rights and putting an end to political persecution there? Does the Commission believe that the EU could provide funding for the electoral

process, and thus help to ensure democratic developments in Guinea-Bissau? What other measures does the Commission intend to take, either on its own or in cooperation with other countries and international organisations, with a view to promoting Guinea-Bissau's return to democratic normality?

Answer given by Mr Nielson on behalf of the Commission

(9 April 2003)

Within the context of its political dialogue with the authorities of Guinea- Bissau, the Commission closely follows, in a permanent and regular way, the on-going deterioration of the situation as described by the Honourable Member. A political dialogue encompassing a regular assessment of developments concerning respect for human rights is provided for in article 8 of the Cotonou Agreement.

The Commission is willing to consider requests for financial support to the electoral process.

The Commission will continue to participate in a political dialogue with the authorities of Guinea-Bissau, which may be intensified depending on the evolution of the situation.

(2004/C 33 E/071) **WRITTEN QUESTION E-0739/03**

by Erik Meijer (GUE/NGL) to the Commission

(11 March 2003)

Subject: Increasing spread of AIDS in countries with a low standard of living through poor medical practice for injections and blood transfusions

1. Is the Commission aware of the article published in the February 2003 issue of the International Journal of STD and AIDS, a medical journal covering sexually transmitted diseases, in which David Gisselquist, John Potterat and others say that the spread of AIDS in Africa differs significantly from the spread of sexually transmitted diseases, that there is also a high incidence of AIDS in children between five and 10 years old whose mothers are not infected, and that AIDS occurs remarkably frequently in population groups with the highest level of education and health care?

2. Does the Commission agree with the authors of the article referred to in paragraph 1 that poor practice in blood transfusions and injections rather than sexual promiscuity may be contributing to the further spread of HIV/AIDS?

3. Does the Commission have comparable data from the applicant countries where, as a result of relative isolation, the spread of HIV/AIDS initially lagged behind that in Western Europe, but where there has subsequently been a sharp increase ever since cuts in the spending required to ensure good medical care or restrictions on access to health care for lower income groups as a result of the collapse of national health insurance systems for all?

4. To what extent is the EU involved in programmes in non-member countries to combat HIV/AIDS which have so far focused exclusively on sexually transmitted diseases and paid virtually no attention to poor practice and other shortcomings in medical treatment?

5. What can the Commission to do to ensure that the real causes of the rapid spread of HIV/AIDS throughout the world are better understood and that any changes required in methods of combating this disease are introduced as soon as possible?

Source: Netherlands newspaper, De Volkskrant, 25 February 2003.

Answer given by Mr Nielson on behalf of the Commission

(16 April 2003)

The Commission does not agree with the conclusion of a series of articles that appeared in the March 2003 issue of the International Journal of sexually transmitted diseases (STD) and acquired immunodeficiency syndrome (AIDS) that 'health care exposures caused more human immunodeficiency virus (HIV) than sexual transmission' (in Africa). Rather, the Commission concurs with the main conclusion of a recent World Health Organisation (WHO) and UNAIDS expert consultation on this subject that 'unsafe sexual practices continue to be responsible for the overwhelming majority of infections' with HIV in Africa ([1]).

The Commission is of the opinion that the purported high incidence of HIV infection found in children aged 5-10 years highlighted by Gisselquist and his collaborators was spurious, being caused by high rates of false positive HIV test results. This was due to the lack of accurate and valid assays in sub-Saharan Africa during the mid-1980s. Where children are subject to accurate and rigorous diagnostic testing, HIV infection has not been found in the absence of maternal HIV infection — except when the child has received a contaminated blood transfusion or has been breast fed by a HIV+ wet nurse. While the articles referred to findings of a statistical relationship between HIV infection and higher socio-economic status, this is not necessarily evidence against sexual transmission — as the authors themselves acknowledge.

This research, which is based on old data sets and outdated methods, is simply not consistent with the modern epidemiological picture of HIV infection in Africa, where infection rates are very low in children but then rise steeply with the onset of adulthood. The Commission is concerned that the publicity surrounding publication of these papers may cause undue alarm and might discourage parents from taking their children for routine immunisations and other health care. Furthermore, there is a risk that it could undermine current activities aimed at prevention of HIV transmission by promoting safe sex practices.

WHO have estimated that unsafe injection practices only account for about 2,5 % of HIV infections in Africa. The Commission agrees that this is the best available estimate, but accepts that there is still need for vigilance in monitoring the HIV/AIDS epidemic and for increased efforts to improve bio-safety in health care systems. In addition to Community support for national blood safety programmes in several African countries (including Malawi, Niger, Uganda, Zambia, and Zimbabwe) we will continue to work with governments to improve health care practices and ensure adequate provision of sterile medical supplies.

The Commission policies and priorities on fighting the HIV/AIDS epidemic in developing countries are enumerated in the Programme for Action on Accelerated action on HIV/AIDS, malaria and TB in the context of poverty reduction adopted on 20 February 2001 ([2]). This was updated in the Commission's Communication to Council and Parliament dated 26 February 2003 ([3]).

According to available data, the prevalence of HIV infection is rising rapidly in Eastern Europe. In the Caucasus and Central Asia, there is a great danger that the prevalence will soon increase to dangerous levels. The TACIS Indicative programmes for 2002-2003 and 2004-2006 identify the measures the Commission intends to undertake to assist partner governments in this region to prevent and fight HIV/AIDS. Prevention and control of HIV/AIDS is a particularly high priority in its cooperation with Ukraine and Russia, including the Kaliningrad enclave. In these areas, Community activities have a special focus on the problem of HIV transmission through intravenous drug use and mother-to-child HIV transmission. For example, in Russia, a new project to prevent and combat HIV/AIDS will be financed from the 2002 TACIS national programme. This will support a comprehensive public awareness and information campaign targeted at the population at large, with specific attention paid to the so-called 'bridge population' which contributes to the spread of HIV/AIDS from the risk groups to the general population. In this case, the main risk group consists of intravenous drug users, who may also be commercial sex workers, and the 'bridge population' is their sexual partners.

HIV prevalence in Accession Countries remains low. Data on HIV/AIDS in applicant countries are collected by the EuroHIV project, funded by the Commission. They can be downloaded from http://www.eurohiv.org/sida.htm. The reduction of the risk of HIV transmission by blood transfusion in the Union is one of the main aims of Directive 2002/98/EC of the Parliament and of the Council of

27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC [4], which will have to be applied by the accession countries in the future. This Directive includes requirements for donor deferral criteria, and HIV testing for each blood donation.

(1) http://www.who.int/mediacentre/statements/2003/statement5/en/.
(2) COM(2001) 96 final.
(3) COM(2003) 93 final.
(4) OJ L 33, 8.2.2003.

(2004/C 33 E/072) **WRITTEN QUESTION P-0743/03**

by Helena Torres Marques (PSE) to the Commission

(4 March 2003)

Subject: EU funds for the Caribbean tourism sector

The European Community, its 15 Member States and the 77 ACP countries (Africa, Caribbean and Pacific) are in the process of ratifying the Cotonou Agreement, signed in June 2000, providing a framework for EU-ACP trade and cooperation for the next 20 years.

The cooperation aid with ACP countries is channelled through different instruments: Direct cooperation aid through the ninth European Development Fund and loans through the European Investment Bank, as well as various support facilities like the Centre for Development of Enterprise, Proinvest or the European Business Assistance Scheme.

Some sub-regions in the ACP countries, like the Caribbean islands, are fiercely competing with EU destinations in the share of world tourism destinations. Does the European Commission have data on the total amount of funds and financing made available by the EU to the Caribbean tourism sector? How much of the money is available for private investments?

Answer given by Mr Nielson on behalf of the Commission

(26 March 2003)

The Commission, like many other donors, sees the tourism sector as a potential key player in achieving poverty reduction, to the extent that it can contribute to economic growth and job creation.

The Commission is particularly keen on promoting sustainable tourism, supporting the setting up of appropriate policy frameworks and setting standards, especially in the environmental field. It also wishes to support representative national and regional associations, promote training and other business development services to local small hotels and tourism related producers and service providers. In the past, support has been provided to facilitate at tourism fairs, participation for local operators, which is no longer envisaged. In specific cases, the preservation of historical monuments and the setting up of eco-tourism projects has been ensured.

Overall, through the 7th and 8th European Development Fund (EDF), EUR 20,8 million has been approved for regional tourism development programmes in the Caribbean.

The all African, Caribbean and Pacific States (ACP) programme Proinvest (8th EDF), which aims at strengthening foreign direct investments in the ACP States and cooperation agreements, is also likely to be active in the tourism sector in the Caribbean to support the setting up of partnership agreements between local and European players.

Other resources (about EUR 10 million) of the 7th and 8th EDFs have been devoted to tourism development under national programmes for countries like Surinam, Dominica and the Organisation of Eastern Caribbean States (OECS).

Only one country, Grenada, has identified tourism as focal sector under the 9th EDF. A small EUR 3,2 million project, centred on the renovation of a fort, has been envisaged.

No funds have been allocated through the EDF for capital investments in the tourism sector in the Caribbean in order to support new economic infrastructure.

Even if not specifically targeted on the tourism sector, some resources have been devoted to the tourism sector through national/regional or all-ACP programmes aiming at supporting the strengthening of local enterprises through access to business development services. In that respect, one can note the EUR 0,8 million awarded by the Union-ACP Business Assistance Scheme (EBAS) programme to Caribbean tourist operators (associations, hotels, tour operators, etc.).

Only the European Investment Bank (EIB) — not the Commission — directly supports private capital investments. As far as the EIB is concerned, the institution tries to limit its direct support to projects having a significant socio-economic benefit, especially when promoted by local operators. In this respect based on data available to end 2001, only two EIB direct loans are relevant, both with local promoters: in Anguilla: The Great House — EUR 1,5 million and in Grenada The Resort Hotel for EUR 1,5 million — both projects were financed from risk capital resources.

Through its global loans to financial intermediaries the Bank has also supported around 70 small hotels mostly owned and managed by indigenous non-foreign-chain affiliated small and medium-sized enterprises (SME's). While such support for this indigenous private sector investment in the sector is very appropriate, it does, however, mean that the Bank is most exposed in that part of the hotel sector that is the least profitable and the most risky.

The Community is committed to pursuing its support of the tourism sector in the future.

As far as the possible impact on the European destinations, one can point out the following elements:

— The Caribbean is a specific tourist destination, which means it is unlikely to be a direct competitor for most European markets. Moreover, one can be reasonably confident that tourist demand will continue to increase, as it has done consistently over time despite the recent fluctuation. Under these conditions there should be no cause for concern about the possible negative impact of new competitors in the tourist market. Their presence should absorb increased demand and provide an incentive for European destinations to improve the quality of their provision within a competitive market;

— Strengthening the local operators and associations can benefit European tourist operators, in that they will be able to enter more easily in partnership with reliable local partners;

— Through the development and enforcement of environmental, health and safety standards in conformity with international practices, the 8th EDF Caribbean Regional Sustainable Tourism Development Program will contribute to the establishment of responsible tourism and fair trade in tourism in the Caribbean, which are essential factors for a fair competition among all destinations.

(2004/C 33 E/073) **WRITTEN QUESTION E-0746/03**

by Jillian Evans (Verts/ALE) to the Commission

(11 March 2003)

Subject: Hmong Christians in Vietnam

The suffering of Hmong Christians in Vietnam has been brought to my attention. Contrary to Article 18 of the International Covenant on Civil and Political Rights, these people are not allowed the freedom of religious practice, and are apparently persecuted by public security police, border police and even political

leaders, all of whom compel the Hmong Christians to abandon their faith. Families have been evicted from their homes, and some, such as Mr Mua Bua Senh, have died — apparently as a result of injuries inflicted as he refused to leave his family home.

It is unacceptable that people, regardless of their creed, be subjected to such intolerance and persecution, and I would ask the Commission whether, in view of Article 18 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, it is acceptable that Vietnamese citizens be treated in this manner.

Has the Commission updated its policy with regard to relations with Vietnam, and is it pressing the Vietnamese authorities to adopt national laws in accordance with the principles of Article 18 to ensure that Vietnamese citizens do not suffer such persecution and are able to live their lives free of repression regardless of faith or race?

Answer given by Mr Patten on behalf of the Commission

(9 April 2003)

The Constitution of Vietnam guarantees freedom of belief and religion. Vietnam's government officially recognises six religions — one Buddhist organisation, the Central Buddhist Church of Vietnam, the Catholic Church, two Protestant church organisations, Islam, Hoa Hao Buddhism and Cao-Daism.

The total population of Vietnam is estimated at 78,5 millions. The official figure for active Buddhists is stated at 7,5 million, and up to roughly half of the Vietnamese claim to be Buddhists and practice Buddhism. There are between 6 and 7 million practising Catholics and around 1 million of practising Protestants. The number of Protestants, especially in the South of Vietnam and amongst the ethnic minority population in rural areas, has grown rapidly in recent years. The remaining four religions are reported to have about 2,5 million adherents in total, including around 70 000 Muslims.

The Vietnamese Constitution also specifies that 'it is forbidden to violate freedom of belief or religion, or to take advantage of it or to act against the laws or policies of the State'. This provision is attributed to the desire of the Vietnamese authorities to control the pace of change and to maintain cohesion in their society during the process of transition to a market economy. As the authorities of Vietnam perceive notably unapproved religious movements as an element of political opposition and of disunity, this provision is frequently invoked to justify controls, limitations, prohibitions and sanctions that restrict freedom in this field.

Reports of harassment of some Christians in Vietnam (especially against the Montagnard Christians and Hmong Christians) have increased since the violent uprising in the Central Highlands in February 2001. A number of reports have alleged repeated actions by the security forces aimed at forcing highlanders to renounce their faith. These reports and reports of accidental deaths or beatings under police custody are denied by the Vietnamese authorities. It has not so far been possible to obtain independent confirmation of such reports.

The Commission shares the worries expressed by the United Nations Human Rights Committee in July 2002 regarding Article 18 of the International Covenant on Civil and Political Rights. The Committee noted that the information provided by Vietnam was insufficient to have a clear view of the situation in the country with regard to religious freedom. In the light of the information available that certain religious practices are repressed or strongly discouraged in Vietnam, the Committee expressed serious concern that Vietnam's State party practice in this respect does not meet the requirements of article 18 of the Covenant.

The Commission's policy towards Vietnam is to encourage and support progress on human rights and democratisation, and to raise concerns where abuses occur or where a deterioration in the situation becomes evident. The Commission works closely with the Member States to monitor closely human rights developments in the country and participates in all Union démarches to the Government of Vietnam on human rights issues.

The Commission welcomes the decision of the Government of Vietnam to elaborate an action plan for legal reform, based on the Legal Means Assessment, which has been established with the support of the international donor community. The Union, Commission together with the Member states, has repeatedly urged the Government of Vietnam to strengthen its respect for political and religious freedoms, as well as to further strengthen economic and social freedoms. The Union has expressed this request in its declaration at the Consultative Group meeting in Hanoi in December 2002. Moreover, the Commission and the Member States have declared that they will welcome any possibility to support the Vietnamese government in measures to strengthen the governance and public administrative reforms, to improve human rights, to prepare for the signing and implementation of additional international conventions in human rights and in other areas where assistance could be helpful.

The Commission Delegation, together with the representatives of the Member States, will continue to follow closely the human rights situation in Vietnam and take appropriate action.

(2004/C 33 E/074)

WRITTEN QUESTION P-0770/03

by Maurizio Turco (NI) to the Commission

(6 March 2003)

Subject: Suspected infringement procedures and recording of infringements notified to the Italian Republic pursuant to Article 85 of the EC Treaty

With reference to Article 85 of the EC Treaty:

— will the Commission give details of the number and nature of the suspected infringement proceedings notified to the Italian Republic and, in each case, will it say when the procedure was opened and for what infringement, whether it was initiated at the request of a Member State or automatically and what stage it has now reached?

— will the Commission say whether infringements have been recorded for which the Italian Republic has not yet adopted the necessary corrective measures and, in each case, will it say when the procedure was opened, and for what infringement, whether it was initiated at the request of a Member State or automatically, and what measures the Commission asked to be adopted and when?

Answer given by Mr Monti on behalf of the Commission

(8 April 2003)

The Commission took one formal decision within the meaning of Article 85 (2) of the EC Treaty in 1987 with regard to Alitalia.

For the rest, the Commission does not have sufficient details of the matter to be able to investigate the problem raised and is not, therefore, in a position to answer the question at the moment. It would ask the Honourable Member to specify its question. Article 85 of the EC Treaty does not provide for any notification to Member States.

(2004/C 33 E/075)

WRITTEN QUESTION P-0771/03

by Marco Cappato (NI) to the Commission

(6 March 2003)

Subject: Right to religious freedom in Cambodia

Last Friday the Ministry for Religious Affairs of Cambodia adopted a directive forbidding all public proselytising activities. The provision is clearly aimed at preventing possible religious tensions and protecting the privacy of the Cambodian people. The government's initiative appears to have been

prompted by the practice followed by some religious communities, such as the evangelical churches, of campaigning from door to door. The Under-Secretary of State for Religious Affairs, Dok Narin, has said that: 'some Christian groups are not good. They are forcing people to convert'.

Is the Commission aware of this provision? What will it do to avert the risk of this directive being used to discriminate against religious groups disliked by the government? What pressures will it bring to bear to ensure that Cambodians fully enjoy the right to religious freedom, which, as established by Article 18 of the Universal Declaration of Human Rights, includes the freedom to change religion or belief and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching practice, worship and observance?

Answer given by Mr Patten on behalf of the Commission

(26 March 2003)

The Commission is well aware of the Directive of the Ministry of Cults and Religious Affairs issued on 14 January 2003, which aims at preventing inter-religious conflicts by enforcing instructions issued on 21 August 1999.

While it is true that according to the Directive, some Christian proselytising activities are forbidden, such as door-to-door visits 'since these actions disturb the daily life of the people and create situations of insecurity that affect social peace', the Directive also states that it is compulsory to respect religions other than yours own and it is forbidden to criticise or smear them. This is also valid for Buddhism, the State religion in Cambodia. Any activity leading to inciting religious hatred or conflict is also prohibited.

Religious freedom in Cambodia is guaranteed by article 31 (Chapter III) of the Constitution. In the absence of an in dept-analysis at this stage, the Directive as well as measures adopted until now by the Ministry of Cults and Religious Affairs, which are put in place to avoid the risks of religious conflicts, do not appear to violate the Universal Declaration on Human Rights nor the provisions of the Cambodian Constitution.

The Commission does not find any reason, at present, to believe that the government will use this Directive to discriminate against any particular religious groups.

(2004/C 33 E/076) **WRITTEN QUESTION P-0772/03**

by Albert Maat (PPE-DE) to the Commission

(7 March 2003)

Subject: Ruling of the Netherlands Competition Authority (NMA), Case No 2269, concerning the shrimp wholesale trade and fisheries regarding price agreements

1. Is the Commission aware of the ruling of the Netherlands Competition Authority (NMA), Case No 2269, concerning the shrimp wholesale trade and fisheries regarding price agreements?

2. Is the Commission prepared to enter into consultations with the producer organisations and representatives of the Netherlands Government in the very near future to consider which agreements should be made?

3. Does the Commission agree that the NMA ruling is at odds with European policy to encourage producer organisations to take a sustainable approach to our fish stocks?

Answer given by Mr Monti on behalf of the Commission

(1 April 2003)

The Commission is aware of the decision of 14 January 2003 whereby the Netherlands Competition Authority (Nma) has imposed fines totalling EUR 13,781 million on eight wholesale traders in shrimps, and four Dutch, three German and one Danish producer organisation in the shrimp fishery industry, for infringements of the European and Dutch competition rules prohibiting cartels. In its decision the NMa has established, first of all, that the producer organisations and the wholesaler traders entered into agreements with each other to limit the size of the catch of North-Sea shrimps and to set minimum prices and secondly, that these agreements were also implemented in the period from January 1998 until February 2000.

The Commission has frequent contacts with producer organisations by way of the Advisory Committee on Fisheries and Aquaculture. The questions at issue in the present instance were discussed at the Advisory Committee on 26 February 2003. Furthermore, these questions were discussed with Member States at the meeting of the Management Committee for Fisheries and Aquaculture Products on 7 March 2003. The Commission is ready to hold further discussions with interested parties if they so wish.

The Commission does not concur with the Honourable Member's opinion that the NMa ruling is at odds with European policy. It is correct that the main objective of the reform of the common organisation of the markets in fishery and aquaculture by way of Regulation No 104/2000 [1] is to ensure that the production and marketing of fishery products take account of the need to support sustainable fishing. It is, therefore, designed to comprise measures which ensure a better match between supply and demand. To this end, producer organisations have been entrusted with specific tasks. This is in line with the sustainability focus of the Common Fisheries Policy, a feature which has been clearly strengthened by the most recent package of decisions on the reform of the Common Fisheries Policy, which the Council adopted in December 2002. It is clear, however, that there cannot be a conflict between sustainability requirements and competition rules as long as producer organisations stick to acting within the bounds of their lawful tasks under the Common Fisheries Policy. Inversely, sustainability considerations may not be used as an argument to justify practices, such as collusive action between producer organisations and wholesale traders concerning minimum prices and catch limits, which fall outside the lawful tasks of producer organisations as specified in the relevant legal instruments and which violate the European competition rules.

[1] Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products, OJ L 17, 21.1.2000.

(2004/C 33 E/077) **WRITTEN QUESTION E-0794/03**

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

(14 March 2003)

Subject: Coordination, integration and marketing of rural tourist accommodation and services as an additional measure under Regulation (EC) No 1257/1999

Farm holidays secure both agricultural and non-agricultural revenue and jobs, satisfy the growing demand in many sections of the population for nature-based forms of tourism, promote understanding between the urban and rural population and contribute to the protection of nature and the environment. This type of rural holiday is also a particularly good way of raising holidaymakers', and therefore consumers', awareness of the origins and nature of agricultural products. To a great extent, farm holidays or tourist services provided by rural businesses fulfil the guidelines for sustainable development connected to the Community's policy on rural development.

The success of farm holidays very much depends on marketing. Businesses and their regional and national marketing organisations have to contend with stiff competition, sometimes on a very limited budget. It is true that, up to now, support (including at Community level) for marketing work has brought nothing but success, but the supply potential for this kind of rural holiday has not yet been exhausted. At the same time, competition from alternative types of holiday and non-European destinations is increasing.

If farm holidays are to continue to contribute to employment and the regional economy in rural areas, as well as to consumer awareness, and if this contribution is to increase in the future, then marketing efforts must be stepped up and professionalised particularly in the industry-wide organisations created for this purpose.

Does the Commission also see the need for increased action in terms of more specific support for the marketing of farm holidays, and can this be ensured by the inclusion of the additional measure of 'coordination, integration and marketing of rural tourist accommodation and services' in Regulation (EC) No 1257/1999 ([1])?

([1]) OJ L 160, 26.6.1999, p. 80.

Answer given by Mr Fischler on behalf of the Commission

(9 April 2003)

Regulation (EC) No 1257/1999 ([1]) foresees in its article 33, financial support for the adaptation and development of rural areas. In particular, the 10th indent of this article establishes support for 'encouragement for tourist and craft activities'. The term 'encouragement' can cover not only investments to facilitate the provision of these tourist activities (e.g. investments in farm houses to accommodate visitors, or investments in leisure activities such as mountain sports) but can also include measures to promote rural tourism and activities, for example, by tourism offices and through marketing/advertising campaigns.

The support to this kind of measures is granted through the European Agriculture Guidance and Guarantee Fund (EAGGF)-Guidance in Objective 1 areas (the programming instruments will be Single Programming Documents or Operational Programmes) or through EAGGF-Guarantee in regions not included in Objective 1 (in this case, the measures will be included in the rural development programmes).

During the programming period 2000-2006, support given to measures included in article 33 (which includes other measures apart from rural tourism) amounts to approximately 25 % of EAGGF — Sections Guarantee and Guidance. The mid-term evaluation of rural development programmes which will take place in 2003 will help to determine the importance and the impact of actions financed in the domain of rural/green tourism.

The Community Initiative Leader+ ([2]) finances pilot rural development strategies decided and implemented by the local actors. In this framework and on condition that it fits into the approved development strategy of a particular local Leader group, Leader+ can also finance marketing of rural tourist accommodation and services as this kind of measures can be included in its four thematic priorities: the use of know-how and new technologies to make the products and services of rural areas more competitive; improving the quality of life in rural areas; adding value to local products; and making the best use of natural and cultural resources.

Leader+ also includes support for networking and co-operation between rural territories (inside the same Member State or from different Member States). The phase of co-operation between local action groups is just starting and could also include exchange of experiences and specific projects on marketing of rural tourist accommodation and services, these activities being of increasing importance in the rural areas of the Union.

The Member States and/or the regions have already financed this type of activities. Therefore, as the actual community instruments (Rural Development Regulation (EC) No 1257/1999 and Community Initiative Leader+) already cover the possibility of financing measures relating to marketing of tourist activities, the Commission does not consider it necessary to include a new measure in Regulation (EC) No 1257/1999.

(1) Council Regulation (EC) No 1257/1999 of 17 of May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations.
(2) Commission notice to the member states of 14 April 2000 laying down guidelines for the Community initiative for rural development (Leader+). OJ C 139, 18.5.2000.

(2004/C 33 E/078) **WRITTEN QUESTION P-0799/03**

by Paulo Casaca (PSE) to the Commission

(11 March 2003)

Subject: The situation of the Kurdish leader Abdulah Ocalan

Can the Commission confirm that Abdulah Ocalan has been in solitary confinement in Turkey since the present Turkish Government took office?

What steps is the Commission taking to prevent the political situation from deteriorating as far as the rights of the Kurdish minority are concerned?

Answer given by Mr Verheugen on behalf of the Commission

(1 April 2003)

The Commission is aware of Abdullah Öçalan's current detention conditions. The Commission took note that, after a period of around three months of isolation, A. Öçalan received the visit of his brother Mehmet and of a number of his lawyers on 12 March 2003.

The Commission is monitoring closely Turkey's compliance with the Accession Partnership priorities, including the provisions aimed at ensuring cultural diversity and guaranteeing cultural rights for all citizens irrespective of their origin.

The Commission will give a detailed assessment of Turkey's compliance with the Copenhagen political criteria in its forthcoming 2003 Regular Report on Turkey.

(2004/C 33 E/079) **WRITTEN QUESTION E-0805/03**

by Cristiana Muscardini (UEN) to the Commission

(17 March 2003)

Subject: Baby feeding and powdered milk in Africa

By means of a relentless propaganda campaign, multinational powdered-milk producers are continuing to encourage African women to feed their new-born babies on powdered milk instead of breastfeeding them. Such propaganda goes against the normal rules and is also particularly dangerous, since (1) in many parts of Africa the water needed in order to dissolve the milk powder is impure and it therefore acts as a disease carrier; (2) for the duration of the breastfeeding period, new-born babies enjoy immunity from various diseases; (3) insistent advertising of powdered milk in very poor countries is of benefit only to multinational companies and to the wealthy industialised countries which produce such milk.

1. What are the Commission's views on this matter?

2. Does it not think that powdered milk should be used as a substitute for breastfeeding only on the advice of medical or paramedical authorities?

3. Does it not think that, in agreement with the governments of the countries concerned, information campaigns should be conducted in order to promote an awareness of the health benefits which breastfeeding confers on new-born babies?

Answer given by Mr Nielson on behalf of the Commission

(23 April 2003)

The Commission broadly agrees with the assessment of the problems related to formula feeding given in the question. The Commission's policy has consistently been to support breast-feeding in developing countries, except where the infant's mother is known to be HIV positive and the safety of formula feeding plus security of supplies can be guaranteed, or in cases of other pressing medical indications, which are rare.

The Commission therefore agrees that powdered mild should only be used as a substitute for breast-feeding on the advice of health workers.

The Commission supports the International Code of Marketing of Breast-milk Substitutes which was adopted by the World Health Assembly in 1981. In the Commission's view the Code remains of great relevance, although there is a need for it to be updated — particularly in view of the HIV/AIDS pandemic.

The Commission agrees that governments have a responsibility to provide information and education about infant feeding — in particular the advantages of breast-feeding and the problems associated with formula feeding — but it has no plans to support specific programmes in this area.

Increasingly the Commission's development funds are used for general health sector support rather than earmarked projects. While in this context the national government of the recipient country takes the lead in determining expenditure, the Commission would view the provision of appropriate information on baby feeding very important.

(2004/C 33 E/080) **WRITTEN QUESTION P-0810/03**

by Heidi Hautala (Verts/ALE) to the Commission

(11 March 2003)

Subject: Averting alcohol-related harm in Finland and the Union

Finland, Sweden, and Denmark will have to end their restrictions on alcohol imports at the beginning of 2004. Once Estonia has been admitted to the EU on 1 May 2004, Finland will be faced with a very difficult situation from the public health point of view. Alcoholic drinks are significantly cheaper in Estonia than in Finland, the price difference being due mainly to the different tax rates. The scale of alcohol-related harm varies in proportion to changes in total alcohol consumption. Studies indicate that, once import restrictions have been lifted, total consumption in Finland will rise by as much as 15 %, resulting in, among other things, an increase in alcohol-related deaths, by 450 cases a year, and in an upsurge, also linked to alcohol, in the demand for social and health services, amounting to over 500 000 additional visits a year.

In its Conclusions of 5 June 2001 on a Community strategy to reduce alcohol-related harm [1] the Council focused on drinking by young people as an area of particular concern. After the import restrictions have been lifted, alcohol prices in Finland will fall, and consumption will increase accordingly, first and foremost in low income groups, and that includes young people. Article 152 of the EC Treaty stipulates that all Community policies and activities must be defined and implemented in such a way as to ensure a high

level of human health protection. The Council, in its Conclusions of 5 June 2001, called on the Commission to put forward proposals for a comprehensive Community strategy aimed at reducing alcohol-related harm and has identified excise duties as one means of pursuing such a strategy.

Contrary to what was stipulated in the text, Directive 92/84/EEC [2] on minimum excise duty rates was not reviewed by the end of 1994. The Union could do much to prevent the harm which alcohol does to public health by imposing standard excise duties on alcoholic beverages above the present rates. Should tax harmonisation on the basis of public health considerations fail to happen, Finland will have no possibility of protecting itself from the worsening adverse consequences of alcohol drinking unless it is allowed to continue to restrict alcohol imports.

1. Will the Commission embark on an initiative with a view to raising the minimum assessment base for excise duty on alcoholic beverages, taking into account the effects of alcohol consumption on public health?

2. How would the Commission view a possible Finnish request to continue the restrictions on alcohol imports?

[1] OJ C 175, 20.6.2001, p. 1.
[2] OJ L 316, 31.10.1992, p. 29.

(2004/C 33 E/081) **WRITTEN QUESTION P-0870/03**

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

(13 March 2003)

Subject: Averting alcohol-related harm in Finland

The assessment base used for excise duties on alcoholic beverages in Finland is substantially higher than in most Member States. However, its yield does not match the costs to society incurred because of alcohol-related harm.

By virtue of an exception granted in the membership negotiations, Finland has been allowed to restrict quantities imported for private consumption so as to prevent the import incentive resulting from the differences in excise duties from giving rise to insurmountable problems. That exception is now coming to an end.

If a Member State can show that complete freedom as regards private imports causes serious problems from the point of view of public morality, public policy, public security, or health, as referred to in Article 30 of the EC Treaty, or specific public health problems within the meaning of Article 95, can it act to put matters right? What kind of measures are possible in such a situation?

Joint answer
to Written Questions P-0810/03 and P-0870/03
given by Mr Bolkestein on behalf of the Commission

(14 April 2003)

1. Council Directive 92/84/EEC of 19 October 1992 deals with the approximation of rates of excise duty on alcohol and alcoholic beverages. Under its provisions it is necessary for the excise duty rates laid down in that Directive to be reviewed periodically by Council. This review shall be based upon a Commission report. The Commission is preparing such a report at present, which will take into account all relevant issues, in particular the proper functioning of the internal market, competition between the different categories of alcoholic drinks, the real value of the rates of duty and the wider objectives of the EC Treaty, as provided by Article 8 of the said Directive. These considerations will also include the public health considerations mentioned by the Honourable Member.

2. As the Commission has already highlighted in its report of 24 May 2000 [1], the restrictions applied by Denmark, Finland and Sweden to the quantities of excise products that can be brought into the territory of these countries from other Member States by travellers constitute a derogation to the principle of free movement in the Internal Market, and were granted by the Council in order to enable these Member States to adapt their policy gradually to the full requirements of the Internal Market. In this report, the Commission urged the Member States concerned to take the necessary steps in order to prepare for a smooth transition to the application of the general rules in force after the expiry of the derogation at the end of 2003.

The Commission also encourages Member States to take other measures aimed at reducing the adverse health effects of alcohol consumption. In particular, the Community action programme in the field of public health (2003-2008) [2] includes provision for the 'preparation and implementation of strategies and measures, including those relating to public awareness, on lifestyle related health determinants, such as alcohol, including measures to take in all Community policies and age and gender specific strategies'. A call for proposals and a work plan for 2003 [2] in connection with this programme have recently been published.

[1] COM(2000) 316 final.
[2] OJ L 271, 9.10.2002.

(2004/C 33 E/082) **WRITTEN QUESTION E-0813/03**

by Maurizio Turco (NI), Marco Cappato (NI), Emma Bonino (NI), Marco Pannella (NI) and Gianfranco Dell'Alba (NI) to the Commission

(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 Commission 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 Commission if the Thai government continues the massacre and ignores international requests to stop?

Is the Commission 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?

Answer given by Mr Patten on behalf of the Commission

(22 April 2003)

The Commission is following closely the Thai Government's policy of 'war on drugs' launched in the beginning of February 2003. The Commission is concerned with the present situation, in particular with reports that a number of drug-related deaths have thus far allegedly been the result of extra-judicial killings.

While the Commission recognises the seriousness and urgent nature of the problem of illicit drugs in Thailand, it feels the problem should be tackled through a balanced approach addressing the demand and the supply sides and conducted in accordance with international human rights standards and the rule of law.

The Commission feels that the Thai Government should conduct transparent and thorough investigations into each death, take urgent measures to prevent the number of deaths from rising further, and co-operate closely with the United Nations Commission on Human Rights (UNCHR) on this issue.

In this respect, the Commission and the Member States are addressing the subject of the fight against drugs with the Government of Thailand through the appropriate diplomatic channels.

As regards the death penalty, the Commission follows the specific Union policy guidelines on the subject in its relations with third countries that maintain capital punishment. The Union has on several occasions raised the issue of the death penalty with the Thai Government, as recently as in 2002.

The suggestion concerning possible amendments to the United Nations (UN) Conventions on Drugs to expressly prohibit the death penalty for drugs-related crimes appears difficult to take forward given the nature of International Law and the principle of sovereignty of the States, but also because the Community as such is not a party to these Conventions. It would be up to the States that are parties of the Conventions to propose the modifications they deem appropriate.

This subject was not on the agenda of the UN Commission of Narcotic Drugs meeting which took place between 8-17 April 2003 in Vienna. Moreover, since the Commission only has an observer status in the UN Commission of Narcotic Drugs, it was not in a position to intervene in this regard.

(2004/C 33 E/083) **WRITTEN QUESTION E-0821/03**

by Patricia McKenna (Verts/ALE) to the Commission

(17 March 2003)

Subject: GATS and water privatisation

In the WTO, the Commission has been in the forefront of the liberalisation of water services in developing countries. Does the Commission agree that privatisation of water services in the developing world serves the interests of large multinational corporations rather than the interests of the world's poorest people?

Before requesting the liberalisation of water services in third countries, has the Commission undertaken an independent study of the effects of such liberalisations?

If not, will the Commission agree to carry out such an assessment in close cooperation with the relevant NGOs before requesting further liberalisations from third countries?

Answer given by Mr Lamy on behalf of the Commission

(25 April 2003)

Environmental services are covered by the ongoing general agreement on trade in services (GATS) negotiations, and the Community has made a negotiating proposal, and presented requests on environmental services, including on water distribution and waste water services, to most of its trading partners. The main objective of the Community for the negotiations is to reduce, or eliminate, barriers to trade in environmental services.

The Community requests on water distribution do not ask for privatisation, they clearly exclude any cross-border transportation either by pipeline or by any other means of transport, and they do not seek access to water resources. Moreover, even if a World Trade Organisation (WTO) Member chooses to take commitments, these do not undermine or reduce in any way the host governments' ability to regulate water management and allocation among users, to choose the more appropriate form of private participation and to impose equitable pricing policies and ensure affordability for the poor. The Community has and will continue to support developing countries in this respect, including through the provision of technical assistance.

The Community's approach to water related services, including in WTO, is guided by its overall policy on water, which is based on a thorough assessment of the issues, and challenges, involved. This includes, evidently, also the question of private sector participation in the provision of water and sanitation services. There is recognition that the private sector needs to be involved in efforts, together with government and civil society, to bringing water and sanitation services to the unserved and to strengthen investment and management capabilities. In view of the high capital demand for water infrastructure investment (by some estimates up to USD 180 billion annually compared to present investment levels of USD 70-80 billion annually), it is necessary to augment public funding by mobilising private funding for water utilities, wastewater treatment, irrigation and other water-related programmes and to make the sector a more attractive target for private investment. To achieve the latter goal private investors — local or foreign — must be given confidence that their legal and financial rights are protected. The Commission believes that the GATS negotiations, if adequately driven, could make a useful contribution to this goal. Liberalisation of trade in water services should be used as an instrument to facilitate infrastructure investments, strengthen water management capabilities and foster technological development, taking into account developing countries' administrative capacities and regulatory framework.

In addition, the Commission has launched a 'Sustainability Impact Assessment' (SIA) of the WTO negotiations. In this context, one specific sector study is devoted to environmental services, with a particular emphasis on water wastewater services. Consultation with stakeholders is an integral part of the SIA process, and mechanisms have been established to ensure that stakeholders can contribute fully to the SIA study both as experts, and as part of the consultative process. The contractors and the Commission are committed to actively seeking the expert views of stakeholders, and to ensuring a comprehensive and inclusive process of consultation with civil society.

In addition, the Commission is regularly consulting civil society, including non-governmental organisations (NGOs) with relevant experience and particular interest in trade policy, on its policy. This dialogue is an important element in the process of formulating trade policy.

(2004/C 33 E/084) **WRITTEN QUESTION E-0852/03**

by Christos Folias (PPE-DE) to the Commission

(20 March 2003)

Subject: Public supply contracts

Article 7(2) of Greek law 2955/2002 authorises the supply of products in the absence of estimates regarding annual requirements or procedures for the awarding of contracts. It does not provide for any means of establishing which product is the most suitable for patients and allows prices to be set arbitrarily

at the highest level thereby limiting competition. Similarly Joint Ministerial Decision DG6a/GP/73754/24-7-7-02(Official Gazette 984/31/7-02) implementing the above law is not based on any technical specifications, observing that no comparison is possible as, more specifically, that entire categories of products cannot be compared with each other, on the principle that, by definition, all manufacturers produce items which cannot be compared with those produced by any other manufacturer. It also fails to stipulate procedures for the according of public supply contracts or require estimation of annual requirements to be drawn up specifying either exact content or quality, leaving matters to the discretion of the body concerned.

Is Greek Law 2955/2002, together with the Ministerial Decision implementing it, in accordance with EU legislation in this field and more specifically Directive 93/36/EEC [1]. If not, what measures will the Commission take to ensure that Greece fully complies with the directive and when?

[1] OJ L 199, 9.8.1993.

Supplementary answer
given by Mr Bolkestein on behalf of the Commission

(31 July 2003)

The Commission has in fact obtained Greek law No 2955/2001, and the Ministerial Decision implementing that law [1]. After an initial examination, it appears that these provisions might not comply with the requirements of Directive 93/36/EEC [2].

The Commission has just received a complaint about the same matter, which seems to give a more comprehensive description of the way in which the Greek legislation applies to hospital supplies.

The Commission will examine the bulky documents it has received on this matter and, in dealing with this complaint, will contact the Greek authorities to obtain their point of view both on the allegations made by the complainant and on the Commission's analysis of this case.

[1] DY6a/GP/73754/24-7-02/FEK 984/31-7-02.
[2] Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts, OJ L 199, 9.8.1993.

(2004/C 33 E/085) **WRITTEN QUESTION E-0905/03**

by José Ribeiro e Castro (UEN) to the Commission

(24 March 2003)

Subject: Romania — access to the Securitate archives

In a report televised on 11 March 2003 the Euronews channel announced the Romanian Government's recent decision to stop the public from gaining access to the files of the former secret police, the Securitate. It seems that the new Romanian information service has made access difficult. The government also proposes dismantling the National Council for the Study of the Securitate Archives (CNSAS — Consiliului National de Styudiere a Arhivelor Securitatii) set up three years ago.

According to the same source around 3 000 people demonstrated in front of the Romanian Parliament to protest against these measures.

Can the Commission say:

— whether it can confirm these reports?

— if so, what it thinks of the measures taken by the Romanian Government?

— whether these events might have an impact on the process leading up to Romania's future accession to the European Union and, if so, in what way?

Answer given by Mr Verheugen on behalf of the Commission

(22 April 2003)

Law No 187/99 'on individual access to one's own files and on the disclosure of the Securitate as a political police' provided for the establishment of a National Council for the Study of the Securitate Archives (CNSAS), which is governed by a board of 11 members appointed by the Romanian Parliament. The board can take decisions by simple majority, but with no less than eight members present. Members of the board can only be revoked by the Supreme Court. The CNSAS, among its various tasks, has to ensure the right of individual access to personal files, vet candidates to public offices and publish lists of persons who were agents or informers of the former secret police. In order to perform these tasks, the archives of the former secret police have to be made available to the CNSAS but, until they are fully transferred to the CNSAS premises, they remain under the control of the present information service (SRI).

It appears that since CNSAS was established in 2000, SRI has not handed over all the files requested or has transmitted allegedly incomplete files. The attitude of SRI has provoked a division within CNSAS, and its eventual deadlock, with five board members supporting the position of SRI and abstaining from participating to its activities.

In January 2003 the legal affairs committees of the two houses of Parliament appointed a joint sub-committee in order to find a solution to the deadlock. The report of the sub-committee, which was submitted in March, proposes that Parliament revoke all the current members of the board and appoint a caretaker board composed of the five board members who are at present abstaining.

The Commission has no comment to make on a specific domestic Romanian issue, especially when the situation is still evolving. However the principles of transparency and access to documents, the observance of legislation by public bodies and democratic control over police services are all relevant under the Copenhagen political criteria, which stipulate that membership of the Union requires 'stability of institutions guaranteeing democracy, the rule of law, human rights …'. The Commission will make a global review of Romania's progress towards accession in the light of the Copenhagen criteria in its Regular Report which it will adopt and publish in Autumn 2003.

(2004/C 33 E/086) **WRITTEN QUESTION E-0917/03**

by Claude Moraes (PSE) to the Commission

(24 March 2003)

Subject: HIV/AIDS in South Africa

In its development aid to South Africa, what view is the Commission taking on the actions of the South African Government on their provision of anti-retroviral therapies and the provision of the drug Nevirapine to pregnant women across South African provinces?

Answer given by Mr Nielson on behalf of the Commission

(16 April 2003)

The Commission takes the view that it is for the South African Government to determine its policy in this field, but it has on more than one occasion voiced serious concern over the ambiguous approach taken in the past in relation to the fight against human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

The Commission notes that the South-African Government has clarified its policy in recent months and has earmarked significant resources for it in the 2003-2004 budget. It strongly supports the government's new position allowing for treatment of mother-to-child transmission and on anti-retroviral therapy for victims of rape and notes the considerable progress (albeit not universal) that has been made in this regard. The Commission hopes that the South-African Government will make further progress in developing a comprehensive HIV/AIDS treatment policy and will begin a phased approach towards the provision of anti-retroviral medicines.

However, one must realise that the problem is very complex. It is estimated that approximately 7 million people in South Africa are HIV-infected. The cost of comprehensive treatment is therefore likely to be enormous. The Commission Delegation in Pretoria is currently assisting the South African Department of Health in working out a realistic estimate of the budgetary implications. It is hoped that detailed figures will be available in six to eight weeks from now.

At a general policy level the Commission supports the right of people living with HIV/AIDS to have access to affordable treatments, including suitable combinations of anti-retroviral drugs, as part of a comprehensive package of prevention, treatment, care and control for HIV/AIDS.

Under the European Programme for Reconstruction and Development (EPRD), the Commission financially supports the South-African health care and HIV/AIDS efforts through a number of programmes, including a recently launched, EUR 25 million, 'Partnership for the delivery of primary health care, including HIV/AIDS'. Through its Public Health Sector Support Programme the Commission also funds 6 non-governmental organisations active in the fight against HIV/AIDS, among them 'The AIDS Law Project' (ALP). The ALP is closely associated with the Treatment Action Campaign and both organisations lobby very strongly for improved access to HIV/AIDS treatment for all South Africans.

The new Community-South Africa country strategy and 'Multi-annual Indicative programme', which has been approved and is ready for signing, identifies the HIV/AIDS pandemic as the major challenge facing South African society. The programme features HIV/AIDS as both part of a major focal area of intervention and as a cross-cutting issue.

(2004/C 33 E/087) **WRITTEN QUESTION E-0925/03**

by Eluned Morgan (PSE) to the Commission

(24 March 2003)

Subject: Via Baltica

Is it true that the Via Baltica will be constructed through sensitive wildlife sites in Poland? Will this road be receiving any European funding?

What assurances can the Commission give that environmental impact assessment work will be done before any construction work starts?

(2004/C 33 E/088) **WRITTEN QUESTION E-1032/03**

by Caroline Lucas (Verts/ALE) to the Commission

(28 March 2003)

Subject: Via Baltica

As part of Poland's National Development Plan, which was submitted to the European Commission in January, the Via Baltica motorway is intended to form the first part of a planned European-wide transport corridor and will require co-financing from the European Union. The road proposals threaten an area of significant environmental importance, the Biebrza marshes, as well as two unique natural forests. As Poland's largest national park and home to wolves, elks and many threatened bird species, the Biebrza area of wetland is of such conservation value that it fulfils the criteria for protection under the Habitats and Birds Directives when Poland accedes to the EU. The proposals are contrary to both EU and Polish environmental legislation and may pose a serious threat to wildlife in Poland.

In light of this, does the Commission intend to fund the construction and, if so, will it ensure that the project is both fully consistent with the requirements of EU environmental directives and that any EU funds received are used in a way that is compatible with the EC environmental acquis?

Furthermore, does the Commission intend to explore and promote alternatives in answering Poland's transport problems?

(2004/C 33 E/089) **WRITTEN QUESTION E-1358/03**

by Geoffrey Van Orden (PPE-DE) to the Commission

(10 April 2003)

Subject: The 'Via Baltica' road project in Poland

1. Is the Commission aware of the possible threat that the upgrading of the Via Baltica road to an expressway through the Biebrza Marshes and the forests of Knyszyn and Augustow in Poland may pose to these environments?

2. Will an environmental assessment of the potential impact of the project and an evaluation of alternative routes be carried out before any EU funding might be provided?

3. Will EU funding be provided to the 'Via Baltica' road scheme even if the project is deemed to break EU environmental directives which the Commission has said should apply to all new infrastructure investments in EU candidate countries?

Joint answer
to Written Questions E-0925/03, E-1032/03 and E-1358/03
given by Mrs Wallström on behalf of the Commission

(21 May 2003)

On accession to the Union, Poland will be bound by Community law relating to the environmental impact of projects and in particular their impact on any natural site of special value. Moreover the Commission encourages Acceding Countries to apply and implement the provisions of the environmental acquis already during the pre-accession period, in particular as regards all new investments such as motorways. The relevant Community Directives are those on Habitats (92/43/EEC) [1], Birds (79/409/EEC) [2], Environmental Impact Assessment (97/11/EC) [3] and the Directive on the Assessment of the Effects of Certain Plans and Programmes on the Environment (2001/42/EC) [4], which has to be applied from July 2004. Community funding for any such investment will only be made available if the requirements of Community legislation on environment and interoperability are respected.

The sensitive wildlife sites referred to are likely to be identified as Natura 2000 sites on Polish accession. This implies that strict conservation rules will apply. Article 6 of the Habitats Directive requires all Member States to carry out a full assessment of all alternatives to a proposed investment that risks having a negative environmental impact on a possible Natura 2000 site. If no alternative exists, the investment can only be allowed if it demonstrates overriding public interest and all compensatory and mitigation measures have been applied.

It is also important to emphasise that these requirements have recently been transposed into Polish law through amendments to the Nature Conservation Act. As a result they apply also in Polish legislation.

The Commission wishes to underline that no PHARE or Instrument for Structural policies for Pre-accession (ISPA) funding has been provided for the construction of a motorway across through the areas referred to. Furthermore, no such project features in the current project pipeline.

Additionally, the Commission is currently launching a study for an independent assessment of the impacts of already programmed improvements and identification of priorities for further investment on this Corridor, covering the three affected countries from Tallinn to Warsaw. This would include consideration of the environmental and cost implications of existing and alternative alignments.

(1) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992.
(2) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, OJ L 103, 25.4.1979.
(3) 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.
(4) Directive 2001/42/EC of the Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, OJ L 197, 21.7.2001.

(2004/C 33 E/090)

WRITTEN QUESTION E-0929/03

by Jorge Moreira Da Silva (PPE-DE) to the Commission

(24 March 2003)

Subject: Legionnaire's disease

There is a direct link between the poor maintenance of water heating and air conditioning systems in public buildings and the incidence of extremely serious cases of pneumonia caused by the Legionella bacterium.

1. Does the Commission believe that national legislation on the construction and maintenance of public buildings ensures that the public are protected against Legionnaire's disease? Which countries have legislation which does offer these guarantees?

2. Will the Commission prepare European legislative initiatives aimed at imposing common rules for the maintenance of public buildings which are designed to protect public health?

Supplementary answer
given by Mr Byrne on behalf of the Commission

(28 July 2003)

The construction and maintenance of buildings and their installations are issues under the responsibility of the Member States. Concerning the safety of drinking water supply systems, these issues are expected to be covered by the new European Acceptance Scheme (EAS) for regulated construction products in contact with drinking water. EAS cannot, however, cover heating and air conditioning systems in buildings.

A table providing the references for national guidance for control and prevention of Legionnaires' disease is sent direct to the Honourable Member and to Parliament's Secretariat. Many countries have guidance but not all have legislation in place.

No common European framework exists. The Commission is in the process of building such a European framework, and harmonised product standards will enable water supply systems made from products complying with these European standards to provide water quality in accordance with the requirements of the Drinking Water Directive, Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption [1].

[1] OJ L 330, 5.12.1998.

(2004/C 33 E/091)

WRITTEN QUESTION E-0934/03

by Graham Watson (ELDR) to the Commission

(26 March 2003)

Subject: Seychelles

Has the Commission seen the copies of the videocassettes filmed in the Seychelles by Pauline Ferrari?

Would it not agree that these demonstrate clearly human rights abuses by the regime

Answer given by Mr Nielson on behalf of the Commission

(22 April 2003)

The Commission is not aware of the videocassettes mentioned.

The Community's relations with the African, Caribbean and Pacific (ACP) States are based on respect for human rights and fundamental freedoms, as defined in the Cotonou Agreement.

Should the Commission consider that there is a violation of these values, all appropriate instruments provided for by the Cotonou Agreement will be applied.

(2004/C 33 E/092)

WRITTEN QUESTION E-0935/03

by Graham Watson (ELDR) to the Commission

(26 March 2003)

Subject: Seychelles

What is the Commission's view of the legal actions brought by the President and Vice-President of the Seychelles against the publication REGAR?

Does the Commission believe that press freedom in the Seychelles can be protected?

Answer given by Mr Nielson on behalf of the Commission

(14 April 2003)

The Commission has on several occasions underlined that the Community's relations with the African, Caribbean and Pacific (ACP) States, as defined in the Cotonou Agreement, are based on respect for human rights and fundamental freedoms.

The Commission has received no official information on the case raised by the Honourable Member but will follow it and, if appropriate, will remind the Government of Seychelles of its commitments as a signatory of the Cotonou Agreement.

(2004/C 33 E/093) **WRITTEN QUESTION E-0942/03**

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

(26 March 2003)

Subject: Political debate on the future funding of the Union

Before 1 January 2006, the Commission is to undertake a general review of the own-resources system, although it has already given Parliament an undertaking that this review will be completed by the end of 2004; it will include the issue of creating fresh own-resources.

The Commission is right in thinking that there should be a political debate on the major options for the Union's future funding; what criteria should be used for proceeding to open this debate?

What does the Commission believe is the most appropriate procedure, and who should be responsible for taking the initiative?

Answer given by Mrs Schreyer on behalf of the Commission

(5 May 2003)

Following article 9 of the Council Decision 2000/597/EC, Euratom of 29 September 2000 [1], the Commission shall undertake, before 1 January 2006, a general review of the own resources system. On request of the Parliament, the Commission committed itself to present its review by the end of 2004. As far as possible, the Commission is striving to produce its review even earlier, bearing in mind that the new Own Resources Decision actually came into force only on 1 January 2002.

The Commission recently agreed on a timetable and internal organisation arrangements in view of completing the necessary preparatory work for the Union financial framework beyond 2006. In this regard, the Commission intends to present a Communication to the European Council in December 2003 containing broad orientations for the financial framework, including the own resources system. In a second stage, the Commission intends to be ready by mid-2004 in view of presenting, as appropriate, related legislative proposals.

The Convention is also addressing the issue of the Union's finances. The Commission actively contributes to the discussion in the Convention. In its Communication of 4 December 2002 [2], the Commission encouraged the Convention to examine the funding of the Union's action and more recently it tabled proposals as regards the relevant articles on Union finances to the Convention.

[1] OJ L 253, 7.10.2000.
[2] COM(2002) 728 final: For the European Union — Peace, Freedom, Solidarity.

(2004/C 33 E/094) **WRITTEN QUESTION E-0977/03**

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

(27 March 2003)

Subject: Delay of the Figueres-Perpignan high-speed rail link

The Commission has recently devoted considerably energy to the basic issues of liberalising the rail sector and revitalising the use of rail transport. Directive 2001/12/EC [1] is designed, inter alia, to ensure further progress towards an internal rail transport market throughout the EU.

In September 2001, the Commission published its White Paper on Transport, in which it stresses the need to revitalise the use of trains as a key means of re-establishing the balance between the various modes of transport. Proposals deriving from the White Paper comprise a package of five legislative measures presented on 23 January 2002, designed to create an integrated railway area within Europe, in both technical and legal terms.

The French Government has just announced that the international Figueres to Perpignan section of the Franco-Spanish high-speed rail link will be ready only in 2007 or 2008, instead of 2005, as originally planned and for which dates the Spanish Government has given assurances that it will be ready for the link.

Does the Commission not believe that the delay announced by the French Government runs counter to the Commission's wish to improve the railway network, as expressed in its White Paper on Transport?

Does the Commission intend to take action in respect of the French Government's decision, in order to ensure that the link comes into service by the original date, in keeping with the Commission's own proposals?

([1]) OJ L 75, 15.3.2001, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(2 June 2003)

The Commission can but deprecate the delays in bringing the international section on line. It has repeatedly decried this situation affecting many trans-European transport network projects, pointing out the negative impact on EU competitiveness in the long term ([1]). The delays on the Perpignan-Figueras section, however, are attributable in the main to problems in setting up the concession for this international section. The Franco-Spanish Intergovernmental Commission announced that the negotiations between the relevant national authorities and Euroferro, the preferred bidder, had been unproductive, since it proved impossible to come to an agreement, particularly regarding risk sharing between the public and private sectors. The French and Spanish authorities plan to introduce a simplified selection procedure very shortly so that a concession-holder can be ratified by the end of 2003.

Even though setting up the public-private partnership has caused some delays, the Commission can only applaud the French and Spanish authorities' decision to find an innovative funding solution, which it will support with Community aid for the international section up to the maximum contribution authorised under the current TEN Financial Regulation, i.e. 10 % of the total cost of the project.

Furthermore, on 23 April 2003, the Commission adopted a communication on initiating innovative funding solutions for the trans-European transport network, encouraging public-private partnerships in particular.

([1]) Proposal to amend Council Regulation (EC) No 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks, OJ C 75, 26.3.2002.

(2004/C 33 E/095) **WRITTEN QUESTION E-1155/03**

by Mario Mauro (PPE-DE)
and Giuseppe Gargani (PPE-DE) to the Commission

(1 April 2003)

Subject: Telephone masts and the environment

The development of the third generation mobile communications market has fallen behind schedule, not least because of the cost of creating infrastructures and public concerns over environment and health

issues relating to the proliferation of masts. Nevertheless, it is in the interests both of industry, with a view to creating jobs, and of end users for these services to be developed swiftly.

The European Parliament and the Council recently adopted Directives 2002/19/EC [1], 2002/20/EC [2], 2002/21/EC [3] and 2002/22/EC [4], which inter alia provide for the Member States to take action where necessary to minimise the impact of the development of the electronic communications market on the environment and landscape.

In its report COM(2002) 695, the Commission states that in principle it is in favour of sharing facilities such as masts in order to speed up the marketing of broadband mobile services in a manner compatible with the application of competition rules.

It is technologically possible to establish networks of masts in urban areas that would make it possible to minimise the town-planning, environmental and economic impact by using optic fibre to connect an individual device to a large number of 'mini-masts', which may be some distance apart from each other and from the devices. The use of broadband and appropriate equipment will also make it possible to use each of these mini-masts simultaneously for several operators and standards (GSM, UMTS, etc.), while their extremely small size means that they could be attached, for example, to public lamp posts.

In the light of the above, will the Commission say how it views these technological possibilities? Will it take any steps to advocate, facilitate and support solutions of this kind?

(1) OJ L 108, 24.4.2002, p. 7.
(2) OJ L 108, 24.4.2002, p. 21.
(3) OJ L 108, 24.4.2002, p. 33.
(4) OJ L 108, 24.4.2002, p. 51.

Answer given by Mr Liikanen on behalf of the Commission

(22 May 2003)

The Commission shares the Honourable Members' appreciation of the importance of achieving the rapid development of advanced new mobile communications services across the Union. Its position in this regard has been expressed in its previous Communications on the deployment of 3G services [1], as well as in the 8th Report on the implementation of the telecommunications regulatory package referred to by the Honourable Members.

The Commission has also expressed a favourable view, in principle, towards arrangements by which mobile network operators may achieve rapid deployment of new mobile services, including agreements on the sharing of network infrastructure elements, provided that such arrangements are compatible with the requirements of competition law. The Commission expects this issue to be discussed further amongst European regulators in the coming months.

As regards the different technological possibilities for achieving an effective and timely roll-out of new electronic communications services, the Commission welcomes any innovative methods of achieving this end in a way that is compatible with environmental and other public interest objectives. Indeed, through the 6th Framework Research and Technological Development Programme, the Commission has set aside some EUR 3,6 billion towards the Information Society Technologies (IST) Programme for research projects, including mobile communications, under which industry may propose projects they consider relevant to furthering broadband deployment in the Union, following specific calls for proposals. The Commission welcomes any technical solution that may promote the Information Society. However, in line with the principle of technological neutrality enshrined in the new Community regulatory framework for electronic communications, it believes that the choice of technology lies essentially with the operators concerned.

(1) Communication on 'The Introduction of Third Generation Mobile Communications in the European Union: State of Play and the Way Forward', COM(2001) 141 final, Communication: 'Towards the full Roll-out of Third Generation Mobile Communications', COM(2002) 301 final.

(2004/C 33 E/096)

WRITTEN QUESTION E-1175/03

by Graham Watson (ELDR) to the Commission

(1 April 2003)

Subject: Digitalisation of historical databases

The e-learning framework needs to be compatible between countries and available online. Will the Commission therefore extend to accession countries the assistance available to Member States to create digital records of historical databases?

Answer given by Mr Liikanen on behalf of the Commission

(4 June 2003)

The eLearning Initiative and its eLearning Action Plan do not offer assistance to Member States to create digital records of databases.

The Commission does not currently fund specifically the creation of digital records of historical databases as this is considered to be a matter for initiatives at the national level. Under the Fifth and Sixth Framework Programmes for Research and Technological Development, the Information Society Technologies (IST) programme has, however, provided incentives for coordination of digitisation work and the development of digitisation systems and services. Indeed, the IST Minerva project managed under the Cultural Heritage component of programme, provides a framework for the European cultural ministries to coordinate digitisation results and, as such, is a useful source of evolving information in the area. It provides assistance for the exchange of best practice between the 15 Member States and acts as a forum for reviewing progress in the area and planning future activities. Under the Sixth Framework Programme's strategic objective 'Technology Enhanced Learning and Access to Cultural Heritage', the activity could be extended to include the Accession Countries in accordance with the relevant procedures.

(2004/C 33 E/097)

WRITTEN QUESTION E-1226/03

by Freddy Blak (GUE/NGL)
and Anne Jensen (ELDR) to the Commission

(2 April 2003)

Subject: Protection of drivers in the export trade against violent attack

At its meeting of 14 October 2001, the Ministers of Justice and Home Affairs of the Member States and the candidate countries in association with the Commission adopted a declaration calling for appropriate measures to protect drivers in the export trade against violent attack. What progress has the Commission made in implementing such appropriate measures?

What progress have the Member States and the Commission made overall in their work to protect drivers in the export trade against violent attack? Has the work so far resulted in any specific initiatives and/or projects, and when can the results of their work be expected?

Answer given by Mr Vitorino on behalf of the Commission

(15 May 2003)

On 14 October 2002, the Ministers of Justice and Home Affairs of the Member States of the Union and the candidate countries in association with the Commission adopted a joint declaration on the protection

of commercial drivers engaged in export trade from becoming victims of organised crime [1]. Pursuant to the third paragraph of that joint declaration national or international surveys should be conducted in order to map the incidents of crime directed at commercial drivers engaged in export trade and investigate the nature and scale of the problem and the background to it in their respective countries. A joint declaration has, however, no binding force upon the Member States

[1] OJ C 24, 31.1.2003.

(2004/C 33 E/098) **WRITTEN QUESTION E-1234/03**

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

(2 April 2003)

Subject: Closure of Euskaldunon Egunkaria

On Thursday 20 February this year the Basque newspaper Euskaldunon Egunkaria was closed down as a precautionary measure by High Court Judge Juan del Olmo. In an unprecedented act since democracy came to Spain, this judge, the Public Prosecutor and the Interior Minister himself drew up a joint press statement supporting the closure of this periodical — the only entirely Basque-language newspaper — because of alleged links to the ETA terrorist movement, based on some documents that were seized by the national police in the 1990s. More than a month has passed since these events, and five of the ten people who were arrested by judicial decree are still in detention, although no decisive and irrefutable evidence has been provided of their links with the terrorist movement. Moreover, some of them have accused the Spanish police authorities of torture, a detail which certainly does not make the path of peace in the troubled Basque Country any easier. This action against one of the communications media has greatly damaged the Basque language and culture and the citizens of this region, who are perplexed to observe once again a kind of action more typical of the Franco era which still haunts people's memories. The Spanish Government should not overlook or underestimate the demonstrations of support and solidarity that those who worked for this newspaper have received from various political groups, all kinds of associations, trade unions, religious communities and many others in the whole Basque Country, Catalonia and the rest of Europe.

The closure of Euskaldunon Egunkaria is of enormous significance and clearly affects a constitutional right, the right of citizens to information, enshrined in Article 20 of the Spanish Constitution and Article 11 of the Charter of Fundamental Rights of the European Union.

Does the Commission consider that the Spanish authorities have violated inalienable principles of the acquis communautaire?

Does the Commission consider that there has been a clear and repeated infringement of the presumption of innocence?

Answer given by Mr Vitorino on behalf of the Commission

(5 May 2003)

The Commission would refer the Honourable Member to the answers to Written Questions E-0672/03 by Mr Borghezio and E-0641/03 by Mr Ebner [1].

[1] OJ C 280 E, 21.11.2003, p. 75.

(2004/C 33 E/099)

WRITTEN QUESTION E-1242/03

by Chris Davies (ELDR) to the Commission

(2 April 2003)

Subject: Landfill Directive

What is the current percentage of waste being diverted to landfill in each Member State?

What are the current levels of landfill tax levied in each Member State?

Answer given by Mrs Wallström on behalf of the Commission

(21 May 2003)

According to the data submitted by Member States for the report on the implementation of Community Waste Legislation for the period 1995-1997 [1] landfilling is the main form of waste treatment in the Community for domestic waste, with an average of 60 % being landfilled. The percentage of waste going to landfills differs widely between Member States. Some Member States landfill only 15 % of their domestic waste, while others landfill up to 94 %. For other waste the data submitted was not sufficient to draw any conclusions.

The report shows the following percentages of domestic waste landfilled in the Member States:

— Belgium: 32;

— Denmark: 15;

— Germany: 46;

— Greece: 93;

— Spain: 83;

— France: 47;

— Ireland: 92;

— Italy: 94;

— Luxembourg: 37;

— Netherlands: 15;

— Austria: 43;

— Portugal: 88;

— Finland: 57;

— Sweden: 38;

— United Kingdom: 83.

The data submitted by Member States for the period 1998-2000 shows a decreasing tendency in landfilling, but a good number of Member States continue to rely heavily on landfill as means of disposing domestic waste. The Commission is about to adopt and publish the report for the period 1998-2000.

So far, there is no Community legislation or harmonisation of national fiscal provisions applied by the Member States in the area of landfill taxes. Therefore, the Commission does not dispose of comprehensive

information on these taxes in the Member States. The following information can be found in the Organisation for Economic Cooperation and Development (OECD) database on environmental taxes [2]:

(euro/tonne)

Denmark	50,3
Netherlands	13 - 78,8
Austria	5,8 - 101,6
Finland	15,1
Sweden	31,1
United Kingdom	3,2 - 19,3

[1] COM(1999) 752final.
[2] http://europa.eu.int/comm/environment/enveco/database_env_taxation.htm.

(2004/C 33 E/100)

WRITTEN QUESTION E-1243/03
by Chris Davies (ELDR) to the Commission

(2 April 2003)

Subject: Death of dolphins

The UK Fisheries Minister has proposed (20 March 2003) that it should be a legal requirement for some UK fishing vessels to attach pingers or other acoustic warning devices to nets in a bid to keep dolphins and porpoises from being caught.

Will the Commission now introduce similar measures with the requirement that they apply to all EU vessels using fishing methods of concern in this respect?

Answer given by Mr Fischler on behalf of the Commission

(15 May 2003)

The use of acoustic deterrent devices (pingers) has proven successful in reducing by-catches of small cetaceans in certain type of fisheries. The Commission is aware that such a measure has already been made mandatory since 2000 by Danish authorities, and is at present under consideration by the United Kingdom authorities within their consultation paper published on 20 March 2003.

As stated in the answer given to Question H-0122/2003 by Mrs McAvan [1], the mandatory use of acoustic alarms in certain gillnet fisheries is part of a package of measures under preparation and for which the Commission has already engaged a consultation with stakeholders. The Commission intends to finalise this package as a proposal to the Council within the coming months.

[1] Written answer of 11.3.2003.

(2004/C 33 E/101)

WRITTEN QUESTION E-1252/03
by Freddy Blak (GUE/NGL) to the Commission

(3 April 2003)

Subject: Common European packaging return scheme

European Parliament and Council Directive 94/62/EC [1] refers to the need to harmonise national measures concerning the management of packaging and packaging waste in order to prevent or reduce its impact on the environment, thus providing a high level of environmental protection, and to ensure the functioning of the internal market and to avoid obstacles to trade and distortion and restriction of competition within the Community.

Since this directive was adopted, various packaging return schemes have been set up in some Member States, including Denmark where Dansk Retursystem A/S uses a deposit system to ensure re-collection of the packaging of beer and some soft drinks. In practice, however, this system, which was introduced to protect the environment, has first and foremost closed the Danish market to imports of foreign beer.

Does the Commission therefore intend to submit a proposal for a common, uniform and harmonised deposit system applicable to all Member States in order to prevent effectively technical obstacles to trade and distortion and restriction of competition?

(1) OJ L 365, 31.12.1994, p. 10.

(2004/C 33 E/102) **WRITTEN QUESTION P-1335/03**

by Freddy Blak (GUE/NGL) to the Commission

(2 April 2003)

Subject: Danish packaging tax

A large proportion of beer and carbonated drink bottles on the Danish market arrive in Denmark by way of organised imports from Germany. Consumers and enterprising businesspeople collect hundreds of crates in Germany and sell them from drinks machines in Danish shops, because the deposit is higher in Denmark.

Thanks to these extensive 'private' imports, Danish breweries obtain bottles brought into Denmark without the intervention of the tax authorities. The breweries thus avoid paying the packaging tax which they would normally have to pay on empty bottles from Germany.

At the same time the breweries are refunded the packaging tax on the bottles they export.

The Danish Treasury estimates that this trade costs the Danish state some DKR 15 million per year, while the canning industry reckons it is losing some DKR 50 million per year.

In the Commission's view, does the Danish packaging tax constitute an indirect State aid to breweries and the cross-border trade? If so, what does the Commission propose to do to stop it?

Could the Commission also state its opinion of the fact that Danish nationals are not required to pay a deposit on cans purchased in Germany provided they sign a declaration that they are taking the cans with them to Denmark?

Joint answer
to Written Questions E-1252/03 and P-1335/03
given by Mrs Wallström on behalf of the Commission

(16 May 2003)

The Commission is aware of the introduction of, or plans to introduce, deposit and return systems for packaging in some Member States, such as Denmark, Germany and Sweden. It follows from Articles 5 and 15 of Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (1) as well as recital 32 that Member States are allowed to encourage environmentally friendly reuse systems and to adopt economic instruments, provided that the EC Treaty provisions are respected. If such national systems constitute technical regulations in terms of Directive 98/34/EC of the 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 (2), the national draft legislation setting up such a system has to be notified to the Commission (see also Article 16 of Directive 94/62/EC). The Commission therefore has the opportunity to examine the national systems in question on their conformity with Community law prior

to their formal adoption. If the Commission finds that such national systems constitute undue trade barriers or restrictions to competition, violating Community law, the Commission will tackle these problems with the Member State concerned.

Once formally adopted, the Commission will continuously monitor the application and functioning of these national systems and will in light of the available information take the appropriate measures with the Member States concerned to eliminate such obstacles to the internal market or competition to which the Honourable Member refers. There are, however, currently no intentions to propose legislative measures at Community level with a view to harmonise national deposit- and return systems.

On the basis of the information available to the Commission, the Danish packaging tax does not seem to constitute State aid within the meaning of Article 87(1) of the EC Treaty. The tax itself seems to be levied on both bottles produced in Denmark and on imported bottles on a non-discriminatory basis. Therefore, it does not seem to grant a selective advantage, which is one of the requirements in order to qualify a national measure as State aid under the Union rules.

For the moment, the Commission has insufficient information at its disposal in order to form a proper opinion on the alleged fact that Danish nationals would not be required to pay a deposit on cans purchased in Germany, if they sign a declaration that they import the cans into Denmark.

On the basis of the system outlined in this question, the Danish national tax system does not seem incompatible with the prohibiting of fiscal discrimination against products from other Member States to indirectly protect domestic products, within the meaning of article 90 of the EC Treaty.

(1) OJ L 365, 31.12.1994.
(2) OJ L 204, 21.7.1998.

(2004/C 33 E/103) **WRITTEN QUESTION E-1279/03**

by Koldo Gorostiaga Atxalandabaso (NI) to the Commission

(4 April 2003)

Subject: Lack of medical care for Basque political prisoners

Lack of medical care for Basque political prisoners shows how laws are not equally implemented in the Spanish Kingdom.

Bautista Barandalla's case is one of the clearest examples of that. This 38-year old Navarrian has been in prison for over 12 years. In 2000 he was diagnosed with ulcerous proctitis but he was not admitted into hospital until March 2002. From that time, 13 times he has had parts of his colon and rectum removed. He was always moved from hospital to prison too early. Given Barandalla's situation a request was made to the Criminal Court of Zaragoza for Barandalla's release under Article 92 of the Penal Code due to his sufferings and incurable illness. This request was repeated several times and all of them were refused in spite of additional reports from different doctors and hospitals that consider it absolutely necessary for Barandalla to be released.

Can the Commission say what steps it will take in a humanitarian bid to remedy this situation?

Answer given by Mr Vitorino on behalf of the Commission

(11 June 2003)

Matters relating to the release of prisoners on health grounds are the responsibility of Member States.

Consequently, the Commission is not in a position to take any action under Community law in such cases.

(2004/C 33 E/104) **WRITTEN QUESTION E-1292/03**

by Mark Watts (PSE) to the Commission

(4 April 2003)

Subject: Export of live cattle to third countries

How many live cattle for (i) slaughter, (ii) fattening and (iii) breeding were exported in 2002 from each Member State to each individual third country of destination?

How much was paid out in export refunds in 2002 in respect of the export of live cattle from the EU to third countries for (i) slaughter, (ii) fattening and (iii) breeding?

Answer given by Mr Fischler on behalf of the Commission

(15 May 2003)

A table which shows the quantities of Union exports of live bovine animals for 2002 by Member State and country of destination, is sent direct to the Honourable Member and to Parliament's Secretariat.

Based on export licences for live bovine animals issued in 2002, export refunds amount to:

— EUR 10,0 million for pure-bred breeding animals;

— EUR 51,8 million for slaughter and other animals (including animals for fattening) [1].

[1] No separate figures are available for animals for slaughter and for other animals.

(2004/C 33 E/105) **WRITTEN QUESTION E-1314/03**

by Jean Lambert (Verts/ALE) to the Commission

(7 April 2003)

Subject: Voting rights for EU citizens when living in another EU country

I have recently been contacted by a British citizen who has been living in Austria since 1981.

As a result of his extended absence he is unable to vote in national elections in the UK, due to UK rules which state that after 15 years of absence a citizen can no longer vote in UK elections.

However, he is not able to vote in national elections in Austria either. Austrian rules allow non-Austrian citizens to vote only in local and European elections.

There is no time limit on how long Austrian citizens living abroad are able to continue voting in Austrian national elections. This difference in attitude of the Austrian and UK authorities has led to this anomalous situation.

This situation is problematic, as clearly as a British and EU citizen this individual ought to be able to vote in the national elections either of his country of residence or of his country of citizenship. Voting is a key democratic right and to be denied this right is serious.

What is the Commission's view on this situation?

Answer given by Mr Vitorino on behalf of the Commission

(15 May 2003)

The Honourable Member raises the point that United Kingdom citizens having been living abroad for more than 15 years lose their right to vote in the United Kingdom.

The Commission refers first the Honourable Member to its answer to Written Question E-1301/02 from Mr Michael Cashman [1], and confirms that Community law guarantees only that every Union citizen has the right to vote and stand as a candidate at elections to the European Parliament and at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. The right to vote of own nationals of a Member State in elections of that Member State belongs fully to the competence of the Member States, independent whether those citizens reside in its territory or outside of its territory, as explicitly confirmed in the relevant Directives 93/109/EC [2] and Directive 94/80/EC [3].

[1] OJ C 92 E, 17.4.2003.

[2] Council Directive of 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European parliament for citizens of the Union residing in a Member State of which they are not nationals, OJ L 329, 31.12.1993.

[3] Council Directive of 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, OJ L 368, 31.12.1994.

(2004/C 33 E/106) **WRITTEN QUESTION E-1333/03**

by Cristiana Muscardini (UEN) to the Commission

(9 April 2003)

Subject: Unlawful charging of commission by banks

Despite the entry into force of the euro and Regulation (EC) No 2560/2001 [1] of the European Parliament and of the Council of 19 December 2001 on cross-border payments in euro, banking institutions and banks in general continue to charge commission for both transfers and the depositing of cheques from the various European countries.

The Belgian Post Office still uses the phrase 'from abroad' when notifying bank transfers from other European countries.

This constitutes an extra burden and inconvenience for the general public, especially immigrants, who are often obliged to make trans-national payments and transfers. Can the Commission say:

— whether it can take steps to ensure that transfers between Member States of the euro zone are defined as 'from the Union' and ban the phrase 'from abroad';

— whether the charging of this kind of commission by banks is compatible with current European legislation;

— how it intends to tackle any infringement of the Regulation which may be ascertained;

— how it intends to regulate, for transfers and cheques from the Member States of the Union, the levying of charges equal to those levied for transfers and cheques within a country?

[1] OJ L 344, 28.12.2001, p. 13.

Answer given by Mr Bolkestein on behalf of the Commission

(4 June 2003)

Regulation (EC) No 2560/2001 of the European Parliament and of the Council of 19 December 2001 on cross-border payments in euro establishes the principle of equal charges between strictly national payments and cross-border payments in euro within Community territory. For electronic payments, the Regulation entered into force on 1 July 2002. It will apply to transfers as of 1 July 2003. However, the principle of equal charges does not apply to cheques because the legislator took the view that cheques have no future as a method of cross-border payment.

During the first half of 2003 cross-border payments in euro will therefore continue to attract higher charges than national transfers. This will change in July. Nothing will change as regards cheques, however: the banking community is setting up a policy to deter cheque use which consists in either raising charges further or stopping issuing cheques altogether.

By end-2002 a number of cases of non-compliance had been brought to the Commission's attention. It immediately contacted the various national authorities responsible for implementing the Regulation as per Article 7, and the problems were quickly resolved. The banks in question did not dispute that mistakes had been made either in printing documents (uncorrected lists of charges) or in applying charges to certain type of payment.

The Commission will of course continue to monitor the correct implementation of Regulation (EC) No 2560/2001 in accordance with the powers conferred on it by the Treaty.

(2004/C 33 E/107) **WRITTEN QUESTION P-1344/03**

by Charles Tannock (PPE-DE) to the Commission

(3 April 2003)

Subject: Eurodac and data protection

The Eurodac system of fingerprinting which was agreed by the European Union two years ago has finally been introduced as part of an attempt to ensure that those claiming asylum in one EU Member State do not, having gained entry to the Union, subsequently 'shop around' for asylum status in other Member States.

There are reports, however, that the information contained on the Eurodac files will not be available to the police forces of Member States but only to the immigration authorities under certain conditions because of the EU Data Protection laws. Are these reports correct, and, if so, which provisions specifically exclude information on non-EU citizens from being passed to national police forces?

Finally, if the police needed information on the identity or movement of suspected terrorists is it correct that the Eurodac information would be denied to them, and, if so, how is that consistent with the need to protect our citizens, the fight against terrorism or our international obligations to fight terrorism?

Answer given by Mr Vitorino on behalf of the Commission

(4 June 2003)

As the Honourable Member is aware, the Eurodac system for comparing the fingerprints of asylum applicants was set up by Council Regulation (EC) No 2725/2000 of 11 December 2000 [1] for the sole purpose of enabling the Dublin Convention to be efficiently applied [2].

Article 1 of the Regulation states:

Paragraph 1:

> A system known as 'Eurodac' is hereby established, the purpose of which shall be to assist in determining which Member State is to be responsible pursuant to the Dublin Convention for examining an application for asylum lodged in a Member State, and otherwise to facilitate the application of the Dublin Convention.

Paragraph 3:

> Without prejudice to the use of data intended for Eurodac by the Member State of origin in databases set up under the latter's national law, fingerprint data and other personal data may be processed in Eurodac only for the purposes set out in Article 15(1) of the Dublin Convention.

The authorised objectives listed exhaustively in Article 15(1) of the Dublin Convention are as follows:

- determining the Member State which is responsible for examining the application for asylum,
- examining the application for asylum,
- implementing any obligation arising under this Convention.

These objectives are incorporated unamended in Article 21(1) of Council Regulation No (EC) 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national [3], which replaces the Dublin Convention.

Consequently, even if a police force were the authority within a given Member State responsible for performing one of the above tasks, the data in its possession could not be processed in Eurodac for purposes of police investigation.

The legislation currently in force would have to be amended to allow Eurodac to be used for other purposes while maintaining the necessary balance between public security requirements and the protection of freedoms.

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[1] OJ L 316, 15.12.2000.
[2] OJ C 254, 19.8.1997.
[3] OJ L 50, 25.2.2003.

(2004/C 33 E/108) **WRITTEN QUESTION E-1359/03**

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

(10 April 2003)

Subject: Gran Sol fleet provisional rest period

The Galician fleet fishing in the Gran Sol grounds has planned a biological rest period from 1 July onwards. In order that this biological rest period can go ahead with all the necessary guarantees in place for the fleet involved, the relevant authorisation must be published in good time in the Official Journal of the European Union (OJ).

Can the Commission give details of the steps it intends to take or has already taken to ensure that the fleet involved can carry out this biological rest period and the relevant authorisation can be published in the OJ in good time?

Answer given by Mr Fischler on behalf of the Commission

(26 May 2003)

The Commission can inform the Honourable Member that it received a communication from the Spanish authorities on this matter on 20 March 2003.

The proposed measure, including the reasons behind its adoption, must be assessed, in particular from a biological point of view.

The Commission is currently examining whether the initiative is compatible with the relevant provisions of the Community legislation applicable in this area [1] (Council Regulation (EC) No 2792/1999, as amended by Regulation (EC) No 2369/2002).

[1] Council Regulation (EC) No 2369/2002 of 20 December 2002 amending Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector, OJ L 358, 31.12.2002.

(2004/C 33 E/109) **WRITTEN QUESTION E-1366/03**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(10 April 2003)

Subject: EU citizens' awareness in regard to more economic use of energy

Modern societies are to a great extent based on large-scale consumption of energy. However, all uses of energy create environmental problems. If energy consumption is to be reduced in the long term, wide-ranging measures must be taken by consumers and producers alike. However, change requires knowledge and understanding. One of the conclusions drawn from a recent survey of 16 000 EU citizens carried out by the Directorate-General for Research is that a large section of those citizens has limited understanding of how energy is consumed in society or of how they themselves can help to reduce energy use in their own households.

In the Commission's view, what measures should be taken to heighten the awareness of EU citizens to achieve more economic use of energy?

Answer given by Mrs de Palacio on behalf of the Commission

(16 May 2003)

In order to achieve the necessary objectives as described in the Green Paper on energy supply, on the demand side the Commission implements several instruments like legislation, promotion and education to help raise awareness of European citizens in energy use. The Commission is of the opinion that a mix of these approaches is important.

Nevertheless the Commission notes with pleasure that according to the recent Eurobarometer survey on energy there is a high awareness among European citizens that energy is very important in our society and that its use affects the environment. A positive attitude towards renewable energy and energy savings is clearly there.

Measures that were and are being taken to heighten the energy awareness of European citizens include the following initiatives:

- Examples of awareness creation through information and promotion:
  - The Energy Framework Programme, in particular in its Altener and Save projects, included the promotion of efficient production and consumption of energy, particularly measures aimed at the educational sector and the wider public, as well as the support for the development of a network of regional and local energy agencies. These actions will continue with the new Intelligent Energy programme (2003-2006).

- A Public Awareness Campaign for an Energy Sustainable Europe will be launched early 2004 as a successor to the Renewable Energy Campaign for Take-off 2000-2003. Promoting best practice in energy efficiency will be one of the pillars of this campaign involving national, regional and local decision-makers in order to sensitise the public.

- As a result of various campaigns there are now major websites providing information on renewable energy sources and energy efficiency, including ManagEnergy.

- A publication for distribution to the general public on the building directive and on how to save energy is being prepared for distribution in print and through internet.

- Additional awareness is created indirectly by means of press releases.

- Some examples of awareness creation through Commission legislation or voluntary actions:

  - Labelling of domestic appliances: All consumers that are purchasing this kind of equipment are informed of the energy performance at the point of sale in order to help them make responsible choices. The information would also be provided on documentation leaflets and applies to internet sales as well.

  - Labelling of office equipment: In this programme a special Energy Star logo is awarded to energy efficient office equipment (computers, printers, scanners, …).

  - Ecolabel: Energy efficiency is one of the most important criteria to get this high quality label on life cycle environmental impact.

  - Certification of buildings: In the near future, the new directive on buildings will imply certification of the global energy performance of buildings, including homes of Union citizens. In addition, buildings over 1 000 square metres (m^2) occupied by public authorities and other institutions providing public services and involving many visitors will be required to display their certificate clearly to the public. In light of the results of the survey on energy these measures should boost energy awareness considerably.

(2004/C 33 E/110) **WRITTEN QUESTION E-1372/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(15 April 2003)

Subject: Promotion of olive oil on the Community and world markets

The provisions to promote olive oil on the European and world markets contained in the regulation governing the common organisation of the market in olive oil expired at the end of 2002. Moreover, olive oil is not covered by Council Regulation (EC) 2826/2000 [1] on information and promotion actions for agricultural products on the internal market or the corresponding Commission implementing Regulation (EC) 94/2002 [2]. Since 1 January 2003, therefore, there has been no Community action to promote olive oil on the world market.

Since this situation is one of concern to olive growers, will the Commission say what steps it will take to address this problem?

[1] OJ L 328, 23.12.2000, p. 2.
[2] OJ L 17, 19.1.2002, p. 20.

Answer given by Mr Fischler on behalf of the Commission

(21 May 2003)

Olive oil Promotion on the Internal Market

A directly managed Union-wide campaign to promote the consumption of olive oil (the seventh campaign) based on the old regulatory framework was still ongoing at the time when the new Regulation [1] was initially adopted. This is why olive oil was not included in the list of products eligible for promotion at that time.

The implementation of this campaign was finalised by the end of 2002. The evaluation part will be finalised by the end of June 2003.

With the latest amendment of the above mentioned Regulation [2], olive oil and table olives were included in the list of eligible products and guidelines to draft the programmes were annexed. This will enable the professional organisations in the producing Member States to submit proposals within the current Regulation.

Olive oil Promotion in Third Countries

Based on Council Regulation (EC) No 2702/1999 of 14 December 1999 on information/promotion of agricultural products in third countries [3], the Community may, where measures are decided in particular for the olive oil and table olive sector, carry them out through the International Olive Oil Council (IOOC).

The IOOC is for the moment in the process of reforming its administration and procedures.

For the time being the IOOC promotional activities are carried out with an annual budget of EUR 500 000 comprising the obligatory contributions of the IOOC members to the promotion fund.

A decision to contribute additionally with a voluntary financial contribution of the Community to the promotion fund remains to be taken.

(1) Commission Regulation (EC) No 94/2002 of 18 January 2002 laying down detailed rules for applying Council Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market.

(2) Regulation (EC) No 497/2003 of 18 March 2003 amending Regulation (EC) No 94/2002 of 18 January 2002 laying down detailed rules for applying Council Regulation (EC) No 2826/2000 on information and promotion actions for agricultural products on the internal market, OJ L 74, 20.3.2003.

(3) OJ L 327, 21.12.1999.

(2004/C 33 E/111) **WRITTEN QUESTION P-1377/03**

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

(7 April 2003)

Subject: Deterioration of mobile telephone services

The last 12 months have seen a considerable rise in the number of people using multimedia mobile telephones capable of receiving and sending images and videos and of surfing and downloading internet programmes.

However, mobile telephone transmission networks designed to carry voice signals have not been replaced by UMTS networks appropriate to transmissions of this kind, nor have they been substantially reinforced: in fact, there has been a drastic cutback in investment in the network.

The result is that the networks are so saturated that the general quality of service is falling, a fact which is specifically affecting the launching and reliability of the new multimedia terminals.

What plans does the Commission have to put an end to this situation, and within what time frame?

How are users to be protected from the general deterioration of quality service, which is affecting the new multimedia services in particular?

How are consumers to be compensated for having paid for a service which it then turns out they can scarcely get the benefit of?

Answer given by Mr Liikanen on behalf of the Commission

(21 May 2003)

The Commission is not aware of a general network saturation or reduction of the quality of mobile services.

As the mobile operators are grappling with the economic slowdown since 2000, and trying to roll out third generation mobile communications (3G) networks and services, new data services are offered via an upgrade of existing access platforms, such as Generalised Packet Radio Service (GPRS). Quite naturally, such innovative services experience initial difficulties (e.g. interoperability) which according to the observation of the Commission operators are addressing with high priority.

It is the Commission's policy to encourage network deployment, including the eEurope Action Plan, where all Member States have been asked to put in place a comprehensive broadband strategy by the end of 2003. In its Communication 'Electronic Communications: the Road to the Knowledge Economy' [1], the Commission presented a number of actions addressing both the roll-out of broadband and 3G networks and services. The Commission will report at the end of 2003 on the state of deployment of 3G networks, and provide clarifications on issues of network infrastructure sharing.

In the end, it is for the mobile operators to finance their upgrading of existing, and future, networks, and guarantee the quality of service of their networks. The success of mobile services leads to limited situations of locally high usage density (e.g. in so-called hot spots or at certain times of the day). The availability of the network services is a key feature for operators to compete on. The Commission is therefore confident that the possibility for customers to change a service provider in case of degrading or poor service quality is a strong incentive for operators to upgrade their networks in accordance with the demand and the network load, even more so as the unavailability of services would result in lost revenues.

The Commission has not been made aware of a generalised dissatisfaction of customers concerning the quality of service of 2G services. If the case may be, the question of compensating consumers falls under the contractual relation between the consumer and the service provider.

[1] COM(2003) 65 final.

(2004/C 33 E/112) **WRITTEN QUESTION E-1388/03**

by Maurizio Turco (NI) to the Commission

(15 April 2003)

Subject: 'Accidental' deaths in Italian prisons — the case of Luigi Giusti

On 3 December 2002, Mr Luigi Giusti, aged 58, was arrested and transferred to Poggioreale prison in Naples under a detention order issued by Naples examining magistrate Giovanna Ceppaluni, at the request of public prosecutor Francesco Curcio.

At the time of his arrest, it was known that Mr Giusti was suffering from a life-threatening medical condition (severe diabetes which had already caused irreparable damage to the arterial system, including blindness and cardiovascular accidents affecting the limbs).

On 21 December 2002, the initial defence petition, which clearly drew the attention of the public prosecutor and examining magistrate to the need for medical examinations to be conducted in order to take account of the defendant's serious medical condition, was dismissed by the court and the examinations were never performed.

On 27 January 2003, the defence submitted an application for release, accompanied by a request for the prison hospital file to be made available, to which no response was received.

On 21 February 2003, an application by the defence for the prisoner to be released from custody on grounds of serious ill-health was rejected by the examining magistrate following a ruling by the public prosecutor, while no response was given to the request for the hospital file or for improved prison conditions on grounds of serious ill-health.

On 17 March 2003, according to one of the defence lawyers, the prison authorities sent an urgent fax to the examining magistrate saying that the prisoner's state of health had deteriorated and requesting an urgent transfer to the Cardarelli hospital in Naples (no reply was received).

During the night of 20-21 March 2003, the prisoner suffered acute chest pains, fell out of bed and had to be carried to the prison infirmary on the shoulders of his son Ottavio, also a prisoner. After being examined by medical staff, Mr Luigi Giusti was obliged to return to his cell. Two hours later, dying or perhaps already dead, he was taken to the Loreto Mare hospital.

To date no charges have been brought or investigation warrants issued against magistrates, who were clearly at fault, or the medical staff of the Poggioreale prison.

There have been an increasing number of cases, moreover, in which the state of health of inmates of Italian prisons has been 'misjudged', both by magistrates and medical staff.

In the light of the above, what measures will the Commission take to protect the basic rights of prisoners?

Would it not be useful to draw up Community legislation laying down minimum standards to protect prisoners' rights?

Does it not consider that the serious and repeated violations of prisoners' rights, particularly in Italy, where the case described above is merely one example among many, represent a breach of the EU Treaties?

Answer given by Mr Vitorino on behalf of the Commission

(15 May 2003)

The detention of Mr Luigi Giusti by the Italian authorities must be considered as a question regarding the maintenance of law and order and the safeguarding of internal security. Pursuant to Article 33 of the Treaty on European Union, it is the Member States, which are responsible for what action should be taken to maintain law and order and to safeguard their internal security.

As regards possible action by the Commission, the Commission regrets to inform the Honourable Member that it is not its role to intervene in such matters, which falls entirely within the ambit of the Italian competent authority.

It should, however, be noted that the Commission currently is considering the question of pre-trial detention and alternatives to such detention at a European level. This initiative is based on the Programme of measures to implement the principle of mutual recognition of decisions in criminal matters [1] (in particular measures 9 and 10). A Green Paper on this issue will be published later in 2003.

On 19 February 2003, the Commission also published a Green Paper on Procedural Safeguards for Suspects and Defendants in Criminal Proceedings throughout the Union [2]. The Green Paper on Procedural Safeguards focuses on the right to legal assistance and representation, the right to a competent, qualified interpreter and/or translator, proper protection for especially vulnerable categories, consular assistance and the knowledge of the existence of rights ('letter of rights').

[1] OJ C 12, 15.1.2001.
[2] COM(2003) 75 final.

(2004/C 33 E/113) **WRITTEN QUESTION E-1390/03**

by Antonio Di Pietro (ELDR) to the Commission

(15 April 2003)

Subject: Application of agreements on dual nationality by certain Länder of the Federal Republic of Germany

The EU treaty provides for the existence of European citizenship.

On 19 September 2001, the Government of the Federal Republic of Germany signed the European Convention on Nationality of 6 November 1997, and decided to withdraw from the Convention on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality of 6 May 1963.

The Act amending the German Nationality Act (Gesetz zur Reform des Staatsangehörigkeitsrechts) of 15 July 1999, which came into force on 1 January 2000, states that the granting of dual nationality to EU citizens resident in Germany must be subordinate to the principle of reciprocity.

On 25 May 2002, a ministerial decree of the Italian Republic stated that EU citizens may acquire Italian nationality without forfeiting their own citizenship, and vice versa, thereby fulfilling the conditions of reciprocity set out in the German legislation.

Following a bilateral agreement between Italy and Germany of 22 December 2002, the arrangement referred to in Article 87 (2) of the amended German Nationality Act became applicable, making it possible for Italians living in Germany who satisfy certain conditions to apply for German citizenship without having to give up their Italian citizenship. The Länder of Bavaria and Baden-Württemberg have, however, interpreted the legislation restrictively, despite the reciprocity requirements that exist between Italy and Germany, as the Italian measure is not a law, but simply an administrative act.

In light of this information, what steps does the Commission intend to take to safeguard the rights of Italian citizens resident in these Länder and to standardise the rules governing nationality at European level in such a way as to resolve at the outset any judicial and political conflict that may arise between Member States in this area?

Answer given by Mr Vitorino on behalf of the Commission

(15 May 2003)

The Commission would point out that the issues relating to double nationality and nationality laws raised by the Honourable Member are matters falling under the competence of Member States. This is confirmed by the Declaration on nationality of a Member State appended to the Treaty of Maastricht, which states

that the nationality of Member States is entirely a matter for the Member States concerned. It does not fall under the competence of the Union. It is therefore for each Member State, having due regard to Community law, to lay down the conditions for the acquisition and loss of nationality [1], including rules concerning double nationality.

In these circumstances, the Commission is not able to take any initiatives relating to the subject matter.

[1] See judgement of the European Court of Justice in case C-369/90 Micheletti of 7.7.1992, ECR 1992, p. I-4239.

(2004/C 33 E/114) **WRITTEN QUESTION P-1404/03**

by Luigi Vinci (GUE/NGL) to the Commission

(11 April 2003)

Subject: Protection of Sites of Community Importance (SCIs) and Special Protection Areas (SPAs) in Basilicata (Italy) with reference to the habitats (92/43/EEC) and birds (79/409/EEC) directives

The Foce Bradano (IT9220090), Costa Jonica Foce Basento (IT9220085), Costa Jonica Foce Cavone (IT9220095) and Costa Jonica Foce Agri (IT9220080) SCIs and the Bosco Pantano di Policoro and Costa Jonica Foce Sinni SPAs are under serious threat from plans to build tourist facilities behind or inside them.

It is essential to protect these areas both to safeguard biodiversity, natural habitats and the breeding grounds of the sea turtle (caretta caretta) and the otter (lutra lutra) as well as other animals listed in Annex II to Directive 92/43/EEC [1] and because of the presence of various species of migratory birds included in Annex I to Directive 74/409/EEC [2].

In 2002, following the lodging of complaints to the Commission Nos 2002/4799, SG (2002) A/7425 and 2002/4800, SG (2002) A/6930/2 by the Italian League for the Protection of Birds (LIPU) and the Costa Jonica Protection Committee, the Italian Ministry for the Environment asked the Basilicata regional authorities to obtain the documentation required to prevent the opening of infringement proceedings against the Italian State for breach of the above directives.

The construction of the tourist facilities, which in some cases is already in progress, should, under the current rules, be preceded by an environmental impact assessment (EIA). To date, however, the findings of only one EIA have been submitted.

On 14 January 2003 the Council of State suspended the enforcement of ruling No 801/2002 of the Basilicata regional administrative court, upholding LIPU's appeal against one of the construction projects, thus authorising the resumption of work even in the absence of EIAs, which are compulsory for SCIs and SPAs coming within the Natura 2000 network.

SCI IT9220095 and SPA IT9220055 are covered by Community environmental protection projects: the former by an Envireg Community Initiative for the depollution and rehabilitation of the coastline at the mouth of the River Cavone, and the latter by a LIFE-Nature project managed by the ENEA (Italian agency for new technologies, energy and the environment), the Lazio regional authorities and the Basilicata regional authorities.

Given the above, how does the Commission intend to go about putting an end to breaches of Community directives and ensuring the effectiveness of Community environmental projects and initiatives cofinanced by the EU?

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

Answer given by Mrs Wallström on behalf of the Commission

(21 May 2003)

The Commission has received a complaint on the issues raised by the Honourable Member for bad application of Council Directives 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment [1], after amendments by Council Directive 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 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.

Furthermore, the Commission has taken the necessary steps with Basilicata Region in order to verify whether ERDF co-finances tourist facilities next or inside SCIs or SPAs areas mentioned in the question. Moreover, the Commission continues actively to monitor and control the use of Structural Funds under the Basilicata Operational Programme, including the conformity of selected projects with European Regional Development Fund (ERDF) regulations and with 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.

(2004/C 33 E/115) **WRITTEN QUESTION E-1407/03**

by Kathleen Van Brempt (PSE) to the Commission

(23 April 2003)

Subject: Protective clothing for motorcyclists

Protective clothing is very important for motorcyclists, but it is very expensive. However, proper equipment can save lives. Motorcyclists' organisations are calling for VAT on protective clothing, for example helmets, the wearing of which is compulsory by law, to be reduced from 21 % to 6 %. However, the national authorities have informed the motorcyclists that VAT reductions on protective clothing can be determined only by European bodies.

Is the Commission aware of this call from motorcyclists?

Does the Commission have any intention of taking measures whereby VAT on protective clothing would be reduced?

If not, what is the Commission doing with a view to promoting protective clothing for motorcyclists?

Answer given by Mr Bolkestein on behalf of the Commission

(16 June 2003)

As it indicated in its Communication on the new VAT strategy [1] and in the report of October 2001 on reduced rates [2] the Commission intends to carry out an overall review of the structure of reduced rates in the first half of the year. This review will look at all requests for reduced rates for individual categories of goods and services as several business sectors have often expressed an interest in tax incentives and reduced VAT rates in particular.

The Commission has already been notified of applications by motorcyclist associations for reduced VAT rates for protective clothing and headwear.

A large degree of harmonisation exists within the Community. The standard rate currently applies in 14 Member States. This varies between 15 % and 25 %. The United Kingdom has been authorised on an exceptional basis to continue to apply, during a transitional period, the zero rate which was in force in the United Kingdom on 1 January 1991.

The Commission will shortly be presenting a proposal to improve the functioning of the internal market by rationalising the use of reduced rates by Member States to avoid potential distortion of competition. This will give all Member States the same rights in applying reduced rates.

As another measure to promote protective clothing and headwear for motorcyclists the Commission is considering whether to harmonise the conditions for the wearing of helmets by users of two-wheel motor vehicles and to support campaigns to promote the use of protective clothing by them.

In 1998 the European Union adopted Regulation 22 of the United Nations Economic Commission for Europe introducing type approval of protective helmets for motorcyclists. The protective components of motorcyclists' clothing are covered by Council Directive 86/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment [3] which makes the EC mark compulsory for all products with specific protective features. This Directive, and its proposed update, ensure a high level of health and safety protection for users of individual protective equipment. The EC mark also contributes to market transparency as products conforming to the Directive can be visibly distinguished from other types of equipment.

[1] COM(2000) 348 final.
[2] COM(2001) 599 final.
[3] Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment, OJ L 399, 30.12.1989.

(2004/C 33 E/116) **WRITTEN QUESTION E-1413/03**

by Graham Watson (ELDR) to the Commission

(23 April 2003)

Subject: Sewage disposal/treatment

Can the Commission comment on the extent to which the sewerage systems in Brussels and Milan comply with EU law on sewage treatment and disposal?

Answer given by Mrs Wallström on behalf of the Commission

(23 May 2003)

Council Directive 91/271/EECof 21 May 1991 concerning urban wastewater treatment [1] requires Member States to ensure that all agglomerations with more than 2 000 inhabitant equivalents [2] are provided with urban wastewater collection and treatment systems. The deadlines for providing these systems are 31 December 1998 (tertiary treatment), 31 December 2000 and 31 December 2005, depending upon the size of the conurbation and the sensitivity of the recipient waters.

Concerning Milan, the Commission has launched an infringement procedure against Italy for failure to comply with this Directive. This is because wastewater in Milan has been discharged into the relevant catchment areas without the necessary stringent (tertiary) treatment. A judgement of 25 April 2002 by the European Court of Justice was in favour of the Commission's position.

The construction of three wastewater treatment plants in Milan is currently ongoing. The Italian Authorities have informed the Commission that they predict the installations 'Milano Sud' (treating 40 % of the urban wastewater of Milan) and 'Peschiera' (10 %) will be operational at the end of 2004. The installation 'Nosedo' will eventually treat 50 % of Milan's urban wastewater. The Italian Authorities have stated that this station started working at 25 % of its potential in April 2003. Full operation will be achieved by January 2005. The Commission is continuing to monitor the situation.

The Commission has also launched an infringement procedure against Belgium because of untreated wastewater discharges from Brussels. The case was brought before the Court of Justice in January 2003. According to the Belgian Authorities, they are proceeding with the investment programme for stringent (tertiary) treatment plants for Brussels. The predicted date for completion is June 2006.

Finally, a Commission report (in preparation) on the implementation of the urban wastewater Council Directive 91/271/EEC will give information on the present treatment situation across the Union. The report will be available within the coming months.

(1) OJ L 135, 30.5.1991, as amended by Commission Directive 98/15/EC of 27 February 1998, OJ L 67, 7.3.1998.
(2) An organic-pollution measuring unit representing the average pollution produced per person per day.

(2004/C 33 E/117) **WRITTEN QUESTION E-1428/03**

by Laura González Álvarez (GUE/NGL) and Salvador Jové Peres (GUE/NGL) to the Commission

(24 April 2003)

Subject: Urban development plans in Pinya de Rosa (Blanes, Catalonia)

The Pinya de Rosa estate, the last undeveloped nature area on the coastal strip (with 1 400 metres of coastline) in the Blanes municipal district, includes the Pinya de Rosa Tropical Gardens (with 700 species), a 60-year-old mixed wood of holm oaks and pines, a rocky coastline in a perfect state of conservation and richly diverse flora and fauna on the sea bed and along the shore.

The proposal for a European Parliament and Council recommendation for Integrated Coastal Zone Management in Europe recommends drawing up national strategies to protect the severely threatened coastal environment, particularly on the Mediterranean coast.

There have since 1994 been determined efforts by certain groups of investors to develop this nature area, which would mean that the whole of the sea-front of Blanes would become man-made.

In view of all the above, and if as seems likely this development plan goes ahead, does the Commission not agree that this would affect various directives, including:

— 85/337/EEC (1), as amended by 97/11/EC (2), on the assessment of the effects of certain public and private projects on the environment;

— 92/43/EEC (3) on the conservation of natural habitats and of wild fauna and flora?

(1) OJ L 175, 5.7.1985, p. 40.
(2) OJ L 73, 14.3.1997, p. 5.
(3) OJ L 206, 22.7.1992, p. 7.

Answer given by Mrs Wallström on behalf of the Commission

(16 June 2003)

The Honourable Members ask the Commission if a proposal for an urbanisation project in Pinya de Rosa (Blanes-Cataluña-Spain) is subject to Council Directive 85/337/EEC of 27 June 1985 on the assessment of

the effects of certain public and private projects on the environment (EIA Directive) as amended by Council Directive 97/11/EC of 3 March 1997, and to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

The Honourable Members state that the rural property of Pinya de Rosa is the last natural space of the coastal strip in the municipality of Blanes with 1 400 meters of coast line including a Tropical Garden (700 species), a mixed forest of oaks and pines of more than 60 years of age, as well as a rich flora and fauna in the sea-bed and the coast.

According to the EIA Directive, Member States are obliged to ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to an assessment of the environmental effects. Certain infrastructure projects and projects for tourism and leisure are included in Annex II of the EIA Directive, which could cover the urbanisation project mentioned by the Honourable Members. In that case Member States have to determine if the project is likely to have significant effects on the environment on a case-by-case basis or by using thresholds or criteria. The relevant selection criteria set out in Annex III of the EIA Directive shall be taken into account. In the affirmative an environmental impact assessment has to be carried out.

Regarding the Habitats Directive, Member States are responsible for the designation of Sites of Community Importance. These sites have to fulfil the criteria set out in Annex III, stage 1 of the Habitats Directive. These are based on assessment, at national level, of the relative importance of the sites for each natural habitat type of Community interest and each species of Community interest whose conservation requires the designation of Special Areas of Conservation.

According to the information available, the site has not been proposed by the Spanish Authorities as Site of Community Importance, nor designated as Special Protected Area for birds.

(2004/C 33 E/118) **WRITTEN QUESTION E-1430/03**

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

(24 April 2003)

Subject: Environmental threats in Algeciras Bay

On 20 January 2003, Greenpeace conducted a protest action in Algeciras Bay against the single-hull tanker 'Vemamagna', which was built in 1978 and shows many similarities with the 'Prestige'. This vessel, which is owned by the company Vemaoil, flies a flag of convenience. Its presence in the bay constitutes a risk in itself, and it is also used in highly polluting activities as a floating fuel depot.

On 17 March 2003, the tanker slipped its anchor, started to drift with 70 000 tonnes of fuel on board, and could have triggered the same kind of catastrophe as the 'Prestige'.

On 6 December 2002, the Transport Council adopted additional measures to improve safety at sea and decided that these should be implemented immediately, along the lines suggested by the Commission and the European Parliament when adopting the Erika I and II packages.

What action will the Commission take to ensure that existing EU measures regarding safety at sea are applied immediately and in full in the case of this tanker?

Answer given by Mrs de Palacio on behalf of the Commission

(16 June 2003)

With regard to the measures taken by the Commission to improve maritime safety and the protection of the environment since the sinking of the Prestige, the Honourable Member is requested to refer to the Communication of 3 December 2002 and the various interim reports presented to the Community

institutions: report of 5 March 2003 to the European Council on action to deal with the effects of the Prestige disaster [1]; and the Commission working document reporting on the sinking of the Prestige oil tanker presented on 19 March 2003 to Parliament's Committee on Regional Policy, Transport and Tourism during the hearing.

Of the measures which concern single-hull tankers such as the Vemamagna more particularly, the Commission would draw attention more especially to the proposal for a Regulation which prohibits the carriage of heavy fuel oil by single-hull tankers to or from Union ports, and accelerates the replacement of single-hull tankers by double-hull tankers [2]. This proposal, which was transmitted to the co-legislators on 20 December 2002, has in the meantime been the subject of agreement within the Council, and a draft favourable opinion has been adopted by Parliament's Committee on Regional Policy, Transport and Tourism. Parliament is therefore expected to adopt it on first reading during its next plenary session in June 2003.

On 13 March 2001, the Commission also put forward a proposal on the protection of the environment through criminal law [3], and on 5 March 2003 it sent to Parliament and the Council a proposal for a Directive [4] on ship-source pollution and the introduction of sanctions, including criminal sanctions, for pollution offences. This proposal concerns illegal discharges and major oil pollution. It covers the entire chain of liability. Those who cause pollution will therefore no longer be able to shirk their responsibility.

[1] COM(2003) 105 final.
[2] COM(2002) 780 final.
[3] COM(2001) 139 final, 13 March 2001, OJ C 180, 26.6.2001, as amended by COM(2002) 544 final, 30 September 2002, OJ C 20 E, 28.1.2003.
[4] COM(2003) 092 final.

(2004/C 33 E/119) **WRITTEN QUESTION E-1433/03**

by Theodorus Bouwman (Verts/ALE) and Rijk van Dam (EDD) to the Commission

(24 April 2003)

Subject: European driver attestation and suspected misuse of ECMT permits

With effect from 19 March 2003, transport companies in the EU are required to use a driver attestation for drivers from third countries working for them.

Can the Commission indicate to what extent the Member States are complying with the requirement that took effect on 19 March 2003 on the use of the driver attestation for drivers from third countries, in accordance with Regulation (EC) No 484/2002 [1]?

Does the Commission agree that the fact that the requirement to hold a driver attestation under Regulation 484 does not apply to 'third country drivers' working for transport companies from third countries in which EU transport companies have a (majority) stake is a serious gap in the law, and one that must be dealt with? If so, what does the Commission propose to do?

Does the Commission agree that the fact that companies and drivers from third countries that use an ECMT permit for transport within the EU, in which they are operating virtually without restriction (in terms of time) throughout the EU's territory, in effect constitutes improper use of the permit, and that the situation should be dealt with?

Does the Commission agree that it is undesirable for drivers from 'third countries' to hire themselves out to European transport companies as 'independent drivers', thus evading the requirement to hold a European driver attestation? What steps can and will the Commission take to put an end to such practices?

[1] OJ L 76, 19.3.2002, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(10 June 2003)

The Regulation is a legal instrument directly applicable in all Member States. The Commission has not so far received any complaints regarding failure to apply this Regulation.

In the Commission's opinion, the situation described by the Honourable Members does not constitute a 'gap in the law' since, in practice, non-EU transport companies' rights of access to the European road haulage market are limited to permits issued by the ECMT (European Conference of Ministers of Transport), as described below, and under specific bilateral agreements (triangular authorisations). The common rules can be applied to non-EU countries only subject to agreements which would have to be negotiated with those countries, and it would be unnecessarily complicated to enter into negotiations for a number of agreements (involving long, difficult procedures) given the limited nature of the access rights in question. Furthermore, Regulation (EC) No 484/2002 [1] amends Regulation (EEC) No 881/92, which applies only to European Union territory. Lastly, the measure which the Honourable Members advocate, requiring merely that the terms of employment comply with the regulations of a non-EU State, would not serve to harmonise the conditions of competition with those in force within the European Union.

The ECMT system is autonomous and is not governed by Community law. The Commission is not therefore competent to give an opinion on holders' use of ECMT permits. Nonetheless, the Honourable Members' concerns about permit misuse have been raised at meetings of the ECMT members and a decision was taken at the last ministerial-level meeting to reform the permit system and to require hauliers to return to their country of origin at the end of at most a six week period. This reform will be put into effect on an experimental basis for a period of one year commencing 1 January 2004.

The purpose of the Regulation on driver attestation is to make it possible to check whether drivers are employed lawfully. Self-employed activities are outside the scope of the Regulation.

[1] Regulation (EC) No 484/2002 of the European Parliament and of the Council of 1 March 2002 amending Council Regulations (EEC) No 881/92 and (EEC) No 3118/93 for the purposes of establishing a driver attestation, OJ L 76, 19.3.2002.

(2004/C 33 E/120) **WRITTEN QUESTION E-1453/03**

by Hiltrud Breyer (Verts/ALE) to the Commission

(28 April 2003)

Subject: European Parliament resolution of 28 January 1999 (A4-0005/1999) on the environment, security and foreign policy

With reference to paragraphs 26 to 29 of the European Parliament resolution of 28 January 1999 on the environment, security and foreign policy (A4-0005/1999 [1]):

1. With regard to paragraph 26, has the Commission examined whether there are environmental and public health implications for Arctic Europe arising from the HAARP programme, and will it be reporting to Parliament concerning its findings? If so, what implications have been identified?

2. With regard to paragraph 27, what steps has the Commission taken to establish and enforce an international convention introducing a global ban on all developments and deployments of weapons which might enable any form of manipulation of human beings?

3. With regard to paragraph 28, what steps has the Commission taken to conclude international treaties to protect the environment from unnecessary destruction in the event of war?

4. With regard to paragraph 29, what steps has the Commission taken with a view to the establishment of international standards for the environmental impact of peacetime military activities?

[1] OJ C 128, 7.5.1999, p. 92.

Answer given by Mrs Wallström on behalf of the Commission

(3 July 2003)

The High frequency Active Auroral Research Programme (HAARP) for Arctic Europe is a military programme. The Commission has no competence, nor indeed the expertise, to carry out the examination requested by the Parliament in paragraph 26 of its Resolution.

With regard to the requests made in paragraphs 27 to 29, these deal with international treaties and standards which are predominantly concerned with military questions, e.g. on disarmament, and therefore fall within the competence of the Member States.

(2004/C 33 E/121) **WRITTEN QUESTION E-1462/03**

by Joaquim Miranda (GUE/NGL) to the Commission

(29 April 2003)

Subject: Social situation in Portugal and Stability and Growth Pact

According to figures published this week by the Union's Statistical Office, over a fifth of the Portuguese population were threatened with poverty in 1999. Portugal thus has the highest poverty rate in the Union, 21 %, a figure that would increase to 27 % if there were no state welfare benefits (unemployment benefit and guaranteed minimum income).

This week the Commission has also predicted that unemployment in Portugal will rise by approximately 27,5 % in 2003, giving an unemployment rate of 6,5 % at the end of the year, and continue to worsen in 2004, when the number out of work will total 390 000. Furthermore, Portugal is unquestionably going through an economic recession and in 2003 will not meet the Government's initial growth forecast of 1,3 %. According to very recent IMF figures, its economic development in the period from 2002 to 2004 will be the weakest in the Union, with all the social consequences which that will entail.

However, and still within the same week, the Commission has called for strict compliance with the Stability and Growth Pact and, despite the disastrous social scenarios referred to above, recommended that spending in areas such as education, health, and social security be cut as a matter of priority.

The Commission:

1. Does it not believe that the present circumstances and the related prospects for change are profoundly and seriously at odds with the socially harmful measures being proposed?

2. Which is a matter of greater concern to the Commission, rising unemployment and deepening poverty in a Member State or the trend recorded in that Member State in a financial indicator of one kind or another, a trend undoubtedly determined, moreover, entirely without regard to scientific principles and based on economic projections which have not been fulfilled and which monetarist policies themselves have contrived to make impracticable?

3. To what extent can the Stability and Growth Pact be considered an article of faith, given its known adverse effects on growth, cohesion, and the social sphere? Does the Commission have any intention of proposing to the Council that the pact be made more flexible, revised, or suspended?

Answer given by Mr Solbes Mira on behalf of the Commission

(6 June 2003)

1. The Commission does not believe that a framework geared to economic stability, of which the Stability and Growth Pact is a central piece, is in any way at odds with the attainment of social objectives. On the contrary, it is precisely the absence of macroeconomic stability that can eventually jeopardise the attainment of social objectives.

2. The Honourable Member can be assured that unemployment and poverty are matters of great concern to the Commission. What matters for the achievement of full employment and prosperity is a sustained high rate of economic growth. The latter can only be established on the basis of conditions of stability as far as prices, public finances and the external account are concerned.

3. In conformity with what has been argued above, the Commission reaffirms its conviction that the stability-oriented framework provided by the Stability and Growth Pact is conducive to economic growth, thereby setting the necessary conditions for the sustainability of social policies. The economic performance of those Member States that are in full compliance with the Pact gives no evidence of such adverse effects as are asserted by the Honourable Member.

(2004/C 33 E/122) **WRITTEN QUESTION E-1468/03**

by Cristiana Muscardini (UEN) to the Commission

(30 April 2003)

Subject: On-line child pornography and paedophilia

On-line paedophilia has become extremely widespread, specialised and lucrative and it is closely linked with crime committed against children. 'Cultural paedophilia', which is freely available on-line, is even more worrying because it attracts followers, funding and a degree of respectability. This is something to which the authorities should pay greater attention (as, of course, they should to the production and distribution of materials aimed at paedophiles). Between June and December 2002 an Italian voluntary association identified 4 656 child-pornography websites, which it reported to the FBI, to Interpol and to the police forces of various countries (Spain, Brazil, Switzerland and France). In certain cases the sites were also reported to Europol. Between June 2002 and March 2003, 1 322 sites were identified. Since it was set up in 1998 the Italian post-office police has monitored approximately 70 000 sites. One social study of on-line paedophilia (carried out by the above-mentioned association Meter) has revealed that there exists a paedophile 'cultural lobby' which endeavours to justify both the 'right to be paedophile' and the claim that a paedophilic relationship is beneficial to children. Alongside this there is a thriving criminal-paedophilia industry which produces, distributes and sells child pornography, the turnover in which is difficult to estimate; rates vary from USD 35 for a weekly subscription providing access to 50 pornographic photographs of children to USD 150 for 'rare' photographs of small children between 2 and 6 years of age. In 60 % of cases the servers are located in the USA, with a further 30 % in the countries of eastern Europe.

1. Is the Commission aware of this state of affairs?

2. Can Europol provide accurate, up-to-date information?

3. Is the Commission able to disclose the results of the initiatives promoted by the EU in order to combat on-line paedophilia?

4. Once the websites have been investigated and the criminal nature of their activities has been established, what action can be taken in order to put a stop to such activities?

5. Does the Commission not consider that the Member States' attention should be drawn (with reference to their educational policies) to the implications of a so-called 'cultural' concept of paedophilia, by means including a media-based information policy aimed at families?

Answer given by Mr Vitorino on behalf of the Commission

(4 June 2003)

The Commission shares the opinion of the Honourable Member that child pornography on the Internet is a severe and growing problem. There is a clear need to persevere in the efforts to co-operate internationally, among governments, particularly law enforcement and judicial authorities, but also between governments and the Internet industry, hotlines and non-governmental organisations to effectively tackle this horrible phenomenon.

Primary responsibility for dealing with illegal content (including child pornography) is with the appropriate law enforcement and judicial authorities of the Member States, which co-operate internationally in the fight against child pornography on the Internet through the existing channels of communications, such as Europol and Interpol. But since 1996 the Union has been a forerunner in the fight against illegal and harmful content. The Safer Internet Programme provides funding for activities to deal with illegal and harmful content, as part of a coherent approach by the European Union. The Safer Internet Action Plan, which ended on 31 December 2002, had been extended. This allows activities to continue for a further two years by taking account of lessons learned and new technologies, and to ensure co-ordination with parallel work in the field of network and information security. Safer Internet aims to ensure more extensive interfacing with national programmes and actions, improved exchange of information and best practice between Member State activities as well as between the action lines of the programme, including the setting up of software which enable parents and/or teachers to limit children's' access to inappropriate material on the Internet and dedicated web services which provide safe access to the Internet.

Other elements of the Union strategy to combat child pornography include legal instruments and practical measures against computer crime and child pornography. These include the Commission proposal for a Council Framework Decision [1] on approximation of laws and sanctions of the in the field of the sexual exploitation of children, with particular reference to child pornography on the Internet [2], and the Council the Recommendation of 24 September 1998 [3] on Protection of Minors and Human Dignity and the Council Decision of 29 May 2000 to combat child pornography on the Internet [4].

In January 2003 the Commission received the 'International Child Exploitation Database' feasibility study, which has been co-funded under the STOP II Programme and run by a project group composed by experts from several Member States. Europol has been fully associated to the works of the project group. The group has produced various recommendations, including the key recommendation that a sophisticated networked international child sexual exploitation image database, building on the fledgling system at Interpol, is urgently required, and both technically and legally possible. The project group agreed that the database would have to take into account the different national laws governing images of child sexual exploitation and protection of personal data. It was also agreed that Europol would be given access to the database for analytical purposes.

The Commission is not responsible for the actual setting up of such an international database. This is left to the appreciation of the EU Member States and other countries wishing to participate. The Commission has received on 7 March 2003 an application by several Member States, Europol and other third countries under the AGIS programme for funding an implementation study as concrete follow-up to the above mentioned feasibility study. The application is now evaluated according to the rules of the funding programme. A final decision will be announced by mid-June 2003.

(1) OJ C 62 E, 27.2.2001.
(2) The Council reached a common approach on this Commission proposal on 14 October 2002. Two Member States (NL and SW) have still parliamentary reservations on the proposal.
(3) OJ L 270, 7.10.1998.
(4) OJ L 138, 9.6.2000.

(2004/C 33 E/123) **WRITTEN QUESTION E-1473/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(30 April 2003)

Subject: Multiple-fatality accidents on roads in Greece

There is a very high frequency of road accidents in Greece, which puts the country in the unenviable position of top of the EU 'league table'. A typical example was the multiple-fatality accident which occurred on 13 April 2003 at Tembi, while a similar accident happened a month ago when a bus careered

off a bridge. In those two accidents alone, the death toll was almost 40, with many more injured. In Greece, HGVs are banned from the roads at weekends, but only between June and September.

Do exactly the same rules apply in the other Member States or are HGVs totally banned from the roads at weekends throughout the year? In which Member States are HGVs allowed on the roads at weekends? Does the Commission have any information concerning the illegal removal of speed limiters from HGVs and buses in Greece and the specific penalties imposed by the Greek authorities? Do the Greek authorities carry out serious checks and have penalties been imposed on the basis of data provided by tachographs fixed to HGVs and buses? What data have the Greek authorities provided concerning the penalties which they have imposed on drivers and owners of HGVs who overload their vehicles or carry dangerous loads? What measures has the Commission taken to increase the awareness of the Greek authorities in relation to the above matters and how have they responded?

Answer given by Ms de Palacio on behalf of the Commission

(20 June 2003)

Regarding the circulation of heavy goods vehicles on Saturdays and Sundays, eight Member States (Greece, Spain, France, Italy, Luxembourg, Austria and Portugal) have chosen to impose restrictions on such traffic on their territory. In general, these rules have been established in isolation and therefore they vary considerably from one country to another.

At present there are no rules harmonising these restrictions at Community level. The Member States may therefore impose them, subject to compliance with the principles of Community law (proportionality of measures, non-discrimination, compatibility with the principles of free movement of goods and the freedom to provide services).

To put an end to the problems caused by the lack of harmonisation, in March 1998 the Commission sent Parliament and the Council a proposal for a Directive on a transparent system of harmonised rules for driving restrictions on heavy goods vehicles involved in international transport on designated roads ([1]). The harmonisation of driving restrictions on the main international routes would facilitate the transport of goods by road in the Community, make the rules laying down derogations more transparent and improve the functioning of the internal market and the working conditions of drivers involved in international transport operations. The proposal has not yet been adopted.

Regarding the checking of speed limitation devices and the penalties imposed where such devices are absent or not functioning properly, Directive 2000/30/EC ([2]) of Parliament and of the Council of 6 June 2000 lays down certain rules. The Directive has been applicable since 1 January 2003. It does not impose a minimum frequency of inspections, nor penalties, which are the responsibility of the Member States. It stipulates that the Member States must transmit to the Commission by 31 March 2005 at the latest the data on the number of vehicles checked and that this information must be forwarded to Parliament. The Commission has statistics on the malfunctioning of speed limitation devices in certain countries, which it transmitted to Parliament and the Council in 2001 ([3]). However, it does not have any data for Greece, which is not one of the countries mentioned in the report.

Regarding the checking of chronotachographs and the application of legislation on working time and rest periods, the Commission is having trouble obtaining data from the Greek authorities in a format which would allow it to draw up its biennial rapport on the implementation of this legislation. It has initiated infringement proceedings against Greece. Unlike the other Member States, Greece has not provided details of the penalties applied when the legislation is infringed.

As things stand at present, inspections to check overloading or the application of legislation on the transport of dangerous substances are the responsibility of the Member States.

As indicated in its White Paper on transport policy [4], the Commission believes that a major effort should be made to improve road safety and that to achieve this, priority must be given to the application of rules on working conditions, road safety rules and transport legislation. It intends to propose measures shortly to tighten up roadside inspections.

[1] COM(98) 115 final; OJ C 198, 24.6.1998; amended by COM(2000) 759 final; OJ C 120 E, 24.4.2001.
[2] Directive 2000/30/EC on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community; OJ L 203, 10.8.2000.
[3] Report to Parliament and to the Council on the implementation of Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community.
[4] European transport policy for 2010: time to decide, COM(2001) 370 final.

(2004/C 33 E/124) **WRITTEN QUESTION E-1482/03**

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

(2 May 2003)

Subject: Treatment and Community funding of the 'Galicia Plan' submitted by the Spanish Government in the aftermath of the Prestige disaster

In its reply to my oral question at the April part-session on the information available to the Commission on the 'Galicia Plan' submitted by the Spanish Government in the aftermath of the Prestige disaster and on the structural fund and cohesion fund spending specifically scheduled for this plan in the current programming period (2000-2006), the Commission stated that it was not aware of the Spanish Government's plan and that 'it had been informed of preparations for the plan by the Member himself'. The fact that the Commission had not been informed of the plan's existence is surprising, given that the Commission is, in the final analysis, responsible for taking important decisions on a substantial part of the funding. It is also surprising when one considers the importance which the Spanish and Galician authorities intend to give the plan and the debate which has taken place both in Galicia and more generally in Spain on the causes and consequences of the Prestige disaster, the need for compensation, and the scale and objectives of the 'Galicia Plan' as a European issue. The Commission should know that, by a decision of the Spanish Government, 'Galicia Plan' investments amounting to EUR 12 459 billion are to be divided up into three parts. EUR 1 billion are due to be invested under the heading 'new initiatives' in an environmental recovery programme, 21,3 million in the promotion of Galicia's image, 265,4 million in economic regeneration, 2 946 in new high-speed railway lines and 676 million in new motorways. Under 'plans in progress' EUR 6 481 billion are due to be invested in transport infrastructure (2000-2007), 481 million in water distribution (2003-2008) and 290 million in the forestry plan (2003-2008). 'Other measures' include EUR 26 million in aid for individuals' or companies' loss of work as a result of the disaster, without specifying how much a definitive solution to the shipwreck off the Galician coast will cost. The TGV (high-speed railway) investments will cover the planned link between France and Madrid via Valladolid and a new link between France and Galicia. Given this state of affairs, does the Commission still maintain that it is unaware of funding for the 'Galicia Plan'? In view of the project's scale and objectives, are resources available for the 2000-2006 period to cover the cost of investments under this plan? Does the Commission intend to co-finance the planned TGV link along the coast between Galicia and the French border? To what extent is it planning to take part in the co-financing of the EUR 1 billion maritime and coastal 'environmental recovery programme' within the 'Galicia Plan'? Does the Commission intend to continue holding meetings on this subject with Spanish Government representatives? Has it taken the initiative of asking the Spanish Government to provide information on the 'Galicia Plan', which would require a significant contribution from the Structural Funds and the Cohesion Fund?

Answer given by Mr Barnier on behalf of the Commission

(23 June 2003)

The Commission was aware of the Galicia Plan's existence, thanks to contact with the Spanish Government and authorities and to the information supplied by the Honourable Member. The plan does indeed provide for major investment in the region, some of which could no doubt be part-financed by the Structural Funds or the Cohesion Fund.

With regard to the Galicia Plan, the Commission would ask the Honourable Member to kindly refer to its answer to his oral question H-0144/03 during the April 2003 plenary session [1].

In addition, the Commission recently adopted a communication on action to deal with the effects of the Prestige disaster [2]. With regard to the Structural Funds or the Cohesion Fund, the Commission has stressed on several occasions its willingness to cooperate with the Spanish authorities in order to help combat the aftermath of the disaster, within the limits of the applicable regulatory provisions.

In this context, the Commission would ask the Honourable Member to refer to the joint answer to questions E-3597/02 and E-3598/02 [3].

[1] Written answer of 8.4.2003.
[2] COM(2003) 105 final.
[3] OJ C 242 E, 9.10.2003, p. 65.

(2004/C 33 E/125) **WRITTEN QUESTION E-1487/03**

by Claude Moraes (PSE) to the Commission

(2 May 2003)

Subject: European Year of Remembrance and Reconciliation

Given that the year 2005 will have special significance as the 60th anniversary of the end of the Second World War, what plans does the Commission have to further the theme of reconciliation and remembrance and does the Commission plan to link these themes with the enlargement of the Union?

How does the Commission react to proposals for an event to be held at Cassino in Italy to mark the 60th anniversary of the infamous battle that took place there?

Answer given by Mr Prodi on behalf of the Commission

(16 May 2003)

The Commission would refer the Honourable Member to its answer to written E-1954/02 by Mr Ford [1]

[1] See page 4.

(2004/C 33 E/126) **WRITTEN QUESTION E-1494/03**

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

(2 May 2003)

Subject: Expressions of interest in the Sixth Framework Programme of Research for embryo research and stem cell research

On 20 March 2002 the Commission published an invitation to submit expressions of interest in the Sixth Framework Programme of Research (FP6). Until 7 June 2002, scientific institutes and businesses could submit plans to the Commission for assessment as to their suitability for support from the Framework Programme. On 4 October 2002 the Commission published the results.

From the published results it emerges that in 1997 expressions of interest were submitted for the thematic priority 'Life sciences, genomics and biotechnology'. This priority includes financial support for stem cell research.

The regulation of human embryonic stem cell research is subject to subsidiarity in Europe, and different practices exist in the Member States in this regard. In some Member States, for example, it is permitted to produce human embryos for research purposes, whereas in other Member States this is explicitly prohibited.

Under the compromise reached between the Council and the European Parliament in September 2002 concerning the five specific programmes within the FP, it was agreed that until the end of 2003 the Commission should not finance any research programmes which included embryonic stem cell research.

1. How many expressions of interest have been submitted to the Commission under the thematic priority 'Life sciences, genomics and biotechnology' which involve embryonic stem cell research?

2. In which Member States are the scientific institutes and/or businesses based which submitted these expressions of interest?

Answer given by Mr Busquin on behalf of the Commission

(13 June 2003)

The Priority 1 Life 'Sciences, Genomics and Biotechnology for Health' received 2000 Expressions of Interest (EoI). About 80 expressions of interest involving research on stem cell (animal or human stem cells) were submitted.

The various sources of stem cells were explored (embryonic, foetal, umbilical cord blood, adult). The specific sources of stem cells were not indicated in all EoI's nor was the country in which the specific research was going to be carried out. The Commission is therefore not in a position to provide more detailed information regarding the number of EoI's, which involve the use of human embryonic stem cells and the countries where this research is planned to take place.

A first call for proposals for Priority 1 was published on 17 December 2002 and closed on 25 March 2003. At this stage of the analysis of the response to the call for proposals the Thematic Priority 1 has received 26 proposals addressing research on stem cells and three proposals foresee to use banked or isolated human embryonic stem cell in culture. This research involves laboratories in Belgium, Finland, Sweden, the United Kingdom, the Czech Republic and Israel.

(2004/C 33 E/127) **WRITTEN QUESTION E-1518/03**

by Joan Colom i Naval (PSE) to the Commission

(6 May 2003)

Subject: Delays in the construction of the Figueres to Perpignan section of the high-speed rail link

According to various reports in the Spanish media, the Franco-Spanish intergovernmental commission for the construction of the high-speed rail link between Figueres and Perpignan has broken off negotiations

with the Euroferro group, formed by the companies Dragados and Bouygues, which had been chosen in July 2002 to build and operate this section of the track under a concession contract.

This section figures among the 14 projects adopted almost a decade ago by the Essen European Council of 10 December 1994.

Can the Commission say:

— whether the Member States involved have received or will receive Community grants for the completion of this rail project, and

— what steps it will take to ensure that the Member States concerned speed up the completion of this project, which is a priority for the EU?

Answer given by Mrs de Palacio on behalf of the Commission

(19 June 2003)

The Perpignan-Figueras link is part of a trans-European transport network priority project, and is one of the projects eligible for funding from the trans-European networks budget under the multiannual indicative programme. Accordingly, EUR 64,5 million is being made available over the period 2001-2006 to complete the programme of studies and to build the infrastructure. In 2001 the project was awarded a study grant worth EUR 1 million, shared equally between Spain and France. Previously, over the period 1995-2000, it had already received financial support — again from the trans-European networks budget — for technical and legal studies prior to launching the invitation to tender for the concession contract.

The delays in bringing the international link into service are basically due to the difficulties inherent in setting up the concession for the international section between Perpignan and Figueras. The chosen mode of financing is based on a public-private partnership. Accordingly, the Commission is bound to support the French and Spanish authorities' decision to seek innovative financing formulas, which is something it encouraged in the communication 'Developing the trans-European transport network' adopted some weeks ago [1]. This support takes the form of the maximum Community contribution to the financing of the international section currently authorised by the trans-European networks financial regulation, i.e. 10 % of the total cost of the work. To facilitate the financing of trans-boundary sections of major infrastructure projects, the Commission has proposed that the financial regulation be revised to allow a co-financing rate of 20 % for work on trans-boundary rail projects which cross natural barriers. This proposal, which Parliament adopted at first reading in July 2002 [2], is still waiting for a common position from the Council.

[1] COM(2003) 132 final.
[2] COM(2003) 38 final.

(2004/C 33 E/128) **WRITTEN QUESTION E-1522/03**

by Armando Cossutta (GUE/NGL) to the Commission

(6 May 2003)

Subject: Unjustified increases in the cost of third-party motor insurance

Italy's competition ombudsman has recently published the results of an investigation into third-party motor insurance. This has brought to light the fact that, since 1994, the cost of insurance policies in Italy has doubled and in some cases increased five-fold. The eagerly-awaited liberalisation of the third-party motor insurance market in Italy (announced in 1994) has come to nothing, as the author of this question pointed out in an earlier written question dated 14 February 2000. In some parts of Italy, premiums are nowadays as much as 19 times as expensive as they were nine years ago and since last year they have increased in cost by 11,6 %, as against an EU average of 4,8 %.

1. Does the Commission not think that it should take action vis-à-vis the Italian Government with a view to promptly reversing such unjustified increases in the cost of insurance cover?

2. Does the Commission not consider that attempts to create an internal market in motor insurance have failed, given that most insurance companies refuse to insure drivers resident in a country other than the one in which they are based, even if that country is an EU Member State?

Answer given by Mr Bolkestein on behalf of the Commission

(9 July 2003)

The Commission is aware of the situation of increases in the cost of third party liability insurance in Italy. However, the figures available to the Commission do not show as large an increase in motor insurance premiums as those quoted by the Honourable Member. Since 1995 the average annual inflationadjusted increase in Italy has been 5,1 % compared to the Union average of 1,7 % (Source European Insurance Association — CEA).

It is true that motor insurance appears to be more expensive in Italy than the Union average but this reflects the frequency and costs of accidents in Italy compared to the Union average. However, in Italy the ratio of claims costs plus expenses to the insurers' income from premiums is similar to the Union average. In fact claims costs plus expenses exceed premium income in Italy.

There are several reasons for this high cost and frequency of accidents in Italy.

In particular the Commission would like to point out the following:

— the high cost of the personal damage: its incidence is higher than e.g. in Germany, France, Spain and Great Britain. As one example, the incidence of injuries caused by whiplash injury to the neck lesion ('colpo di frusta') represents 66 % of claims involving personal injuries in Italy as compared to 40 % in Germany, 35 % in the Netherlands, 15 % in Spain, 6 % in France, 5 %in Norway, and 4,8 % in Denmark;

— the high percentage of the claims involving personal injuries: in 1999 the percentage reached 17,3 % in Italy, as compared to 11 % in Germany, 10 % in France; 8,3 % in Great Britain, and 6 % in Spain;

— the high frequency of accidents caused by young people, especially on Saturday nights. This is a well known social problem in Italy;

— the relevant number of frauds: in order to fight this problem a data bank has recently been set up in the Istituto per la Vigilanza sulle Assicurazioni Private e di Interesse Collettivo (ISVAP). Its aim is to gather the relevant information on claims;

— the number of cars in circulation in relation to the number of inhabitants: the ratio is higher than in Germany, France and United Kingdom. In particular, in the year 2000 in Italy there were 789 cars per one thousand inhabitants, in Germany 614, in France 602 and in Great Britain 478;

— the number of cars in circulation in relation to the kilometres of the road. There are 137 vehicles in Italy against 110 in Germany, 40 in France, 76 in Great Britain.

To try to fight some of these factors, new legislative measures to establish guidelines for the reimbursements in case of personal injuries, as well as stricter provisions to limit the frauds in the insurance sector have been introduced in Italy towards the end of 2002.

The Commission would like to call the attention of the Honourable Member to a judgement delivered by the Court of Justice on 25 February 2003, in the case C-59/01 (Commission v. Italian Republic). In this judgement, the Court has confirmed the principle of tariff freedom in the non-life insurance sector, including the area of compulsory insurance such as insurance covering third-party liability arising from the use of motor vehicles. Furthermore, the Court notes that this principle 'implies the prohibition of any system of prior or systematic notification or approval of the rates which an undertaking intends to use in its dealings with policy-holders. The only derogation from that principle allowed by Directive 92/49 [1] and admitted by the Court would concern prior notification and approval of 'increases in premium rates' in the

framework of a 'general price-control system". The case was brought to the Court by the Commission under Article 226 of the EC Treaty and concerned measures adopted by the Italian Government in March 2000 to freeze compulsory motor insurance premiums for an initial period of one year.

Regarding the Honourable Member's second question, the Commission would like to point out that, according to the Insurance Directives, all European citizens are allowed to obtain motor insurance cover in a Member State other than their country of residence. In addition, insurance undertakings may also provide cross-border services if they follow the procedures set out in these Directives.

However, while the Union insurers are allowed to operate on a cross-border basis, they cannot be obliged to insure risks they are not interested in, in accordance with the principle of contractual freedom. Given the links of motor insurance with the territory in which the vehicle is normally used and the particularities of the Italian insurance market as explained above, it is not strange that many non-Italian insurance undertakings may prefer to operate in Italy through local branches or subsidiaries — rather than on a cross-border basis from another EU country.

(1) Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive), OJ L 228, 11.8.1992.

(2004/C 33 E/129) **WRITTEN QUESTION P-1532/03**

by Michael Cashman (PSE) to the Commission

(30 April 2003)

Subject: New technology and privacy and freedoms

Is the Commission aware that there is currently new technology being developed which allegedly has serious implications for citizens' privacy, employment, freedom, independence and choice? The technology involves embedding a chip into every new personal computer, so that hardware, software and applications will only work if they are on an authorised list which is centrally owned and managed.

Is the Commission concerned that small companies would be prevented from registering their products on the list as the costs would be too high (around EUR 91 000), and what action is the Commission considering to limit this situation?

Can the Commission outline what measures are being taken to limit the impact on the European software development industry?

Answer given by Mr Liikanen on behalf of the Commission

(10 June 2003)

The Commission follows closely the technological and market developments in the Information Society. The legal framework in the Union for matters of data protection is the Directive 95/46/EC of the Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (1).

Several market players develop technologies that could potentially have a significant impact in the way that users interact in the information society. Their influence in society is very much dependant upon the specific features of each application and upon their commercial and business success. Experience with a number of technologies shows that it is difficult to predict the direction that the market and the technological drivers behind it may eventually take.

The development of technologies based on embedded chips is not a new phenomenon. It has been tried in the past by industry players. Similar efforts have also been made concerning the unique identification of software and content-related material running on PCs. These technological measures have been more or less successful.

The introduction of such technologies may have both positive and negative policy implications. For example, systems that allow the identification of computers may facilitate the more effective roll-out of Digital Rights Management systems or help combat piracy and cybercrime or increase the level of information security, but may also be infringing privacy rights or raising competition issues.

The Commission is presently looking at the data protection implications of some of these technologies together with the Article 29 Working Party and it is expected that some documents regarding these matters will be issued in the second half of 2003.

The Commission is active in supporting the development of so-called Privacy Enhancing Technologies (PETs), through several activities, including among others those of the Joint Research Centre and the IST Programme. The incorporation of PETs into privacy strategies receives its encouragement from Articles 6 and 17 of the above-mentioned Data Protection Directive, which require data controllers to minimise the data collection and to implement appropriate technical and organisational measures to protect personal data, specially in network transmissions. The importance of privacy enhancing technologies has also been emphasised by the Member of the Commission responsible for the Internal Market as one of the messages arising from the international conference on the implementation of the Data Protection Directive held last autumn 2002 in Brussels.

The Commission favours a balanced and proportionate approach based upon the problems that the technologies aim to solve, the measures they use to achieve that objective and the impact that these measures have on users, industry and society as a whole.

The potential impact of any new developing technologies on European small and medium-sized enterprises (SMEs) or in the state of competition in the Single Market is and will be closely scrutinised by the competent Commission services. The Commission will decide on any measures to be taken after this scrutiny is completed.

(1) OJ L 281, 23.11.1995.

(2004/C 33 E/130) **WRITTEN QUESTION P-1535/03**

by Carlos Westendorp y Cabeza (PSE) to the Commission

(30 April 2003)

Subject: System for the trading of greenhouse gas emission allowances

The proposal for a directive establishing a system for the trading of greenhouse gas allowances could, on entry into force of the directive, have very worrying consequences for some industries owing to the fact that no account has been taken of very important factors such as:

1. the existence of companies with production units in several different European countries which could adopt different and even contradictory provisions;

2. the indirect emissions that arise outside a company's facilities but originate from energy sources used in those facilities (e.g. blast furnace gases);

3. the distortions of competition that will arise between industries and between countries;

4. the transfer of allowances corresponding to transfers of capacities resulting from the closure of plants belonging to the same group.

In the case of the iron and steel industry in particular, this limits very seriously the scope that companies have for adapting to the directive, owing to specific characteristics of the sector such as the inability to pass on increases in costs (very limited number of customers and raw materials suppliers), the fact there are only two ways to produce steel (blast furnaces and electric furnaces, both of which are directly affected by the directive) and the recycling of blast furnace gases (which reduces CO_2 emissions and generates energy without, paradoxically, the corresponding allowances being granted to the industry, but to the energy companies instead).

Will the Commission bear these points in mind in order to avoid jeopardising the restructuring of a sector which is at last managing to consolidate at Community level?

Answer given by Mrs Wallström on behalf of the Commission

(16 June 2003)

The Commission has considered the points raised very carefully when it prepared its proposal to establish a Community-wide scheme for greenhouse gas emissions allowance trading.

Generally, the Commission considers it important to distinguish carefully between targets and instruments. Emission allowance trading is the instrument used to contribute to the implementation of the targets accepted by the Community and its Member States in the context of the Kyoto Protocol. The general objective of the proposed Directive is to create a scheme for greenhouse gas emission allowance trading within the Community by establishing a Community framework and ensuring a Community-wide market for emission allowances. Such an instrument is a cornerstone in the Commission's strategy for reaching the Kyoto target in the most cost-effective way. Compared to other instruments, emissions trading is likely to reduce the cost of emission reductions by ensuring that these reductions are made where they are least costly.

Emissions trading as a Community instrument will establish a single market and guarantee a common price for allowances for all participating companies. This will mitigate any potential distortions.

The Community instrument furthermore enables the transfer of allowances within the internal market and does therefore provide to accompany the transfer of production capacities with a corresponding transfer of allowances both within and across Member State borders during a trading period. To what extent a company would temporarily benefit from the closure of an installation depends on the transposition of the Directive into Member State law.

The Directive makes the operator of an installation only accountable for direct emissions released on-site. Activities of operators to indirectly reduce greenhouse gas emissions do not fall under the scope of the Directive.

(2004/C 33 E/131) **WRITTEN QUESTION P-1554/03**

by Jean Lambert (Verts/ALE) to the Commission

(2 May 2003)

Subject: Afghanistan Coordination Return Group

This question is with reference to the meeting of the Afghanistan Coordination Return Group (ACRG) which is taking place on 30 April.

In light of the fact that the President of the UK Afghan Association is no longer invited to take part, please could the Commission inform us:

— Which organisations are the Commission and Council consulting on the issue?

— How many Afghans or Afghan organisations themselves are directly involved in Commission and Council discussions on the issue, as opposed to intermediaries?

— Does the Commission envisage any opportunities for Afghan associations (other than any already consulted) to be able to input to the discussion?

Answer given by Mr Vitorino on behalf of the Commission

(4 June 2003)

The meeting of the Afghanistan Co-ordination Return Group (ACRG) to which the Honourable Member refers did take place on 30 April 2003 with the participation of those Member States who are particularly concerned with the issue of return of Afghan nationals. Several International Organisations and non-governmental organisations (NGO's) who are especially involved with return programs, human rights monitoring, and refugee protection issues including UNHCR, Amnesty International, representatives of the European Council of Refugees and Exiles (ECRE) and the International Organisation for Migration (IOM)

also participated. The organisations informed the ACRG on developments in Afghanistan and presented their recommendations regarding return to Afghanistan this also been the case at most of the previous four meetings thus providing the Group with helpful insights.

The Commission has never invited Afghan representatives from the Member States to the ACRG but has relied on informal contacts with them and representation of their viewpoints by ECRE. In the case of this particular meeting, the statement provided by the British Afghan Association to the Commission was circulated among the ACRG and comments were invited thereon.

With regard to Afghans directly involved in the discussion on this issue, it needs to be pointed out that the Commission fully consults with representatives of the Afghan government on all return issues. Both the Union Special Representative together with the Head of the Bureau of the Commission in Kabul and the Director General of the Directorate General Justice and Home Affairs of the Commission in Brussels, have had meetings with the Afghan Minister of Refugees to this end. Furthermore, the Afghan Ambassador to the Community has made use of our standing invitation to attend ACRG meetings several times.

(2004/C 33 E/132) **WRITTEN QUESTION E-1572/03**

by Christos Folias (PPE-DE) to the Commission

(8 May 2003)

Subject: Protection of forests in the Community from fire

The protection of forests from fires is a matter of particular importance and urgency for the Community in view of the substantial contribution they make to preserving and developing farming and the countryside, the survival of which depends in large measure on the presence and good condition of surrounding forest. This role is under threat from fires, which affect large areas of forest every year, particularly in the southern part of the Community.

Will the Commission therefore say what the European Community plans to do to support the volunteer fire-fighting organisations in the Member States?

Answer given by Mrs Wallström on behalf of the Commission

(10 June 2003)

The Commission has recognised that forests can be severely damaged by the effects of forest fires, which mainly affect the forests of Southern Europe. Although the main responsibility for co-ordination and implementation of any forest policy is at Member State level, the Union decided to help them in their efforts to fight against forest fires. A scheme to protect and monitor forests against fire was consequently established by Council Regulation (EEC) No 2158/92 of 23 July 1992 ([1]).

The scheme aimed to reduce the number of forest fire outbreaks and the extent of areas burnt through forest protection plans prepared and implemented by Member States. The Regulation was revised several times and expired on 31 December 2002.

On 15 July 2002 the Commission submitted a proposal for a Parliament and Council Regulation concerning the monitoring of forests and environmental interactions in the Community ('Forest Focus') ([2]). The purpose of this proposal is to establish a new Community scheme on the monitoring of forests and environmental interactions to protect Community forests against pollution and forest fires. It would last six years (from 2003 up to 2008) and incorporate new elements in order to assess forest ecosystem conditions in a broader context.

The proposal includes: actions related to the monitoring of forest fires and their impact on forests, studies on the effects of fires on the forest ecosystem, and integrated and demonstration projects that could assist in better preventing forest fires and protecting the ecosystem. The proposal does not include forest fire

prevention measures, as these have already been incorporated for the majority of the regions of the Southern Member States in their Rural Development Plans, in accordance with Council Regulation (EC) No 1257/1999 of 17 May 1999 ([3]). The Community will thus continue its financial support to national forest protection policies through Council Regulation (EC) No 1257/1999 and 'Forest Focus' that together will continue all the previous actions developed against forest fires.

On 4 March 2003 the Council reached a new political agreement on a common position for 'Forest Focus'. The common position will be sent to the Parliament for a second reading in accordance with the co-decision procedure. The new agreement — still under debate — foresees also some special provisions for awareness-raising campaigns and special training for agents involved in fire prevention interventions when such measures are not yet included in the rural development programmes. A part of these funds could be used also to co-finance organisations of volunteers, although such activities still remain under the main responsibility of Member States and their local authorities.

([1]) OJ L 217, 31.7.1992.
([2]) OJ C 20 E, 28.1.2003.
([3]) OJ L 160, 26.6.1999.

(2004/C 33 E/133) **WRITTEN QUESTION E-1573/03**

by Phillip Whitehead (PSE) to the Commission

(8 May 2003)

Subject: 'Europe by Satellite' and television coverage of the work of the European Institutions

Recognising the important contribution that television coverage of European affairs can make to popular understanding of the EU institutions, would the Commission make public the statistics and information regarding 'Europe by Satellite' for the last three years, namely:

1. total hours transmitted and language versions available;

2. proportions of coverage relating to the European Parliament, European Commission, Council of Ministers and the European Council;

3. hours take-up for rebroadcasting by commercial and public services TV stations in wider Europe, country by country?

Answer given by Mr Prodi on behalf of the Commission

(2 June 2003)

The Commission is pleased to inform the Honourable Member that the information requested has already been forwarded to Parliament's Audiovisual service and will shortly be put on the Europa website.

However, for ease of reference, the Commission is pleased to attach the following extracts:

1. *Total of Europe by Satellite (EbS) transmissions and language versions*

EbS transmitted a total of 2 968 hours in 2000, 3 273 in 2001 and 3 077 in 2002. The lower figure in 2002 is due to the discontinuation of the retransmission of the day's press conferences, because this service was taken over by the 'Video on Demand' facility on EbS's website, where all EbS material remains available for one week after transmission.

All live transmissions are available in up to 11 official languages, depending on how many audio channels the respective institutions can offer (Parliament offers 12 audio channels — 1 for the original and 11 for the interpretation into the official Union languages — the Commission 10 and the Council 4). Parliament and the Commission plan to offer live coverage of events in up to 25 languages in 2004.

2. *Breakdown by Union institution of EbS news summaries and full coverage*

Origin of 'news' material and of full coverage of events (hours)	2000	%	2001	%	2002	%
European Commission	976	50,90	1 222	51,88	544	34,73
European Parliament	545	28,45	623	26,45	459	29,31
Council	365	19,05	445	18,90	284	18,13
Others	30	1,60	65	2,77	279	17,83
Total	1 916	100	2 355	100	1 566	100

3. *Take-up of EbS material by TV stations*

For the past three years there has been no system available permanently to monitor the take-up by TV stations of pictures transmitted by EbS. However, two experimental technologies were tested in 2000 (watermarking) and 2003 (picture matching), with a view to launching a call for tender for a permanent system. To illustrate this, below are extracts from the two reports:

> During the second half of 2000, an independent firm named Medialink measured the use of EbS transmissions from a sample of 79 national and pan-European television stations of the 627 which use EbS regularly. 90 % of these stations each broadcast an average of 25 programmes including EbS pictures. In Germany alone, 23 international, national and regional stations such as 3Sat, Phoenix, ARD, ZDF, N-TV and Bayerische Rundfunk broadcast 503 programmes including EbS pictures.
>
> In 2003, JLM Conseil carried out a survey on the use of EbS pictures between 19 and 21 March, during the European Council. JLM's report shows that a sample of 12 television stations from Denmark, Spain and France, plus two cross-border stations, broadcast 153 news items in three days, 76 % of which contained EbS pictures. The pictures took up almost half (49,4 %) of the total broadcasting time.

The above reports are available on request and will shortly be published on the website [1].

[1] The 2002 figures are lower because the statistics for the previous two years included the retransmission of 'news' summaries and of the full (live or recorded) coverage of events. The figures for 2000 and 2001 without retransmissions would be about $^1/_3$ of the ones mentioned here.

(2004/C 33 E/134)

WRITTEN QUESTION E-1575/03

by Chris Davies (ELDR) to the Commission

(8 May 2003)

Subject: Greenhouse gas emissions from disused coal mines

What contribution to greenhouse gas emissions within the EU does the Commission estimate is derived from methane from disused coal mines?

In which Member States does the Commission believe this is most likely to be a significant factor as a proportion of total emissions?

Do reliable means of measuring the amount of methane escaping from disused coal mines exist?

Which Member States currently provide financial or fiscal incentives to encourage the extraction and use of coal mine methane?

Does the Commission have any plans to extend the EU Emissions Trading Scheme to allow credits to be claimed for coal mine methane projects?

Answer given by Mrs Wallström on behalf of the Commission

(23 June 2003)

While there is comprehensive data available on methane emissions from coal mines that are in use, the agreed Intergovernmental Panel on Climate Change (IPCC) reporting guidelines under the United Nations Framework Convention on Climate Change (UNFCCC) do not include any methodology to estimate and report methane emissions from disused coalmines. This means for the time being the emissions from disused coalmines are not calculated or accounted for under internationally agreed guidelines.

The five countries reporting significant amounts methane from coalmines in use are: Germany, Greece, Spain, France and the United Kingdom.

There are means of measuring the amount of methane emitted from disued coalmines.

Some Member States are working on methodologies to optimise the monitoring of methane from disused coal mines in particular where methane is recovered.

The Commission is not aware of any Member State currently providing fiscal incentives to encourage the extraction and use of coalmine methane. The British authorities have however notified a proposal to grant the coal mine methane industry a full exemption from the British Climate Change Levy. This proposal is currently under investigation under the State aid rules.

In the Council's political compromise reached on energy taxation in March 2003, a possibility for a tax exemption/reduction has been included in favour of electricity generated from methane emitted by abandoned coalmines (see article 15(1)(b) fourth indent in Council document 8084/03 Fisc 59 of 3 April 2003). The Council is currently consulting the Parliament on this compromise.

As for other financial incentives, the Commission is only aware that electricity produced from coal mine methane, including methane from disused coal mines, benefits from a price above the market price for electricity in Germany. This is because coalmine methane is included in the definition of renewable energy sources under the German legislation on renewable energy sources (Erneuerbare-Energien-Gesetz, EEG). The Commission has decided that this measure does not constitute State aid (State aid case number NN 27/2000).

The Commission will carry out reviews in 2004 and 2006 considering whether to extend the Union emissions trading scheme to other activities and to emissions of additional greenhouse gases, in accordance with Article 30 of the Common Position. These reviews will be comprehensive and so include consideration of whether to bring methane emissions from disused coal mines within the coverage of the Union emissions trading scheme. Any such step would depend upon reliable measuring and reporting protocols being established.

(2004/C 33 E/135) **WRITTEN QUESTION E-1577/03**

by Roberta Angelilli (UEN) to the Commission

(8 May 2003)

Subject: Use of GMOs in agriculture

The Council of genetic rights, an independent body that seeks to establish links and inter-disciplinary discussion between scientific, legal, economic and philosophical experts in the biotechnology sphere, recently called on the Italian government and European Commission to raise awareness among the competent authorities of the applications of genetic engineering in farming and the patenting of genetic inventions. The growing use of transgenic organisms in food products and animal feed is in fact causing

considerable confusion in terms of the safety and health of consumers as it is not yet possible to know what effects the impact of GMOs will have on the environment and human beings. This appeal is intended to draw attention, in particular, to a number of worrying cases observed by the Council, such as natural hybridisation between genetically modified plants and wild plants, the bio-accumulation of genes that codify insecticide proteins, the lack of immunity found in laboratory guinea pigs subjected to experiments with potatoes modified with lectin and the possibility that virus resistant transgenic plants are responsible for the development of viruses with new biological characteristics. Apart from the consequences for the ecosystem and human beings, the patenting of genetic inventions, which is motivated by the profit-seeking of an oligopoly of private firms, may have a significant impact on the agri-foodstuffs industry in general and the farming system of less-developed areas in particular, with the risk of serious depletion of the latter's endogenous resources.

It therefore seems evident that it is essential to make sure that the use of GMOs in farming and foodstuffs does not compromise the survival of traditional forms of farming and to protect consumers and the right of farmers to continue in business. The recent statements by Commissioners Byrne and Wallström seem to tackle the issue of GMOs solely from the point of view of labelling and information at the time of purchase, rather than regulating the social, economic, political and ethical implications of the use of such organisms.

That said, can the Commission indicate:

1. whether it is currently assessing measures to ensure that the above requirements are satisfied,

2. what the Union's position is on defending the characteristics of traditional farming systems,

3. what instruments are currently in place within the Union to safeguard the health of consumers in relation to the use of GMOs in foodstuffs?

Answer given by Mr Fischler on behalf of the Commission

(29 July 2003)

1. At present the potentially adverse effects of genetically modified organisms (GMOs) on human health and the environment are assessed on a case-by-case basis for each application for the placing on the market of a GMO, in accordance with Directive 2001/18/EC [1]. This assessment, which meets very strict standards, takes account of various aspects, in particular the consequences of gene transfer between genetically modified plants and wild plants resulting from the release of GMOs into the environment.

Also, under the Directive, where a potential risk to human health and the environment is identified, appropriate measures may be taken (introducing separation distances between fields with GMO crops and fields with conventional crops, for example) to reduce or limit the potential risk.

2. The Commission has confirmed that farmers should be free to choose their own system of production and whether or not to use genetically modified plants. In practice this means that measures must be taken to enable farming systems using GMOs and traditional forms of farming, for example, to coexist.

At its meeting on 5 March 2003 the Commission came out in favour of a solution based on subsidiarity, leaving it to the Member States to take appropriate measures to enable different types of farming to coexist. Such measures must be tailored to the type of crop and the geographical and agricultural conditions in the region of cultivation.

For traditional farming, practised particularly on small, fragmented farms, the measures will have to take account of these parameters, socio-economic conditions and the costs involved.

3. Regulation (EC) No 258/97 of the Parliament and of the Council of 27 January 1997 on novel foods and novel food ingredients [2] provides that food containing, consisting of, or produced from but no longer containing genetically modified organisms (GMOs) have to be approved before being placed on the market in the Community. One of the main criteria for approval is that such food must not present a danger for the consumer. A Commission proposal for a Regulation on genetically modified food and feed is currently on its second reading in Parliament [3]. The objective of this proposal is, inter alia, to improve the current approval procedure in Regulation (EC) No 258/97 to make it more efficient and transparent. The criterion for approval that GM food must not present a danger to human health remains unchanged.

[1] Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC, OJ L 106, 17.4.2001.
[2] OJ L 43, 14.2.1997.
[3] OJ C 304 E, 30.10.2001.

(2004/C 33 E/136) **WRITTEN QUESTION P-1584/03**

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

(5 May 2003)

Subject: Unfair subsidies

Is the Commission aware that since November 2002, the Strasbourg Chamber of Commerce and the Lower Rhine has subsidised the air service between London Stansted and Strasbourg by RyanAir to the extent of EUR 1,7 million in the first year, thereby allowing RyanAir to offer tickets at an artificially low price? Is the Commission aware that this discriminatory subsidy is driving a competitor, Brit Air, which was profitable until last year, out of the market? What action will the Commission take, and how soon, to stamp out this and similar unfair public subsidies to individual private enterprises?

Answer given by Mrs de Palacio on behalf of the Commission

(2 June 2003)

The Commission is currently investigating a complaint about advantages granted by Strasbourg airport. The complaint was registered by the Commission on 16 April 2003 and the author has requested that his identity be kept confidential.

The Commission will have to decide what action to take on the basis of its analysis pursuant to the provisions of the EC Treaty on State aid (Articles 87 and 88 of the Treaty).

For the record, the Commission has decided to launch a formal investigation in a case concerning payments made by an airport and a region to a low-cost company, that relating to the advantages received by Ryanair in Charleroi (Belgium). The reasons for this investigation have been made public and are published in the Official Journal of the European Union [1]. The Commission will take a decision on this case on the basis of the information it is currently gathering from the parties concerned and the Belgian authorities in accordance with Regulation (EC) No 659/1999 [2].

[1] OJ C 18, 25.1.2003.
[2] Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty, OJ L 83, 27.3.1999.

(2004/C 33 E/137) **WRITTEN QUESTION E-1599/03**

by Caroline Jackson (PPE-DE) to the Commission

(12 May 2003)

Subject: US Classification of genetically engineered crops (follow up to question H-0433/98)

Further to question H-0433/98 [1], what changes, if any, has the US Department of Agriculture made to the US organic food standards so as to allow genetically engineered crops and the products of intensive animal rearing to be classified as organic?

[1] Written answer of 12 May 1998.

Answer given by Mr Fischler on behalf of the Commission

(23 June 2003)

The National Organic Programme as laid down by the American Department of Agriculture defines the official American organic farming standards. It came into force on 22 October 2002.

Compared to the proposed National Organic Programme to which oral question H-0433/98 during question time at Parliament's May 1998 session by the Honourable Member was referring, the American Department of Agriculture has made a number of changes in the final rule.

As to genetically modified organisms, the National Organic Programme in its final rule excludes the following 'excluded methods: a variety of methods used to genetically modify organisms or influence their growth and development by means that are not possible under natural conditions or processes and are not considered compatible with organic production. Such methods include cell fusion, microencapsulation and macroencapsulation, and recombinant DNA technology (including gene deletion, gene doubling, introducing a foreign gene, and changing the positions of genes when achieved by recombinant DNA technology). Such methods do not include the use of traditional breeding, conjugation, fermentation, hybridization, in vitro culture or tissue culture' (National Organic Program, § 205.2). An exception is made for vaccines (National Organic Program, § 205.105(e)).

As to livestock production, the National Organic Programme requires living conditions which accommodate the health and natural behaviour of the animals, including access to the outdoors, shade, shelter, exercises areas, fresh air, and direct sunlight suitable to the species, its stage of production, the climate and the environment, and access to pasture for ruminants. (National Organic Program, § 205.239(a)). Also, 'the producer of an organic livestock operation must manage manure in a manner that does not contribute to contamination of crops, soil or water by plant nutrients, heavy metals, or pathogenic organisms and optimises recycling of nutrients' (National Organic Program, § 205.239(c)).

(2004/C 33 E/138) **WRITTEN QUESTION P-1605/03**

by Heide Rühle (Verts/ALE) to the Commission

(7 May 2003)

Subject: Possible breach of environment information directive

Following an aircraft accident, a German public prosecutor's office opened an investigation on grounds of 'endangerment of rail, sea and air transport'.

The investigation was later closed. Subsequently, an application was made to the public prosecutor's office — under the German law on access to information concerning the environment and Council Directive 90/313/EEC [1] on the freedom of access to information on the environment — for access to the files of the investigation.

The application was rejected on the grounds that, pursuant to § 3, paragraph 1, S2, No 3 of the above German law, the public prosecutor's office, as a law enforcement agency, does not fall among the authorities governed by that law.

Does the Commission consider the rejection pursuant to § 3, paragraph 1, S2, No 3 of the German Environment Information Law to be justified even though the public prosecutor's office was acting only in an investigative capacity and not in a 'judicial capacity' in accordance with Article 2(b) of Directive 90/313/EEC?

(1) OJ L 158, 23.6.1990, p. 56.

(2004/C 33 E/139) **WRITTEN QUESTION E-1612/03**

by Heide Rühle (Verts/ALE) to the Commission

(13 May 2003)

Subject: Further possible breach of directive on access to environmental information

The German Federal Ministry of Transport, Building and Housing has had a cost-benefit study carried out for a number of transport projects, in some cases in conjunction with environmental assessments. This report is also to be taken into account for draft legislation on the continuation of the federal road-building plan.

The Federal Government has asked the governments of the Länder for their opinions on the results of the cost-benefit study. The Baden-Württemberg Ministry of Transport has in turn asked the regional councils (Regierungspräsidien)for their opinions.

The Karlsruhe regional council was asked for a copy of its opinion pursuant to the German law on freedom of access to environmental information (UIG) and the Directive on public access to environmental information. The Karlsruhe regional council refused to comply with the request on the following grounds:

> Under § 3, paragraph 1 No 1 of the UIG, the highest Land authorities, in so far as they are acting in a legislative capacity, are not subject to the obligation to provide information.
>
> The Karlsruhe regional council is not the highest authority in the Land. However, the opinion of the Karlsruhe regional council on the federal road-building plan is required by the Ministry of the Environment and Transport for the purposes of Baden-Württemberg Land's participation in a legislative procedure, namely the procedure leading to the next law on the expansion of the national road network. § 3, paragraph 1 No 1 of the UIG, which exempts the Ministry from the obligation to provide information, cannot be circumvented by requesting the information not from the Ministry enjoying the privilege conferred by § 3, paragraph 1 No 1 of the UIG but from a subordinate body which does not enjoy that privilege.

Does the Commission take the view that the regional council may exempt its opinion from the principle of access to information on the grounds that the document was drawn up by the (subordinate) regional council for the (superior) Land Ministry acting in a legislative capacity (Article 2(b) of Directive 90/313/EEC (1))?

(1) OJ L 158, 23.6.1990, p. 56.

Joint answer
to Written Questions P-1605/03 and E-1612/03
given by Mrs Wallström on behalf of the Commission

(25 June 2003)

The questions put forward by the Honourable Member both relate to the question of compatibility of § 3, paragraph 1, of the German law on access to information concerning the environment (Umweltinformationsgesetz) with Article 2 (b) of Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment.

Article 2 (b) of this Directive defines 'public authorities' as 'any public administration at national, regional or local level with responsibilities, and possessing information, relating to the environment with the exception of bodies acting in a judicial or legislative capacity'.

§ 3 (1) of the German law on access to information excludes the whole category of judicial bodies and gives an extensive interpretation to the concept of 'judicial bodies': Courts, prosecution and disciplinary authorities are excluded.

The interpretation of Directive 90/313/EEC is the responsibility of the Court of Justice. The Commission is of the opinion that, generally, the Directive tries to give free access to information on the environment that is held by public authorities and that therefore, any exception must be interpreted narrowly. In all Member States, judicial activities such as court procedures and judgements are in principle public. In contrast to that, prosecutors do not normally act in public. Furthermore, they might depend on instructions from political or administrative bodies, which is not the case with judges. Accordingly, prosecutors normally do not appear to act in a judicial capacity. For this reason, access to information on the environment which is held by a prosecutor should normally not be withheld, at least not in cases such as the one raised by the Honourable Member, where the investigation has been finished.

However, Directive 90/313/EEC enables Member States to refuse access to information which is or was subject to investigation procedures (Article 3(2), third indent). Under the present wording of Directive 90/313/EEC, public prosecutors may therefore refuse access to information on the environment which was subject of an investigation procedure, provided the transposing legislation of the Member State in question so provides.

As regards the bodies acting in legislative capacity, the German legislation defines that the highest federal and Land authorities are excluded in so as far as they are active in their legislative capacity. It appears from the contents of Written Question E-1612/03 that the Regierungspräsidium Karlsruhe considers itself not an oberste Landesbehörde, but that it refuses access to its comments on the cost-benefit study, because the Ministry for Transport of the Land Baden-Württemberg, as oberste Landesbehörde to which the Regierungspresidium Karlsruhe is sending these comments, would not be covered by the legislation as the comments are taken into account in the preparation of legislation.

As regards the opinion of an administrative authority which is given in preparation of or during a legislative procedure, the Commission is of the opinion that such an opinion is in no case part of the legislative procedure itself. It is irrelevant, whether the administrative authority is or is not the highest administrative authority in a Member State or a region. Indeed, the purpose of Directive 90/313/EEC is to give the largest possible access to information on the environment. In case C-321/96 (Mecklenburg) ECR 1998, p. I-3809, the Court of Justice has recognised this approach, without differentiating according to the level of administrative authority. Based on these considerations the Commission is currently investigating a complaint on this case of refusal to provide information.

The Commission would also like to draw the attention of the Honourable Member to recent developments relevant to the implementation of access to environmental information. On 29 June 2000, on the basis of Article 8 of Directive 90/313/EEC, the Commission presented a report [1] to the Council and the Parliament on the experience gained in the application of Directive 90/313/EEC. On page 10 of this report, the Commission indicated that the definitions of the information required to be disclosed and of the public authorities and other bodies required to disclose it, was one of the problem areas detected. The Commission considered that these should be clarified with the aim of extending each of the categories concerned.

On 29 June 2000, the Commission adopted a proposal [2] for a new Directive modifying Directive 90/313/EEC, which had as its aim correcting the shortcomings identified in the practical application of Directive 90/313/EEC and at the same time paving the way towards the ratification by the Community of the United Nations/ Economic Commission for Europe (UN/ECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the so-called Aarhus Convention), signed in 1998.

As a result of the legislative process Directive 2003/4/EC of the Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC [3] was adopted on 28 January 2003. Article 2 (2) of this Directive further clarifies which public authorities are subject to the Directive and indicates that 'Member States may provide that this definition shall not include bodies or institutions when acting in a judicial or legislative capacity.'

The Commission is aware that the German authorities are currently working on the modification of the Umweltinformationsgesetz in order to meet the obligations of Directive 2003/4/EC.

The Commission will, when monitoring the legislative processes in the Member States as regards the modification of existing legislation with a view to align this to Directive 2003/4/EC, take due account of the issue raised by the Honourable Member along the lines set out above.

[1] COM(2000) 400 final.
[2] OJ C 337 E, 28.11.2000.
[3] OJ L 41, 14.2.2003.

(2004/C 33 E/140)

WRITTEN QUESTION P-1608/03

by Bart Staes (Verts/ALE) to the Commission

(7 May 2003)

Subject: Destruction of obsolete pesticides

In its esteemed answer to Written Question P-0480/03 [1], the Commission states that, to date, not one of the applicant countries has reacted to the letter from 28 MEPs concerning the receipt of financial aid for inventory work on and the destruction of obsolete pesticides. On the other hand, the Commission has, on several occasions in the past, acknowledged the problems posed by such obsolete pesticides.

At the same time, it leaves unanswered the question whether or not the applicant countries now have a sufficient number of appropriate and efficient thermal incinerators available in which to destroy the stockpiles of obsolete pesticides (and, possibly, other hazardous waste prohibited in the EU of the Fifteen).

Can the Commission indicate whether the thermal incinerators in the applicant countries now meet the requirements for the incineration of obsolete pesticides in a manner which complies with the Commission's strictest standards in this area and what steps it will take, should that not be the case?

Can it indicate the approximate share that expired pesticides account for in the requests for financial aid from seven Member States for inventory work on the pollution connected with persistent organic pollutants and what share that constitutes of the total (estimated) amount of obsolete pesticides in general?

Does the Commission still take the view that it is for the applicant countries to take the initiative to apply to it if they want to receive financial aid for the destruction of expired pesticides when it is obvious that, after repeated urgent requests from, inter alia, the European Parliament, the applicant countries have not yet realised that this problem must be taken seriously with a view to the protection of public health in Europe? If so, on the basis of what arguments does the Commission persist in its view?

[1] OJ C 268 E, 7.11.2003.

Answer given by Mrs Wallström on behalf of the Commission

(13 June 2003)

In the accession negotiations for the environment chapter, nine of the Acceding Countries agreed to fully comply with the standards set out in Directive 2000/76/EC of the Parliament and of the Council of 4 December 2000 on the incineration of waste [1] by accession for new installations and by the date

stipulated in the Directive for existing installations (28 December 2005). Slovakia has been granted a transition period until the end of 2006 to reach compliance for a limited number of existing incinerators. As regards the preceding Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste [2], Hungary was granted a transition period until 30 June 2005 for certain emission limit values and measurements within a limited number of incinerators.

The Commission cannot indicate the share that expired pesticides account for in the request from seven Acceding and Candidate Countries for inventory works [3] on persistent organic pollutants related contamination nor does the Commission know the share that constitutes of the total amount of obsolete pesticides in general. This falls under the scope of the Stockholm Convention on persistent organic pollutants, as it was outlined in the reply to Written Question P-0480/03 by the Honourable Member. According to a survey [4] made in the 10 acceding countries, the share of POP pesticides seems to vary a great deal from one country to another. In the four acceding countries with large stocks of obsolete pesticides, the estimated share of POPs waste varies from 1,4 % to 30 %.

The responsibility and initiative for receiving financial aid for the destruction of expired pesticides clearly has to be taken by the Acceding and Candidate Countries themselves. It is their obligation to transpose and implement the acquis at the latest by their accession to the Union, with the above mentioned limited exceptions. The Commission is closely monitoring their preparations, as well as assisting them in evaluating the scope of the problem. In this context, the Commission commissioned the above-mentioned study. Community financial instruments such as PHARE and ISPA are in principle available to properly manage obsolete pesticides in the Candidate Countries subject to the specific conditions stipulated for these instruments. After accession, they will have access to the Structural and Cohesion Funds for this purpose.

(1) OJ L 332, 28.12.2000.
(2) OJ L 365, 31.12.1994.
(3) More information about the regarding proposals can be found on the WebPages http://www.gefonline.org/.
(4) European Commission, Directorate General for Environment, 'Obsolete Pesticides Status in Candidate Countries'. Final report. September 2002.

(2004/C 33 E/141)

WRITTEN QUESTION P-1609/03

by Claude Moraes (PSE) to the Commission

(7 May 2003)

Subject: Human Trafficking Experts Group

Can the Commission please give me details on the purpose and remit of its 'Human Trafficking Experts Group'?

Answer given by Mr Vitorino on behalf of the Commission

(3 June 2003)

On 25 March 2003, the Commission adopted Decision 2003/209/EC setting up a consultative group to be known as the 'Experts Group on Trafficking in Human Beings' [1].

The experts group shall be an important element for the implementation of the Brussels Declaration. This document was the final outcome of European Conference on Prevention and Combating Trafficking in Human Beings — Global Challenge for the 21st Century from 18 to 20 September 2002. It includes an annex of recommendations, standards and best practices. The experts group shall contribute substantively to the further development of the prevention of and the fight against trafficking in human beings. According to Article 2 of the Decision, the Commission may consult the experts group on any matter relating to trafficking in human beings. In particular, a report of the experts group based on the recommendations of the Brussels Declaration shall be submitted within a period of nine months following the setting up of the group in order to assist the Commission with a view to launching further concrete proposals at Union level, for example an action plan or a communication.

The group shall consist of 20 experts. The Commission shall appoint the group members from a list made up of all persons proposed by governments of Member States and Candidate Countries as well as by specific international, inter-governmental and non-governmental organisations. The Commission shall publish the list of members for information in the Official Journal of the European Union.

According to Article 5 of the Commission Decision, there shall be no remuneration for the tasks performed by the members of the experts group. Travel expenses will be reimbursed following the rules for consultative committees (A-07031). Four plenary meetings of the experts group as well as four working party meetings (possible according to Article 6 of the Commission Decision) per year might be necessary. However, the number of meetings may have to be reconsidered further to budgetary requirements as well as to the view of the group once established.

(1) OJ L 79, 26.3.2003.

(2004/C 33 E/142)

WRITTEN QUESTION P-1611/03
by Jean-Louis Bernié (EDD) to the Commission

(7 May 2003)

Subject: Marketing of cereals

Apart from in France, the marketing of cereals in the European Union is not regulated; farmers can sell their produce freely and can ensure that it is perfectly traceable, in contrast to the produce of giant silos.

In France, the marketing function is a monopoly held by the storage agencies licensed by the National Cereals Trades Board (ONIC), and it is compulsory for all cereal trade to be channelled through them. The approved collectors deduct the parafiscal charges which are needed, amongst other things, for the operation of ONIC, which gives them financial support.

This situation means that producers and users of French cereals are penalised both financially and in respect of their ability to trade freely. For example, a French cereals producer is not allowed to sell his produce directly to a breeder.

The rules imposed by ONIC therefore appear to constitute a barrier to Community trade and freedom of trade.

What does the Commission think of this typically French situation?

Does it have any suggestions for resolving it?

Supplementary answer
given by Mr Fischler on behalf of the Commission

(25 July 2003)

The Commission's information is that the system of approved collectors as introduced by Order No 67-812 of 22 September 1967 to replace the storage agency system in order to enable France to comply with her obligations under the common organisation of the cereals market following entry into force of Regulation No 120/67/EEC (1) sets non-discriminatory terms of access to the activity of collector aimed at the general interest and does not interfere with the purposes of the common organisation of cereal markets.

The system is designed both to protect the weaker of the contracting parties, i.e. the grower, by guaranteeing immediate payment for the cereals and correctness of transactions and to ensure that cereal quality is preserved during the subsequent marketing stages. It also affords reliable statistical monitoring of the cereals market and is a means of securing payment of the parafiscal charges owed by growers. Lastly, in retaining the grower's freedom to choose the buyer, given that the approved collectors are in

competition, and in retaining freedom of prices, which remain dependent on supply and demand, the system remains without influence on price formation and affects neither intra-Community trade nor the free provision of services by users established in other Member States.

The parafiscal charges levied to finance action in the cereals sector (FASC) are not imposed on imports from other Member States or non-Union countries and do not compromise the policy on cereal growers' incomes implemented through the common market organisation. In their present form they were approved by the Commission on 19 October 2000 as an aid system compatible with the common market (State Aids/France No 514/2000).

(1) Regulation No 120/67/EEC of 13 June 1967 on the common organisation of the market in cereals, OJ 117, 19.6.1967.

(2004/C 33 E/143) **WRITTEN QUESTION E-1618/03**

by José Ribeiro e Castro (UEN) to the Commission

(13 May 2003)

Subject: Structural and Cohesion Funds in Portugal (repeat question)

In Written Question P-0976/03 (1) I asked the Commission about a significant utterance by Mr Verheugen to the effect that the Commission would propose that the level of support for Portugal in the forthcoming financial package should remain more or less the same. It was natural to believe that his words reflected a consensus within the Commission. Although it was supposed to provide the necessary information, the answer failed in the end to address the key question, which I am therefore repeating.

In reality, what Mr Barnier said fell substantially short of the promise that Mr Verheugen made in Portugal. The written reply stated merely that a decision had still to be reached in the discussions on future Community cohesion policy after 2006 and the proposals on the financial perspective for that period would be submitted at a later date. It was consequently not possible to indicate at the present time roughly how much funding might be allocated to Portugal after 2006.

Can the Commission answer the following:

— Do Mr Verheugen's and Mr Barnier's attitudes to this vital matter amount to the same thing?

— Do the views expressed by Mr Verheugen — as referred to in the above-mentioned question — stem from an agreement within the Commission?

— Even though it might not wish to specify approximate amounts for the period after 2006, does not the Commission have at least a general idea at this stage of what it intends to propose, as Mr Verheugen gave clearly to understand?

(1) OJ C 268 E, 7.11.2003.

Answer given by Mr Barnier on behalf of the Commission

(5 August 2003)

As mentioned in the answer to the Honourable Member's Written Question P-0976/03, the future shape of Community cohesion policy after 2006 is still being discussed within the Institution.

The interview of the Member of the Commission responsible for Enlargement, and in particular the statement mentioned by the Honourable Member, was variously reported in several Portuguese newspapers (Diário Económico, Correio da Manhã, etc.). He was in fact referring to the well-known position of the Commission that the so-called 'statistical effect' of enlargement should be taken into account for the period 2007-2013, to avoid penalising certain regions of the present Member States that otherwise would not be eligible for Objective 1 support in an enlarged Union.

In the third cohesion report at the end of 2003, the Commission will present its economic and social proposals for future cohesion policy after 2006. The financial perspective proposals for the post-2006 period will be presented later. The Commission can already inform the Honourable Member that it will be seeking a fair and meaningful solution for the regions that will suffer the 'statistical effect' due to the fall in the Community's average per-capita gross domestic product (GDP).

(2004/C 33 E/144) **WRITTEN QUESTION P-1620/03**

by Patricia McKenna (Verts/ALE) to the Commission

(7 May 2003)

Subject: Extinction of artic char in Lough Conn, Ireland

A gill net survey by the Irish Central Fisheries Board in 1978 and 1984 on Lough Conn, County Mayo, Ireland, showed a good stock of arctic char in the lake. Later surveys in 1994, 1998 and in 2001 recorded no char and now this unique fish is deemed to be extinct in that lake. This extinction has been attributed by scientists to the excessive enrichment of the lake. Although the nutrient dynamics are complex in the lake, excessive algal accumulations, including blue-green algae, on the char spawning beds in autumn and early winter in the early 1990s are believed to be the cause. (These still occur, particularly on mild winter days with a gentle breeze.) These beds were covered by what can only be described as a thick jelly (made up of almost pure cultures of anabaena which is known to become toxic under certain circumstances) of silt, and it is accepted that char avoid silt and only spawn on clean gravel. The causes for extinction of char in Ireland are varied, however experts believe that the case for Lough Conn relates directly to the increased nutrient loading, particularly phosphorous in the lake.

Mid lake sampling (OECD classification) by statutory agencies, although useful to classify lakes, does not necessarily reflect conditions along the lake margins, for example accumulation of algae (measured chlorophyll) along the margins of a lake during the critical period for arctic char. Recently the brown trout stocks of that lake have also crashed, again this is attributed to the consequences of nutrient enrichment (e.g. expanding cyprinid communities).

Although advances are being made to control human sewage sources, nutrient enrichment from the other sectors continues to increase significantly.

Does the Commission agree that the continued enrichment of the lake is essentially a failure by the Irish authorities to control and limit phosphorous inputs to Lough Conn and is therefore in breach of the Dangerous Substances Directive?

Does the Commission agree that lakes with sensitive species like the arctic char require special measures to protect them from the effects of nutrient enrichment, including phosphorous loading?

Should Ireland not restore the lake to conditions favourable for the native arctic char and the brown trout, i.e., radically reduce the inflow of nutrients?

Answer given by Mrs Wallström on behalf of the Commission

(12 June 2003)

The Commission is aware of the fact that a range of lakes in Ireland have deteriorated in quality in the past decades. Relevant Community legislation includes the Dangerous Substances Directive ([1]) and the Water Framework Directive ([2]).

The Commission is also aware of the specific situation to which the Honourable Member refers, namely the disappearance of Arctic char from Lough Conn during the 1980s. It considers that the probable cause of this is the sedimentation of the spawning beds of the species in the littoral parts of the lake as a result of eutrophication caused by increased discharges of phosphorous to the lake. It is estimated that, during the 1980s, the phosphorous load to the lake from all sources doubled. It is also suspected that another contributing factor might be the introduction of roach and pike, which are popular with anglers.

The Dangerous Substances Directive requires action to be taken on those substances or groups of substances listed in the annex of the Directive. Inorganic compounds of phosphorus are part of list II of this annex, entailing the obligation for Member States to develop and implement pollution reduction programmes for these substances. These programmes are required to include phosphorous quality objectives, and a system of authorisations with emission standards based on such objectives. The Directive also provides that the application of measures under it may on no account lead, either directly or indirectly, to increased water pollution (a so-called stand-still provision).

In 2002, the Commission lodged an application against Ireland before the European Court of Justice for non-compliance with the Dangerous Substances Directive ([3]). It inter alia contended that Ireland had not set quality objectives for phosphorous for Irish lakes in accordance with the Directive. More specifically, whereas, under the relevant Irish legislation, water quality in Lough Conn is considered to be satisfactory, the Commission contends that its water quality has suffered deterioration, as is inter alia evident in the disappearance of Arctic char, and that the stand-still provision has not been respected. The judgement of the Court is awaited.

The Commission agrees with the Honourable Member that lakes hosting pollution-sensitive species like the Arctic char need to be safeguarded from nutrient enrichment. Apart from the Dangerous Substances Directive, it would also draw attention to the Water Framework Directive, which provides for a comprehensive water protection of all waters (rivers, lakes, coastal waters and groundwaters), addressing all sources of impact and setting the binding obligation to achieve good quality ('good status') for all these waters by 2015. Good status for surface waters like lakes will focus on ecological parameters (microfauna, microflora, and fish fauna) and will allow for an only small deviation from pristine status (very good status) to good status. These — legally binding — remediation efforts will reverse negative trends of the past, and provide again for a sustainable ecosystem including adequate diversity and population of fish. Designation of the necessary measures will be subject to mandatory participation of citizens, non-governmental organisations, stakeholders and interested parties; these will also have a legal right to access to all relevant information, data and background documents.

([1]) Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community, OJ L 129, 18.5.1976.
([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]) C-282/02.

(2004/C 33 E/145) **WRITTEN QUESTION E-1625/03**

by Caroline Jackson (PPE-DE) to the Commission

(13 May 2003)

Subject: Recognition of the egg sector vis-à-vis third country imports

Given that the EU egg industry is facing additional legislation in relation to food safety and animal welfare, does the Commission agree that the egg sector should be recognised as a sensitive sector vis-à-vis third country imports?

Answer given by Mr Fischler on behalf of the Commission

(27 June 2003)

Under Article 10 of Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens [1] an external study is to be carried out on the socio-economic implications where third countries are concerned of the Community legislation on laying hen welfare. Its findings will help determine the degree of sensitivity of the egg sector.

It is also to be noted that in the World Trade Organisation negotiations the Community has confirmed that it considers it important that trade liberalisation should not imperil the effort to improve animal welfare protection. Exclusion from the commitment reductions ('green box') is therefore proposed for compensation covering the additional costs involved in satisfying animal welfare standards, provided it can be shown that they are a direct result of adoption of more rigorous standards and therefore do not disturb trade or disturb it as little as possible.

[1] OJ L 203, 3.8.1999.

(2004/C 33 E/146) **WRITTEN QUESTION E-1639/03**

by Erik Meijer (GUE/NGL) to the Commission

(16 May 2003)

Subject: Extra measures to promote means of subsistence in regions where Roma people constitute a large proportion of the population

1. Is the Commission aware that after the next two enlargements the population of the European Union will include at least three or four million Roma people, and that most of them are concentrated in the economically weakest regions, i.e. regions with high unemployment and low mean per capita incomes?

2. What is being done to ensure that in the future Member States with the largest percentages of Roma, namely Slovakia, Hungary, Romania and Bulgaria, sufficient EU funds are deployed from the time of their accession for projects to improve education, housing, sources of income and other facilities for the large Roma minorities, in order to create better opportunities for these residents to enjoy equal opportunities and equal status with other citizens, without having to migrate?

3. What is being done to ensure that in Slovakia, Hungary, Romania and Bulgaria, from the time of their accession, the disadvantaged regions where the Roma are concentrated receive assistance by means of cofinancing from EU funds? What is being done to prevent a large part of this funding from finding its way to the most prosperous, central regions, which may seek to further increase their advantage over the rest of the Member State concerned?

4. Do the existing rules on the taking of initiatives and the readiness of Member States or local authorities to provide cofinancing for them constitute an obstacle to special EU measures to assist the Roma and the regions where they mainly live? What, if anything, needs to change in order to eliminate such obstacles?

5. Will this issue be taken into account in decisions to be adopted concerning the extent to which and way in which EU funds are to be made available and deployed from 2006 onwards?

Answer given by Mr Barnier on behalf of the Commission

(19 August 2003)

According to estimates contained in the Commission's document, 'EU Support for Roma Communities in Central and Eastern Europe', published in May 2002, the Roma population of the European Union will increase by some 1,5 million people following enlargement to 25 Member States. Subsequent enlargement to include Bulgaria and Romania would add an estimated 3 million people to the Roma population of the Union.

The Commission is determined to ensure that the fullest use is made of the different instruments available at Community level by the authorities and other relevant actors in the Member States, the new Member States and the candidate countries in relation to the situation of the Roma communities.

The Union is already heavily engaged in efforts aiming to improve the situation of Roma communities in Europe. During the last three years alone, over EUR 77 million in funding has been provided through the PHARE programme for projects in Hungary, the Czech and Slovak Republics, Bulgaria and Romania directed at the Roma communities.

Similar initiatives are being funded in existing Member States such as Spain, Greece and France, through the European Social Fund, including the EQUAL Community Initiative, and European Regional Development Fund interventions in support of investment. Projects for Roma are also supported through other Community programmes such as Socrates, Youth for Europe and the Community Action Programme to Combat Discrimination.

Following the accession of new Member States which is scheduled for May 2004, Hungary and Slovakia will benefit from European Union support under the Structural Funds and Cohesion Fund. The programmes and projects supported by these funds can be used to contribute to projects in a variety of fields of potential benefit to the Roma population such as those concerning education and training, enterprise and infrastructure development.

Consistent with the principles of decentralised management of European programmes, it is the role of the authorities in the Member States to select projects for support, once the broad strategic objectives of the programmes have been agreed with the Commission. It is for these authorities to ensure that the projects selected contribute to the needs of the whole of the population concerned in accordance with the strategic objectives of the programme.

Following accession, new Member States will also have to ensure conformity with Council Directive 2000/43/EC of 29 June 2000 on equal treatment between persons irrespective of racial or ethnic origin [1] and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation [2].

Similarly, Bulgaria and Romania will benefit from European Cohesion policies, and will have to conform with Community law, in accordance with the provisions that exist at the time of accession.

[1] OJ L 180, 19.7.2000.
[2] OJ L 303, 2.12.2000.

(2004/C 33 E/147) **WRITTEN QUESTION E-1642/03**

by Erik Meijer (GUE/NGL) to the Commission

(16 May 2003)

Subject: Subjecting of EU citizens to an American points and bargaining system in place of procedures to establish the truth and normal administration of criminal justice

1. Are citizens of EU Member States increasingly being handed over to the USA for acts regarded as punishable offences in that country without subsequently being given an opportunity to prove their

innocence in the course of normal criminal proceedings and instead being subjected to a plea agreement procedure in which the sentence is determined according to a points system on the basis of willingness to make a confession and to give information on possible other offenders?

2. Can the Commission confirm whether it is the case that persons who do not participate in the procedure are seen as uncooperative and accordingly run a serious risk, if a trial is held, of receiving a significantly higher sentence than that imposed under a plea agreement, with the result that those concerned are often intimidated into cooperating with the procedure and making a confession even when rightly convinced of their innocence?

3. Does this American procedure result in lawyers employed by suspects frequently not having an opportunity to conduct a normal defence such as is usual in Europe and only being able to play a role in conducting bargaining and in evaluating the risks?

4. What possibilities are there for Europeans regarded as suspects by the US to be tried, using American evidence, in the EU, on the basis of the law of the country of which they are a citizen, rather than being handed over to a country with very different legal norms?

5. Could the handing over of citizens to the USA be stopped by individual Member States or by the EU as a whole as long as the establishment of the truth is not the actual objective of American criminal proceedings?

Source: TV Nederland 3, current affairs programme 'Nova', 3 May 2003

Answer given by Mr Vitorino on behalf of the Commission

(10 July 2003)

1. The Commission does not have at its disposal statistical information that would allow it to ascertain whether citizens of Member States are increasingly handed over to the United States and subjected to plea bargaining procedures.

2. The Commission does not have enough information at its disposal about the United States legal system, encompassing both the law and its application in practice, to ascertain how high a risk those deciding not to engage in plea bargaining run of receiving harsher sentences than would have been the case under the plea bargain. In any event, it would seem extraordinarily difficult to answer this question in a general manner, given that each case can be expected to be different.

3. Once again, the Commission does not have enough information at its disposal about the United States legal system to provide an answer to the Honourable Member's question.

4. It would seem that three possibilities should be distinguished: (a) The European in question is located on the territory of a Member State that he or she is a citizen of. Most Member States do not extradite their own citizens to the United States, and among those that do, to the Commission's knowledge, one only does so under the condition that the person be returned after sentencing, for enforcement of the penalty at home. In addition, where necessary, the penalty is adjusted to the standards of that Member State; (b) The European in question is located on the territory of a Member State that he or she is not a citizen of, or in a third country. In this case, there would be no obstacle to extradition to the United States on the basis of citizenship, but other grounds for refusal might apply, notably those provided for by the applicable bilateral extradition treaty. In the future, if the Union-United States agreement on extradition enters into force, the grounds for refusal provided for in this agreement would also have to be taken into consideration; (c) The European in question is located on the territory of the United States. In this case, it seems highly unlikely that he or she would be returned to the Member State he or she is a citizen of, in order to stand trial there.

5. Depending on the content of the applicable bilateral extradition treaty, individual Member States might be in a position to stop extradition towards the United States under the circumstances described in the written question. Currently, the Union as such does not have the means to do so. The Union-United States agreement on extradition, when and if enters into force, will contain an alinea in its preamble that stresses that the Union and the United States are 'mindful of the guarantees under their respective legal

systems which provide for the right to a fair trial to an extradited person, including the right to adjudication by an impartial tribunal established pursuant to law'. One might consider that severe shortcomings in the provision of this right in the legal system of one party could authorise the other party to deem that the basis for the agreement has been lost and that there is no obligation to extradite.

A general debate took place in Parliament on 3 June 2003, and the Honourable Member is further referred to the replies provided at this occasion. The Council decided on 6 June 2003 to authorize the Presidency to sign the Agreements, which will be done in Washington on 25 June 2003.

(2004/C 33 E/148)

WRITTEN QUESTION E-1662/03

by Michl Ebner (PPE-DE) to the Commission

(19 May 2003)

Subject: Tailored toll system

In paragraph 54 of the Presidency conclusions of the European Council meeting held on 20 and 21 March 2003 the Member States are called on to reach a final agreement on the emissions trading directive.

The ecopoints system, which entered into force in 1993, will come to an end in December 2003. Studies carried out thus far have shown that the objectives laid down in Austria's accession treaty, namely a 60 % reduction in NO_X emissions and the imposition of restrictions on the number of journeys made by heavy goods vehicles (108 % clause), have not been achieved over the period in question: instead of a 60 % reduction, only a 52 % cut in pollutant emissions has been recorded. The 108 % clause was criticised by the European Commission and the Member States on the grounds that it laid down a qualitative objective, involving a general reduction in pollutant emissions, rather than seeking to impose quantitative restrictions on the number of transit journeys. This shortcoming could be offset by means of a tailored toll system penalising road hauliers on the basis of their individual pollutant emissions.

Should the 108 % clause be abolished, what economically and ecologically acceptable alternative can the European Commission offer?

Does the European Commission share the view that emissions might usefully be regulated through the introduction of a tailored toll system?

In that connection, what support can the European Commission offer the Member States and, in particular, the sensitive areas in the central Alps?

Answer given by Mrs de Palacio on behalf of the Commission

(3 July 2003)

The upper limit on the number of transit trips that may be made in any year — the so-called '108 % clause' has been considered as a major inconsistency of the ecopoint system and this opinion is confirmed by the Parliament agreement to withdraw it from the system [1]. This clause can only apply if the overall environmental performance of lorries improves by more than 8 % per annum. However, since the aim of the ecopoint system is to encourage hauliers to use more environmentally friendly lorries when transiting Austria it is hard to justify a sanction that actually arises from lorries being 'too green'.

Concerning the objective of the ecopoint system laid down in Article 11 of Protocol No 9, the total nitrogen oxides (NO_X) emissions shall be reduced by 60 % in the period between 1 January 1992 and 31 December 2003. On 1 January 1992, there were in theory, 23 556 220 ecopoints available for EU-15. Since every ecopoint has been agreed to be equivalent to one unit of NO_X, the objective of the ecopoint system will therefore be achieved, according to the provisions of Protocol No 9, when 40 % of this total (i.e. 9 422 488 ecopoints) have been used in one calendar year and this will be the case in 2003.

Regarding the statistics of NO_X emissions in Austria, the exact percentage of the decrease of NO_X emissions by lorries transitting Austria must be weighed against many factors like: the amount of pollution caused by domestic traffic or by road transport vehicles other than lorries, the emissions performance of a well-maintained engine compared to a poorly-maintained engine, the conditions in which the test cycles of the new engines are made, etc.

In the present discussion of the prolongation of the ecopoint system, the idea of having the most polluting lorries excluded from the transit via Austria has been discussed by both Parliament and Council. Whereas more environmentally friendly lorries such as EURO IV would be exempted from ecopoints.

The emissions should in the first place be regulated by adaquate standards in the laws (EURO-classification). Moreover, the Commission has the intention to present shortly a sectoral proposal for a Directive on charging for the use of road infrastructure, amending Directive 1999/62/EC [2].

It is intended to contribute to bringing about a level playing field in the transport market, while ensuring that specificities of sensitive zones and corridors are taken into account.

[1] Proposal of the Commission, OJ 120 E, 24.4.2001; approved by the Parliament on 1 September 2001.
[2] Directive 1999/62/EC of the Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures, OJ L 187, 20.7.1999.

(2004/C 33 E/149)

WRITTEN QUESTION E-1663/03

by Joan Vallvé (ELDR) to the Commission

(19 May 2003)

Subject: Support for horticultural production

Article 53, entitled 'Agricultural use of the land', of the proposal for a Council regulation establishing common rules for direct support schemes under the common agricultural policy and support schemes for producers of certain crops [1], states that 'farmers may use their land for any agricultural activity except for permanent crops'.

This means that farmers who have hitherto used their land for arable crops, and who will receive a decoupled subsidy once the new regulation has come into force, will be able to use these areas for fruit and vegetables without consequently losing their entitlement to this support.

This will give rise to a serious distortion in the functioning of the sector, given that traditional fruit and vegetable producers who do not receive any direct support will be competing in the same market with new producers who were previously producing arable crops and do receive this type of subsidy.

Account must also be taken of the fact that, under the current regulations, fruit and vegetables produced on this land will also be eligible for the already scant resources which the EU sets aside for the fruit and vegetable sector, and which will henceforth have to be shared among a larger number of farmers.

This is even more surprising bearing in mind that, in the earlier version of the reform proposal, i.e. the Commission communication to the Council and the European Parliament of 10 July 2002 [2], this possibility was ruled out and a clear indication was given, on page 20 of the English version in the section headed 'scope of the scheme', that 'at this stage, cultivation of fruit and vegetables would not be eligible for support under the new scheme'.

Furthermore, neither the recitals nor the explanatory memorandum to COM(2003) 23 final make any reference to the reasons for this change.

Why has the Commission decided to propose allowing the cultivation of vegetables in areas which will receive decoupled support once the CAP reform has come into force?

[1] COM(2003) 23 final.
[2] COM(2002) 394 final.

Answer given by Mr Fischler on behalf of the Commission

(17 June 2003)

On 21 January 2003 the Commission sent its proposed reform of the common agricultural policy (CAP) [1] to the Council of ministers of agriculture of the Union and to Parliament. The proposals for regulations included one establishing common rules for direct support schemes and support schemes for producers of certain crops.

Article 53 of that draft Regulation proposes a ban on cultivating permanent crops (e.g. fruit trees, vines, hot-house crops) on land eligible for the direct payment. This means the proposal currently being discussed by the Council and Parliament would allow the growing of annual fruit crops and horticultural crops.

A number of representatives of traditional producers of fruits and vegetables have already expressed concern about possible distortions of competition which this authorisation might provoke.

Because of the difficulties of carrying out checks, the Commission would have preferred to authorise the growing of the crops in question on land eligible for the direct payment to the exclusion proposed in the July 2002 Communication on the medium-term review.

However, at the meeting of the Council of Union ministers of agriculture in Luxembourg on 8 April 2003, the Member of the Commission responsible for agriculture indicated his willingness to solve this problem.

During that Council meeting, he stated that a producer who received the single payment per farm should normally be free to take decisions about what to do with the land. However, it was possible that in some regions this could create competitive disadvantages for traditional producers specialising in fruit and vegetables. It therefore seemed acceptable to ensure that the Member States could ban the growing of fruit and vegetables on land eligible for a direct payment.

[1] COM(2003) 23 final.

(2004/C 33 E/150)

WRITTEN QUESTION P-1683/03

by Paulo Casaca (PSE) to the Commission

(15 May 2003)

Subject: Clarification of Council Regulation No 2340/2002

Council Regulation No 2340/2002 [1] is not in line with the Commission proposal in the part concerning compliance with the provision of Council Regulation No 2027/95 [2] of 15 June 1995, in the wording given it by Regulation No 149/1999 [3] of 19 January 1999 and as referred to in the Commission's reply to Written Question E-1849/02 [4], regarding the limitation of the fishing effort of the UK and Spanish fleets for the species in question in the area under Portuguese jurisdiction or sovereignty in division ICES-X or CECAF 3.4.

Given that, as the Commission stated in its reply to Written Question P-0026/03 [5], the above-mentioned limitation of the fishing effort is currently fully in force, the omission has no legal consequences.

In this connection, does the Commission not consider it necessary to clarify the matter so as to ensure compliance with Community law and prevent irreparable damage being caused to the biological balance of the fish stocks in the areas concerned, in view of the full documentation that has been produced by the scientific community in publications of which the Commission is aware, as is clearly recognised in its proposal COM(2002) 739?

[1] OJ L 356, 31.12.2002, p. 1.
[2] OJ L 199, 24.8.1995, p. 1.
[3] OJ L 18, 23.1.1999, p. 3.
[4] OJ C 28 E, 6.2.2003, p. 148.
[5] OJ C 222 E, 18.9.2003, p. 138.

Answer given by Mr Fischler on behalf of the Commission

(12 June 2003)

On fishing effort in division X, the Honourable Member is asked to refer to the Commission's reply to his Written Question E-1849/02 [1]. The Commission reiterates its position set out in that reply on application of Council Regulation (EC) No 2340/2002 of 16 December 2002 fixing for 2003 and 2004 the fishing opportunities for deep-sea fish stocks.

The new terms of access to the division in question will form part of the new 'Western Waters' arrangements now before the Council [2].

[1] OJ C 28 E, 6.2.2003.
[2] COM(2002) 739 final.

(2004/C 33 E/151) **WRITTEN QUESTION E-1685/03**

by Brigitte Langenhagen (PPE-DE) to the Commission

(20 May 2003)

Subject: Digital tachographs

With the adoption of Regulation 2135/98 [1] it was decided that a new generation of digital tachographs would be introduced in the European Union. The regulation can only come into force when the technical specifications in Annex 1B are adopted and published. This has taken place in the form of Regulation 1360/2002 [2], published in Official Journal L 207 of 5 August 2002.

In the basic regulation 2135/98 certain periods of time are laid down for the introduction of the digital tachograph. These periods begin on the day of publication of Regulation 1360/2002. They relate to installation of digital tachographs in newly licensed vehicles (24 months according to Article 2(1)(a)), the issuing of driver cards by the Member States (21 months according to Article 2(2)) and component type-approval (12 months according to Article 2(3)).

How does the Commission assess compliance with these deadlines at present? What is the Commission's assessment of the situation as regards type-approval? What steps will the Commission take if type-approval has not been issued by 5 August 2003? When will the Commission launch the codecision procedure to set new deadlines, in accordance with Article 2(3) of Regulation 2135/98, should it become clear in advance of 5 August 2003 that type-approval will not be available in time to meet the deadline? What alternative ways has the Commission considered of ensuring that digital tachometers are introduced? What is the Commission's assessment of the situation as regards the issue of driver cards by the European Union Member States in time to meet the deadline?

[1] OJ L 274, 9.10.1998, p. 1.
[2] OJ L 207, 5.8.2002.

Answer given by Mrs de Palacio on behalf of the Commission

(2 July 2003)

The procedure for type approval is described in Annex 1B to Commission Regulation (EC) No 1360/2002 of 13 June 2002 adapting for the seventh time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport [1]. A type approval certificate can only be granted if a manufacturer successively holds a security certificate, a functional certificate and an interoperability certificate. To obtain an interoperability certificate manufacturers need to follow an exceptional procedure which can take several months. At present, none of the tachograph and card manufacturers have started the interoperability procedure. This leads to the conclusion that there will probably be no type approval

certificate on 5 August 2003 (12 months after the publication of Commission Regulation (EC) No 1360/2002). However, the Commission could expect that the first type approval will be granted before the end of the year.

The submission by the Commission of a proposal for an extension of the implementation deadlines would in all likelihood considerably delay the introduction of the digital tachograph. Considering the apparent abuses of the current analogue tachograph with its negative consequences on road safety, the Commission is of the opinion that the digital tachograph needs to be introduced as soon as possible. Therefore, the Commission intends to revaluate the situation, when the first manufacturers will have obtained a type approval later in 2003.

In order to help Member States to implement the digital tachograph before 5 August 2004, the Commission is supporting two projects.

The first project, initiated by the French ministry for Infrastructure, Transport and Housing, deals with the issuing of tachograph cards. The timely issuing of tachograph cards is of utmost importance for the successful introduction of the digital tachograph. One of the key elements of this project is TACHOnet, a system enabling the exchange of information between national administrations responsible for the issuing of tachograph cards and the enforcement of driving and rest times of professional drivers. The design phase of TACHOnet was recently completed. Member States will now start the implementation phase.

The second project, initiated by the Swedish National Road Administration, deals with implementation issues in a more general sense, such as approval conditions and instructions for workshops, recommendations for transport companies on data management and for enforcers on road side and company checks.

These projects will effectively help the Member States to implement the digital tachograph.

(1) OJ L 207, 5.8.2002.

(2004/C 33 E/152) **WRITTEN QUESTION E-1702/03**

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

(22 May 2003)

Subject: Environmental impact of the Arenas-Molledo and Pesquera-Reinosa sections and Molledo-Pesquera sub-section of the Cantabria-Meseta motorway (Cantabria, Spain)

The projected route of the Cantabria-Meseta motorway, and in particular of the Arenas-Molledo, Pesquera-Reinosa and Molledo-Pesquera sections, has caused great concern among local inhabitants, citizens' associations and the public at large, owing to its lack of respect for the countryside and especially for the Saja National Reserve, and to the destruction of an large proportion of the area's historical heritage. Numerous irregularities have occurred, such as the continuation of work on the Arenas-Molledo sub-section before the Directorate-General for Environmental Quality and Assessment had reached its decision, and the occupation of land without the requisite compulsory purchase order.

The environmental impact assessments conducted have lacked rigour, and the construction of the Corrales-Arenas de Iguña section of the motorway has had serious repercussions, including the obliteration of Monte Fresneda, the Muriago watercourse and a Roman road.

Is the Commission aware of this situation? What measures will it take to guarantee the application, in the case in point, of Community legislation on the environment, and more specifically of Directive 85/337/EEC (1) on environmental impact assessments and Directive 92/43/EEC (2) on the protection of natural habitats and wild fauna and flora?

(1) OJ L 175, 5.7.1985, p. 40.
(2) OJ L 206, 22.7.1992, p. 7.

Answer given by Mrs Wallström on behalf of the Commission

(14 July 2003)

The Commission is aware of the facts mentioned by the Honourable Member in connection with the project for the Cantabria-Meseta motorway

In 1997 a complaint was made regarding this road because of the alleged wrong application of Directive 85/337/EEC [1] on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC [2].

When the Commission investigated the case, it ascertained that the Spanish authorities had conducted an impact assessment for this project in accordance with the abovementioned Directive. The complaint was therefore closed.

The complainants recently expressed their concern about changes to particular sections of the road.

Modifications to a motorway section are covered by Annex II-12 to the abovementioned Directive 85/337/EEC. The projects included in this Annex are those referred to in Article 4(2) of the Directive which must accordingly be subject to an impact assessment if Member States consider that their characteristics so require.

This Directive is of a procedural nature and obliges Member States to conduct an impact assessment on particular projects which could have significant adverse effects on the environment. Once the assessment has been completed, the competent authority decides whether or not the project will be carried out. The Commission does not have the power to impose the choice of a specific section on a Member State. This choice is exclusively up to the national competent authorities.

According to the information available, the motorway does not cross or border on any site proposed by the Spanish authorities as a site of Community importance pursuant to Council Directive 92/43/EEC of 21 May 1992 [3].

Consequently, and taking account of the fact that the motorway project has been subject to the mandatory impact assessment procedure as required by the abovementioned Directive, the Commission has no power to intervene in this case as it has not been able to establish any infringement of Community law.

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

(2004/C 33 E/153) **WRITTEN QUESTION E-1712/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(23 May 2003)

Subject: Community funding of works and provision of rolling stock in Greece

Is the EU funding (whether directly or indirectly, through grants or loans, such as through the EIB) the building of Olympic sports facilities in Greece or the construction and completion of projects connected with facilitating the 2004 Olympic Games? If so, is the Commission satisfied with the progress made?

Is the EU funding (again directly or indirectly, through grants or loans) the provision of new rolling stock (for buses and trams) for public transport in Athens or other Greek cities? If so, should there not be a mention of this fact (for example in the form of information panels) on the vehicles purchased with Community part-financing?

Answer given by Mr Barnier on behalf of the Commission

(4 July 2003)

The Union is contributing to certain Olympic sports facilities via a loan made available by the European Investment Bank (EIB), in particular for the renovation of the Olympic Stadium in Maroussi and the press centre located nearby.

The Union is also contributing to the construction of various public transport facilities in the greater Athens area under the European Regional Development Fund (ERDF).

The projects concerned areas follows (figures are the indicative ERDF contributions):

— the extension of the 'blue' subway line from the Defense Ministry to Spata Airport (EUR 90 million);

— the construction of two tram lines, from the Zappeion to Paleo Faliron and from Neo Faliron to Glyfada (EUR 173 million);

— the construction of the suburban railway from Spata Airport via Stavros to the 'SKA' railway node close to Acharnes (EUR 342 million);

— the completion of the 'Attiki odos' ring road, from Spata Airport via Stavros and the northern suburbs to Eleusina (EUR 476 million);

— the renovation of the 'green' subway line Piraeus-Kifissia (EUR 42 million);

— the renewal of the Athens bus and trolley fleet (EUR 79 million).

The purpose of these projects is to contribute to the modernisation and extension of infrastructure endowments in Greece. However, their timely completion could greatly facilitate the handling of the expected traffic increase related to the Olympic Games. The realisation of the projects in time for the Olympic Games is a priority for the Greek authorities.

Concerning the co-funding of the renewal of the Athens bus and trolley fleet, the normal requirements relating to information and publicity apply.

(2004/C 33 E/154) **WRITTEN QUESTION E-1718/03**

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

(23 May 2003)

Subject: Child protection in sport

Decision No 291/2003/EC [1] of the European Parliament and of the Council of 6 February 2003 established the European Year of Education through Sport 2004. This is a welcome initiative from the EU, giving the sports sector an important role in promoting education and health across the EU.

Sport is an extremely important social and educational tool for the millions of children who take part in sports activities across the EU every day. However, it is vital that children are given the proper protection and respect when taking part in all sports activities and events. The European Commission will be aware that a growing number of cases of sexual, physical and emotional abuse of children and young people are being reported in the sports sector. In the light of this, does the European Commission intend taking any action to help promote the protection of children and young people involved in sports?

Would the Commission support the establishment of minimum standards to ensure that the EU sports sector is in a position to act on reports of abuse in order to protect and safeguard the children and young people in its care?

[1] OJ L 43, 18.2.2003, p. 1.

Answer given by Mrs Reding on behalf of the Commission

(16 July 2003)

As the Honourable Member has pointed out, 2004 has been designated 'European Year of Education through Sport' in order to highlight the educational and social values of sport, as set out in the Helsinki Report ([1]) and the Nice Declaration ([2]).

The aim of the European Year of Education through Sport is to strengthen the partnerships between the worlds of education and sport and the public authorities, with a view to promoting education, health protection and retraining in other fields for young sportspeople. In addition, under the preparatory actions relating to sport, the Commission is going to finance studies under budget heading B3-1026 to analyse sport's impact on education and the role of sporting activities in establishing a balance in young people's lives. The results of all of these actions will be taken into account by the Commission in developing the new generation of education and youth programmes. Certain conclusions could also be taken into account with a view to giving sporting activities a greater role in other Community policies.

In response to the Honourable Member's second question, the Commission would like to express its concern regarding the issues raised. With regard to physical and emotional abuse, Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work ([3]) addresses these issues. According to Article 5 of this Directive, Member States lay down the working conditions for children, for example in the case of sport. It is therefore up to Member States to make use of this Directive to intervene in the event of dangers concerning young people who are involved in professional sport.

Various initiatives have been taken at Community level to tackle the sexual abuse of children in general. The sexual exploitation of children is therefore prohibited according to the EU Charter of Fundamental Rights. Furthermore, a political agreement was reached in the Council in October 2002 on a framework decision concerning the prevention of sexual exploitation and child pornography. The Community is also funding projects designed to tackle the sexual exploitation of children via its AGIS and Daphne programmes.

([1]) Report from the Commission to the European Council with a view to safeguarding current sports structures and maintaining the social function of sport within the Community framework, COM (644/99), 1.12.1999.
([2]) OJ C 80, 10.3.2001.
([3]) OJ L 216, 20.8.1994.

(2004/C 33 E/155) **WRITTEN QUESTION E-1721/03**

by Erik Meijer (GUE/NGL) to the Commission

(23 May 2003)

Subject: Exclusion of destinations in Greece from the range of international tickets sold by railway companies in other EU Member States

1. Is the Commission aware that direct through train services from Germany and Austria to Greece, which were suspended during the wars in the former Yugoslav federation, have now been partly restored but it is not possible to reserve seats or sleeping-berths from other countries and is therefore necessary to change in Ljubljana or Belgrade?

2. Is the Commission aware that after the recent resumption of direct services, some cities such as Thessaloniki and Athens in Greece were deleted from the computers of railway companies in other EU Member States, so that it is no longer possible to buy train tickets to these destinations?

3. Does the Commission realise that the fact that normal international through rail tickets are no longer obtainable is particularly damaging for overland connections to Thessaloniki in the north of Greece, which, unlike Athens, has no ferry connection with Italy?

4. Is such a restriction on using overland public transport compatible with the increasing integration taking place between EU Member States? Is it acceptable that Greece should be put at an exceptional disadvantage by making its connections with the outside world entirely dependent on air and sea transport?

5. Can the Commission push for the resumption of the sale of international rail tickets to Greece from other Member States is resumed?

6. Is the Commission prepared to take action to ensure that within the EU area at least major cities, including Member State capitals and second largest cities with a railway connection to the border, continue to be or are once again included among the destinations for which rail tickets are on sale in other Member States?

Answer given by Mrs de Palacio on behalf of the Commission

(9 July 2003)

The Commission was not aware of the specific conditions under which the rail services between Germany and Greece were resumed after the end of the conflict in former Yugoslavia.

The Commission was not aware of the fact that specific destinations in Greece were no longer available in the Computerised Reservation Systems used by the railway undertakings in Europe. However, the website of the German Railway Undertaking Deutsche Bahn (DB) [1] shows time-table information for a journey between e.g. Munich and Athens. It does not show information on available fares and conditions which is unfortunately the case for many international rail journeys. It must be observed, however, that the conditions under which tickets for railway trips are marketed and sold, fall under the management independence of railway undertakings, as provided for in Directive 91/440/EEC [2], unless public service obligations or contracts concluded under conditions defined by Regulation (EEC) No 1191/69 [3] provide otherwise.

Furthermore, the Commission has announced in its Workprogramme 2003 to table a proposal for a Regulation on Passengers' Rights and Obligations in International Rail Services. One of the issues to be addressed in this Regulation is the pre-trip information to be provided to consumers, which include the information on time tables, fares and access conditions for scheduled, international rail services. This was one of the issues identified in a Consultation Document drafted by the Commission's services in 2002 in order to obtain a comprehensive overview of the current problems in relation to the Rights and Obligations of Passengers on International Rail services [4]. The proposal for this Regulation will, therefore, include provisions requiring that Computerised Reservations Systems, regardless its ownership, accept — upon request and under equal conditions — the inclusion of information on railway services from other railway undertakings. Furthermore, railway undertakings offering rail passenger services between major railway stations are obliged to co-operate in offering throughtickets on a single transport contract to passengers. These provisions however are also dependent on the adoption of the Technical Specifications of Interoperability for passenger Telematics as foreseen by Directive 2001/16/EC [5].

Finally, the Commission would like to refer to the initiative deployed by the International Union of Railways (UIC) to develop an information system, which contains information on all the rail services offered by its members. According to the UIC, this system — Merits — has become operational in 2003. Furthermore, the UIC has started the development of a reservation and ticketing system (Prifis). The Commission will carefully monitor the implementation of this Computerised Reservation System, notably to ensure its accessibility for information on all railway services as well its compliance with the competition provisions of the Union.

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[1] See: http://www.bahn.de.

[2] Directive 91/440/EEC of 29 July 1991of 29 July 1991 on the development of the Community's railways, OJ L 237, 24.8.1991, as amended by Directive 2001/12/EC of the Parliament and of the Council of 26 February 2001, OJ L 75, 15.3.2001.

[3] Regulation (EEC) No 1191/69 of the Council of 26 June 1969 on action by Member States concerning the obligations inherent in the concept of a public service in transport by rail, road and inland waterway, OJ L 156, 28.6.1969, as amended by Council Regulation (EEC) No 1893/91 of 20 June 1991, OJ L 169, 29.6.1991.

[4] For the full text of this document, see: http://europa.eu.int/comm/transport/rail/passenger/doc/cd-en.pdf.

[5] Directive 2001/16/EC of 19 March 2001 of the Parliament and of the Council on the interoperability of the trans-European conventional rail system, OJ L 110, 20.4.2001.

(2004/C 33 E/156) **WRITTEN QUESTION E-1725/03**

by Reimer Böge (PPE-DE) to the Commission

(23 May 2003)

Subject: Funding the VMS vessel monitoring system for fishing boats

Under Article 22 of Regulation (EC) 2371/2002 [1] all fishing vessels over 18 metres in length must be equipped with a satellite-transceiver 'blue box' by 1 January 2004, and those over 15 metres in length by 1 January 2005.

In the case of fishing vessels over 24 metres long, for which VMS has been mandatory since July 1998, 100 % of the cost of acquiring the equipment was refunded on request by the European Union. In the case of cutters under 24 metres in length, however, all that will be paid, under the FIFG, is a subsidy equivalent to 25 % of the cost of acquisition. As well as the cost of purchase, there are running costs of up to EUR 500 per annum, representing an additional burden for fishermen.

Leaving aside the fact that this additional expenditure is hard to justify in the case of off-shore and one-day fisheries, can the Commission say whether it is prepared to eliminate the clear discrimination against cutters under 24 metres in length as regards the purchase of the 'blue box', for example by amending the regulation, by supporting relevant initiatives through the budget or through an EU contribution to the Member States' monitoring costs, which would also enable a refund to be paid for satellite monitoring equipment installed in 2003 or as of 2004?

[1] OJ L 358, 31.12.2002, p. 59.

Answer given by Mr Fischler on behalf of the Commission

(11 July 2003)

The Commission shares the concern that fishermen shall be treated equally during the extension of Vessel Monitoring System (VMS) to smaller vessels.

In this respect, the assumption that the equipment for bigger vessels was funded at 100 % and that the equipment for smaller vessels can only be funded at 25 % does not correctly reflect the actual situation. In fact, for vessels already subject to VMS, a Community financial contribution has been paid proportionally to the expenditure incurred for the acquisition of the equipment up to a maximum amount. The maximum contribution in 1999 and 2000 was EUR 3 400.

For the vessels smaller than 24 metres overall, the Commission will grant aid under similar conditions as it did in the past for the bigger vessels, within the budgetary constraints.

(2004/C 33 E/157) **WRITTEN QUESTION P-1729/03**

by Roger Helmer (PPE-DE) to the Commission

(19 May 2003)

Subject: Motor insurance in Lithuania

Would the Commission please tell me whether arrangements are in place for Lithuania to comply with EU standards on motor insurance, especially the First Directive on Motor Insurance, which says that every insurance policy issued in the EU must offer the minimum insurance cover required by law in any other EU country?

Currently, all EU Member States operate under the green-card system for motor insurance, which means that standard minimum insurance cover is offered throughout the EU. All Member States are also signatories to the 'Multilateral Guarantee Agreement', which means that Green Cards are not strictly necessary to enter other EU Member States. Will the Commission say whether Lithuania will operate the green-card system when it signs up for full EU membership? Will the Commission further state whether Lithuania will be signatory to the 'Multilateral Guarantee Agreement'?

Answer given by Mr Bolkestein on behalf of the Commission

(10 June 2003)

According to the latest information available to the Commission, Lithuania has not yet fully implemented Union provisions on Motor Insurance. According to the information provided by the Lithuanian authorities, draft legislation in order to implement the first Motor Insurance Directive 72/166/EEC [1] mentioned by the Honourable Member as well as the other three Motor Directives (84/5/EEC [2], 90/232/EEC [3] and 2000/26/EC [4]) is at the moment being prepared and should be submitted shortly for consideration by the national legislative authorities.

As regards the Agreement between the National Insurer's Bureaux of the Member States of the European Economic Area and other Associate States, concluded in accordance with the principles laid down in Article 2(2) of the first Motor Directive above, Lithuania is not yet part of such agreement but its incorporation is expected for the near future and, in any case, before the date of the accession.

Lithuania, as all the other Candidate Countries, must fully transpose the Union insurance legislation, including the Motor Insurance Directives, before the date of accession. The Commission will continue to monitor this process and in particular to check that all the conditions required for the suppression of the insurance border controls are fulfilled. If needed, the Commission will take the necessary measures to ensure the good functioning of the system.

[1] Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability, OJ L 103, 2.5.1972.

[2] Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, OJ L 8, 11.1.1984.

[3] Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, OJ L 129, 19.5.1990.

[4] Directive 2000/26/EC of the Parliament and of the Council of 16 May 2000 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles and amending Council Directives 73/239/EEC and 88/357/EEC (Fourth motor insurance Directive), OJ L 181, 20.7.2000.

(2004/C 33 E/158) **WRITTEN QUESTION E-1735/03**

by Michl Ebner (PPE-DE) to the Commission

(26 May 2003)

Subject: Harmonisation of public holidays

Due to different traditions and political and religious events, there is a lack of uniformity throughout the EU in terms of the number of public holidays in Member States and how they are fixed. This can be viewed as an economic handicap which has considerable disadvantages. A step-by-step harmonisation of public holidays in EU states over the long term, including the postponement of public holidays usually falling on a weekday to the following weekend, as is the practice in the UK, would bring about greater economic benefit and give citizens the opportunity to optimise the use of their free time.

Can the Commission, although it has no direct responsibility in this area, give a clear indication of what possibilities exist of harmonising public holidays?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(15 July 2003)

As the Honourable Member notes, the Commission is not competent to act in this area. As a result, it seems unlikely that public holidays could be harmonised in this way in the Member States.

(2004/C 33 E/159) **WRITTEN QUESTION E-1737/03**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(26 May 2003)

Subject: Maritime transport of agricultural products from Almeria

Shipping agents, agricultural exporters and the Almeria port authority (Spain) are conducting a short study into the cost of a project to link Almeria to the Dutch port of Rotterdam. This maritime link would enable farmers in Almeria to begin exporting fruit and vegetables in November.

The proposal is for a boat carrying 80 lorries to sail from Almeria each week from November to March. The produce would be distributed by road from the Dutch port within a 350-kilometre radius (northern France, Belgium and Germany).

Given that this is a ground-breaking proposal which would facilitate the export of Almerian agricultural products to the heart of Europe while reducing goods traffic on the roads of central Europe, will the Commission make a significant contribution to the project to establish this shipping route?

Answer given by Mrs de Palacio on behalf of the Commission

(2 July 2003)

The Commission has an established policy to promote Short Sea Shipping as a complement and alternative to road transport. Increased use of Short Sea Shipping does not only alleviate land bottlenecks and congestion on the road network, but can also help reach environmental and safety targets. Consequently, it can play a major role in achieving the policy targets indicated in the Commission White Paper on European Transport Policy for 2010 [1].

In this framework the Commission welcomes the willingness of agricultural exporters and importers and the port authority of Almería to study the possibility of using Short Sea Shipping to replace the general trend of utilising road transport to export those products from Spain to Benelux, Germany and France.

The Commission will be very interested in learning the results of the feasibility study and the commercial viability of the planned service. In this context factors such as frequency, regularity, availability of return cargo and type of ship and cargo carried (accompanied or unaccompanied trailers, containers, swap bodies) will undoubtedly be carefully considered.

In this context the Commission would like to draw the attention to the new Marco Polo programme which is scheduled for adoption in July 2003, with a call for proposals to be launched as soon as possible after adoption. The Programme is concerned with the implementation international freight services shifting freight of all segments of the market from road to short sea shipping, rail or inland waterway. If adopted, the programme will run from 2003 to 2010, with annual calls for proposals. For further details the Commission would refer to the new Marco Polo web site and helpdesk (http://europa.eu.int/comm/transport/marcopolo/index_en.htm and tren-marco-polo@cec.eu.int).

[1] COM(2001) 370 final.

(2004/C 33 E/160)

WRITTEN QUESTION E-1740/03

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

(26 May 2003)

Subject: Results of the experimental phase of the European extrajudicial network (EEJ-NET)

The experimental phase of the European extrajudicial network (EEJ-NET), which was launched on 16 October 2001, lasted for a year and involved 17 countries (all Member States plus Norway and Iceland).

The introduction of the network offered European consumers more appropriate alternatives for resolving disputes without having to go through the courts, with the lengthy timescales and delays they involve.

Will the Commission give details of the main conclusions of the report it submitted following the experimental phase and say whether the results obtained warrant the setting up of a European register of good practice for companies taking part in the dispute settlement mechanism, as proposed by the network and advocated by the group of governmental experts?

Answer given by Mr Byrne on behalf of the Commission

(23 July 2003)

The European extrajudicial network (EEJ-Net) aims to help consumers resolve cross border disputes where their economic interests are at stake. To this end the EEJ-Net offers consumers information and assistance in resolving such disputes through an appropriate out-of-court alternative dispute resolution (or 'ADR') scheme. 17 Clearing Houses have been established in each Member State, as well as in Norway and Iceland, to meet this objective.

The pilot phase of the EEJ-Net was launched on 16 October 2001, with the initial participation of eight Member States as well as Norway and Iceland. The remaining seven Member States [1] were integrated during the course of 2002. Although the pilot phase was due to finish at the end of October 2002, it was decided to extend it to 2003. Indeed, an expert group of government and Clearing Houses representatives, chaired by the Commission, considered this would greatly benefit the development of the network, as a number of Clearing Houses only became fully operational months after the official launch date. This additional period will give the Clearing Houses more time to test their systems, improve co-ordination and fully implement supporting technical tools (i.e. the website and a complaint handling database).

The statistics relating to the activity of the Clearing Houses from 16 October 2001 to 31 March 2003 are encouraging. The total number of complaints received by all the Clearing Houses over that period is 2182. This number considerably increased in the last six months of the period as the network was becoming more established. It is clear that the network is fulfilling its objectives and is delivering real benefits to many consumers.

A Conference, in which Parliament was represented, took place on 10 and 11 June 2003 to evaluate the network. It has brought together all the relevant stakeholders. One of the Conference workshops has explored the issues relating to encouraging the growth of more ADR schemes. The setting up of a European register of good practice for companies taking part in the dispute settlement mechanisms was not discussed as such. However, the advantages of having some kind of certification system, in order to ensure consumer confidence, was highlighted. This issue will be examined further as part of the future development of the network.

The Commission will produce a full assessment report on the network. It will be presented to the Parliament and the Council by the end of 2003.

[1] Germany, Greece, Spain, France, Ireland, Italy, and the Netherlands.

(2004/C 33 E/161) **WRITTEN QUESTION P-1746/03**

by Proinsias De Rossa (PSE) to the Commission

(20 May 2003)

Subject: Carrickmines Castle archeological finds

Could the Commission please indicate the current position as regards its investigations into the Environmental Impact Assessment carried out under Directive 85/337/EEC [1] and, in particular, its failure to appraise the impact on the archaeological heritage of the Carrickmines site? Further to the Commission's answer to Oral Question H-0649/02 [2], will it please indicate when it expects to report on its investigation, bearing in mind the urgent nature of this situation, given the imminent destruction of this archaeological treasure?

[1] OJ L 175, 5.7.1985, p. 40.
[2] Written reply dated 22 October 2002.

Answer given by Mrs Wallström on behalf of the Commission

(24 June 2003)

The Commission confirms that its appraisal as regards the adequacy of assessment of archaeological impacts under the environmental impact assessment (EIA) carried out on the M50 motorway project pursuant to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997 [1], is ongoing. This assessment raises precise technical questions that require careful examination. Separately the Commission is aware that work on this site has been halted by a legal action in the national courts related to compliance with national law. It is conscious of the desirability of advancing the examination of the EIA aspects, and hopes to be able to convey more precise information to the Honourable Member within the next two months.

[1] OJ L 73, 14.3.1997.

(2004/C 33 E/162) **WRITTEN QUESTION E-1748/03**

by Proinsias De Rossa (PSE) to the Commission

(26 May 2003)

Subject: Compulsory testing of passenger cars

Could the Commission please indicate the current position in each Member State regarding the implementation of Council Directive 96/96/EC [1] on the compulsory testing of passenger cars over four years old every two years. Is the Commission planning to review that Directive?

[1] OJ L 46, 17.2.1997, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(27 June 2003)

Roadworthiness testing within the Union is governed by Council Directive 96/96/EC of 20 December 1996 on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers, which 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.

Today, all Member States and Accession Countries have transposed and put into effect the Directive and therefore include passenger car testing within their national roadworthiness testing programmes in

conformity with Directive 96/96/EC as amended [1]. Since the Directive specifies minimum standards, some Member States have also introduced more stringent testing requirements or require more frequent testing or have extended the scope of technical inspection to cover more types of vehicles such as motorcycles.

Over the past decade there has been significant advances in vehicle construction standards, particularly in electronic control systems and the Commission is considering how roadworthiness testing requirements can evolve for the future. To assist in its analysis, the Commission is to launch soon a study on the assessment of future roadworthiness enforcement options for road vehicles taking account of the complexity of current vehicle safety and environmental control systems and their expected developments for the future and other developments such as 'reciprocal recognition' and the possibility of quality assurance schemes in some circumstances.

In the light of the study results which will probably take two years to complete, the Commission will decide on the appropriateness of modifying the roadworthiness-testing Directive.

[1] OJ L 48, 17.2.2001.

(2004/C 33 E/163) **WRITTEN QUESTION E-1757/03**

by Juan Ojeda Sanz (PPE-DE) to the Commission

(27 May 2003)

Subject: Possible abuse of authority

There have been fresh incidents in recent days on the periphery of Portuguese waters following the incursion of Spanish fishing vessels. The Portuguese authorities respond to these misdemeanours, which regrettably occur on a fairly regular basis, with firearms and other violent means which are totally disproportionate, particularly between two neighbouring countries which both belong to the EU.

In the light of the above, and bearing in mind Article 49 of the Charter of Fundamental Rights of the European Union, which refers to the principles of legality and proportionality of criminal offences and penalties, does the Commission consider the severity of the penalties to be disproportionate to the criminal offence? If so, how does the Commission believe that such abuses of authority in the EU might be curbed?

Answer given by Mr Fischler on behalf of the Commission

(8 July 2003)

The Commission has no detailed information on the incidents described by the Honourable Member.

It should be noted that under Article 24 of Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy [1], the Member States must take the inspection and enforcement measures necessary to ensure compliance with the rules of the common fisheries policy on their territory or in the waters subject to their sovereignty or jurisdiction. Under Article 25 of that Regulation, the Member States must also ensure that appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where the rules of the common fisheries policy have not been respected. In addition, under that Article, the Member States must take immediate measures to prevent vessels or natural or legal persons found in flagrante delicto while committing a serious infringement, as defined in Council Regulation (EC) No 1447/1999 [2], from continuing to do so.

Clearly, any penalties must be applied in compliance with the principles laid down in the Charter of Fundamental Rights as referred to by the Honourable Member.

Since the Commission has no detailed information on the circumstances, it is unable to answer the Honourable Member's final question.

(1) OJ L 358, 31.12.2002.
(2) Council Regulation (EC) No 1447/1999 of 24 June 1999 establishing a list of types of behaviour which seriously infringe the rules of the common fisheries policy, OJ L 167, 2.7.1999.

(2004/C 33 E/164) **WRITTEN QUESTION E-1759/03**

by Ioannis Marínos (PPE-DE) to the Commission

(27 May 2003)

Subject: Corruption in public administration

According to recent reports in the Greek press (Ta Nea of 10 May 2003 and others), driving tests to obtain licences for cars, motorcycles and heavy goods vehicles in Greece are unreliable. The same newspapers also quote the amounts of money that some civil servants receive for issuing licences to candidates regardless of the results of the driving test and, in some cases, without testing the candidate's ability to drive. Despite the fact that there have been two fatal accidents within the space of a month at Tembi and Aliakmon, claiming a total of almost 40 lives, the Greek media produce reports every day showing that Greek roads are full of dangerous and badly loaded lorries, HGVs breaking the speed limit and dilapidated school buses.

What are the Commission's views on road safety standards in Greece? What view does it take of Greek driving licences given that they are considered valid in all the Member States and are issued in the Community (pink) format? Should they not indicate the driver's blood group? Has the Commission drawn up its own study or does it have recent data concerning the level of corruption in the civil services of the 15 Member States of the EU and, if so, what are those data?

Answer given by Mrs de Palacio on behalf of the Commission

(3 July 2003)

The Commission deplores the two serious accidents which occurred recently in Greece. While it is true that Greece has made little progress with road safety over the last decade compared with the other Member States, the figures for the last two years do nonetheless appear to show a sizeable fall in the number of persons killed each year.

Greece has correctly transposed in to national law Council Directive 91/439/EEC of 29 July 1991 on driving licences (1). Infringement proceedings instituted by the Commission for non-conformity were terminated when Greece amended its legislation satisfactorily.

The Commission has not been informed of manifest fraud concerning driving tests. Accordingly, it has produced no studies and has no precise figures. However, the matter has occasionally been raised in expert groups, which is how the Commission has learned of isolated cases of fraud in the Member States, which are themselves responsible for stamping it out. Nonetheless, if concrete evidence of manifest and repeated fraud were brought to its attention, the Commission could envisage applying measures available to it under the Treaties to deal with improper enforcement of the Directive. In any event, it will contact the Greek authorities to obtain the requisite information.

There is currently no provision in Directive 91/439/EEC for driving licences to indicate the holder's blood group. Member States may provide at national level for such information to be entered, but only with the express and written agreement of the licence holder, in line with the obligation to protect personal data.

(1) OJ L 237, 24.8.1991.

(2004/C 33 E/165) **WRITTEN QUESTION P-1762/03**

by Adriana Poli Bortone (UEN) to the Commission

(21 May 2003)

Subject: Discrimination between workers loading and unloading goods in Greece

Having received a large number of complaints, I should like to draw the Commission's attention to the fact that in Greece the job of loading and unloading goods is still governed by a law dating back to 1949 (Law No 1254) under which anyone wishing to engage in this occupation must first be entered in a register kept, without any clear rules, by an association which, according to the complaints received, frequently discriminates between applicants.

Does the Commission consider this situation to be in keeping with current common market rules?

Answer given by Mrs de Palacio on behalf of the Commission

(20 June 2003)

The Commission wishes to point out to the Honourable Member that as a general rule and according to the jurisprudence a service provider has the right to employ personnel of his own choice.

The Commission, following informal contacts with the Greek authorities has been informed that the Law 1254/1949 does not in itself allow for the discriminations described in her written question.

However, the Commission invites the Honourable Member to submit to it any details, which may allow the conclusion that discrimination and abuses stemming from the application of Law 1254/1949 are occurring. In this case the Commission would be willing to investigate this matter in depth, in order to assess what action should be taken.

In any case, the Commission wishes to remind to the Honourable Member of its proposal for a Directive of the Parliament and of the Council on Market Access to Port Services, aiming at creating a level playing field in this area and further ensuring the full respect of the rules of the Treaty, for all parties concerned, workers, service providers and port users

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(2004/C 33 E/166) **WRITTEN QUESTION E-1765/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(28 May 2003)

Subject: Palco layoffs

The decision of the Schiesser-Palco company to close down its production plant in Greece on 30 May 2003 and transfer its manufacturing operations to Bulgaria will result in over 500 job losses among its workers, the majority of them affecting women, who, having been employed by the company for decades, will have difficulty in finding other jobs. Furthermore, despite its participation in various European Union-funded programmes, the company in question has already dismissed 360 workers over the last three years.

1. In what type of subsidised programme did Schiesser-Palco participate and was this accompanied by stipulations requiring the company to keep on its workers?

2. Given that Schiesser-Palco until recently had establishments in various Member States of the European Union, has the Commission set up a European works council for consultation of the workers affected in accordance with Directive 94/45/EC [1]?

[1] OJ L 254, 30.9.1994, p. 64.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(16 July 2003)

The above mentioned company has not been financed by the European Social Fund (ESF) in the framework of any Operational Programme in the period 2000-2006.

With regard to the application of 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, the Commission would remind the Honourable Member that negotiations on the establishment of such a body are begun only at the written request of 100 employees or their representatives in at least two Member States or on an initiative of the central management of the groups of undertakings in question. It is not, therefore, up to the Commission to encourage these negotiations, which require only that those benefiting from the rights created by the Directive indicate their interest.

(2004/C 33 E/167) **WRITTEN QUESTION E-1769/03**

by Dominique Vlasto (PPE-DE) to the Commission

(28 May 2003)

Subject: Compensation from the IOPC Fund for the damage caused by the Prestige disaster

The Prestige sank on 13 November 2002. On 9 May the IOPC Fund announced that the victims of the Prestige oil slick would initially receive 15 % of the total estimated damages, which amount to almost EUR 1 billion.

The author of this question shares the indignation of the victims, who, six months after the disaster, are being offered derisory compensation for the damage and work it caused. In the Erika II legislative package the Commission proposed setting up a Community compensation fund, the COPE Fund. This text was adopted by Parliament at first reading in June 2001 and appears to have been held up in the Council ever since.

1. Can the Commission say whether any progress has been made on this proposal?

2. Tax-payers in the Member States are going to have to fund the remaining compensation for the damage caused by the Prestige wreck. The COPE Fund would have been a way of remedying this scandalous situation. As the COPE Fund has not been established, owing to being held up in the Council, can the Commission propose alternative solutions?

3. Negotiations are currently under way in IOPC on the level of compensation to be paid and the compensation procedure to be used in the case of oil slick damage. Does the Commission consider the raised ceiling for IOPC Fund compensation to be high enough?

(2004/C 33 E/168) **WRITTEN QUESTION P-1771/03**

by Jean-Pierre Bébéar (PPE-DE) to the Commission

(21 May 2003)

Subject: IOPC Fund — marine pollution

The derisory offer of compensation issued by the IOPC Fund following the 'Prestige' disaster has led me, and many others, to question whether this compensation fund is of any real use.

The Commission has expressed the wish to remedy the shortcomings of the IOPC Fund by setting up a EUR 1 billion compensation fund for the benefit of the various victims affected when oil tankers go down.

If it proves impossible to set up this fund at international level, does the Commission intend to propose a European organisation modelled on the efforts the United States has already made to protect its coastline?

In that event, what arrangements are envisaged, what funding is proposed, what timetable will be laid down and what will be the responsibilities of the Member States in relation to setting up this fund and ensuring its effective operation?

Joint answer
to Written Questions E-1769/03 and P-1771/03
given by Mrs de Palacio on behalf of the Commission

(20 June 2003)

The Commission shares the concerns of the Honourable Member about the need to ensure that sufficient compensation is available for all victims of oil pollution incidents.

Therefore, the Commission proposed on 6 December 2000 to establish the COPE Fund, which would raise the overall maximum compensation to EUR 1 billion instead of the current international limit of around EUR 185 million. Such a measure would ensure that all victims who have a legitimate claim for compensation will be fully compensated in case of an oil spill in Union waters and would also serve to speed up the compensation of victims.

The Council decided not to proceed with the proposal, but instead to promote the establishment of a similar fund at international level. The Diplomatic Conference on the Supplementary Fund at the International Maritime Organisation (IMO) on 12-16 May 2003 adopted a new Protocol to the existing international oil pollution compensation regime. The new International Supplementary Fund increased the available compensation up to EUR 920 million, which is more than USD 1 000 million, available in the US Oil Spill Liability Trust Fund. The Commission, therefore, welcomes the adoption of this new Protocol.

Now it has to be ensured that Member States live up to their commitment to bring this new fund into operation before the end of the year. Until all Member States, at least those with a coastline, are parties to the new Supplementary Fund, the Commission will not reconsider its proposal on the establishment of a COPE Fund at Union level.

(2004/C 33 E/169) **WRITTEN QUESTION E-1782/03**

by Claude Moraes (PSE) to the Commission

(28 May 2003)

Subject: The EQUAL funding programme progress report

What plans does the Commission have for a progress report on the EQUAL funding programme before the end of the current mandate in 2004?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(1 July 2003)

The first phase of EQUAL will run until 2005, and already the Development Partnerships (of which there are more than 1 500) have identified innovations in tackling discrimination and inequality experienced by those at work and those seeking work.

The Commission plans to prepare a Communication at the end of 2003 which will highlight these innovations whilst noting general progress in EQUAL, and which will serve as a preparation for the launch of the second phase of EQUAL both for the Member States and Candidate Countries who will participate fully in this second phase.

(2004/C 33 E/170) **WRITTEN QUESTION E-1785/03**

by Claude Moraes (PSE) to the Commission

(28 May 2003)

Subject: Structural Funds

What is the current procedure for making public the amounts and timing of Structural Funds to regions? Are there breakdowns available for regions, the Euro constituencies of MEPs or parts of Euro constituencies?

Answer given by Mr Barnier on behalf of the Commission

(29 July 2003)

The Commission collects and publishes financial information according to the nature of the intervention concerned. For interventions that are delivered at regional level under Objectives 1 and 2 of the Structural Funds, financial data are available at the level of each regional programme. These data are published on the website of the Directorate general for Regional Policy (http://europa.eu.int/comm/regional_policy/index_en.htm). For specific information on the interventions supported by the European Social Fund, financial data can be found on the website of the Directorate General for Employment and Social Affairs (http://europa.eu.int/comm/employment_social/esf2000/member_states-en.htm). For interventions supported by the Financial Instrument for Fisheries Guidance (FIFG), data can be found on the website of the Directorate General for Fisheries (http://europa.eu.int/comm/fisheries/policy_en.htm). Finally, for rural development programmes supported by the European Agriculture Guidance and Guarantee Fund (EAGGF), data can be found on the website of the Directorate General for Agriculture (http://europa.eu.int/comm/agriculture/rur/index_fr.htm).

In accordance with the principle of subsidiarity, the management of Structural Funds is highly decentralised and the managing authorities at Member State and regional level are responsible for the selection of individual projects for support. In conformity with Commission Regulation (EC) No 1159/2000 on information and publicity measures to be carried out by the Member States concerning assistance from the Structural Funds [1], these authorities are required to inform the general public as well as possible beneficiaries about Structural Funds programmes, resources allocated and application procedures.

[1] OJ L 130, 31.5.2000.

(2004/C 33 E/171) **WRITTEN QUESTION P-1798/03**

by Wolfgang Ilgenfritz (NI) to the Commission

(21 May 2003)

Subject: Refunds for sugar-processing operations

In accordance with the Brussels Agreement (2002/C 152/05) [1], the firm Agrar Invest Tatschl imports sugar from Serbia and Croatia. Tatschl's customers use the sugar imported from Serbia or Croatia in the manufacture of juices, chocolate, etc. and then export the finished products to third countries.

The current intervention price for sugar is approximately euro 699 per tonne. The world market price, on the other hand, is only about euro 250. The sugar-processing operations should therefore receive a refund of approximately euro 450 per tonne for sugar imported for processing from Serbia and Croatia when the finished products (juices, chocolate) are subsequently exported to third countries (export of Non-Annex I products from the Union's customs-free territory with application for an export refund).

The refund in question works without any problem in Germany and Italy. I do not understand why Austrian sugar-processing operations have so far been placed at a disadvantage by the refusal to grant them refunds.

The Austrian Finance Ministry took action on this matter last year (28 March 2002) by sending a request to the Commission for clarification on whether Austrian firms were eligible for refunds in these circumstances. So far the Commission has not replied.

I would therefore like answers to the following questions:

1. Are refunds possible for Austrian sugar-processing operations?

2. If so, can refunds be retroactive?

3. What procedure must be gone through to obtain retroactive refunds?

4. If not, on the basis of which directives is a refund impossible?

(1) OJ C 152, 26.6.2002, p. 14.

Supplementary answer
given by Mr Liikanen on behalf of the Commission

(22 August 2003)

It is up to the competent national authorities to decide whether or not export refunds can be granted pursuant to the Community regulations. Operators should therefore contact them in the event of any problem.

In the case raised by the honourable member, the Commission takes the view that sugar imported from Croatia and Serbia used to manufacture the processed products referred to in Annex V to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector (1) should not receive refunds pursuant to Article 27(3) and (12) of that Regulation. The Commission will take the appropriate initiatives to ensure uniform interpretation of these provisions as soon as possible.

(1) OJ L 178, 30.6.2001.

(2004/C 33 E/172) **WRITTEN QUESTION E-1801/03**
by Christopher Huhne (ELDR) to the Commission

(28 May 2003)

Subject: Cosmic radiation

In 1996, the EU agreed a directive (96/29/Euratom (1)) on basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation. With reference to aviation, provision was only made for aircrew and pregnant women. In the light of the recent evidence on risks, does the Commission now agree that frequent flyers should be included in the safety standards?

(1) OJ L 159, 29.6.1996, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(2 July 2003)

Title VII (Articles 40 to 42) of Council Directive 96/29/Euratom of 13 May 1996 laying down the basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation relates to significant increase in exposures due to natural radiation sources as a consequence of work activities.

The only activity specifically identified in this Title is aircrew exposed to cosmic radiation (Article 42). Member States can always adapt at national level, specific provisions for example for frequent flyers if they consider that appropriate.

The Commission is not aware of any new evidence on risks arising from cosmic radiation which would justify an adaptation of the radiation protection basic safety standards Directive at this stage.

(2004/C 33 E/173) **WRITTEN QUESTION E-1803/03**

by Dorette Corbey (PSE)
and Margrietus van den Berg (PSE) to the Commission

(28 May 2003)

Subject: Large-scale hunting of migratory birds in Malta

We recently received a report that in Malta the spring migration of birds culminated in large-scale hunting of protected migratory species, even in protected areas. In its answer to Written Question E-3036/02 [1], the Commission stated that when it joins the Union Malta will be required to transpose and comply with all the provisions of the bird protection directive. The Commission also made clear that the situation in countries joining the Union with regard to compliance with and transposition of the bird protection and habitats directive will be monitored closely.

1. Can the Commission confirm that large-scale hunting of protected bird species during the spring migration did indeed take place?

2. Does the Commission share our view that such hunting runs counter to the obligations laid down in the bird protection directive?

3. Can the Commission state what if any measures it intends to take to draw Malta's attention to those obligations?

4. Does the Commission share our view that under the bird protection directive a blanket ban on the spring hunting of birds, the trapping of birds and hunting at sea is justified?

[1] OJ C 222 E, 18.9.2003, p. 40.

Answer given by Mrs Wallström on behalf of the Commission

(24 July 2003)

The Commission does not have confirmation of the claims of large-scale hunting made by the Honourable Members and therefore is unable to comment as to whether these claims run counter to the obligations of the Birds Directive, Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [1].

The obligations of the Birds Directive have been underlined by the Commission in its contacts with Malta on numerous occasions and the Commission will continue to monitor Malta's compliance with the commitments it has given in the run-up to accession. The Commission would also refer to its previous response to Written Question E-3036/02 by Mrs Corbey.

Under the current jurisdiction, the Birds Directive would not demand an automatic blanket ban of the activities.

[1] OJ L 103, 25.4.1979.

(2004/C 33 E/174) **WRITTEN QUESTION E-1804/03**

by Paulo Casaca (PSE) to the Commission

(28 May 2003)

Subject: Withdrawal by the Commission of proceedings against Sinaga following an ECJ decision

The Commission, acting in breach of the principle of the separation of powers which applies in all democratic systems, took out legal proceedings against the Azores sugar refinery (Case C 2002-1098), over a matter then being examined by the European Court of Justice.

The Court, in point 4 of the conclusions of its judgment of 15 May 2003 in Case C-282/00, rejected the proposal of the sugar industry and the Commission for a ban on the marketing of unrefined sugar from the Azores, thus removing the basis for both the legal proceedings and the associated financial sanctions imposed on Portugal.

Is the Commission aware of the severe damage which has been caused to agriculture and industry in the Azores by its action taken independently of the European Court of Justice?

Answer given by Mr Fischler on behalf of the Commission

(11 July 2003)

In its judgment of 15 May 2003 in Case C-282/00 RAR v Sinaga (not yet published) the Court of Justice, in answer to the referring court's fourth question, confirmed the principle of free shipment to mainland Portugal of white sugar produced from Azores sugarbeet.

The Commission welcomes the Court of Justice's confirmation of that principle, which is in line with the comments it presented and furthermore coincided with the view expressed by the Portuguese Government and Sinaga.

In the Commission's opinion, banning shipment of products which have been obtained in the Azores with support for local production would have been highly detrimental to that outermost region's agriculture.

The Commission has neither instituted infringement proceedings against, nor considered applying a financial correction to, the Portuguese Republic in respect of shipment of white sugar produced from Azores sugarbeet.

(2004/C 33 E/175) **WRITTEN QUESTION E-1805/03**

by Paulo Casaca (PSE) to the Commission

(28 May 2003)

Subject: Repeal of Commission rules on traditional shipments of sugar from the Azores

The European Court of Justice's ruling of 15 May 2003 on Case C-282/00 establishes (point 46) that responsibility for the determination of traditional shipments of sugar from the Azores lies with the national courts.

When does the Commission intend to repeal its legislation relating to implementing provisions, in particular Article 17(1) of Regulation (EC) No 20/2002 [1], which runs contrary to the Court decision?

[1] OJ L 8, 11.1.2002, p. 1.

Answer given by Mr Fischler on behalf of the Commission

(11 July 2003)

In its judgment of 15 May 2003 in Case C-282/00 RAR v Sinaga (not yet published), the Court of Justice held that it was for the referring court to assess whether shipments of sugar which had been refined in the Azores and which had benefited from the specific supply arrangements forming the subject of the main action possessed the characteristics of traditional shipments.

The Court of Justice stated in paragraphs 43 and 44 of the judgment that

> … if the Community legislature intended to take account of traditional trade flows it was not for the purpose of acknowledging historical rights but in order to prevent the introduction of the specific supply arrangements, intended for the benefit of the Azores, from resulting in the loss of markets on which their products were regularly sold.
>
> It follows that the shipments of sugar must satisfy relatively strict conditions in order to be classified as traditional trade flows or traditional shipments. Those requirements refer as much to the magnitude of the shipments as to their frequency and the fact that they are ongoing. Sporadic and small-scale shipments made in the past cannot satisfy those requirements.

The Commission considers that the practice followed up to now of quantifying the volume of products which may be re-exported or reshipped on the basis of the average annual volume of shipments/exports in the three years before Regulation (EEC) No 1600/92 [1] entered into force is in accordance with the principles stated by the Court of Justice in the above judgment.

The Commission does not therefore intend to repeal Regulation (EC) No 20/2002 [2] at this stage.

[1] Council Regulation (EEC) No 1600/02 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products — OJ L 173, 27.6.1992.

[2] Commission Regulation (EC) No 20/2002 of 28 December 2001 laying down detailed rules for implementing the specific supply arrangements for the outermost regions introduced by Council Regulations (EC) No 1452/2001, (EC) No 1453/2001 and (EC) No 1454/2001 — OJ L 8, 11.1.2002.

(2004/C 33 E/176) **WRITTEN QUESTION P-1825/03**

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

(23 May 2003)

Subject: Environmental impact study on the Puente del Arco to El Condado section of the AS-17 highway (Asturias, Spain)

In its answer to Written Question E-1801/02 [1] on the same subject the Commission said that Annex IV of Directive 85/337/EEC [2], as amended by Council Directive 97/11/EC of 3 March 1997 [3], on the assessment of the effects of certain public and private projects on the environment lists the information to be provided by a developer, including an outline of the main alternatives studied and an indication of the main reasons for his choice, taking into account the environmental effects.

Since 5 August 2002, when the answer was received, has the Commission contacted the Spanish authorities to find out about the possible alternatives to the route concerned?

Is the Commission aware of the irreparable damage that may be caused by a route which does not take account of an alternative whose environmental impact would be minimal?

Since this is an urgent matter, what steps will the Commission take vis-à-vis the Spanish authorities in order to obtain the relevant information?

[1] OJ C 28 E, 6.2.2003, p. 137.

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

[3] OJ L 73, 14.3.1997, p. 5.

Answer given by Mrs Wallström on behalf of the Commission

(10 July 2003)

As indicated in the answer to Written Question E-1801/02 by the Honourable Member, the road building projects are not, in principle, covered by Annexes I and II to Council Directive 85/337/EEC of 27 June 1985, as amended by Council Directive 97/11/EC of 3 March 1997, on the assessment of the effects of certain public and private projects on the environment.

In any event, it appears that the project has undergone environmental impact assessment. It should be noted, however, that Directive 85/337/EEC does not specify the criteria by which a project is to be selected from among the alternative solutions which have been examined, provided the chosen project has been properly assessed.

In the absence of more specific indications of an infringement of Community law, the Commission did not feel it was expedient to contact the Spanish authorities in this instance.

Nonetheless, if the Commission receives additional evidence that Directive 85/337/EEC has not been properly enforced, it will ensure that Community law is complied with.

(2004/C 33 E/177) **WRITTEN QUESTION E-1829/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(2 June 2003)

Subject: Letters to the Greek Government concerning the use of Community funds and the compliance with EU legislation

Can the Commission say how many letters have been sent to the Greek Government since 1994 and from whom (Commissioners, directors-general or heads of division) concerning the proper use of Community funds for environmental protection purposes and the transposition and proper implementation of Community environmental legislation?

Answer given by Mrs Wallström on behalf of the Commission

(14 July 2003)

In accordance with the role assigned to it by Article 155 of the EC Treaty, the Commission maintains regular and abundant correspondence with the national authorities on the implementation and appropriate use of EU funds granted to projects contributing to environmental objectives and on the correct application of EU environmental legislation. The number of letters sent in each case depends on a number of factors.

For instance, the investigation of a complaint concerning the application of EU environmental law may comprise several stages involving the dispatch of many successive letters.

When the Commission considers that there is an infringement, it may initiate the procedure provided for by Article 226 of the EC Treaty which may lead to the matter being brought before the Court of Justice, preceded by the dispatch of a letter of formal notice and of a reasoned opinion.

However, it is materially and technically impossible to produce statistics showing the total number of letters which the Commission has sent to the Greek authorities since 1994. However, it is possible to produce general statistics on the number of complaints or infringements relating to transposition and application of EU environmental legislation in Greece.

(2004/C 33 E/178) **WRITTEN QUESTION E-1837/03**

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

(3 June 2003)

Subject: European Union tenders

Can the Commission confirm that, when a company in the EU wins a tender put by an EU body, the tender is subject to Competition Law, and measures to increase the cost, which can include refusal by an EU company to supply the winner of the tender and prevent parallel imports, are in breach of the Treaty?

Can the Commission confirm what sanctions would be imposed in such a case?

Answer given by Mr Bolkestein on behalf of the Commission

(18 July 2003)

The Commission's understanding of the Honourable Member's question is that it refers both to the European institutions' obligations in the field of competition when awarding contracts, and to the situation of a company awarded a contract which is confronted with a refusal to sell by another EU company.

When it comes to awarding contracts, the Community institutions are obliged to comply with the provisions of the Council's Financial Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 [1], and particularly Title V thereof which stipulates and describes the different procedures which are applicable. Under these provisions, the contract should, generally speaking, be put out to tender on the broadest possible basis among interested operators. The tendering stage ends with the award of the contract and leads to a contract being signed with the successful tenderer.

As regards the situation of a company awarded a contract which is confronted with a refusal to sell by another EU company and/or the prevention of parallel imports, the situation in question may well constitute an infringement of the provisions of Article 82 and/or Article 81 of the EC Treaty. Under certain circumstances and certain conditions, the application of these rules may indeed lead to a ban on refusals to sell and the prevention of parallel imports. However, the lack of information on the facts behind the Honourable Member's question means that the Commission is unable to take a useful position on the applicability of Competition Law in this instance. For the same reason, the Commission is not able to give its position on what sanctions might be imposed.

[1] Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.9.2002.

(2004/C 33 E/179) **WRITTEN QUESTION P-1842/03**

by Ulpu Iivari (PSE) to the Commission

(26 May 2003)

Subject: Equal treatment of blood donors

Article 21 of the European Union Charter of Fundamental Rights prohibits all forms of discrimination on the grounds of sexual orientation or other similar grounds. The way in which the Finnish Red Cross Blood Donor Service selects volunteers who come to give blood is, to my mind, inconsistent with that article because it places people on an unequal footing according to their sexual orientation.

In Finland all blood donors have to answer the questions put to them by the Red Cross Blood Donor Service. On the basis of the answers, the service nurse determines whether a person can give blood. The Blood Donor Service observes Council of Europe Recommendation No R (95) 15.

A man coming to give blood has to say whether he has ever been in a sexual relationship with another man. If the answer to that question is 'yes', he is automatically denied the right to give blood, even though he might satisfy the other criteria. If the answer is 'no', he can give blood if he satisfies the other criteria.

Directive 2002/98/EC [1] of the European Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components says nothing about the sexual orientation of donors and how it might affect the prospects for becoming a donor.

Will the Commission standardise the practices applying to blood donors in the different Member States so as to ensure compliance with Article 21 of the Charter of Fundamental Rights?

[1] OJ L 33, 8.2.2003, p. 30.

Answer given by Mr Byrne on behalf of the Commission

(25 June 2003)

It is of the utmost importance that, in order to safeguard public health and to prevent the transmission of infectious diseases to patients, all precautionary measures are taken prior to as well as during the collection, processing, distribution and use of blood and blood components donated by European citizens. It was bearing this in mind that the Parliament and the Council adopted Directive 2002/98/EC of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC, in order to ensure a high level of human health protection, in accordance with Article 152 of the Treaty of Amsterdam.

Article 29 of Directive 2002/98/EC obliges the Commission to develop technical requirements concerning inter alia the information that must be obtained from those willing to donate, as well as their suitability to be blood and plasma donors, which includes permanent and temporary deferral criteria. These technical requirements, now under development, take fully into account Council Recommendation 98/463/EC of 29 June 1998 on the suitability of blood and plasma donors and the screening of donated blood in the European Community [1] which recommends the permanent deferral of prospective donors who may have, or have a history of, sexual behaviour placing them at a high risk of transmitting infectious diseases. Once adopted by the Commission, these technical requirements will apply equally to all blood donors throughout the Union.

[1] OJ L 203, 21.7.1998.

(2004/C 33 E/180) **WRITTEN QUESTION P-1849/03**

by Kyösti Virrankoski (ELDR) to the Commission

(26 May 2003)

Subject: Buying and selling of farms and agricultural reform

The Commission proposal to reform EU agricultural policy provides for, among other things, single farm support decoupled from production. The amount of support would be determined according to the CAP aids paid in the years from 2000 to 2002. The support would not be linked to the land area.

The proposal has led to great uncertainty among farmers who are buying or selling farmland because it is not clear from the text proper, any more than from other documents, what proportion of the single farm support, if any, is passed on when a farm changes hands. The same problem applies to land tenancy. There is also a question mark over farming partnerships. For example, a farm might have been run during the reference period on a partnership basis, and received the corresponding agricultural support, but later, following a transfer of ownership, the land might have been divided among the partners and the partnership might have ceased to exist.

The problem affects the whole of EU territory, irrespective of the Member State, and has been brought about entirely by the Commission. Hundreds of thousands of farmers are facing a dilemma. Farmers do not dare and do not know how to draw up deeds of sale, tenancy agreements, or partnership agreements. The situation is causing difficulties particularly for young farmers who are in the process of buying or extending their farms.

What steps will the Commission take to dispel the current confusion?

What kind of clause should be included in a deed of sale, partnership agreement, or tenancy agreement if the intention is to share out the CAP aid for the farm to be made over in proportion to the land areas?

Answer given by Mr Fischler on behalf of the Commission

(27 June 2003)

The Commission is of the opinion that, where the proposal of the single farm payment caused problems of confusion among farmers, these problems are not inherent in the proposal itself and would, therefore, have to be solved through information. The Commission will undertake further efforts in this respect.

The Commission proposal on the single farm payment foresees clear rules.

As regards the establishment and allocation of payment entitlements, it foresees the following:

— A farmer's reference amount will be calculated as the three years average of total amounts he received from a defined number of support schemes during the reference period of 2000-2002.

— Transferable payment entitlements are established by dividing the reference amount by the three years average number of all hectare that gave right to payments during the reference period.

— Entitlements can be transferred with or without land.

— Payments will be made only for those entitlements that are accompanied by a hectare of eligible land.

— Entitlements that remain unused for more than limited years would go to the national reserve.

Entitlements are generally allocated to those active farmers who claimed payments during the reference period. Only in defined number of hardship cases, farmers not meeting this general criterion, could get entitlements from the national reserve.

The above-mentioned principles are maintained in the case of heritage where the heir takes the place of the original beneficiary. Furthermore, the Greek presidency has proposed that in cases of new farm co-operations the new enterprise would get the entitlements and that in the case of scissions during the reference period the entitlements would be allocated on a pro rata basis.

No provision has been made attaching payment entitlements to land ownership. This implies that land transfers are generally independent from transfers of payment entitlements. It is up to the contract partners to decide whether or not they want to lump both together. In other words, land transfers leave an individual farmer's entitlements unaffected, unless he agrees with his contract partner to transfer the entitlement together with the land.

As regards the clauses by which such transactions would be put in place, the concrete formulation would be a matter of national law and private contract.

(2004/C 33 E/181) **WRITTEN QUESTION E-1850/03**

by Angelika Niebler (PPE-DE) to the Commission

(3 June 2003)

Subject: EU funds for people with disabilities from 2004

The European Commission declared 2003 the 'Year of People with Disabilities'. Numerous projects, events and initiatives promoting the integration of disabled people are being given financial support by the EU to mark the occasion. The deadlines for submitting suggestions for projects were in March.

No specific EU programme currently exists to promote the integration of disabled people.

What plans has the Commission made in this area?

What programmes and actions will be maintained by financial support for work with disabled people after the end of the 'Year of People with Disabilities'?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(23 July 2003)

The Commission cannot commit itself to introducing a specific action programme at the moment. One of the objectives of the European Year of People with Disabilities will be to identify new challenges to address and to pave the way for new initiatives at Union level. In consultation with the various actors, the Commission will evaluate the European Year and consider relevant initiatives to propose in order to move the Union disability agenda forward. Moreover, account has to be taken by the fact that disability issues are currently directly addressed in several new programmes which have just started such as the non-discrimination programme, the EQUAL Community initiative or in the Commission's actions to promote social inclusion. In the context of the non discrimination programme, a series of disability-specific activities are undertaken: national information days, support to disability organisations, award for all design and some transnational projects specifically dealing with disability discrimination issues.

In the Commission's view, supporting citizens with disabilities to become an effective part of the economic and social fabric of society means participation in the mainstream whenever it is possible and taking account of their needs in all relevant policy areas: herein lies full social integration. The Commission therefore aims to do this under all its relevant funding programmes, allowing access to these for disabled people and the organisations which represent them, and thereby promoting an approach based on mainstreaming and integration, rather than segregation into disability-specific arrangements.

(2004/C 33 E/182) **WRITTEN QUESTION E-1853/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(3 June 2003)

Subject: Community funding in Greece and intermediary agencies

For some time now reports have been appearing in the Greek press expressing concern at the loss of funding from the Community Support Framework (CSF). The leader of the ND Party Mr Karamanlis was justifiably critical of the Greek Government for its handling of these funds under the second CSF, resulting in a loss to Greece of EUR 468 m. It is also known that the agencies concerned select undertakings for such funding and that certain regions are of particular importance to Greece, that is to say the Aegean border areas and regions along the land border such as Ipirus, central and western Macedonia and Thrace.

In many of these areas take-up of Community funding is relatively sluggish with obvious consequences regarding their development. The Commission has already been kind enough to provide me with information in the past regarding Ipirus, the Aegean and Thrace.

Can it now give me the following details concerning the regions of central and western Macedonia:

1. How does it assess the work of the agencies administering funding under the second and third CSF?

2. What are these agencies and how were they selected?

3. What is the exact amount of funding being administered under the second and third CSF?

4. Has the Commission or any other EU body investigated the activities of these agencies or other CSF support mechanisms?

5. Which Community programmes or initiatives are currently being administered by these agencies and with what precise budget?

6. What is the added value of the contribution by these agencies in areas such as culture and improved standards of education and public health in the above regions?

Answer given by Mr Barnier on behalf of the Commission

(28 July 2003)

Intermediate bodies are to be considered as all public or private bodies or services acting under the responsibility of managing or paying authorities or performing tasks on their behalf in relation to final beneficiaries or the bodies or firms carrying out operations. Such bodies are selected in accordance with the national legislation in force.

The relevant intermediare bodies in West and Central Macedonia are KEPA-ANEM, the 'Company for Development of Industrial Investments in Northern Greece'. KEPA-ANEM is also the common intermediate entity operating for Western and Central Macedonia in the framework of the Operational Programm (OP) 'Competitiveness'. In addition, the banks granting assistance to the small and medium-sized enterprises (SMEs) and the 'Local action groups', which operate in the framework of Leader+, can be named as intermediate entities. In the year 2000, the Commission services undertook a control of the 'Company for the development of private infrastructure in Northern Greece'.

It should be noted that in the framework of the Community Support Framework (CSF) III, intermediate entities do not manage Operational Programmes but measures within them. The fields of intervention of intermediate entities are mainly those concerning the development of the private sector and, especially, SMEs, and in the case of Leader+, the management of selected rural territories.

The budget managed by the intermediate entities is, in principle, the allocation of the respective measure. However, as CSF II is now undergoing the closure procedure, precise budgets remain at this stage to be confirmed. As regards the 2000-2006 programming period, the situation concerning the intermediate entities can be modified at any time by amending the Programming Complement. For future information in this respect, the Honourable Member is kindly requested to contact the respective Managing Authorities.

Finally, it should be noted that intermediate entities do not operate in the sectors of public health, education and culture.

(2004/C 33 E/183) **WRITTEN QUESTION E-1860/03**

by Joost Lagendijk (Verts/ALE) to the Commission

(6 June 2003)

Subject: State aid for football clubs

A number of professional football clubs in the Netherlands have recently received financial assistance from local authorities to rescue them from the threat of bankruptcy. Similar practices occur in other Member States. Local politicians are under heavy pressure from clubs and supporters, in the face of a lack of clarity surrounding European competition rules.

Does the Commission agree with the author of this question that the provision of financial assistance to football clubs by the authorities (state aid) leads to distortion of competition on the European football market?

How does the Commission define the European football market, and where does it consider the dividing line between national football markets and the European market to lie? Does it regard only the market for players as important, or does the football market have other aspects that are relevant to competition?

Is the Commission prepared — in the light of the fact that, taking advantage of the lack of clarity surrounding the permissibility of assistance, the authorities in the Netherlands, and also in other Member States, are currently assisting football clubs by a variety of means — to submit as soon as possible a communication laying down the necessary framework conditions for assistance to football clubs, so as to put an end to the present situation characterised by a lack of clarity and by distortion of competition?

Answer given by Mr Monti on behalf of the Commission

(10 July 2003)

Article 87(1) of the EC Treaty stipulates that 'aid granted by a Member State, which distorts competition by favouring a specific undertaking, shall insofar as it affects trade between Member States be incompatible with the common market'.

Professional football clubs that engage in economic activities, like selling broadcasting rights, concluding advertising and sponsorship contracts and distributing merchandising articles are to be considered undertakings. A transfer of financial resources to certain professional football clubs is likely to distort competition between these undertakings.

The question is not whether there is a European football market though, but whether the mentioned activities are subject to trade between Member States. Not all football clubs are performing all these activities. In addition, it seems that not in all of these cases an effect on trade between Member States can be established.

Since the application of state aid rules is relatively new in this sector, the Commission maintains that its policy has to be developed on the basis of individual cases. In its practice up to now the Commission has, in certain cases, not objected to subsidies in this sector when the state subsidies served an educational objective or the aid was granted for the construction of stadiums which can be under certain conditions considered as general infrastructure. The Commission will continue to develop and clarify its policy in this area, when dealing with specific cases.

(2004/C 33 E/184) **WRITTEN QUESTION E-1861/03**

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

(6 June 2003)

Subject: Minotauro project

The Spanish 'Minotauro' project, which includes bull running and may possibly include bullfighting, has been proposed for financing under the Interreg IIIC South programme. Interreg IIIC is designed to

strengthen the economic and social cohesion of the European Union by promoting cooperation between regions and communities in fields regarded as of common interest, whether or not the regions concerned border on one another.

Interreg IIIC projects always receive national co-financing.

The national and regional authorities, as members of the steering committee, have powers to examine, evaluate and select projects.

Does the Commission have evidence suggesting that the Minotauro project might be in contravention of the Nice Treaty?

Does the Commission regard the use of animals for entertainment under the guise of cultural exchange as appropriate in this day and age?

What cities/regions are participating in the Minotauro project?

Answer given by Mr Barnier on behalf of the Commission

(24 July 2003)

The Community Initiative Interreg IIIC seeks to promote interregional cooperation between regional and local authorities across the whole of the EU territory. It is financed by the European Regional Development Fund (ERDF) and part-financed by the national partners in each project.

An application for Community part-financing under Interreg IIIC was submitted for the Minotauro project under a call for proposals, the closing date of which was 10 January 2003 and in respect of which the selection process has not yet been completed. It was presented under the Interreg IIIC South programme and its lead agency is located in Spain. It involves nine partners, from four Member States (Greece, Spain, France and Portugal). The partners are local authorities (mayor's offices in Cuéllar, San Sebastián de los Reyes, Moura, Beziers, Ciudad Rodrigo, Segorbe, Ampuero, Soria and Lychnostatis).

According to information available to the Commission, the intention of the promoters of the Minotauro project is not to finance bullfighting activities directly but rather to network their towns from a cultural point of view. Moreover, no mention is made in the application file submitted of bullfighting activities.

Matters concerned with the priority to be given to concrete projects or the advisability of such projects have to be considered by the entities which, under Community law and in accordance with the principle of subsidiarity, are responsible for examining, assessing and selecting projects to be financed by the Structural Funds, i.e. programming committees made up of representatives from the Member States, the regions and other relevant bodies.

Moreover, the rules governing bullfighting and related activities fall within the competence of the Member States.

(2004/C 33 E/185) **WRITTEN QUESTION E-1862/03**

by Erik Meijer (GUE/NGL) to the Commission

(6 June 2003)

Subject: Conflicting information concerning financial returns from, and the impact on the environment and health of, the expansion of Sofia airport

1. Is the Commission aware of the comments made on 24 April 2003 by 23 representatives of Bulgarian organisations concerned with the protection of nature and the environment regarding the effects of preparations for expanding Sofia airport, according to which:

(a) the 'Internal Rate of Return (IRR) for this project will be only 3,6 % (or 1,5 % excluding the ISPA contribution), whilst the 'Transport Infrastructure Regional Study' (TIRS) takes as its basis a figure of 12 to 15 % and, for countries with large debts and a low capacity for repayment, even of 25 to 30 %;

(b) there has been no comprehensive environmental impact assessment, contrary to Bulgarian law and to Directive 97/11/EC [1], which means that the 'Health Risk Assessment Report' (HRAR) concerning effects on the central nervous system, heart, blood vessels and endocrine system of those living in the vicinity of the airport can only be based on indirect criteria;

(c) the HRAR states that the number of persons affected by noise nuisance will not fall, but rather increase, partly in view of the fact that separate noise limits have not been laid down for night flights, although, as from April 2002, night flights are again being allowed, following a short ban;

(d) those living in the region will lose their houses and agricultural land without adequate compensation for the loss of employment and home?

2. How is it that this information differs so completely from the arguments put forward by the European Investment Bank (EIB — Info & News, 3.12.2002) and from the Commission's answers to my earlier questions E-2037/02 [2] and E-2038/02 [3]?

3. Is this plan being pushed through at any cost for reasons of supposed economic demand or for reasons of national pride, even if it is not possible to comply with existing Bulgarian national or EU rules?

4. Is it still possible to reach a solution involving agreement between all concerned? What steps is the Commission taking to try to achieve this?

[1] OJ L 73, 14.3.1997, p. 5.
[2] OJ C 28 E, 6.2.2003, p. 173.
[3] OJ C 52 E, 6.3.2003, p. 123.

Answer given by Mr Barnier on behalf of the Commission

(4 August 2003)

The Commission is aware of the letter of 24 April 2003 from representatives of various Bulgarian organisations on the Sofia airport development project. The Member of the Commission responsible for Environmental policy replied on 21 May 2003 on behalf of the Commission. The Directorate-General for Regional Policy, which is responsible for managing the ISPA financial instrument, sent additional technical information on 2 June 2003.

The internal rate of return which is an assessment of financial flows, is only one factor to be taken into account in assessing the viability of projects of this type. In addition, the wider economic benefits must be considered within a longer term perspective.

The Commission is satisfied that in this case the Environmental Impact Assessment (EIA) met the requirements of the ISPA Regulation [1]. The EIA and associated decisions issued by the Ministry of Environment and Waters made a number of recommendations to mitigate adverse effects on the local and wider environment. The issue of noise protection is being given particular attention by the Sofia Airport authorities who have initiated a Noise Protection Project and Aviation Noise Monitoring and Flight Tracking System.

The Commission is informed that, under the Noise Protection Project, measures are to be taken to protect houses and other buildings falling within the defined protection zone. When the new runway is operational and noise monitoring system in place, the situation will be reviewed and additional measures taken if necessary. Moreover, Sofia airport authority will establish an information point to allow residents close to the airport to be kept informed about measures taken, the procedures, their rights, different technical options, etc.

Matters relating to any compensation for persons undergoing relocation is subject to national legislation only. This does not involve the Commission.

The Commission does not consider that there is any inconsistency between the foregoing and the answers given to the Honourable Member's previous Written Questions E-2037/02 and E-2038/02.

The Sofia airport reconstruction project is being undertaken in the context of the overall development of the Bulgarian economy and is in line with the Union's objectives to contribute to the improvement of transport infrastructures in the candidate countries. On the basis of the evidence available to the Commission, the project complies with relevant Community rules.

With regard to environmental concerns, the Commission has insisted on correct procedures being followed by the Bulgarian authorities (e.g. condition on EIA in the ISPA financing memorandum). Moreover, the Commission has urged the Bulgarian authorities to provide full and regular information on all environmental aspects of the project, including measures taken to implement the recommendations of the EIA and Ministry of Environment decisions. The non-governmental organisations (NGOs) are represented on the ISPA monitoring committee, which meets twice a year in Bulgaria to review progress on assisted projects. The Commission also engages in regular formal or informal discussions and correspondence with the NGOs.

(1) Council Regulation (EC) No 1267/1999 of 21 June 1999 establishing an Instrument for Structural Policies for Pre-accession, OJ L 161, 26.6.1999.

(2004/C 33 E/186) **WRITTEN QUESTION E-1888/03**

by Emmanouil Bakopoulos (GUE/NGL) to the Commission

(6 June 2003)

Subject: International air transport

A report in an Athens newspaper claims that Commissioner de Palacio has expressed the view that there should be only 5 or 6 major air carriers in the EU, whereas there are currently 14 national airlines.

Is Mrs de Palacio's view a personal one or is it Commission policy? In the latter case, what provisions have been made for dealing with unemployment in the air transport sector?

Answer given by Mrs de Palacio on behalf of the Commission

(14 July 2003)

The Commission does not in any way plan to set the number of air carriers in the EU. This number depends on the market, which has been fully opened up since 1997. The figure cited by the Honourable Member refers to the view expressed by most of the experts in the industry, one which the Vice-President responsible for transport and energy and the entire Commission have repeated on several occasions. Many analysts agree that there is not room in the European market for some fifteen intercontinental airlines and that the industry needs consolidation, especially during a crisis like the one currently facing the industry. Since the attacks in the USA on 11 September 2001, the air transport sector has been going through an unprecedented crisis brought about by a number of destabilising factors (fears of further terrorist attacks, conflicts in Afghanistan and Iraq, severe acute respiratory syndrome (SARS)) in a climate of general economic downturn. The concentration of players in this sector to achieve a critical size and boost their efficiency and economic viability in the market constitutes a natural trend, especially since many European carriers are too small compared with their international competitors.

However, this trend is not irreconcilable with increased activity, which liberalisation has made possible, on the part of European regional air carriers or with the emergence of new carriers (like the low-cost airlines), which lead to the creation of jobs. A number of new companies have appeared over the last few years and are obtaining excellent economic results.

For its part, the Commission intends to leave the companies to develop in the framework of the competitive European market. As Guardian of the Treaties, it will exercise vigilance and take action in respect of any unlawful State aid which might favour some companies to the detriment of others.

(2004/C 33 E/187) **WRITTEN QUESTION P-1889/03**

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

(27 May 2003)

Subject: Eurostat

Would the Commission give details of all internal audit reports received concerning Eurostat since September 1999?

Would the Commission also give details outlining what was said in these documents with regards to Eurostat?

Answer given by Mr Solbes Mira on behalf of the Commission

(4 September 2003)

On 16 May 2003, as part of its follow-up to the 2001 discharge and at Parliament's request, the Commission sent the secretariat of the Committee on Budgetary Control (Cocobu) six internal audit reports drawn up by Eurostat's internal audit service over the period 1999-2002, in accordance with the rules laid down in the framework agreement on the transmission of confidential documents to Parliament. Also under the terms of that agreement, a report summarising the action taken on the internal audit reports was sent to the Cocobu secretariat on 20 May 2003, and on 3 July 2003 the Commission sent the President of Parliament the audit report entitled 'Internal audit of the financial systems for Eurostat', produced by the Directorate-General for Audit on 7 June 2000.

On 9 July 2003 the Commission took note of two reports from its departments concerning financial management and control at Eurostat. The first is an analysis by DG Budget of the audit reports produced by Eurostat's Internal Audit Capability (IAC). Ordered by the Commission on 21 May 2003 and sent to Cocobu on 11 July, the report analyses Eurostat's financial management and control systems and the action taken on internal audit reports from the point of view of compliance with the Financial Regulation. The second report is the interim report produced by the Internal Audit Service (IAS) under the remit it received from the Commission on 11 June 2003. The IAS report has been forwarded to the European Anti-Fraud Office (OLAF).

Finally, on 8 July 2003, Eurostat completed an analysis of certain aspects of the SUPCOM programme. This report was sent to OLAF on 22 July 2003 under Article 7(1) of Regulation 1073/1999.

The Commission would also like to stress that certain audit reports are being investigated by OLAF and that some of these reports form part of the files which OLAF handed over to the judicial authorities in Luxembourg and to the Public Prosecutor at the Tribunal de Grande Instance in Paris. The Commission wishes to ensure that ongoing investigations are protected.

(2004/C 33 E/188) **WRITTEN QUESTION E-1898/03**

by Jillian Evans (Verts/ALE) to the Commission

(6 June 2003)

Subject: Detaining dolphins in captivity

Regardless of the size of the pools keeping them, captive dolphins cannot benefit from a diet, care or lodging adapted to their nature, their physiological needs, their state of health nor their stage of development, adaptation or domestication. They are often forced to live and breed in a manner completely alien to their instincts. This, in short, seems to contravene existing laws geared at protecting animals.

The dolphin is a particularly intelligent animal species, and, taking into account the particular biological peculiarities of the species, a new legal framework needs to be put into place to ensure their protection and well-being.

What will the Commission be doing to ensure that:

— new dolphinariums are prohibited in Europe,

— existing dolphinariums are closed over a period of time,

— greater attention is given to the breeding of dolphins — especially as they are currently being forced to breed in a manner completely alien to them, and bearing in mind that 50 % of dolphins born in captivity die before they are a year old?

Answer given by Mrs Wallström on behalf of the Commission

(26 June 2003)

The Commission is aware that dolphins have a great intelligence and pronounced social behaviour. However, the authorisation for the construction of new dolphinaria and the supervision of existing dolphinaria remain the competence of the Member States.

Nevertheless, a number of measures have been undertaken at Community level to ensure the protection of dolphins. The Commission is of the view that proper enforcement of these requirements can satisfactorily ensure the conservation and protection of dolphins.

The capture of dolphins from European seas is prohibited under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1].

Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein [2] contains a number of protective provisions which are relevant in this context. This Regulation implements the Convention on international trade in endangered species of wild fauna and flora (CITES) in the Union. Dolphins are included in Annex A (including species threatened with extinction) of Council Regulation (EC) No 338/97 which means that dolphins from the wild have a considerable degree of protection and may not be imported or used for primarily commercial purposes. However, Article 8(3) of the Regulation sets out limited and specific derogations from this general prohibition which can be applicable for dolphinaria and zoos. Accordingly, requests to import dolphins into the Union need to be addressed on a case-by-case basis by the Management and Scientific Authorities of the Member State of destination. Moreover, the Regulation stipulates in its Article 4 that import can only take place if the Scientific Authority of the Member State concerned is satisfied that the intended accommodation for the live animal at the place of destination is adequately equipped to conserve and care for it properly. The Commission specifically reminded Member States' Scientific Authorities in 2001 to ensure that these provisions are thoroughly applied in relation to any proposed import of dolphins.

Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos [3] imposes a series of animal protection and conservation measures on zoos. These measures include adequate accommodation for animals, a high standard of animal husbandry with a developed programme of preventive and curative veterinary care and nutrition as well as training of staff and education of the visiting public. Member States must take measures to ensure that all zoos accommodate their animals under conditions which aim to satisfy the biological and conservation requirements of the individual species, inter alia, by providing species specific enrichment of the enclosures. Only zoos that implement these measures should get a licence and the competent authorities in Member States are required to carry out regular inspections to ensure that the zoos maintain the measures.

[1] OJ L 206, 22.7.1992.
[2] OJ L 61, 3.3.1997.
[3] OJ L 94, 9.4.1999.

(2004/C 33 E/189) **WRITTEN QUESTION E-1901/03**

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

(11 June 2003)

Subject: Processed tomatoes

I have been informed that the Greek Government used national funds to support producers of processed tomatoes, in the village of Gastouni in the Ilias Prefecture, during 2001, despite the EU decision not to grant any subsidies.

Is the Commission aware of such payment of subsidies?

Did the Greek Government officially apply to the Commission for a derogation?

Answer given by Mr Fischler on behalf of the Commission

(28 July 2003)

The Greek authorities have not formally notified the Commission any State aid as regards the question raised by the Honourable Member.

Community subsidies for tomatoes intended for processing are provided for by Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products [1], introducing an aid scheme for producer organisations which deliver tomatoes harvested in the Community to approved processors. This aid scheme is based on contracts between, on the one hand, producers organised in Producer Organisations recognised under Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables [1] and, on the other hand, processors approved by the competent authorities. Aid is granted to producer organisations which, in turn, pay it to their members. The recognition of producer organisations is the competence of the Member States, which, in accordance with the regulations referred to above, establish a series of criteria to be satisfied by producer organisations, in order to be entitled to receive Community aid.

The producer organisation referred to in the question raised by the Honourable Member (A.S. Gastounis) was recognised by the Greek authorities in the first place but, at a later stage, the Greek authorities informed the Commission that the producer organisation did not comply with the minimum criteria for recognition. It is, in the first instance, for the Greek authorities to draw the necessary consequences from that fact.

At the Community level, the financial consequences for the Member State of the non-respect of the conditions have to be examined, in particular in as far as the reimbursement by the European Agriculture Guidance and Guarantee Fund (EAGGF) to the Greece State is concerned, in the context of the clearance of accounts procedure.

The Commission is much obliged to the Honourable Member for the information provided. Following his question, the Commission has already contacted the Greek authorities in order to ascertain whether any national State aid is being granted to the producer organisation concerned. The Commission will keep the Honourable Member informed about the outcome of this issue.

[1] OJ L 297, 21.11.1996.

(2004/C 33 E/190) **WRITTEN QUESTION E-1905/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(11 June 2003)

Subject: Publicity for the 2008 CSF in Greece

Recently, publicity promoting the 2008 Community Support Framework has been screened on Greek television at peak viewing times (e.g. before or during news bulletins).

The content of this publicity is pure propaganda in that it highlights the government's 'achievements' in education, the economy etc., making only a passing reference to the Community's vital financial contribution.

Does the Commission know the exact cost of the publicity for the 2008 CSF? Which Community appropriations are covering the cost? Is the Commission aware of the content of the publicity? Did the Commission authorise payment for publicity, particularly at peak viewing times? Can such propaganda continue to be broadcast in the run-up to the Greek general election?

Answer given by Mr Barnier on behalf of the Commission

(5 August 2003)

The launching of information campaigns on European regional policy is a responsibility that is decentralised to the authorities in the Member States in accordance with the principle of subsidiarity. It is for the Member State to identify the most appropriate manner to inform the public while respecting the provisions in relation to Regulation (EC) No 1159/2000 [1] and those contained in the Community Support Framework (CSF). The Honourable Member may wish to note that these provisions also require publicity actions to be interrupted two months before any election date. The Commission has no information at its disposal to suggest that there has been any misuse of Community funds in Greece for the information campaign.

It is not possible to make an assessment of the total amount of resources that will be mobilised for publicity and information in Greece during the third CSF since these are included within the total appropriations for technical assistance, and are not separately identified within those appropriations.

[1] Commission Regulation (EC) No 1159/2000 of 30 May 2000 on information and publicity measures to be carried out by the Member States concerning assistance from the Structural Funds, OJ L 130, 31.5.2000.

(2004/C 33 E/191) **WRITTEN QUESTION E-1908/03**

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

(11 June 2003)

Subject: Delayed payment of development grants

In February 2003, a grant was awarded for a project to develop a particular business environment. The grant was awarded by a local manpower and business centre in Finland. However, the project leaders report that the project will not receive the promised money until December 2003.

How long does it generally take for payments to be made to EU-funded projects?

Why are payments delayed after grants have been awarded? Is this due to the slowness of Member States' own administrations or is it caused by EU rules?

In the light of feedback from Member States, how big a problem are delays in grant payments for EU-funded projects?

How could the award and payment of grants be accelerated?

Answer given by Mr Barnier on behalf of the Commission

(17 July 2003)

In accordance with the subsidiarity principle, the Commission's discussion partners as regards regional development are the Member States and not final beneficiaries. The Commission would therefore advise the Honourable Member to request further information from the managing authority or the paying authority for the programme concerned in Finland.

Since project management is decentralised, the Commission does not have statistics on the current intervals between a financing decision in a Member State and the first reimbursement received by the beneficiary. However, the Commission facilitates the launch of a programme by granting a payment on account as soon as it decides to part-finance the whole programme. The payment on account comprises 7 % of the amount of the programme under the rules for 2000-2006. Apart from a few pilot projects, the Finnish programmes were adopted by the Commission in 2000 or 2001. Since then the national authority has therefore had available the 7 % payment on account to finance the Community portion of the project to which the Honourable Member refers, without waiting for reimbursement of expenditure actually incurred.

Beyond that payment on account, the Commission reimburses the Member State solely on the basis of expenditure actually incurred [1]. For the current programming period, the payment interval within the Directorate-General responsible for regional policy has been 37 days since the beginning of 2003. Although that payment interval cannot therefore be regarded as excessive [2], the Commission continually seeks to improve its internal procedures in the interests of efficiency and simplification. On 25 April 2003 the Commission endorsed 10 measures in a communication on management simplification, clarification, coordination and flexibility.

The administrative slowness to which the Honourable Member refers cannot therefore be regarded as a consequence of the provisions on the Structural Funds. Article 34(1) of Regulation (EC) No 1260/1999 states that 'in carrying out its tasks the managing authority shall act in full compliance with the institutional, legal and financial systems of the Member State concerned'. Article 3 of Commission Regulation (EC) No 438/2001 of 2 March 2001 laying down detailed rules for the implementation of Regulation (EC) No 1260/1999 [3] requires Member States' management and control systems to be devised subject to proportionality in relation to the volume of assistance administered.

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(1) In accordance with Article 32(2) of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds — OJ L 161, 26.6.1999.

(2) Article 32(1) of Regulation (EC) No 1260/1999 of 21 June 1999 states that 'the Commission shall make interim payments within no more than two months of receipt of an acceptable payment application'.

(3) OJ L 63, 3.3.2001.

(2004/C 33 E/192) **WRITTEN QUESTION P-1909/03**

by Michl Ebner (PPE-DE) to the Commission

(2 June 2003)

Subject: Natura 2000

In the view of the Commission, can the rigid policy of the Flemish government on Natura 2000 areas situated in the VEN (Flemish Environmental Network) be reconciled with the provisions of the Natura 2000 directive?

The Flemish policy is based on a whole series of orders and prohibitions, with inadequate and inappropriate compensation, which furthermore take no account of socio-economic factors.

The existence of two parallel network structures in Flanders — one Flemish and one European — causes a great deal of unnecessary confusion and complication. In practice it seems that an excessively large part is incorporated in the VEN, the IVON (Integraal Verwevings- en Ondersteunend Netwerk, Integrated Interrelation and Support Network) or the nature association areas. In implementing the Nature Decree of late 1997 the Flemish government therefore took care to ensure that the two types of area overlapped as much as possible. Is it sensible for two different types of policy to be implemented in areas where there are overlaps?

The result is that there is confusion among the Flemish public and great dissatisfaction among the rural population, who associate Natura 2000 with the patronising policy of the Flemish government in the VEN.

What is the Commission's view of the compatibility of the Flemish policy on environmental networks with the Natura 2000 directive?

Answer given by Mrs Wallström on behalf of the Commission

(2 July 2003)

Both Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1] ('Habitats Directive'), and Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [2] ('Birds Directive') aim at ensuring the conservation of natural habitats and species at European level. The creation of 'Natura 2000', a coherent European ecological network of special areas of conservation, is an important tool to achieve this objective.

National or regional networks of protected areas such as the Flemish Environmental Network represent important complements to the European 'Natura 2000' network, as they allow to integrate more local and regional aspects of nature conservation. Neither the 'Habitats Directive' nor the 'Birds Directive' foresee any restrictions as to Member States introducing stricter protective measures than those provided for under these Directives.

The provisions of the Habitats Directive clearly make Member States responsible for the management of Natura 2000 sites. The responsibility for the management of regional and national networks is a fortiori a matter of national or regional competence.

[1] OJ L 206, 22.7.1992.
[2] OJ L 103, 25.4.1979.

(2004/C 33 E/193) **WRITTEN QUESTION P-1934/03**

by Marie Isler Béguin (Verts/ALE) to the Commission

(5 June 2003)

Subject: Prospects for LIFE

The Directorate-General for Environment recently published on its website [1] the final report of the Expert Group on the financing of the Natura 2000 network (Article 8 of the Habitats Directive). The cost estimate may well be adjusted, but the major institutional guidelines have been set down with a request that, after 2006, the cost be shared between the various Community funds (ERDF, EAGGF, etc.) and a separate financial instrument. That concept needs to be introduced into the various frameworks provided to that end and, in particular, into that of the major policy and budgetary reviews envisaged after 2006.

On the other hand, the report neatly sets out the problem of the link between the current LIFE financial instrument, which comes to an end in 2004, and the findings of the debate on Natura 2000 which will be implemented after 2006. LIFE-Nature is, currently, the only Community financial instrument which is exclusively dedicated to one of the objectives of the Sixth Environmental Action Programme — halting the decline in biodiversity in the Union between now and 2010.

Given the time required at institutional level to put in place a new Regulation, the Commission needs to submit a proposal by early September 2003 at the latest. After that date, it would be too late to select new projects in 2005 — as was the case in 2000 between LIFE II and LIFE III. Nature conservation experts seriously fear that the instrument will be purely and simply abandoned. Several recent meetings about Natura 2000 have prompted doubts about the Commission's willingness to pursue its short-term funding policy for LIFE-Nature.

What plans does the European Commission have in this respect?

Is a two-year renewal along the lines of the current Regulation a possible option?

(1) http://europa.eu.int/comm/environment/nature/natura_articles.htm.

Answer given by Mrs Wallström on behalf of the Commission

(9 July 2003)

The Commission is aware of the important role that the LIFE-Programme plays in supporting Community nature conservation policy.

Since the new financial perspectives will not come on stream until 2007, consideration is now being given to a proposal to extend the LIFE-Programme for three years in an adapted form. The objective is to bridge the gap in co-funding from 2004 until 2007.

Rapid adoption by the Parliament and Council of such a Proposal would be required to avoid any interruption in the present scheme of financing.

(2004/C 33 E/194)

WRITTEN QUESTION E-1938/03

by Catherine Stihler (PSE) to the Commission

(13 June 2003)

Subject: Illegal employment in the fisheries sector

It has recently been reported that up to 50 per cent of workers employed in UK fish processing plants are employed illegally. Many endure deplorable working conditions, working double shifts and seven-day weeks, and are paid less than the minimum wage. During recent raids, the UK Department of Work and Pensions and the police found that half of the workers gutting, filleting and packing fish were foreign and that a third of them had entered the country illegally.

What measures does the Commission propose to protect such workers? Does the Commission have any plans to regulate the labour agencies known as 'gangmasters' which are responsible for checking the status of the workers in law and which are now shown to have exploited some of the most vulnerable people?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(31 July 2003)

The Commission does not have any information concerning the facts described by the Honourable Member. Although it regrets that such situations can occur, it can intervene only where a principle or provision of Community law is contravened.

Fishing was excluded from the scope of Directive 93/104/EC [1] concerning certain aspects of the organisation of working time, but is now covered by Directive 2000/34/EC [2], which has to be incorporated into the national legislation of Member States no later than 1 August 2003 (1 August 2004 in the case of doctors in training).

In any event, it is the task of the competent national authorities (judicial or other authorities), to ensure the correct application of the provisions of national or Community law, also with regard to the fight against undeclared work. In its Communication of 3 June 2003 [3] the Commission notes that undeclared work seems to be on the increase in many Member States. However, since 2000, and especially in 2003, the employment policy guidelines have included a commitment to combat this phenomenon. Furthermore, one of the essential aspects of the common immigration policy is to combat illegal immigration, as set out in the recent conclusions of the Thessaloniki European Council.

[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] Communication on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents, COM(2003) 323 final.

(2004/C 33 E/195) **WRITTEN QUESTION E-1943/03**

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

(13 June 2003)

Subject: Nitrates Directive and restructuring of intensive livestock farming

In a letter dated 4 January 2003, the Twente region agriculture section of the Dutch environmental group Milieudefensie drew the Commission's attention to the 'restructuring of concentration areas', an attempt to restructure intensive livestock farming in some areas of the Netherlands.

Originally it was intended that this measure should also achieve environmental objectives, for example as regards levels of nitrates in groundwater, which in some areas far exceed the European norm. Regrettably, in the course of the administrative decision-making, this and other environmental objectives have gradually been lost from sight and no effort is even being made to pursue them any longer, to say nothing of their being achieved.

This is revealed by the Initial Memorandum on Environmental Impact Assessments of the Restructuring of the Salland-Twente Concentration Areas (Startnotitie Milieu Effectrapportage Reconstructie Concentratiegebieden Salland-Twente), which Milieudefensie has also forwarded to the Commission.

In some areas — the so-called 'agricultural development areas' — indeed, autonomous growth of livestock numbers is being permitted, as the 'area visions' indicate.

Despite this, the Netherlands authorities are continuing with the restructuring plans, and Overijssel provincial authority has decided to allocate EUR 40 million to them.

Does the Commission agree that policy, both on this restructuring and in general, should be designed to pursue and ensure compliance with European environmental objectives?

To what extent does Dutch authorities' support for this restructuring policy violate the Nitrates Directive (91/676/EEC [1])?

[1] OJ L 375, 31.12.1991, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(7 August 2003)

With specific reference to the Nitrates Directive, the Netherlands suffers from the highest environmental pressure from livestock manure and agricultural activities in Europe. Taking into consideration, as an indicator, the annual nitrogen (N) input per hectare from livestock manure and mineral fertilisers, the average value, is estimated in 486 kilogram (kg) N/year, of which 265 kg from livestock manure and 184 kg from mineral fertilisers (reference year 1997, Eurostat, Statistic in focus, environment and energy, Theme 8 − 16/2000).

Water quality is strongly affected by agricultural activities and the whole territory of the Netherlands has been declared as nitrate vulnerable zone under the Nitrates Directive. An action programme must, therefore, be implemented for the whole territory.

The action programme requires measures such as, inter alia: a minimum capacity of manure storage vessels, periods when the land application of certain types of fertiliser is prohibited, application of fertilisers based on a balance between the foreseeable nitrogen requirements of the crops and the nitrogen supply to the crops from the soil and from fertilisation.

A specific ceiling for annual nitrogen application from livestock manure is set by the Directive, and the measures of the action programme have to ensure that, for each farm or livestock unit, the ceiling is not exceeded.

In order to ensure a high level of protection of the Union's water resources, the Commission has already taken legal actions against several Member States, which, it feels, are not complying with the obligations under the Nitrates Directive.

An infringement case against the Netherlands is currently before the European Court of Justice for the failure to implement an action programme in compliance with the Nitrates Directive on the most important points and the judgement is awaited within a few months.

Concerning the restructuring of intensive livestock areas in the Netherlands, the Dutch Authorities have provided the following information:

(a) the aim of the Law for the Reconstruction of Concentration Areas (Reconstruction Law; Staatsblad 2002-115) is to promote a good spatial structure of the concentration areas, especially concerning agriculture, nature, forest, landscape, recreation, water, environment and infrastructure, and also to improve the living and working circumstances and economic structure. I.e. the Reconstruction Law is meant to reduce the problems of intensive livestock by improving the spatial structure;

(b) each reconstruction region (such as Salland/Twente) has to present a reconstruction plan that improves the spatial structure for agriculture, nature, landscape, environment and water. In such a plan both extensification areas and intensification areas have to be designed. In extensification areas livestock numbers are too high compared to the vulnerability of nature, landscape, environment and water. In intensification areas livestock numbers can be increased without damage to other interests. Also the transfer of farms from concentration areas to other regions is promoted. The plan recently drafted for Salland/Twente contains extensification and intensification areas, but an overall increase of livestock numbers will not occur;

(c) the Reconstruction Law is not the only law governing the development of livestock husbandry in the Netherlands. For instance livestock numbers are regulated by the system of manure production quotas, pig quotas, poultry quotas and milk quotas. In the last few years Dutch Authorities have spent over EUR 800 million to buy up pig and poultry quotas for a total of 12 million kg phosphate. One of the aims of the reconstruction plans is to adapt to these developments.

The Commission notes, based on the provided information of the Dutch Authorities, that the Law for the Reconstruction of Concentration Areas should not lead to an overall increase of livestock numbers. Therefore, the general conditions exist, for which this Law, in pursuing its own general aim, would not contrast with the objectives of the Nitrates Directive.

(2004/C 33 E/196) **WRITTEN QUESTION E-1959/03**

by Paulo Casaca (PSE) to the Commission

(13 June 2003)

Subject: On-the-spot checks at EAGGF Guarantee Section national paying agencies

In the light of the assessment contained in the 2001 Annual Report of the Court of Auditors regarding national paying agencies for the EAGGF Guarantee Section, has the Commission made plans to increase its on-the-spot checks in 2003?

Could it specify the total number of external inspection missions that it intends to carry out in 2003 where the EAGGF Guarantee Section is concerned?

Answer given by Mr Fischler on behalf of the Commission

(4 July 2003)

The Commission considers the work of the certification bodies to form an adequate basis for clearing the accounts of the paying agencies. The Commission closely monitors compliance with the clearance criteria to ensure that all improvement measures are implemented by the paying agencies.

In 2002 the Commission carried out 164 external inspection missions on the EAGGF Guarantee Section including 27 on-the-spot checks at the national paying agencies (certification for 2001, accreditation, computer audit, etc.).

For 2003 the Commission has scheduled 185 external inspection missions on the EAGGF Guarantee Section (i.e. a 12,81 % increase over 2002), including 34 on-the-spot checks at the national paying agencies (certification for 2002, certification and pre-accreditation of the accession countries' paying agencies, delegated bodies, etc.).

By way of information, for the 2002 financial year, in Decision 2003/313/EC of 8 May 2003 [1] the Commission disjoined the accounts of 17 paying agencies out of a total of 91 (i.e. 18,68 %), broken down as follows:

- Germany (2);
- Greece (1);
- Spain (2);
- France (8);
- Italy (2);
- Portugal (1);
- United Kingdom (1).

[1] OJ L 114, 8.5.2003.

(2004/C 33 E/197) **WRITTEN QUESTION E-1982/03**

by Gabriele Stauner (PPE-DE) to the Commission

(16 June 2003)

Subject: Auditing of Eurostat by the European Court of Auditors

Can the Commission say when over the last 10 years, and in what connection, Eurostat has been audited by the European Court of Auditors?

Can the Commission say whether the audits have been selective or whether the management of Eurostat has been comprehensively audited, too?

Can the Commission say what recommendations the Court of Auditors has made in its reports and sector letters and what steps have been taken by the Commission to comply with those recommendations?

Answer given by Mr Solbes Mira on behalf of the Commission

(29 August 2003)

These questions were already discussed during the Budgetary Control Committee (Cocobu) meeting on 17 June 2003, and the Commission would like to refer to the written answers which the Members of the Commission gave to committee members following the meeting.

At the same time, the Commission notes that the Court of Auditors has still not published a specific audit of Eurostat's operational expenditure or of its management.

The honourable Member's attention is drawn to the recent publications by the Court of Auditors concerning Eurostat's statistical activities:

— Annual Report concerning the financial year 2000 (paragraphs 1.71, 1.119 and 1.120 on Eurostat procedures concerning gross national product (GNP) data used for budgetary purposes, as well as their quality) [1];

— Special Report No 17/2000 (paragraph 1.25 on the Commission's control of the reliability and comparability of the Member States' GNP) [2];

— Annual Report concerning the financial year 1999 (paragraph 1.21 on the quality of GNP data) [3];

— Annual Report concerning the financial year 1997 (paragraph 1.25 on the quality of GNP data) [4].

The Commission, in collaboration with the Member States, takes care to implement every recommendation by the Court in this field. In addition, it has been working with the GNP Committee since 1988 in order to ensure the quality of statistical data used for budgetary purposes, as requested by the Court in its various reports. Quality assurance procedures are currently used by Eurostat in close liaison with the statistical offices of the Member States.

[1] OJ C 359, 15.12.2001.
[2] OJ C 336, 27.11.2000.
[3] OJ C 342, 1.12.2000.
[4] OJ C 349, 17.11.1998.

(2004/C 33 E/198) **WRITTEN QUESTION P-1995/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(11 June 2003)

Subject: Railway lines in the centre of Athens

A decision has been made to modernise 13 kilometres of railway line linking Piraeus with the rail hub at Acharnon via Athens, which will also form part of the suburban rail network. The projected completion date is May 2004 and the project has a budget of EUR 160,4 million. The invitation to tender announced by the Greek Railways Organisation (OSE) is for the replacement of the line by a new, electrified line widened to four tracks.

The inhabitants of Athens are concerned that the route of the railway will continue to divide the city into two, creating not only major bottlenecks and more pollution but also travel problems for the population and a feeling of isolation and ghettoisation.

Do the studies for modernising the suburban rail network provide for any sections of the line to run underground or for any other works to prevent the city being divided into two? If not, how will the Commission intervene to resolve this problem in an environment-friendly manner?

Answer given by Mr Barnier on behalf of the Commission

(29 July 2003)

As far as major infrastructure projects — such as the modernisation of a railway section — are concerned, it is up to the Member State to design the project, and to ensure that an appropriate balance is found between economic, societal and environmental considerations, and see to the respect of applicable regulatory requirements.

According to information made available to the Commission, in the case of the railway corridor between Piraeus and 'Three bridges' mentioned by the Honourable Member, it is indeed planned to increase the number of tracks from currently two/three (according to the location) to four. This, however, will be achieved largely by a better utilisation of the already available space within the existing corridor of the section. Therefore, in as far as the width of this section of the suburban railway is concerned, there should be no substantial difference between the current and the future situation.

The project in question, which concerns the modernisation of a short-distance railway line, may fall within the scope of Council Directive 85/337/EEC of 27 June 1985, on the assessment of the effects of certain public and private projects on the environment [1], as amended by Council Directive 97/11/EC of 3 March 1997 [2]. Annexe II.13 of the Directive refers to any change or extension of projects listed in Annex I or Annex II, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment. According to Article 4(2), Member States are not obliged to submit projects listed in Annex II to an environmental impact assessment. In this particular case, it appears that the nature and the size of the project are not likely to have significant adverse effects on the environment. Nevertheless, the assessment of the significance of the project's effects rests primarily with the national authorities.

The project for the modernisation of this particular section has not been proposed for co-funding by the Union; the Commission will therefore not intervene with the Greek authorities.

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

(2004/C 33 E/199) **WRITTEN QUESTION E-1998/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(16 June 2003)

Subject: Penalty clauses relating to access roads in the concessionary agreement concerning Eleftherios Venizelos Airport, Athens

Athens' new airport, Eleftherios Venizelos at Spata, was built under a concessionary agreement concluded between the Greek authorities and the Hochtief consortium in July 1995; the project was completed in March 2001. The EU contributed some EUR 250 million to the project, representing approximately 11 % of the total cost. The concessionary agreement provides for payment of compensation by the Greek authorities to the contractor in the event of the access roads to the airport not being completed on time.

In particular, there is provision for the payment of:

— EUR 35 000 per day for each day's delay in opening the Stavros-Elefsina section of the Attica motorway, to be applied immediately once the airport has become operational, and

— EUR 25 000 per day for each day's delay in opening the western ring-road (Avenue Ymittou), to be applied 12 months after the airport has become operational.

To date, only part of the Stavros-Elefsina section has been opened, while the western ring-road at Avenue Ymittou is expected to open in the autumn of 2003, some 30 months after the airport became operational.

1. Has the Commission been monitoring the operation of the Eleftherios Venizelos airport and compliance by the contracting parties with their obligations since the completion of the project?

2. Is there provision for a post-project evaluation by the Commission and, if so, when is it expected to be carried out?

3. Under what conditions are the penalty clauses activated? Has the contractor claimed compensation from the Greek authorities for failure to complete the access roads on time?

Answer given by Mr Barnier on behalf of the Commission

(31 July 2003)

Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund [1] does not assign any competence to the Commission to monitor the operation of a project once completed. During the operation of the airport, the Commission would intervene only if it had evidence of failure to comply with European Union legislation. The Commission does not have any such evidence at present.

The question of compliance with the contract between Greece and the concessionaire (penalty clauses, compensation, etc.) does not fall within the Commission's remit. Nevertheless, the national authorities have informed the Commission that no procedure has been launched by the concessionaire to activate penalty clauses.

The Commission intends to carry out an ex-post evaluation of the projects part-financed by the Cohesion Fund as provided for in the regulations. A report on that evaluation will be ready mid-2004 and will be made available to Parliament.

[1] OJ L 130, 25.5.1994.

(2004/C 33 E/200)

WRITTEN QUESTION P-2008/03

by Marianne Thyssen (PPE-DE) to the Commission

(11 June 2003)

Subject: Fowl-pest crisis in Belgium — compensation for the damage caused to the poultry sector

In late May, the European Standing Committee on the Food Chain and Animal Health held a further meeting in order to discuss the fowl-pest situation in a number of European countries. The Committee decided, inter alia, to relax even further the measures taken to combat fowl pest in Belgium.

The Belgian Government decided to compensate the poultry farmers affected for (some of) the damage which they had suffered. However, it cannot be denied that the fowl-pest crisis is causing heavy losses for every section of the poultry sector. The crisis has resulted in heavy financial losses for the animal feed industry, hatcheries, poultry slaughterhouses, poultry-cutting plants, poultry wholesalers and the exporting firms in the sector. However, there is, unfortunately, no provision for them to receive any financial compensation.

Given the importance of the Belgian poultry sector for the Belgian economy and for employment, is the Commission considering paying compensation to operators in the sector other than poultry farmers? If so, for what amount? Would there be any objection to the Federal Government and/or Regional Governments in Belgium giving financial support to the operators in the sector other than poultry farmers who have suffered losses?

Answer given by Mr Fischler on behalf of the Commission

(7 July 2003)

Belgium may obtain a financial contribution from the Community up to 50 % of the expenditure for emergency measures as detailed in Article 3 (1) of Council Decision 90/424/EEC of 26 June 1990 [1], on expenditure in the veterinary field that are provisions to eradicate and control the epidemics.

The Community guidelines for State aid in the agriculture sector [2] apply to all State aids granted in connection with activities related to the production, processing and marketing of Annex I products. State aid measures relating to outbreaks of animal diseases are to be assessed under the provisions of section 11 of these guidelines.

While section 11 allows aids to compensate for damage to agricultural production or the means of agricultural production, it does not allow support to compensate processors. Where processors are in financial difficulties, however, rescue and restructuring aid may be possible provided that the relevant provisions of the Community guidelines on State aid for rescuing and restructuring firms in difficulty [3] are complied with.

Moreover, the Commission has already emphasised insurance policies as a mean to deal with indirect losses caused by large outbreaks of animal diseases.

[1] OJ L 224, 18.8.1990.
[2] OJ C 232, 12.8.2000.
[3] OJ C 288, 9.10.1999.

(2004/C 33 E/201) **WRITTEN QUESTION E-2010/03**

by Lissy Gröner (PSE) to the Commission

(17 June 2003)

Subject: EU funds disbursed by Catholic organisations in the period 1997-2002

Solidarity is one of the fundamental values of the EU. The European Union finances a significant proportion of the humanitarian assistance and development aid provided throughout the world. Non-governmental organisations, including Catholic organisations, operate on the front line in areas of the world which require aid, and they make a praiseworthy contribution to the overall effort.

1. What amounts did the following organisations, which are run by the Catholic Church, receive from the EU in the period 1997-2002:

(a) the Caritas Europa network

(b) the more than 50 member organisations of the Caritas Europa network

(c) the CIDSE network (International Cooperation for Development and Solidarity)

(d) the 14 member organisations of CIDSE

(e) the International Catholic Child Bureau (BICE)

(f) the International Catholic Migration Commission (ICMC)

(g) the European Association for Catholic Adult Education (FEECA)?

2. What projects were financed by means of EU funds inside and outside the EU's borders?

3. From which programmes were funds granted for the individual projects?

Answer given by Mr Nielson on behalf of the Commission

(30 July 2003)

A list of projects cofinanced with non-governmental organisations belonging to these networks during the period 1997-2000 under budget heading B7-6000 will be sent direct to the Honourable Member and Parliament's secretariat.

A detailed list of humanitarian projects financed by ECHO and carried out by NGOs for victims of natural or manmade disasters in third countries will also be sent to the Honourable Member and Parliament's secretariat. Projects have been financed primarily under headings B7-210 (humanitarian aid) and B7-219 (disaster preparedness). Funding was also provided until 1999 under headings B7-214, B7-215, B7-217 and B7-219 and the 8th European Development Fund.

(2004/C 33 E/202)

WRITTEN QUESTION E-2013/03

by Robert Goebbels (PSE) to the Commission

(17 June 2003)

Subject: Regulation on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

The European Court of Justice recently handed down what is, in my view, a questionable ruling that 'maintaining the quality and reputation of'Grana Padano'cheese and'Parma ham'justifies the rule that the product must be grated or sliced and packaged in the region of production'.

The extension of the protection of geographical indications and designations of origin to the packaging of products of this type is all the more debatable in that the cheeses and hams to be protected are frequently made from milk or pork not produced in the region but imported from abroad.

Does not the Commission take the view that Council Regulation (Regulation (EC) No 535/97 [1] of 17 March 1997 amending Regulation (EEC) No 2081/92 [2]) on the protection of geographical indications and designations of origin for agricultural products and foodstuffs needs to be adjusted so as to eliminate the abusive advantages introduced by the new case-law of the Court which, in the final analysis, constitutes an obstacle to the single market?

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[1] OJ L 83, 25.3.1997, p. 3.
[2] OJ L 208, 24.7.1992, p. 1.

Answer given by Mr Fischler on behalf of the Commission

(7 August 2003)

The Commission considers that the Court of Justice's judgments of 20 May 2003 in cases C-108/01 and C-469/00 relating to the protected designations of origin Parma ham and Grana Padano respectively confirm the scope of the protection it had itself extended to these designations.

The Commission shares the Court's view that specification requirements that certain operations such as grating, slicing and packaging be carried out in the geographical production zone are in fact necessary for protection of the PDO in question.

It is true that such requirements are measures of equivalent effect to a quantitative restriction, prohibited under the principle of free circulation of goods laid down in the EC Treaty. But the PDOs as industrial and commercial property rights constitute one of the exceptions provided for in the Treaty and need to be protected against misuse by third parties wishing to profit from the reputation they and the associated trade marks have acquired.

In examining applications for registration the Commission is particularly careful to confirm that such provisions, if included in the specification, are shown to be necessary for protection of the name. This stops unfair advantages arising that are in fact a barrier to the free circulation of goods.

Contrary to what the Honourable Member appears to think the raw materials from which PDO Parma ham and Grana Padano are made must come from geographical zones that are precisely delimited in the specification and thus may not be imported from abroad.

Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [1] was in fact amended in April 2003 by Council Regulation (EC) No 692/2003 of 8 April 2003 [2] in order to make it clear that specifications may include compelling reasons for restricting certain market preparation operations to the geographical zone of production. This amendment corresponds to the Court's interpretation and the Commission has no intention of proposing any adjustment of the Regulation.

[1] OJ L 208, 24.7.1992.
[2] OJ L 99, 17.4.2003.

(2004/C 33 E/203) **WRITTEN QUESTION E-2015/03**

by Lucio Manisco (GUE/NGL) to the Commission

(17 June 2003)

Subject: Transfer of the 'castrum' of San Gimignano into private ownership

The development of the town of San Gimignano began in the Middle Ages around the 'castrum', the ancient and vast fortified complex of dwellings, which was turned into the convent of San Domenico.

It was purchased by the State and used as a prison in the past. For years the municipality of San Gimignano has been trying in vain to get it back, on the basis of the right of the local community to make use of the public areas in its historic centre, especially those inside the original city walls, and by virtue of a municipal council act passed in 1999 concerning a project for its recovery and restoration.

However, the Italian Government, on the strength of Articles 7 and 8 of Law No 112 of 15 June 2002, which provide for the transfer of national heritage sites for budgetary reasons or in order to build facilities, arranged for the 'castrum' to be sold to private purchasers, who intend to build a hotel and an underground garage, which would destroy one of the most important masterpieces of town planning in medieval and modern history. The plan has been opposed jointly by local public and private bodies and is a cause of concern to Unesco, which has declared the historic centre of San Gimignano a world heritage site.

Furthermore, according to Article 151 of the EC Treaty 'Action by the Community shall be aimed at encouraging cooperation between Member States' (which are signatories to the Convention for the Protection of the Architectural Heritage of Europe) and the competent international organisations'in the area of conservation and safeguarding of cultural heritage of European significance'.

In view of this, can the Commission say what steps it will support or take to prevent the execution of this unfortunate project and encourage the Italian Government to hand the 'castrum' of San Gimignano back to the municipality?

Answer given by Mrs Reding on behalf of the Commission

(24 July 2003)

Article 151 of the EC Treaty gives the Community powers to encourage cultural cooperation between Member States and support and supplement (on the basis of funding and if necessary) their action in the following areas:

— improvement of the knowledge and dissemination of the culture and history of the European peoples;

— conservation and safeguarding of cultural heritage of European significance;

— non-commercial cultural exchanges;

— artistic and literary creation, including in the audiovisual sector.

It should be noted that Article 151 specifically excludes any 'harmonisation of the laws and regulations of the Member States' ([1]).

Consequently, the Honourable Member's question does not come within the Community's competence.

([1]) Article 151(5), first indent of the EC Treaty.

(2004/C 33 E/204)

WRITTEN QUESTION E-2018/03

by Bart Staes (Verts/ALE) to the Commission

(17 June 2003)

Subject: Language discrimination — native speakers

In its reply to Question E-2764/02 ([1]), the Commission acknowledges that 'a "native speaker"condition contained in recruitment announcements is not acceptable under Community rules on free movement of workers, as it is unlawfully discriminatory. Therefore the Commission considers that the use of this term in job advertisements is prohibited by Community law.'

In the same reply, the Commission states that it is investigating 'such job advertisements which have been published by one Member State's public authorities'. On 11 November 2002, the investigations had 'not been finalised', but once they had, the Commission would then decide about the next steps to take.

On 7 April 2003, Cedefop advertised a vacancy for 'an English mother-tongue secretary' (see also: http://www.cedefop.eu.int/download/banner/secretary_EN_0403.pdf).

1. Is the Commission aware of the advertising of this vacancy? If so, what steps has it taken or will it take to ensure that it is or was possible to fill this vacancy without these discriminatory conditions? What is the mother tongue of the person who has been or will be recruited? How can the Commission show that the ultimate recruitment was completely language-neutral? What steps has the Commission taken to prevent such cases from recurring — in Europe in general and at Cedefop in particular?

2. Can the Commission outline the progress made in its investigation into job advertisements which mention native speakers? Has it arrived at any findings? If so, what conclusions has the Commission been able to draw from them? If not, why are these findings taking so long to obtain, and approximately when will they be known?

([1]) OJ C 92 E, 17.4.2003, p. 207.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(1 August 2003)

1. In reference to the first question concerning an advertised vacancy for 'an English mother-tongue secretary' the Honourable Member is referred to the Commission's reply to Written Question E-1733/03 by Mr Leinen ([1]).

2. As far as the more general issue raised is concerned, the Commission has finalised its investigations into a complaint concerning several job offers which had been published by one Member State's public authorities. In their reply to the Commission the authorities of the Member State concerned made it clear that they share the opinion of the Commission that the use of such terms as 'mother tongue' or 'native speaker' in job offers violates Community law on free movement of workers. They further informed the Commission that information and circular letters have been sent to the organisations concerned in order to avoid that in future such job offers will be published.

The Commission considers that the position of the authorities of the Member State concerned and the measures taken bring the behaviour of these administrations into line with Community law on free movement of workers. In April 2003 the complainant was informed accordingly.

The Commission would also like to reiterate its intention to use its legal powers to fight against the use of a 'native speaker' criterion in job advertisements, if necessary.

([1]) OJ C 11 E, 15.1.2004, p. 221.

(2004/C 33 E/205) **WRITTEN QUESTION E-2020/03**

by Sérgio Marques (PPE-DE) to the Commission

(17 June 2003)

Subject: Support scheme for producers in the fisheries sector

In 1992, to compensate for the fact that certain outermost regions are islands, a support scheme was adopted for producers in the fisheries sector, providing for contributions to offset the additional marketing and transport costs that they were incurring because there were no regional markets near at hand and the cost of transport from the regions concerned to the mainland was high.

New regulations were adopted in 1994, 1995, and 1998 in order to continue the measures laid down in the initial regulation. The last of these regulations was intended to remain in force until 31 December 2001. Article 6 of Regulation (EC) No 1587/98 ([1]) stipulated that the Commission was to submit a report on its implementation by 1 June 2001. However, the Commission wished to probe more deeply into the impact of the measures adopted and the additional costs entailed for the fisheries sector enterprises because of their remote location and, moreover, to take into account the debate on reform of the CFP. It thus considered it necessary to put the submission date for the report back to 1 June 2002 and, consequently, to extend Regulation (EC) No 1587/98 for another year, with the result that the regulation remained in force until 31 December 2002. The Commission proposal to that effect (for which a dual legal basis was invoked, namely Articles 37 and 299(2) of the Treaty) was accepted by the Council and endorsed by Parliament.

1. When will the report on compensation for the additional costs in the fisheries sector be adopted?

2. How does the Commission view the possibility of adopting a permanent scheme, to replace the extension of Regulation (EC) No 1587/98, bearing in mind that the remoteness of the outermost regions is a factor that cannot be altered?

([1]) OJ L 208, 24.7.1998, p. 1.

Answer given by Mr Fischler on behalf of the Commission

(23 July 2003)

The Commission can inform the Honourable Member of the following:

— the report on application of the scheme to compensate for the additional costs incurred in the marketing of certain fishery products in the outermost regions is due to be adopted in the third quarter of 2003;

— adoption of the report goes hand in hand with the draft proposal for a Council Regulation introducing a scheme to compensate for the additional costs incurred, which the Commission is in the course of adopting, providing for application backdated to 1 January 2003 and unlimited in time;

— as regards the duration of the scheme, the Commission has always proposed that there should be no limit in time, subject to a report on implementation of the scheme being submitted every four years. However, the Council has introduced a time limit on application of the scheme each time negotiations have been held.

(2004/C 33 E/206) **WRITTEN QUESTION P-2026/03**

by José Pomés Ruiz (PPE-DE) to the Commission

(12 June 2003)

Subject: Security as regards the transport of arms and explosives

On 30 May this year 370 guns were stolen in France whilst being transported from Germany to Spain without any kind of special safeguards. There is apparently no national or Community law laying down any minimum security standards or police protection for the transport of this kind of equipment, which can easily fall into the hands of terrorists or criminals.

On the other hand, in various countries, including France, there is legislation regulating and restricting the transport of firearms carried by foreign police officers, limiting their right to carry weapons to within only 10 kilometres of the border when pursuing criminals caught in the act and on the rest of French territory only in order to ensure the safety of VIPs, for which there is a complicated official procedure via the accredited embassies.

In view of the absurd situation whereby there are rules governing the transport of weapons by officers of the law, but not the transport of arms for commercial purposes, does the Commission consider that security legislation should be drawn up to prevent the stealing of arms and explosives, such as has happened in recent years in the European Union, especially in France, in order to guarantee the safety of the general public and more successfully combat terrorism, crime and illegal arms trafficking?

Is it considering submitting a proposal on the subject?

Answer given by Mr Bolkestein on behalf of the Commission

(5 September 2003)

The Commission would first recall that Directive 91/477/EEC of the Council, of 18 June 1991 ([1]), relative to the control of acquisition and detention of certain types of weapons for civilian use, sets, in its article 11, precise formalities in case of transfers of these weapons, regarding information that must be communicated to Member States authorities as well as any necessary authorisations.

In relation to security of the commercial transport of firearms and explosives, this is only in part regulated by Community legislation.

As regards explosives, the Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of Member States with regard to the transport of dangerous goods by road [2], lays down the conditions under which dangerous goods may be transported packaged and in bulk. Explosives belong to the category I of goods that are subject to very strict regulations. This Directive implements into the European legislation the texts of the United National Commission for Europe (UN-ECE) on the transport of dangerous goods.

The United Nations (UN)-Economic Commission for Europe WP.15, which is the Working Party on the Transport of Dangerous Goods, has recently started to deal with specific security issues. During its meeting of 19-23 May 2003 the security of the transport of other dangerous goods was discussed. From the discussion, it appears that elements such as protection of transportation will be taken into consideration.

As regards the security of the transport of firearms, the national legislation of the Member States applies, in the absence of specific European legislation on condition, of course, that Member States respect the EC Treaty rules.

[1] OJ L 256, 13.9.1991.
[2] OJ L 319, 12.12.1994.

(2004/C 33 E/207) **WRITTEN QUESTION E-2034/03**

by Rodi Kratsa-Tsagaropoulou (PPE-DE) to the Commission

(18 June 2003)

Subject: Closure of companies and mass redundancies

Schiesser-Palco recently laid off 500 workers and closed down its factory in Athens. Will the Commission say how much that company received in Community funding and at what periods of time? Did this particular company comply with the obligations laid down in the guidelines for financial aid, which stipulate that the recipients of aid must maintain their investment for at least five years? In addition, did the company maintain the existing jobs, as laid down in the new Regulation (EC) No 2204/2002 [1] of 12 December 2002 on aid for employment? Finally, were consultations between management and workers held in due time, as laid down in Article 2 of Council Directive 98/59/EC [2]?

[1] OJ L 337, 13.12.2002, p. 3.
[2] OJ L 225, 12.8.1998, p. 16.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(12 August 2003)

The company Schiesser-Palco has not been financed by the European Social Fund in the framework of any Operational Programme in the period 2000-2006.

There are minimum requirements and provisions set out by Community legislation in order to provide appropriate protection to employees in the case of collective redundancies. As mentioned by the Honourable Member, under Article 2 of the Council Directive 98/59/EC of 20 July 1998 on collective redundancies, Member States shall take the measures necessary to ensure that an employer, where he is contemplating collective redundancies, shall begin consultations with the workers' representatives in good time with a view to reaching an agreement.

Member States have also to ensure that employers notify the competent public authority in the Member State concerned in writing of any projected collective redundancies. This notification shall contain all relevant information including information about the consultation procedure provided for in Article 2 of the Directive.

The Commission has no specific information if the consultation procedure, which the Honourable Member referred to, took place in this particular case. Any alleged breach of the Member States' legislation implementing the provisions of Community legislation in a particular Member State is, therefore, in principle a matter to be addressed in the first instance to the competent authority of the Member State concerned.

(2004/C 33 E/208)

WRITTEN QUESTION E-2035/03

by Richard Corbett (PSE) to the Commission

(18 June 2003)

Subject: Staff family members as trainees

Has the Commission adopted any rules which preclude relatives of EU employees from applying for traineeships? If not, why not?

Answer given by Mrs Reding on behalf of the Commission

(31 July 2003)

The Commission's administrative traineeship programme (Blue Book) is open to all candidates who fulfil the admission requirements laid down in the rules governing in-service training periods with the European Commission (Commission Decision of 7 July 1997).

No special treatment — favourable or unfavourable — is shown to candidates who are relatives of EU employees.

(2004/C 33 E/209)

WRITTEN QUESTION E-2053/03

by Anders Wijkman (PPE-DE), Jules Maaten (ELDR), Robert Evans (PSE), Kathleen Van Brempt (PSE) and Marialiese Flemming (PPE-DE) to the Commission

(20 June 2003)

Subject: Endangered monk seal

The monk seal (Monachus monachus) is probably the most endangered mammal, not only in Europe but also worldwide. At present, there are fewer than 200 of this particular species of seal living in the coastal waters of Greece and Turkey. As the monk seal is a migratory species, it can be found as much in Greek as in Turkish waters.

Countries which are parties to the Berne, Bonn and CITES Conventions are required to protect not only the plant and animal species referred to in these Conventions but also their biotopes. Furthermore, and pursuant to the Habitat Directive, the monk seal should have the highest degree of protection. Greece is a signatory to all the above Conventions, as is Turkey, except for the Bonn Convention.

Greece has, at least in part, fulfilled its obligations with regard to the protection of the monk seal by creating the Northern Sporades Maríne National Park and protected zones around a number of islands in the Aegean.

The Turkish Ministry for the Environment has proposed the creation of five coastal national parks for the protection of the monks seal, but over the years, as a result of resistance from the Turkish Ministries of Tourism and Public Works, the actual establishment of these fully protected areas has again and again been postponed.

The Commission has, in recent decades, been in the vanguard of movements to protect the monk seal.

1. Since Turkey is not a signatory to the Bonn Convention, a situation which impedes protection of the monk seal in the Aegean Sea, is the Commission willing to approach the Turkish authorities and ask them to sign up to the Convention?

2. Is the Commission willing to approach the Turkish Government with a request that it officially establish the five coastal national parks and take the steps required to protect the monk seal within its boundaries?

3. Is the Commission willing to step up the political pressure required to ensure that the Turkish authorities give a positive answer to the two previous questions?

Answer given by Mrs Wallström on behalf of the Commission

(7 August 2003)

Monk Seal 'Monachus monachus' is granted the status of Species of Community Interest in need of strict protection and requiring the designation of special areas of conservation under the 'Habitats Directive' [1] listed in its Annexes II and IV.

Member States are obliged by the 'Habitats Directive' to implement several measures in order to guarantee a favourable status of conservation of this species. Most of the sites proposed in the Union for the protection of this species are situated in the Mediterranean Sea, namely in Greece.

Turkey, as a Candidate Country, is urged to align its national legislation on nature protection, as well as to implement in advance the Habitats Directive … The transposition and implementation of the environmental acquis is part of the revised Accession Partnership with Turkey [2], and this issue will be mentioned, as appropriate, in the context of accession talks relating to the environmental acquis. However, since negotiations have not yet been opened with Turkey, the Commission is not in a position to specify a date by which it would require compliance with such engagements. In the course of 2003 the Commission will organise working level meetings with Turkish Authorities. Nature protection is one of the suggested Topics for these meetings, and opportunity will therefore be provided for increased dialogue on this and other topics related to nature protection.

Regarding in particular the protection of the species 'Monachus monachus' under international law, it should be noted that Turkey is already a party to the Barcelona Convention for the Protection of the Maríne Environment and the Coastal region of the Mediterranean, as the Community is. Turkey has also signed the Specially Protected Areas and Biodiversity Protocol to this Convention, and therefore adheres to the Action Plan for the Management of the Mediterranean Monk Seal that was adopted under the auspices of this Convention. In this framework Turkey is obliged to report to the Convention about the activities undertaken to implement this Action Plan.

It should be recalled that the Community is already a party to a number of International Conventions and Agreements dealing with the protection of Biodiversity. Consequently, the Community applies the decisions taken in these fora, where appropriate. Thus, Member States must comply with the Community legislation including those provisions adopted internationally.

The Commission takes due note of the concerns expressed by the Honourable Members, and will raise this matter at the time of preparing the Community position in the meetings of the multilateral agreements to which both the Community and Turkey are a Contracting Party.

The Commission also points out that, in the ongoing enlargement process, the Community is ensuring that the ten new Member States become Parties to the various environmental agreements to which the Community is a Party, in accordance with the principle of unity of action and representation expressed by the European Court of Justice.

[1] Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992.

[2] OJ L 145, 12.6.2003.

(2004/C 33 E/210)

WRITTEN QUESTION P-2070/03

by Albert Maat (PPE-DE) to the Commission

(17 June 2003)

Subject: Derogation for prawn fishermen without quotas when the Vessel Monitoring System is introduced

As from 1 January 2004, vessels whose length is 18 million or more will be required to have a Vessel Monitoring System (VMS) on board. From 1 January 2005, this requirement will apply to vessels 15 m long or longer.

The Commission's website gives the following reason for introducing this requirement:

The basic function of VMS is to provide reports of the location of a vessel at regular intervals:

The monitoring authorities can check a range of factors including whether the vessel:

- operates in an area where fishing activities are not allowed;
- holds the necessary licences and quotas to fish in the relevant area;
- has sailed to a port without declaring its landings.

However, these reasons do not seem relevant to prawn fishermen who do not in addition have a quota for other species of fish.

1. Why is it important to include prawn fishermen without quotas among those to whose vessels the VMS requirement applies, bearing in mind that the requirement will have far-reaching consequences for small coastal fishermen because of the relatively high costs per vessel?

2. Will the Commission propose that this specific group be excluded from the requirement to instal VMS?

Answer given by Mr Fischler on behalf of the Commission

(29 July 2003)

1. The extension of the Vessel Monitoring System (VMS) to smaller vessels is part of the political agreement on the Reform of the Common Fisheries Policy (CFP) reached in December 2002. The aim of the extension is to improve the control and enforcement of the CFP in general.

From the outset, the Council has chosen not to implement VMS on a fishery by fishery basis. It is believed that VMS is more acceptable to the fishing industry if this type of monitoring applies equally to all fishing vessels based on the length criteria, which has the advantage of being easily identifiable and transparent. This in turn constitutes an important factor in favour of the creation of a Community-wide level playing field for the fishing industry.

This approach is consistent with the Communication from the Commission on the Reform of the Common Fisheries Policy (the so-called 'Road Map'). Therein, the Commission announced the removal of existing exemptions and the extension of VMS to all fishing vessels exceeding ten metres in length.

In order to ease the burden for the fishermen, Member States can apply for a community financial contribution for satellite tracking devices. For vessels already subject to VMS, a Community financial contribution has been paid proportionally to the expenditure incurred for the acquisition of the equipment. For the vessels smaller than 24 meters overall, the Commission will grant aid under similar conditions as it did in the past for the bigger vessels, within the budgetary constraints.

2. In the light of the above, the Commission does not have the intention to propose exemptions to the application of VMS after 1 January 2004.

(2004/C 33 E/211)

WRITTEN QUESTION E-2075/03

by Elspeth Attwooll (ELDR)
and Catherine Stihler (PSE) to the Commission

(24 June 2003)

Subject: Lifting the current ban on feeding fishmeal to ruminants

The current ban on feeding fishmeal to ruminants was implemented in December 2000 as a precautionary measure as a consequence of the BSE situation. There is, however, no evidence of links between fishmeal intake and TSE or BSE.

Since December 2000 TSE regulations and revised animal by-product legislation have been implemented. A satisfactory analysis method to distinguish between meat and bone meal and fishmeal has also been developed and ring-tested. The fishmeal industry has implemented quality systems that ensure that pure, safe and traceable fishmeal enters the trade and industry risk assessments indicate that the worse scenario from a cross-contaminated fishmeal is one incident in 100 years.

In the light of these developments and with reference to the employment impact of the ban will the Commission now lift the ban on its expiry on 30 June 2003?

Answer given by Mr Byrne on behalf of the Commission

(5 August 2003)

The Parliament and the Council recently adopted a proposal for a Regulation [1] which prolongs the transitional measures to Regulation (EC) No 999/2001 of the Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies [2], until 30 June 2005. The prolongation was necessary because of certain delays in establishing the bovine spongiform encephalopathy (BSE) status of countries. The ban on feeding fishmeal to ruminants was one of the transitional measures prolonged.

In parallel, a Commission proposal introducing the current provisions of the feed ban into Regulation (EC) No 999/2001 without a fixed time schedule, thus ending the transitional nature of the feed ban is now in the process of adoption. It will apply from 1 September 2003.

Fishmeal itself does not present a risk for BSE. The reason for banning fishmeal in feed is the control of the feed. In particular, the presence of fishmeal may hamper the control of the presence of ruminant meat-and-bone meal in feed. Results of a recent ring trial indicate that 50 % of the laboratories failed to detect a contamination of 0,1 % mammalian proteins in feed containing 5 % of fishmeal with the official detection method. Research to improve the method is ongoing.

It therefore seems appropriate to reconsider the use of fishmeal in ruminant feed only when improved control measure are available in the light of new scientific developments and, where appropriate, in the light of the outcome of a risk assessment.

A Commission working document outlining the state of play of the feed ban will be forwarded to the Parliament and the Council in the coming weeks.

[1] COM(2003) 103 final.
[2] OJ L 147, 31.5.2001.

(2004/C 33 E/212)

WRITTEN QUESTION E-2076/03

by Erik Meijer (GUE/NGL) to the Commission

(24 June 2003)

Subject: Funding for the protection of wolves in Russia in a natural environment by the establishment of extensive nature reserves such as cannot be established within the EU

1. Is the Commission aware that Russia is the only country in Europe where wolves still exist in large numbers and that they live in a natural habitat consisting of extensive, interconnected wooded areas where they act as nature's vacuum cleaners by killing of sick and weak animals?

2. Is the Commission also aware that experiments to return wolves to the wild will enjoy only limited success in the current and future Member States of the EU, since those countries have no interconnected and sparsely populated areas comparable with those in Russia, the result of which is that the continued presence of wolves in the Russian countryside remains of interest to other parts of Europe as well?

3. Has the Commission been informed that Russian nouveaux riches are increasingly regarding wolves as competitors in their hunting of boar, elk and bear for sport and that they are consequently paying large sums of money to professional hunters to kill as many wolves as possible?

4. Is the Commission aware of the experiments and investigations carried out by Volodya Bologov, a hunter turned conservationist in Boebonitso in the north-west of the Tver oblast (between St Petersburg and Moscow) with a view to promoting ecotourism and to managing wolves instead of killing them, and of the problems of acquiring funding for the maintenance of those activities because people prefer to give donations for the maintenance in and return to the wild of bears rather than for similar measures to help wolves?

5. What possibilities does the Commission see for EU co-financing of the sustainable survival of a nature reserve for wolves in the vicinity of EU territory, since something of that ilk is now no longer a serious possibility on EU territory itself? Who is entitled to apply for such aid?

Answer given by Mrs Wallström on behalf of the Commission

(18 August 2003)

The Commission knows that the wolf population of Russia is still sound and viable; nevertheless, it would like to point out that Spain and Romania also have viable wolf populations. Though the wolf favours forested areas, it can adapt to human-influenced environments and thus enhance its survival chances.

The Commission realises the difficulties in establishing and maintaining the wolf populations at their former levels in the Western parts of the Union. The Carpathian mountain range in the Accession Countries (Poland, Czech Republic, Slovakia, Hungary, Romania) still has viable wolf populations and the Commission endeavours to ensure their present and future well-being.

Wolf hunting practices in Russia leave much to be desired from a conservation point of view, especially as some of the federally funded regional conservation agencies provide special funding for this hunting. The Commission appreciates the work of the Central Forest Nature Reserve (Zapovednik) in Tver Oblast, with its research and ecotourism entrepreneurship programmes. In this context, the additional information provided by the Honourable Member is valuable.

The Community funding possibilities for Russian ecotourism/conservation projects are limited. The only Community funding possibility would be the TACIS programme. Under its rules, any project needs to fit into one of the agreed priority areas and needs to be approved by the Commission and the Russian Government in order to receive funding. Any Russian entity should address requests to the Director of the TACIS National Coordination Unit in the Russian Ministry of Economic Development and Trade, Ms Ganeyeva.

(2004/C 33 E/213) **WRITTEN QUESTION P-2079/03**

by Mario Borghezio (NI) to the Commission

(17 June 2003)

Subject: French swimming pools reserved for Muslim women — is this discrimination?

According to press reports (see 'Le Figaro', 11 June 2003), some French public swimming pools have created segregated areas for men and women in an attempt to win favour with the local Muslim communities.

Does the Commission not believe that this sets a disturbing precedent and represents a surrender by public bodies to the most extreme demands of Islamic fundamentalism?

Does the Commission not consider this forced segregation to be in clear breach of the principles of gender equality and equal treatment, as well as being contrary to the general principles of Community law?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(23 July 2003)

The Honourable Member is referring to recent press reports according to which French public swimming pools 'have created segregated areas for women and men in an attempt to win favour with the local Muslim communities'.

The Commission considers that such measures facilitate the daily life of both Muslim and non-Muslim women who prefer to use the facilities on a single-sex basis. Indeed, a number of French swimming pools have reserved specific times of the day when women and men can use, if they wish, the facilities separately from each other.

The Commission does not believe that this measure may be qualified as 'a surrender by public bodies to the most extreme demands of Islamic fundamentalism' given that women and men are free to use the swimming pools at any other time of the day as well. The Commission neither considers this measure as a breach of the principles of gender equality and equal treatment but rather as a means for ensuring the respect of both the personal preferences of certain people and the religious habits of some members of the Muslim communities.

(2004/C 33 E/214) **WRITTEN QUESTION E-2081/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(24 June 2003)

Subject: Government propaganda in Greece using resources from the third CSF

In recent days, we have watched in disbelief in Greece as the government has run a television propaganda campaign using the resources of the Community Support Framework. Supposedly, the publicity was to promote the operational programme 'Education' and the Community Support Framework in general. However, both the first and, even more so, the second advertisement resemble a publicity campaign for the governing party.

Typically, the advertisement 'promoting' the CSF in general, after describing at length the progress made in recent years in Greece as well as future achievements, finally flashes up for a split second the caption 'CSF 2000-2008'.

Since this publicity campaign runs blatantly counter to the spirit of the structural fund regulation, whereby the Union's contribution to the development of poor countries and regions should be highlighted, will the Commission say:

1. whether it approves of the government's propaganda campaign using Greek taxpayers' money and Community budget funds,

2. what the budget is for this campaign,

3. whether it has checked the accuracy of the data broadcast, and

4. when it will intercede with the Greek authorities to put an end to this propaganda campaign, which is doing nothing to promote the CSF?

Answer given by Mr Barnier on behalf of the Commission

(22 August 2003)

The Commission would refer the Honourable Member to its answer to written E-1905/03 by Mr Xarchakos [1].

[1] See page 187.

(2004/C 33 E/215) **WRITTEN QUESTION E-2088/03**

by Marjo Matikainen-Kallström (PPE-DE) to the Commission

(24 June 2003)

Subject: Recognition of Finnish engineering qualifications in Estonia

Finnish engineers have had practical difficulties in carrying on their occupation in Estonia because they cannot obtain the title corresponding to their qualifications. The fact that there is no body in Estonia responsible for awarding professional titles makes it considerably more difficult for Finnish engineers to work there.

Article 39 of the EC Treaty guarantees freedom of movement for workers and prohibits any discrimination to which workers from Member States might be subjected on the grounds of nationality when entering into a contract of employment or as regards pay and other working conditions. The failure to recognise the qualifications held by nationals of another Member State leads in practice to discrimination on the labour market.

What will the Commission do to eliminate the indirect discrimination based on nationality which engineers suffer in Estonia?

Answer given by Mr Bolkestein on behalf of the Commission

(4 August 2003)

As of now, Estonia has no legal obligation to recognise engineering diplomas (or Finland to recognise an Estonian diploma). Although the Accession Treaty has been signed, such an obligation will only arise once that Treaty comes into force, which is scheduled to happen on 1 May 2004.

The profession of engineer, if regulated in Estonia, falls within Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration [1]. The information available to the Commission is, however, that the profession is not regulated in Estonia. The principle of that Directive is that if someone is qualified to practice a regulated profession in his/her Home State, the Host State must accept that qualification and allow the applicant to practise the profession in question on its territory, on an equal footing with locally trained professionals.

However, in the case of substantial differences in the applicant's qualifications and professional experience vis-à-vis the qualifications required in the Host State, the authorities of the latter may require the applicant to have already completed up to four years of relevant professional experience or to undergo a compensation measure, at the applicant's choice, in the form of either a period of supervised practise or an aptitude test (see Articles 1, 3 and 4 of the said Directive). The decision has to be taken within four months of the receipt of the application, be reasoned and subject to judicial review. The same principles apply for the provision of services although the decision should be taken with the utmost celerity so as not to hinder or render impossible the provision of the services in question.

When the profession is not regulated, as seems to be the case in Estonia, no legal requirements apply to its exercise and therefore there is no need to apply any recognition mechanism. In any case, the Commission will continue to verify that all Community Directives on the recognition of professional qualifications, and Directive 89/48/EEC in particular, will be fully and correctly implemented in Estonia.

As regards rules on free movement of workers, under article 36 of the association agreement between the Communities and their Member States and Estonia, the principle of non discrimination applies to nationals of a Member State who are legally employed in the territory of Estonia as regards working conditions, remuneration or dismissal. From the information provided by the Honourable Member it does not follow necessarily that Finnish engineers are being discriminated against on these aspects.

(1) OJ L 19, 24.1.1989.

(2004/C 33 E/216) **WRITTEN QUESTION E-2092/03**

by Paulo Casaca (PSE) to the Commission

(24 June 2003)

Subject: Clearance of the accounts of EAGGF Guarantee Section paying agencies in Portugal

According to information published in Official Journal L 114 of 8 May 2003, the Commission has decided, in the context of the clearance of accounts for the EAGGF Guarantee Section, to make significant reductions to the amounts allocated in various Member States.

Taking account of the volume of funding involved, these reductions were particularly large in Luxembourg, Greece and Portugal, and may become even more severe in the case of Portugal owing to the postponement of the decision on clearance of the accounts for IFADAP.

Can the Commission provide a detailed explanation of the reasons for these cuts in the appropriations earmarked for Portuguese agriculture?

Answer given by Mr Fischler on behalf of the Commission

(28 July 2003)

In its Decision 2003/313/EC of 7 May 2003 (1), the Commission cleared the accounts of Member States' expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2002 financial year, under Article 7(3) of Regulation (EC) No 1258/1999 (2).

The Decision relates to the completeness, accuracy and veracity of the accounts submitted and does not prejudge any decision taken subsequently on the compliance of the expenditure with Community rules.

The bookkeeping procedures behind this Decision are explained in detail in its fifth recital. The result of the clearance operation is reflected in the Decision as a possible discrepancy between the total expenditure booked to the accounts for the financial year in question under Article 151(1) and Article 152 of Council Regulation (EC, Euratom) No 1605/2002 (3) and the total expenditure accepted by the Commission in its Decision.

In determining total expenditure in the case of Portugal, the Commission took account in particular of the penalties provided for in Article 39 of Regulation (EC) No 1750/1999 [4] in the area of rural development, corrections for failure to meet the payment deadlines laid down for the various common market organisations and the annual expenditure declared by the Portuguese authorities.

The Commission would point out to the Honourable Member that the net financial impact on Portugal of the accounts clearance Decision for the 2002 financial year is in fact an amount of EUR 483 840,10 payable to that Member State.

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(1) 2003/313/EC: Commission Decision of 7 May 2003 on the clearance of the accounts of Member States' expenditure financed by the European Agricultural Guidance and Guarantee Fund (EAGGF), Guarantee Section, for the 2002 financial year, OJ L 114, 8.5.2003.

(2) Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy, OJ L 160, 26.6.1999.

(3) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.9.2002.

(4) Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF), OJ L 214, 13.8.1999.

(2004/C 33 E/217) **WRITTEN QUESTION E-2098/03**

by Sebastiano Musumeci (UEN) to the Commission

(25 June 2003)

Subject: SARS emergency: preventive measures

SARS, or atypical pneumonia, a disease whose origins have not yet been established and for which thee is so far no cure, has become the new plague of the third millennium, thanks to the ease with which it spreads. By reason of its contagiousness it is affecting dozens of new victims every day, mostly in China and South-East Asia.

Effective preventive measures against the spread of SARS must meet a number of minimum joint criteria in all countries, and even more so in the EU Member States, given the urgent need to implement preventive measures to combat this disease.

1. Can the Commission state whether it believes it is necessary to promote and cofinance a large-scale, Europe-wide information campaign (e.g. on the lines followed in Singapore and Taiwan) with a view to establishing how SARS is transmitted and determining the precautions needed to prevent contagion?

2. Does the Commission consider it necessary to propose introducing checks (e.g. temperature controls) at all the EU's external borders, in view of the speed and apparent ease of transmission of SARS and the circumstances of its presence in a number of third countries?

Answer given by Mr Byrne on behalf of the Commission

(15 July 2003)

The public health measures put in place by the Member States, facilitated through the Union's network for the epidemiological surveillance and control of communicable diseases in the Community working under Decision No 2119/98/EC of the Parliament and of the Council of 24 September 1998 [1], have already been able to contain the outbreak of Severe Acute Respiratory Syndrome (SARS) in the Union. As there is no local transmission an information campaign based on those countries where the disease was rampant was not necessary. The Commission has agreed an action plan with Health Ministries to ensure better preparedness in the future and an information campaign would be considered as part of this plan for the future (http://europa.eu.int/comm/health/phthreats/com/sars/sars_en.htm).

The Commission agrees with the World Health Organisation (WHO) that entry screening measures are not efficient in detecting new cases and create a false sense of security in the public and in the health authorities. Exit screening from affected countries is one of the best measures undertaken in containing the spread of SARS. The efficacy of such measures will be kept under review in the light of scientific evidence.

(1) OJ L 268, 3.10.1998.

(2004/C 33 E/218) **WRITTEN QUESTION E-2100/03**

by José Ribeiro e Castro (UEN) to the Commission

(25 June 2003)

Subject: Fishing in the EU's western waters

Recently (on 4 June) the European Parliament voted to ensure that Regulations (EEC) No 2847/93 [1] and (EC) No 685/95 [2] would remain in force for a 10-year period, and it did so in connection with its vote on its legislative resolution on a proposal for a Council regulation on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EEC) No 2847/93.

Parliament's position was supported by an overwhelming majority of 334 to 108, with 48 abstentions.

Notwithstanding the allocation of powers and responsibilities amongst the various EU institutions, such a clear and eloquent expression of a political view by those elected to represent the people of the various EU Member States (more than an absolute majority of Parliament's total membership and over two-thirds of the votes cast) cannot be ignored either by the Commission or by the Council.

However, it continues to be reported that new rules on access to the EU's western waters (in particular those along the Portuguese coast) are being drawn up in blatant contradiction to Parliament's vote. Furthermore, the new rules would allow access in certain cases within the 12-mile limit and, in others, within the 50-mile limit. This would jeopardise not only the conservation of valuable resources in those waters but also the social and economic balances which have been preserved by means of the CFP and the objectives thereof.

The Commission:

— does it intend to ensure that the above-mentioned wishes expressed by the European Parliament are respected;

— if it does not, in what way and on what basis does it plan to ignore them?

(1) OJ L 261, 20.10.1993, p. 1.
(2) OJ L 71, 31.3.1995, p. 5.

Answer given by Mr Fischler on behalf of the Commission

(25 July 2003)

The Commission has taken note of the vote of the Parliament, that took place on 4 June 2003, on the Commission's proposal [1] for a Council Regulation on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EEC) 2847/93 [2], the so called Western waters Regulation.

As the Commission has made clear on various occasions since it tabled its proposal, there is a clear legal imperative to revise the effort limitation regime that was adopted in 1995, following the expiry of the transitional access arrangements in the Act of Accession of Spain and Portugal from 1985. Indeed, after 2002 the 1995 regime is in contradiction with primary law. It is therefore not a viable option to let the 1995 Regulations remain in force for a further 10 year period but these have to be replaced.

However, taking account of the resolution adopted by the Parliament and having listened to the arguments put forward in this context, the Commission is now seeking to establish a biologically sensitive area within the scope of the Western waters Regulation. This area would be subject to specific measures which will take into account the views expressed by the Parliament.

As regards the Portuguese continental waters, it should be recalled that according to Article 17(1) of the framework Regulation for the Common Fisheries Policy [3], a fundamental principle of this policy is that Community fishing vessels have equal access to waters beyond 12 nautical miles off the baselines.

As a consequence of the 1985 Act of Accession for Spain and Portugal, ICES [4] area IXa was divided between these two Member States according to their national boundaries. This was however clearly a transitional arrangement, alongside other temporary arrangements for the integration of Portugal and Spain into the Community, which now must come to an end. The separation between Spanish and Portuguese waters beyond 12 nautical miles is clearly not in line with Article 17 (1) referred to earlier and it simply cannot be permanently upheld within the Community to exclude access to waters under one Member State's jurisdiction for other Member States, neither legally nor politically. This is valid for all Community waters, not only Portuguese waters. It should also be recalled that this approach has already been accepted in the TAC and Quota Regulation for 2003, adopted by the Council in December 2002, in which the corresponding separation of ICES area IXa was abolished.

If there are conservation problems appearing in the area in question, they should be regulated at Community level according to the ordinary procedures which are applied within the Common Fisheries Policy. The Commission is always prepared to examine such claims and to take the necessary action.

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[1] COM(2002) 739 final.
[2] Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy, OJ L 261, 20.10.1993.
[3] Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy, OJ L 358, 31.12.2002.
[4] ICES = International Council for the Exploration of the Sea.

(2004/C 33 E/219) **WRITTEN QUESTION E-2102/03**

by José Ribeiro e Castro (UEN) to the Commission

(25 June 2003)

Subject: CAP reform — Mediterranean produce

Recently, on 3 June, at the close of the European Parliament's debate on the reform of the CAP, Mr Fischler (Commissioner) gave an undertaking that Mediterranean produce would soon be entitled to the same support as that for which other types of agricultural produce are eligible. This is a most interesting and important statement.

The Commission:

— would the Commission say what measures will flow from this granting of aid for Mediterranean produce?

— when, how and in respect of which products does the Commission intend to implement this new policy?

Answer given by Mr Fischler on behalf of the Commission

(28 July 2003)

At the meeting on 26 June 2003 of the Council of Agricultural Ministers in Luxembourg, the Commission engaged itself to submit in autumn 2003 a communication on the reform of the common market organisations for three major Mediterranean products, namely olive oil, tobacco and cotton, and to follow that communication with legal proposals.

As in its July 2002 communication, the Commission intends to provide a long-term policy perspective for these sectors in line with their present budgetary envelope and the new framework for agricultural expenditure agreed at the Brussels European Council in October 2002, based on the objectives and the approach of the reform agreed by the Council of Ministers at that same meeting in Luxembourg.

The Communication to the Council and the Parliament will contain a detailed presentation of the reform proposal and its modalities of application for olive oil, cotton and tobacco. For sugar, there will be a description of the various options and their impact. At the same time, the Commission will also consider the adoption of a proposal for the reform of CMO for hops.

The relevant legal propositions for olive oil, cotton and tobacco will be presented to the Council and the Parliament before the end of November 2003.

(2004/C 33 E/220) **WRITTEN QUESTION E-2105/03**

by Niels Busk (ELDR) to the Commission

(25 June 2003)

Subject: Possible lifting of fish meal ban

As imported commodities have now been checked for MMBM (mammalian meat and bone meal) at the time of entry into the EU for around two years, can the Commission give an account of any positive findings since the introduction of the checks classified by commodity?

Further, as there is now also a new method of analysis which distinguishes fish meal and meat and bone meal which has been ringtested with positive results, will the Commission review its position and consider lifting the temporary ban on fish meal in ruminant diet?

Answer given by Mr Byrne on behalf of the Commission

(24 July 2003)

In accordance with point 2 in Annex I to Commission Decision 2001/9/EC [1], each consignment of imported fishmeal shall be analysed to exclude the presence of mammalian proteins. Member States have reported the result of 10 407 analyses on the presence of animal proteins in feed materials sampled in 2001 and 2002. The frequency of animal proteins prohibited by Council Decision 2000/766/EC [2] was 1,5 % in 2001 and 0,64 % in 2002. Separate data on the number of samples of fishmeal, and of the frequency of mammalian proteins in fishmeal are not available. Since notifications for feed were introduced in the Rapid Alert System in 2002, there has been one notification which informed on the presence of mammalian proteins in fishmeal.

Fishmeal itself is not considered as a risk for bovine spongiform encephalopathy (BSE). The reason for banning fishmeal in feed is the control of the feed. In particular, the presence of fishmeal may hamper the control of the presence of ruminant meat-and-bone meal in feed. Results of a recent ring trial indicate that 50 % of the laboratories failed to detect a contamination of 0,1 % mammalian proteins in feed containing 5 % of fishmeal with the official detection method. Research to improve the method is ongoing.

It therefore seems appropriate to reconsider the use of fishmeal in ruminant feed only when improved control measures are available or in the light of new scientific developments and, where appropriate, the outcome of a risk assessment.

A Commission working document outlining the state of play of the feed ban will be forwarded to the Parliament and the Council in the coming weeks.

(1) Commission Decision 2001/9/EC of 29 December 2000 concerning control measures required for the implementation of Council Decision 2000/766/EC concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal, OJ L 2, 5.1.2001.

(2) Council Decision 2000/766/EC of 4 December 2000 concerning certain protection measures with regard to transmissible spongiform encephalopathies and the feeding of animal protein, OJ L 306, 7.12.2000.

(2004/C 33 E/221)

WRITTEN QUESTION E-2106/03

by Christopher Huhne (ELDR) to the Commission

(25 June 2003)

Subject: Food legislation

Can the Commission state whether there is any legislation that prevents some British food chain stores from donating food to charities that they would normally throw away?

Answer given by Mr Byrne on behalf of the Commission

(23 July 2003)

The general principles and requirements of food law are laid down in Regulation (EC) No 178/2002 of the Parliament and of the Council of 28 January 2002 (1), which covers all stages of production, processing and distribution to the final consumer. In particular, article 14 establishes a general food safety obligation (2):

1. Food shall not be placed on the market if it is unsafe

2. Food shall be deemed to be unsafe if it is considered to be:

   (a) injurious to health;

   (b) unfit for human consumption.

Circumstances, which shall be taken into account in determining whether any food is unsafe, injurious to health or unfit for human consumption, are laid down in paragraphs 3 to 9 of the same article.

Article 3.8 of the said Regulation defines 'placing on the market' as the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale distribution and other forms of transfer themselves.

The donation of food by a food chain store to charities constitutes a form of free of charge transfer of food. Consequently, it must be considered as placing on the market and as such is subject to the requirements established in the aforementioned article 14.

It follows that, in the light of article 14 of Regulation (EC) No 178/2002, food business operators may not donate to charities food, which they would normally throw away because of non-compliance of the food in question with the food safety requirements.

However, it should be noted that article 14 of Regulation (EC) No 178/2002 does not prevent food business operators from donating to charities safe food, which they would normally throw away, because of its non-compliance with private quality standards voluntarily adopted by the operators in question.

(1) OJ L 31, 1.2.2002.

(2) Although, according to the Regulation, article 14 shall apply only from 1 January 2005, it should be considered to apply also at present, given that it does not create a new legal obligation for food business operators but it simply confirms an overriding principle of food legislation. In any case, until 1 January 2005, the general food safety requirement is covered by the equivalent provisions (article 3) of the general product safety Directive 92/59/EEC, which will be repealed the 15 January 2004 by Directive 2001/95/CE. The provisions of this Directive apply in so far as there are no specific Community rules governing the products concerned.

(2004/C 33 E/222) **WRITTEN QUESTION P-2107/03**

by Isabelle Caullery (UEN) to the Commission

(18 June 2003)

Subject: Non-governmental organisations in Moldova

Can the Commission tell us which types of programme, project and/or budget lines can be called upon to support the activities in Moldova of NGOs set up under Moldovan law?

Can it also state the criteria that the NGOs must meet before they can apply for subsidies from the European Union?

Answer given by Mr Patten on behalf of the Commission

(29 July 2003)

The Commission is committed to supporting non-governmental organisations (NGOs) directly, through projects and grants, and to involving them whenever possible in its initiatives.

The Delegation of the Commission to Ukraine, Moldova and Belarus is running a programme for small grants to NGOs in the framework of the European Initiative for Democracy and Human Rights. In addition, the Institutional Building Partnership Programme (IBPP) is designed to strengthen NGOs and other local initiatives through partnership with similar bodies in the Union and neighbour countries. Refinancing the IBPP is foreseen in the draft Action Programme (AP) 2003 for Moldova.

The draft AP 2003 for Moldova also envisages:

— a project to support civil society which aims to increase the influence of civil society in political life and to provide well-targeted support to the social sector through civil society organisations;

— four different projects will be implemented with the Council of Europe, aimed at strengthening the protection of human rights in Moldova. The projects cover training of judges, lawyers, prosecutors, trade unions, NGOs and law students in human rights. They also cover assistance in the implementation of the Revised European Social Charter and assistance in strengthening local democracy.

The Community is furthermore providing financial support through the United Nations Development Program (UNDP) for actions against trafficking in human beings and women, and tackling the various aspects of drug use and trafficking. Both actions have a heavy involvement of NGOs.

As regards the conditions for obtaining grants, NGOs have to satisfy the eligibility criteria set out in specific detail in each call for proposals. These criteria are announced together with the call for proposals, are transparent, and accessible to all potential applicants. They generally include conditions on the status (non-profit-making), geographic location, trade record and financial viability.

(2004/C 33 E/223) **WRITTEN QUESTION P-2110/03**

by Margrietus van den Berg (PSE) to the Commission

(19 June 2003)

Subject: Closure of the Europa Centrum in the Netherlands

Is the Commission aware that the Europa Centrum in the Hague, a foundation providing information on the EU, will close on 1 July 2003?

How does the Commission explain that the foundation has not been granted a subsidy for 2003?

Does the Commission agree with me that information on the European Union and its institutions is of crucial importance?

How does the Commission plan to ensure that in the year ahead, in which events of major importance for the EU are on the agenda (enlargement to include ten new countries, European Parliament elections, drafting of a Constitution), reliable and detailed information can be provided in the Netherlands if the Europa Centrum foundation — which is a key source of information for young people and schools — is no longer able to take on this task?

Is the Commission prepared to reconsider the foundation's application for a subsidy? If so, when will it be able to give its final answer? If not, why not?

Answer given by Mr Prodi on behalf of the Commission

(16 July 2003)

The Commission is aware of and deeply regrets the fact that Europa Centrum will close on 1 July 2003. Information and communication about the Union and its Institutions is extremely important, as the Honourable Member recalls, particularly in the Netherlands, which will assume the Union-presidency in the second half of 2004. The loss of Europa Centrum is therefore clearly felt by the Commission and the national authorities in the Netherlands.

As the Honourable Member knows, the new Financial Regulation [1] prevents operating grants to organisations such as Europa Centrum which cannot exist solely on the basis of project-based subventions, via calls for proposals.

As far as this kind of project-based grants is concerned, the Europa Centrum has been awarded in 2003 two grants by the Directorate General (DG) for Education and Culture, in the framework of the Calls for Proposals addressed to Non-Governmental Organisations and Associations of European Interest. Unfortunately, after the sad decision to terminate its activities, the Europa Centrum will not be able to use these grants.

It goes without saying that, if Europa Centrum changes this decision in the future and starts over its activities, nothing would prevent it to present one or more projects in the framework of new calls for proposals and the Commission would of course seriously consider them, as it does with any other project.

A call was published by the Commission's Representation in the Netherlands in May 2003, following the adoption of the work programme for DG Press and Communication on 28 March 2003. The first deadline for this call was set at the 30 June 2003.

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[1] Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.9.2002.

(2004/C 33 E/224)

WRITTEN QUESTION E-2113/03

by Erik Meijer (GUE/NGL) to the Commission

(25 June 2003)

Subject: Emergence in Europe of a new monopoly on dissemination of information via the Internet and worrying collection of personal data

1. Is the Commission aware that in five years the search engine Google has acquired an increasingly dominant position on the Internet, such that it has practically eliminated all its competitors, in Europe and elsewhere?

2. Is the Commission aware that Google sells search keywords to the highest bidder, so that, for example, in the run-up to the recent elections in Belgium, anyone searching with the Dutch word 'verziekingen' (elections) was automatically sent to the site of the Vlaams Blok party?

3. Is the Commission aware that Google News systematically monitors other information sites, and selects and modifies data from them on the basis of unknown criteria of its own choice, and that a European version will soon follow those for America, Australia and India?

4. Is the Commission aware that in the United States Google gives the telephone number of anyone whose name and address are typed in, together with a plan of their neighbourhood and possibly any data that has been gathered about the person over the years?

5. Is the Commission aware that Google takes over businesses specialising in 'weblogs', i.e. on-line journals of young people, which can later be used as evidence against them and could follow them all their lives, causing them to lose jobs and making it impossible for them to form relationships?

6. Is the Commission aware that Google's 15 000 or so computers record all individual searches, keep a register of the sites consulted and store this information, so that it is permanently exploitable for marketing and tracking purposes?

7. Does the Commission take the view that, in order to protect citizens' privacy, binding rules should be adopted in this context in order to limit this future information monopoly and the abuses to which it could lead? What initiatives is the Commission taking to this end?

Source: De Volkskrant (Netherlands daily) of 24 May 2003

Answer given by Mr Bolkestein on behalf of the Commission

(7 August 2003)

1. The Commission monitors developments in this market with interest. The Commission notes that there are many Internet search engines available in the market, with a variety of business models. The Commission has not received any complaints about abuse of a dominant position by Google, and as such is not investigating the company.

2. In its web-site http://www.google.com/technology/index.html Google explains the ranking method it uses (number of page links). In addition, it gives the possibility of sponsored links, listed separately. The option mentioned by the Honourable Member (direct link to the highest bidder) does not seem to be available.

3. The Commission has not received any complaints from any affected party (on competition, intellectual property, consumer protection or other grounds) concerning the monitoring or modification of other information sites by Google.

4., 5. and 6. The Commission is aware of the publication of some press articles that refer to alleged practices by Google. To the extent that such practices took place in the Union or concerned European citizens, some of them would fall under the scope of application of the European personal data protection rules. There is no precise evidence of such practices, however, that would currently allow further investigation by the Commission services. What is reported in the press is unclear and in some cases manifestly inaccurate. Google branches established in the Member States fall within the jurisdiction of those Member States.

7. As regards privacy and data protection, in particular, the Commission recalls that, where applicable, the existing legal framework concerning data protection (in particular Directives 95/46/EC [1] and Directive 97/66/EC [2] to be replaced by Directive 2002/58/EC [3]) contain appropriate rules concerning the protection of privacy and the processing of personal data in the European context. Directive 95/46/EC notably requires that processing pursue legitimate purposes. Directive 97/66/EC (and Directive 2002/58/EC) notably include provisions on directories of subscribers to public communications services. The Commission does not currently envisage additional binding rules.

[1] Directive 95/46/EC of the Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23.11.1995.
[2] Directive 97/66/EC of the Parliament and of the Council of 15 December 1997 concerning the processing of personal data and the protection of privacy in the telecommunications sector, OJ L 24, 30.1.1998.
[3] Directive 2002/58/EC of the Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002.

(2004/C 33 E/225) **WRITTEN QUESTION E-2117/03**

by Claude Moraes (PSE) to the Commission

(25 June 2003)

Subject: Data Protection Directive

The Data Protection Directive (95/46/EC [1]) was adopted EIGHT years ago in 1995.

Will the Commission please give details of which Member States have not yet implemented the Data Protection Directive?

[1] OJ L 281, 23.11.1995, p. 31.

Answer given by Mr Bolkestein on behalf of the Commission

(23 July 2003)

The Honourable Member inquires which Member States have not yet implemented the Data Protection Directive, Directive 95/46/EC of the Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data. All Member States have notified implementing measures to the Commission. France notified the data protection law of 1978 while announcing its intention to pass a new law that is not yet adopted.

The Honourable Member can find more details about the implementation of the Data Protection Directive in the report recently adopted by the Commission [1] (15 May 2003).

[1] http://europa.eu.int/comm/internal_market/privacy/lawreport/data-directive_en.htm.

(2004/C 33 E/226) **WRITTEN QUESTION E-2118/03**

by Claude Moraes (PSE) to the Commission

(25 June 2003)

Subject: Temporary Agency Workers Directive

Will the Commission please give its view on the failure to reach agreement on the Temporary Agency Workers Directive on 3 June?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(12 August 2003)

The failure of the Employment and Social Affairs Council of 3 June 2003 to reach agreement on the draft temporary agency workers Directive [1] was due to a blocking minority of four Member States (Denmark, Germany, Ireland and the United Kingdom) who were demanding a permanent exemption for assignments of less than six months from the application of the principle of equal treatment for temporary agency workers. Such an exemption would have meant that the vast majority of temporary agency workers would fall outside the scope of the equal treatment provisions of the Directive.

The Lisbon European Council (23 and 24 March 2000) called for a balance between flexibility and security for Community labour markets. The Commission's proposal tries to strike this balance by providing minimum protection for temporary agency workers on the one hand, and by lifting current restrictions on the use of that type of work in order to create jobs on the other. The Commission hopes that a common position will be reached without delay and is committed to playing its role in ensuring that the mandate of the Brussels European Council of March 2003 to reach agreement by December 2003 is respected.

[1] Proposal for a Directive of the Parliament and the Council on working conditions for temporary workers, OJ C 203 E, 27.8.2002 as amended, COM(2002) 701 final.

(2004/C 33 E/227) **WRITTEN QUESTION E-2124/03**

by Bart Staes (Verts/ALE) to the Commission

(25 June 2003)

Subject: Recruitment of officials from the accession States

The Official Journal of the European Communities of 22 May 2003 (C 120 A — Volume 46 — EN) announced 1 355 vacancies for which only nationals of the ten new Member States could apply ('You must be a … citizen').

In a press release (IP/03/747) of 26 May 2003, the Commission stated that over a period of seven years 3 900 officials would be recruited from the new Member States.

Article 17 of the EC Treaty reads:

> '1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.'
>
> '2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.'

Article 39 of the EC Treaty reads:

> 1. Freedom of movement for workers shall be secured within the Community.
>
> 2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment (…)
>
> 4. The provisions of this article shall not apply to employment in the public service.

Does Article 39(4) also apply to officials and other staff of the European institutions? On the basis of what argument?

Does the Commission accept that the required qualifications listed in the Official Journal of 22 May 2003 do not necessarily have to be associated with a nationality? If not, why not? If so, why has it not made all citizens of the Union eligible for these posts?

Does the Commission agree that this constitutes discrimination against applicants from the existing Member States? If not, what is the Commission's message to the — predominantly young — applicants from the fifteen existing Member States who wish to make careers at the European institutions but will find it impossible or virtually impossible to do so because of the quotas for recruitment of candidates from the new Member States?

Can the Commission provide an overview of the numbers of staff recruited in 2000, 2001 and 2002, broken down by nationality (of the Member States), age and level (of post)?

Answer given by Mr Kinnock on behalf of the Commission

(12 August 2003)

The rules governing the selection of officials for the European institutions are based on the Staff Regulations. Article 27 of Title III of the Staff Regulations stipulates that 'recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities'.

Article 27 further stipulates that 'No posts shall be reserved for nationals of any specific Member State'.

As has been the case at the occasion of previous enlargements of the Union, the Commission has adopted a proposal for a temporary exemption clause to the Staff Regulation. It provides for the possibility of recruiting officials from the future new Member States on the basis of citizenship in order to ensure a necessary minimum intake of staff from these countries within the services of the institutions. This proposal, which is currently being discussed in the Council of the European Union, foresees a validity of seven years.

This Commission proposal also provides for the possibility, during that seven years period, to undertake the organisation of competitions specifically related to citizens of the present 15 Member States, in order to ensure balanced recruitment on the broadest possible geographical basis throughout the transitional period following the date of accession of the future new Members States.

In spite of the exceptional character of the exemption clause allowing for recruitment on the basis of citizenship of one of the future new Member States, it must be underlined that the continuation of the organisation of EUR-15 competitions provides an overall framework for a recruitment policy which is in line with the principles laid down in article 39 of the EC Treaty.

Information concerning recruitment by nationality can be found in the tables that are sent direct to the Honourable Member and to Parliament's Secretariat.

(2004/C 33 E/228) **WRITTEN QUESTION E-2125/03**

by Bart Staes (Verts/ALE) to the Commission

(25 June 2003)

Subject: Fixed book prices

In a resolution of 16 May 2002 (P5_TA(2002)0244), the European Parliament called on the Commission to submit to Parliament by the end of 2002 (!!), on the basis of Article 95 of the EC Treaty, a legislative proposal on the fixing of book prices.

Has the Commission drafted a legislative proposal, and can it indicate the substance of the proposal? If not, why has the Commission not acted upon this request by the European Parliament?

Answer given by Mr Bolkestein on behalf of the Commission

(5 August 2003)

On 4 November 2002, the Member of the Commission responsible for the Internal Market informed the Parliament's Legal Affairs and Internal Market Committee that book price fixing systems existed in various Member States in the form of legislation or professional agreements. He explained that these systems had not caused any problems to date with regard to Court of Justice case law in this field.

The Member of the Commission also stated that, in keeping with its commitments to clarify and modernise European legislation, the Commission felt that harmonisation of these national systems would not bring sufficient benefits to justify changes to the legal framework developed by the Court of Justice.

No new information has been received since then to justify changing this analysis.

In addition, as the Member of the Commission pointed out, and following a detailed examination of the Parliament's legislative proposal of 16 May 2002, the Commission considers that the definition of the key concept of 'circumvention' established by this proposal is too broad and is likely to significantly impede the free movement of books between Member States, particularly those involved in e-commerce. A broad definition of 'circumvention' would also be incompatible with the obligation to interpret restrictively all exceptions to the fundamental freedoms guaranteed by the EC Treaty.

The Commission also notes that this approach has been adopted by all the national book price fixing systems, including the German system adopted on 2 September 2002.

It should also be stressed that the proposal for a Commission Regulation on sales promotions implicitly authorises the prices of certain products to be fixed nationally, insofar as provision is made, in this respect, for a specific exception to the ban in principle on Member States limiting the value of sales promotions: by virtue of this exception, the Member States are therefore authorised to specifically limit the value of discounts (and not of other promotions) for fixed-price products.

In view of the above, the Commission has decided, for the moment, not to back the idea of an ad hoc legislative proposal such as that proposed by the Parliament.

At any rate, it is continuing to monitor the implementation of national book price fixing systems and their compliance with Community law. If ever this were to prove necessary, it would consider all practical initiatives.

(2004/C 33 E/229) **WRITTEN QUESTION P-2138/03**

by Theodorus Bouwman (Verts/ALE) to the Commission

(20 June 2003)

Subject: Breach of the directive on working time (directive dealing with a number of aspects of the organisation of working time) by several Member States

Not least through the proceedings of the working group of national experts, the Commission is no doubt aware that a number of Member States have failed to comply with the judgment handed down by the Court of Justice of the European Communities in the SIMAP case (C-303/98).

Can the Commission answer the following questions:

1. Is it true that the above-mentioned working group of national experts is considering means of restricting or nullifying the implications of the SIMAP judgment?

2. In its answer to an earlier question (P-3515/02 [1]), the Commission made clear that the Member States must take the measures required to implement the directive and comply with the Court of Justice judgment. However, the answer also reveals that the Netherlands, where waiting periods are still regarded as rest periods and workers in some sectors work considerably more than 48 hours per week, has failed to comply with the judgment. Accordingly, the Netherlands has been in breach of EU law for almost 1000 days since 3 October 2000. Is it therefore not high time that infringement proceedings were started?

3. Would it be right to assume that the continuing failure, after almost three years, to complete the impact study or the fact that the directive is to be assessed in late 2003 will have no bearing on the decision to launch infringement proceedings?

(1) OJ C 110 E, 8.5.2003, p. 217.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(16 July 2003)

The Commission organised a meeting with Member States' representatives on 28 April 2003 regarding the future communication from the Commission concerning Directive 93/104/EC [1]. The agenda for this meeting included an item on the follow-up to the SIMAP judgment [2]. At this meeting, the Commission informed the Member States' representatives of the latest developments and held a debate with a view to ascertaining their opinions so that these could be taken into account in the communication on working time.

In addition, the Commission is currently analysing Member States' legislation in the light of the SIMAP judgment, with a view to proposing the launch of the procedure provided for in Article 226 of the EC Treaty in all cases where this is justified.

(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) Judgment of the Court of 3 October 2000, Case C-303/98, Sindicato de Médicos de Asistencia Pública (Simap) v. Conselleria de Sanidad y Consumo de la Generalidad Valenciana, European Court Reports 2000, p. I-07963.

(2004/C 33 E/230) **WRITTEN QUESTION P-2144/03**
by Michl Ebner (PPE-DE) to the Commission

(24 June 2003)

Subject: Quality standards for imports

In the European Union, quality standards in agriculture are set at a very high level. That is very much to be welcomed.

In the case of imports of agricultural products from non-EU countries, however, are the same standards genuinely complied with?

Is this regulated by the EU?

Only clear harmonisation of provisions on imports, too, can protect European consumers and ensure that European farmers are competitive.

Would the Commission comment on this?

Answer given by Mr Byrne on behalf of the Commission

(29 July 2003)

The Commission insists that food should be safe, irrespective of its origin. Therefore, as a general principle, imports of agricultural products must offer equivalent levels of safety as products of Community origin.

The key legislation in the food safety and animal health sectors include provisions to this effect. There is a range of controls in place to ensure that these provisions are respected.

These can be summarised as follows:

— third countries wishing to export live animals and animal products to the Community must be approved. The approval process includes verification of the organisation and powers of the competent authority, animal health status hygiene controls and controls on residues of veterinary medicines and banned substances, legislation etc;

— the Food and Veterinary Office of the Commission carries out periodic inspection missions in third countries, in particular in countries seeking approval to export to the Community, to verify their control systems;

— establishments in third countries wishing to export animal products to the Community must similarly be authorised by the Commission on the basis of guarantees from their competent authorities;

— all imports must be checked at the point of entry to the Community, at border inspection posts. These checks include documentary and identity and physical checks. Random checks for residues and banned substances are also carried out;

— Member States are alerted to breaches of food safety requirements from imports through the Rapid Alert System on Food and Feed and are asked to take appropriate follow-up action;

— there is a high level of harmonisation in relation to these measures. Moreover, new legislation is increasingly being enacted through the use of regulations of the Council and the Parliament rather than Directives which will ensure an even higher level of uniformity. The current proposal for a Regulation of the Parliament and the Council on food and feed controls [1] will, in particular, provide for an up-to-date regulatory framework;

— where there is evidence that imported agricultural products are unsafe, the Commission takes corrective action. This is a function of the seriousness of the situation but can extend to a requirement for 100 % testing at import for banned substances or an outright ban on imports;

— the Commission is satisfied that this framework ensures that there are equivalent levels of safety between imported agricultural products and imports. This in turn ensures that European producers are not put at a competitive disadvantage with respect to measures guaranteeing safety;

— it is a fact that very high standards for animal welfare apply within the Community. In order to safeguard the interests of the Community producer the Community proposes in the framework of the next World Trade Organisation (WTO) round to exempt compensation of additional costs to meet animal welfare standards from reduction commitments where it can be clearly shown that these costs stem directly from the adoption of higher standards and thus are not, or at most minimally, trade distorting.

[1] COM(2003) 52 final.

(2004/C 33 E/231) **WRITTEN QUESTION E-2148/03**

by Giovanni Pittella (PSE) to the Commission

(27 June 2003)

Subject: Non-profit-making bodies

Non-profit-making bodies, in particular ones set up by young people and active in the cultural sphere, incalculably enrich European society and constitute a basic force for socio-cultural development and integration.

However, even though it is considered important that non-profit-making bodies should tender for and run EU projects, such bodies find it difficult to secure access to programmes co-financed by the EU on account of the procedural problems they encounter and, in particular, the fact that they cannot implement projects without having money to spend in advance.

In view of the above, is the Commission intending to propose a scheme whereby funding could be made available in advance, subject to the performance of qualitative and quantitative checks on the bodies concerned and the status thereof?

Answer given by Mrs Reding on behalf of the Commission

(1 September 2003)

The Commission agrees with the Honourable Member on the fact that bodies active at European level in the field of youth are essential in the socio-cultural development of European society and therefore considers that participation by young people in civil society should be encouraged. More generally speaking, the Commission's administrative and financial procedures, in conformity with the Financial Regulation and the relevant legal basis, allow for support to youth groups through appropriate grant schemes and payment mechanisms (e.g. simple application forms, prefinancing payments up to 80 %, use of lump sums).

The Youth Programme has five application deadlines per year with the objective of ensuring that grants are paid before the start of the projects concerned.

Regarding the support for operating costs to bodies active at European level in the field of youth, prefinancing payments are in fact made on a regular basis. The Commission also makes every effort to ensure that organisations receive the grants as soon as possible in the year they are going to incur the expenditure. In 2003 all pre-financing payments to non-governmental youth organisations were made before April.

(2004/C 33 E/232) **WRITTEN QUESTION P-2149/03**
by Astrid Lulling (PPE-DE) to the Commission

(24 June 2003)

Subject: Eurostat

The debates conducted and the statements made concerning Eurostat in recent months have highlighted a number of examples of incorrect practice: criminal proceedings are opened against individuals without their knowledge and without them first being heard by the judicial authorities, the press prints serious accusations which seem to go well beyond the information available, and the staff of Eurostat see their professional competence called into question and their work disrupted by stringent checks which are in some cases out of all proportion to the alleged actions which prompted them.

What steps is the Commission taking to ensure that the rights of the persons involved are properly respected in the proceedings now under way?

What measures does it intend to take if departments are shown to have breached the rules on the protection of those rights, despite their obligation to observe them?

Does it take the view that the reporting of the case has blown the accusations up out of all proportion to the facts?

Answer given by Mr Solbes Mira on behalf of the Commission

(3 September 2003)

The intense media interest in the Eurostat investigations even before their completion does not help to provide an objective picture of the situation, particularly as some aspects have been taken out of context. To this extent, certain press articles may, regrettably, have compromised full compliance with the principle of the presumption of innocence.

At the same time, the investigations currently under way within Eurostat represent a response both to Parliament's request in the context of the follow-up to the 2001 discharge procedure and to the Commission's desire to clarify the situation completely and establish that the problems identified have been definitely addressed and that, if necessary, further action can be taken. This is not in any way to question the competence of Eurostat staff. Moreover, the rules governing investigations offer all officials or staff means of redress pursuant to the provisions of Article 90 of the Staff Regulations.

Lastly, with regard to recent developments relating to the situation in Eurostat and the action this calls for, the Commission would refer the Honourable Member to the series of measures adopted at its meetings on 9 and 23 July 2003.

(2004/C 33 E/233) **WRITTEN QUESTION E-2168/03**

by Jean Lambert (Verts/ALE) to the Commission

(30 June 2003)

Subject: Violation of safety conditions in the Olympic Stadium in Marousi, Greece

Preparations for the 2004 Athens Olympic Games are now under way. Construction work is taking place in Marousi, the town were the Olympic Stadium is located.

Is the Commission aware of the following serious breaches of Greek law:

- The ignoring of safety conditions because of time pressure. We are told that, to date, 10 people have died and many others have been seriously injured.
- The prolongation of working hours: The law provides for a maximum seven-hour working day for building work. In this instance, workers often work 9-10 hours per day and seven days a week without proper overtime pay.
- The infringement of workers' rights: Workers were pressurised into agreeing to give up the right to strike because of the major national importance of this edifice.
- Lower pay than that set out in the national agreement: Many foreign workers are forced to accept lower pay.
- The misappropriation of pension funds: That most frequently affects foreign workers. Exploiting the fact that those workers do not know their rights, the employers pay pension-fund contributions covering only 7-10 working days in respect of workers who worked 26 days in a month.
- Lack of control: Despite complaints, government controls are not properly carried out. Employers are informed in advance of the inspection visits, and they have the opportunity to cover up most of the infringements. Even those infringements that are proven are not punished. Because of the threat of a possible delay that might jeopardise the success of the Olympic Games, the government appears to ignore infringements.

What measures will the Commission take in order to put an end to these infringements relating to working conditions and to guarantee the employees' health and safety at work, given the fact that their work will be intensified as the date for the 2004 Olympic Games approaches?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(14 August 2003)

The Commission has not received any complaints concerning the breaches of Greek law pointed out by the Honourable Member, but shares her concerns over them. Thus, the Commission will invite the Greek Authorities to submit their observations on the safety conditions in the Olympic Stadium in Marousi.

In any event, the Commission would like to draw the attention of the Honourable Member to the fact that it is up to the Member States to ensure that national legislation transposing Community Directives is complied with and properly enforced.

If this should not be the case, the Commission will not hesitate to initiate an infringement procedure under Article 226 of the EC Treaty against the Member State in question.

(2004/C 33 E/234) **WRITTEN QUESTION E-2172/03**

by Johanna Boogerd-Quaak (ELDR) to the Commission

(30 June 2003)

Subject: Support for rural development

With reference to the resolution adopted by the European Parliament on 5 June 2003 on the proposal for a Council regulation amending Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and repealing Regulation (EC) No 2826/2000, and bearing in mind the opinion of the European Parliament set out in paragraph 1 thereof, can the Commission answer the following questions:

1. Is it planning to introduce new objective criteria for rural areas?

2. If so, does it agree with me that, to date, little attention has been paid to a category of rural areas in the vicinity of conurbations as a specific category?

3. Does it acknowledge the very specific problems which have to be solved in order to strike a balance between the requirements of the urban population and the changes to the countryside required for that purpose, such as more land for leisure activities, short-stay tourism and nature development?

4. Does it agree with me that, when new criteria are being drawn up, a specific type of rural area needs to be developed in the vicinity of major conurbations?

Answer given by Mr Fischler on behalf of the Commission

(5 August 2003)

The Commission has taken careful note of the Parliament resolution of 5 June 2003 on the proposal for a Council Regulation amending Regulation (EC) No 1257/1999 on support for rural development [1], in the context of the Common Agricultural Policy (CAP) reform.

1. and 4. There is no single commonly agreed and internationally recognised definition of rural areas, given their great diversity. The Commission itself has no current plans to propose new objective criteria for the definition of a typology of rural areas, and particularly not within the time frame of 1 January 2004 requested by the Parliament, which it considers unrealistic.

Preparation of any such typology could only be considered for the preparation of rural development policy post-2006. However, even with this longer-term perspective, the Commission is not convinced that a common typology defined at Community level is necessary for the implementation of Community rural development policy, nor that a single common typology could take account of the wide diversity of rural situations which will exist in an enlarged Union. Under Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations [2], it is currently the responsibility of the Member States when preparing their rural development programmes to define what they consider to be rural areas, within their specific national and/or regional contexts.

2. The Commission considers that the current flexible framework under which Community rural development policy is implemented, which gives a high degree of subsidiarity to Member States, already provides sufficient scope for those Member States or regions who so wish to target the measures within their programmes on the specific needs of rural areas in the vicinity of urban conurbations.

3. The Commission agrees with the Honourable Member that rural areas on the urban fringe often face specific problems different from those in remote rural areas. They may for example experience difficulties caused by population inflow with consequent pressure on the natural environment, service facilities and land and property prices. The Commission agrees that it is important to strike the right balance between urban and rural needs in order to permit the sustainable development of rural areas close to urban centres.

To find out more about the difficulties facing 'suburban' rural areas, in September 2002 the Commission launched a special study entitled 'Urban-rural relations in Europe' under the ESPON programme (European Spatial Planning Observatory Network).

(1) COM(2003) 23 final.
(2) OJ L 160, 26.6.1999.

(2004/C 33 E/235) **WRITTEN QUESTION E-2175/03**

by Christopher Huhne (ELDR) to the Commission

(30 June 2003)

Subject: Trade in services

1. Will the Commission estimate the potential trade that could be done in services between the Member States and the impact that would have on growth of output and employment?

2. Will the Commission particularly take into account any evidence of service trade in more integrated areas such as Canada and the United States?

Answer given by Mr Bolkestein on behalf of the Commission

(4 August 2003)

The Honourable Member asks whether the Commission will estimate the potential for intra-Union trade in services and its impact on growth of output and employment. In preparation of its legislative response concerning the Internal Market for services, the Commission is currently drafting an impact assessment which will seek to explain the potential increase in cross-border service activities that could result from the elimination of existing Internal Market barriers.

However, given the fact that statistics in this area suffer from severe measurement problems and that there do not currently exist recognised macro-economic forecasting models for service activities, the Commission would find it difficult to provide a detailed quantitative forecast of potential intra-Union trade and investment in services and their impact on output and employment. The measurement and modelling complexity is further heightened by the fact that much trade in services is hidden in statistics on trade in goods. It should also be noted that much internationalisation of services is based on foreign direct investment so an exclusive focus on services trade could underestimate the true potential of a properly functioning Internal Market for services.

The Commission will make best efforts in its impact assessment, on the basis of existing statistics and information provided by stakeholders, to explain in more qualitative terms and on the basis of a micro-economic approach the potential impacts that could arise in the form of cost savings, growth in intra-Union services activities and growth in Union output and employment.

In his second question, the Honourable Member queries whether the Commission will take account of developments in services trade in more integrated areas such as Canada and the United States. The Commission will, subject to the statistical limitations explained above, compare the performance of Union service markets with those in North America in its impact assessment.

(2004/C 33 E/236) **WRITTEN QUESTION E-2178/03**

by Christopher Huhne (ELDR) to the Commission

(30 June 2003)

Subject: Obstacles to services trade

Will the Commission state what it believes to be the key obstacles to the growth of services trade in the European Union, particularly affecting small and medium-sized enterprises? What measures is it bringing forward to tackle these problems? How will it measure its own success in doing so?

Answer given by Mr Bolkestein on behalf of the Commission

(7 August 2003)

The Honourable Member queries about what the Commission considers to be the key obstacles for growth of trade in services in the Union, in particular affecting small and medium-sized enterprises (SMEs), what measures it will propose to remove these obstacles and how it will measure the impact of the proposals.

Concerning the first part of the question, the Commission would like to refer the Honourable Member to the Commission report on the 'state of Internal Market for services' ([1]) of 30 July 2002, which presents an indicative list of problems that companies encounter at different stages of their business process when undertaking business across the Internal Market. This concluded that barriers were horizontal in nature affecting diverse service activities. The accumulation of the numerous barriers that occur throughout the business process have a profound negative impact on the growth and productivity of service activities in the Union. It also concluded that SMEs are hit much harder by these barriers than their larger rivals. In particular micro- and small companies are often not able to cover the required legal search and advice costs arising from the regulatory fragmentation that currently exists. The few that do are then forced to adjust their preferred business model to the differing national requirements. These may either dissuade them to proceed or may result in short-lived entry into other Member States. The fact that SMEs are the primary victims of the current fragmentation is particularly worrisome since service activities are dominated by micro- and small enterprises.

In response to the Honourable Member's second question, in line with the Commission publication on 'an Internal Market strategy for services' ([2]) of 29 December 2000, the Commission is currently examining how to resolve unjustified and disproportionate barriers that hamper the Internal Market for services. It intends to present a horizontal legislative instrument before the end of 2003, as called for by both the Parliament in its report on 'the 2002 review of the Internal Market strategy — delivering the promise' of 29 January 2003, and the Member States at the Competitiveness Council of November 2002 and the European Council of March 2003.

This future proposal will be accompanied by an impact assessment, in line with the Commission Communication on impact assessment ([3]) of 5 June 2002, which will propose indicators on which the future monitoring of the impact of the proposal will be based.

In addition and as a complement to this legislative proposal the Commission will present a Communication on 'the competitiveness of business-related services and their contribution to the performance of European enterprises'.

([1]) COM(2002) 441 final.
([2]) COM(2000) 888 final.
([3]) COM(2002) 276 final.

(2004/C 33 E/237) **WRITTEN QUESTION E-2188/03**

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

(2 July 2003)

Subject: Discrimination against pregnant women in grants made by the Ministry of Labour in Spain

The Institute for Women, which is a subsidiary organisation of the Spanish Ministry of Labour and Social Affairs, has recently called for applications for training placement grants whose application regulations include a clause suspending the placement and salary if participants give birth and decide to look after the baby for the subsequent 16 weeks (Regulation TAS/939/2003 published in BOE [Official State Journal] 93 on 18 April 2003).

Does the Commission consider that this condition in the regulations governing the award of these grants complies with Directive 92/85/EEC [1]?

[1] OJ L 348, 28.11.1992, p. 1.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 August 2003)

With regard to the matter brought to its attention by the Honourable Members, the Commission intends to contact the Spanish authorities to find out how these grants are awarded.

At first glance, it would appear that the possibility of an infringement of the Community legislation governing the equal treatment of men and women cannot be ruled out in this case.

(2004/C 33 E/238) **WRITTEN QUESTION E-2192/03**

by Paulo Casaca (PSE) to the Commission

(2 July 2003)

Subject: Testing methods for dairy products

Could the Commission supply an updated list of the Community legislation in force relating to testing methods and inspection techniques used for milk and dairy products, with particular reference to methods for detecting micro-organisms?

Answer given by Mr Byrne on behalf of the Commission

(4 August 2003)

Analyses and tests normally carried out on milk and milk products aim at controlling, on the one hand, their safety and on the other hand, their quality and composition.

With regard to the safety of milk and milk products, the relevant requirements currently in force are those laid down in Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products [1]. Certain reference methods used to test against the different criteria set out in the above Directive are laid down in Commission Decision 91/180/EEC of 14 February 1991 laying down certain methods of analysis and testing of raw milk and heat-treated milk [2]. However, some of the methods have been subject to adaptations or replaced by new techniques, since they were prescribed in this Decision, in accordance with the recommendations of the Community Reference Laboratory (CRL) for the analysis and testing of milk and milk products. It is indeed one of the duties of this laboratory to provide national reference laboratories (NRLs) with details and updating of analytical methods, to co-ordinate research into new

analytical methods and to inform NRLs of advances in this field. The Commission together with the CRL is currently preparing an amendment to Decision 91/180/EEC to be proposed in the near future for approval by the Member States. This will be based on the latest list of reference methods recommended by the CRL. This list will be sent direct to the Honourable Member and to Parliament's Secretariat for information.

In addition, food business operators may use, in routine testing, alternative analytical methods when these methods provide equivalent guarantees and have been validated against the reference methods set above. These alternative methods are not subject to official listing in Community legislation.

(1) OJ L 268, 14.9.1992.
(2) OJ L 93, 13.4.1991.

(2004/C 33 E/239) **WRITTEN QUESTION P-2202/03**

by Fodé Sylla (GUE/NGL) to the Commission

(27 June 2003)

Subject: The June 2003 elections in Togo

1. Is Togo one of the priority countries this year for the sending of election observation missions?

2. When was the Commission asked to send observers to the Togo elections, what was the answer from its interlocutors, and why did it refuse to send an observation mission?

3. Can it give me specific information about the existence of a confidential 'Protocol for a meeting of Togolese political forces' which, it is alleged, was drawn up by Commission officials?

4. What is the European Commission's position on the June 2003 elections in Togo?

5. Is it aware of the report of the Commission's representative in Togo on the intimidation to which Mr Yannick BIGAH (ACAT) was subjected and the violence that marred the conduct of the ballot of 1 June 2003?

Answer given by Mr Nielson on behalf of the Commission

(14 July 2003)

1. Togo did not figure on the priority list for EU election observation missions in 2003. Nevertheless, Togo was one of the countries that could have been added to the list in the event that pre-electoral conditions were sufficiently favourable to allow the dispatch of such an observation mission.

2. A formal request from the Togolese authorities for the EU to send a Union election observation team was sent on 6 May 2003. However, in early April 2003 the Commission had already informed the Government that it would be impossible to dispatch an election observation team since the Government did not agree to the dates and terms of reference of a Commission exploratory mission. This mission would have assessed the pre-electoral situation, the human rights situation and the possibility to send an election observation team.

3. The Commission was not involved in drawing up any confidential 'protocol for a meeting between the political forces in Togo'.

4. The Commission considers that the election process was not credible.

5. The Commission receives regular political reports from its representative in Lomé, including on the case of Mr Bigah as well as on events that occurred on polling day.

(2004/C 33 E/240)

WRITTEN QUESTION E-2204/03

by Gabriele Stauner (PPE-DE) to the Commission

(2 July 2003)

Subject: Eurostat and resignation of Commission's Internal Auditor

In a memorandum dated 11 June 2003, Mr Jules W. Muis, the Commission's Internal Auditor, informed Vice-President Kinnock of his intention to step down on 1 April 2004 after only three years in his post.

Can the Commission state whether it sees any connection between the announcement of that resignation and its decision of the same day concerning the inspection of Eurostat contracts by the Commission's internal auditing department?

Can the Commission confirm that the Internal Auditor had urged a fundamentally more comprehensive audit of contracts concluded by Eurostat and of the subsidies awarded by the office, and had wanted to inspect not only the contract award procedures but also the implementation of the contracts and the payments associated with them?

Can the Commission explain why it now wishes to authorise such an inspection only in exceptional cases and after consultation with the Secretary-General of the Commission, as the answer by Mr Kinnock of 17 June 2003 to the questionnaire from the Committee on Budgetary Control appears to suggest?

Can the Commission state to what extent the restrictive conditions imposed by it are compatible with the independence of the Internal Auditor as guaranteed by the Financial Regulation?

Answer given by Mr Kinnock on behalf of the Commission

(5 September 2003)

The Director General of the IAS, Mr Muis, gave advance notice of his intention to leave the Commission in over nine month's time in a letter dated 11 June. On the same date, the weekly meeting of the Commission decided, in keeping with Parliament's resolution of 8th April and after the relevant preparatory work, to mandate action by the Internal Audit Service (IAS), to 'examine the legality and the regularity of all contracts concluded by Eurostat since 1999 and to include in its investigation those contracts concluded by other Commission services'. The Commission does not see any connection between these separate events.

As the Honourable Member will know, in his appearance at the Cocobu on 7 July, Mr Muis confirmed that there is no connection. Specifically commenting on the 'speculation … about Eurostat' Mr Muis said 'Eurostat is not the reason that I leave' and 'Eurostat was not the trigger of my resignation. I just want to make that very, very clear'.

In the course of necessary discussions with and between Services relating to the application of the 11 June Communication, the DG of Internal Audit quite properly raised the issue of whether the scope of the examination of concluded contracts and grants would exclude assessment of the execution of certain contracts and grants. In response, Vice President Kinnock confirmed that the Commission decision of 11th June does not, by wording or implication, exclude such an assessment in any way. It is, of course, clear to all concerned that the recognised resource constraints and the need to fulfil the IAS task inside the essential deadline mean that — to respect the agreed delivery times and in view of the resource constraints — an examination of the execution of all sampled contracts/grants would not be possible. If the IAS preliminary analysis provided good reasons to examine the execution of contracts or grants, then Mr Muis should decide on that in consultation with the Secretary General of the Commission in his capacity as co-ordinator of Commission actions relating to the Eurostat examinations.

As Cocobu was informed on 17th June, the reason for needing such consultation arises from the fact that the necessarily multiple Eurostat-related activities (which included the DG Budget analysis of all Eurostat internal audit reports, the IAS examination of Eurostat contracts and grants, and the work of the (then)

acting DG of Eurostat, Mr Vanden Abeele), required the establishment of a Co-ordination Group in the Commission with an open standing invitation to OLAF to attend and participate. The Group is chaired by the Secretary General of the Commission.

No 'restrictive conditions' have been 'imposed' by the Commission. The mandate given by the Commission to the IAS seeks to ensure that, taking account of the results of discussions with the Cocobu relating to the mandate and delivery date of the examination, Parliament's will is respected and the audit implemented directly … A 'conventional' audit would leave the choice of areas to be examined entirely to the internal auditor's expertise and would, therefore, not necessarily guarantee that the terms of Parliament's resolution were fully met. The IAS 2003-2004 Work Programme (finalised in December 2002) includes explicit provision for an in-depth audit of Eurostat which will be launched in the course of the current work year.

Objective testimony to the fact that the IAS examination is not limited to the award of Eurostat contracts is provided by the nature and substance of the IAS preliminary analysis given to the Commission on 7 July which facilitated the comprehensive action taken on 9th July. That analysis included references to contract/grant awards procedures and practices and to the implementation of such contracts and grants based on the work of Eurostat's internal audit capability. Such a comprehensive approach and audit product would simply have not been possible if the work of the IAS had been subject to 'restrictive conditions' as asserted by the Honourable Member in her question.

(2004/C 33 E/241) **WRITTEN QUESTION E-2215/03**

by Cristiana Muscardini (UEN) to the Commission

(2 July 2003)

Subject: Recognition of the liberal professions

The usual procedures are under way for the adoption by Parliament of its opinion on the proposal for a directive on the recognition of professional qualifications [1]. The proposal covers professions already regulated in the Member States and aims to encourage mutual recognition of qualifications in order to promote freedom of establishment. However, there are new professions, such as translators and interpreters, which are practised at both national and European level but have yet to secure recognition. It would be highly useful and appropriate to introduce a minimum level of regulation for these professions, notably with a view to protecting users.

The Commission:

1. Has the Commission conducted studies into the exercise of these unregulated professions, monitoring the situation by country and socio-professional sector?

2. Does it not believe that a minimum level of regulation is needed, in the form of, say, a framework law laying down minimum requirements for the exercise of these liberal professions?

3. Alternatively, would it not be useful at least to formally recognise the professional associations representing them?

4. In view of the way the professions of translator and interpreter have developed in recent decades and the fact that advanced level specialised training can be undertaken, should they not be able to legitimately aspire to formal recognition, not least in the interests of protecting users?

5. Without reference to the question of freedom of establishment, would such recognition not serve as a new model for flexible regulation for these sensitive professions, which at present can be exercised by anyone, whether properly qualified or not, throughout the territory of the Union, with the adverse effects this may have on users and the damage it may do to the image of serious members of the profession?

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[1] COM(2002) 119 — OJ C 181 E, 30.7.2002, p. 183.

Answer given by Mr Bolkestein on behalf of the Commission

(4 September 2003)

As regards the recognition of professional qualifications, the professions of translator and interpreter are covered, depending on the level of training required, either by Directive 89/48/EEC [1] or by Directive 92/51/EEC [2]. The Directives apply only when the profession concerned is regulated in the Member State in which the person wishes to exercise it and that person acquired his or her qualifications in another Member State. These Directives, the principles of which have been included in the proposal for a directive on the recognition of professional qualifications [3], are based on a system of mutual recognition and not on the coordination of minimum training conditions or the conditions of access to a profession.

1. When a profession is not regulated in a Member State, there is no legal barrier to the free movement of workers, who are subject only to market rules. In the absence of Community competence in this matter, the Commission has not carried out any studies on the subject.

2. In principle it is up to the Member States to regulate the professions in their territory. Any coordination of the conditions of access to the professions which would involve an amendment to the legislative principles in a Member State requires, in accordance with Article 47(2) of the EC Treaty, a Directive adopted unanimously by the Council. The Commission is not aware of initiatives either by the profession or by the Member States which are likely to receive this level of support.

3. The Commission is not competent to recognise professional associations. However, under the proposal for a directive on the recognition of professional qualifications currently being negotiated by Parliament and the Council, associations would have the possibility of presenting common platforms at European level and defining qualification criteria able to meet the requirements of each Member State. Once included in a decision adopted in accordance with the comitology procedure ('regulation'), these criteria would facilitate the free movement of workers that meet them.

4. and 5. The Community is not competent in matters regarding professional recognition or the suitability of regulating a profession in accordance with Community law. The Commission is responsible for applying Community rules on the recognition of professional qualifications to professions which are already regulated in a Member State.

(1) Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, OJ L 19, 24.1.1989.

(2) Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC, OJ L 209, 24.7.1992.

(3) COM(2002) 119 final.

(2004/C 33 E/242) **WRITTEN QUESTION E-2226/03**

by Paul Rübig (PPE-DE)
and Harald Ettl (PSE) to the Commission

(2 July 2003)

Subject: Language discrimination in notices of vacancy

In the last twelve months technical support offices, non-governmental organisations (NGOs) and private firms financed by the Commission have notified over 500 vacancies at European level that were reserved exclusively for applicants of 'English mother tongue' and 'native English speakers' (www.lingvo.org/eo/2/15). In these notices, applications are invited, not from candidates with 'excellent' or 'very good' knowledge of English, but explicitly and exclusively from those of English mother tongue.

Is the Commission aware that the Intrasoft and Ogilvy undertakings, with which the Commission has already worked, recently sought to recruit an applicant of English mother tongue exclusively? Did the Commission oppose that action? If so, how? If not, why not?

Does the Commission intend to continue to work with organisations that discriminate against non-native English speakers?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(26 August 2003)

The Commission explained its position concerning the problem in general in numerous replies to written questions. The Honourable Members are therefore referred to the replies of the Commission given to Written Questions: No E-4100/00 by Mr Staes ([1]), E-0779/01 by Mr Staes ([2]), E-1356/01 by Mr Gemelli ([3]), E-1681/01 by Mr Staes ([4]), E-1682/01 by Mr Staes ([4]), E-2331/01 by Mr Ferrer ([4]), E-2900/01 by Mr Staes ([5]), E-2901/01 by Mr Staes ([5]), E-2944/01 by Mr Staes ([5]), E-3189/01 by Mr Rothley ([5]), E-3572/01 by Mr Staes ([6]), E-0941/02 by Mr Staes ([7]), E-2764/02 by Mr Staes ([8]), E-1733/03 by Mr Leinen ([9]) and E-2018/03 by Mr Staes ([10]).

All Commission services have been made aware of possible discriminatory job advertisements and asked to take the necessary steps as regards their contractors. The Commission tries to avoid co-operation with organisations which publish job advertisements with a 'native speaker' criterion. The Commission was not aware of the cases referred to by the Honourable Members. Contact is being taken with the undertakings involved in this respect.

The Commission would also like to reiterate its intention to use its legal powers to fight against the use of a 'native speaker' criterion in job advertisements.

([1]) OJ C 174 E, 19.6.2001.
([2]) OJ C 235 E, 21.8.2001.
([3]) OJ C 350 E, 11.12.2001.
([4]) OJ C 93 E, 18.4.2002.
([5]) OJ C 134 E, 6.6.2002.
([6]) OJ C 160 E, 4.7.2002.
([7]) OJ C 229 E, 26.9.2002.
([8]) OJ C 92 E, 17.4.2002.
([9]) OJ C 11 E, 15.1.2004, p. 221.
([10]) See page 201.

(2004/C 33 E/243)

WRITTEN QUESTION E-2228/03

by Jules Maaten (ELDR) to the Commission

(2 July 2003)

Subject: Problems with transfrontier working

1. Is the European Commission aware of the problems that continue to exist with transfrontier working despite virtual completion of the internal market?

2. Is the European Commission aware that Netherlands legislation only allows pension rights built up abroad to be transferred to a Netherlands insurance company if the country of origin of the pension applies the same rules as the Netherlands?

3. Is the Commission also aware that in general the Member States have very different rules on pensions and that in practice it is therefore virtually impossible for workers to take their pension rights with them to another Member State?

4. Does the Commission share my view that practices of this kind are a serious obstacle to the mobility of labour in Europe?

5. Does the Commission intend to do anything to tackle these problems?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(12 August 2003)

The Honourable Member asks about problems connected with Dutch rules on pensions for frontier workers.

It is not clear to the Commission whether the pensions to which the Honourable Member refers are those provided by the social security system or are supplementary/private pensions.

In the field of social security pensions, Regulation (EC) No 1408/71 [1] sets out a system of co-ordination of social security systems for people who move between the Member States, so that they will not be disadvantaged because they have exercised their right to free movement. The social security contributions a person has paid in one Member State are not transferred to his or her social security contributions in another Member State. Rather, the Regulation provides that a person will receive an old age pension from each of the Member States where he or she has been insured for more than 12 months.

The Commission considers that the Community rules on the co-ordination of social security systems adequately protect people who move between the Member States. However, to improve this protection further, the Commission proposed a modernisation and simplification of Regulation (EEC) No 1408/71 in 1998, and it is hoped that this proposal will be adopted by the end of 2003.

Turning to supplementary pensions, the Commission is very much aware of the problems the present lack of 'portability' can create in the field of free movement of workers, a fundamental right under the Treaty. In this respect it should be recalled, that Council Directive 98/49/EC of 29 June 1998 safeguards the supplementary pension rights of employed and self-employed persons moving within the Community [2] only in certain circumstances and under certain conditions. The Commission is currently consulting the social partners on whether it would be appropriate to follow up this Directive with a second instrument aimed at the portability of supplementary pensions. Before considering what further action is appropriate and necessary, the Commission will await the outcome of this consultation.

In addition, contributors to supplementary or private pensions may encounter tax obstacles where their pension schemes are administered by an organisation in a Member State other than that in which they reside. The Commission issued a communication on these problems in 2001 [3]. It is currently examining the compatibility with Community law of rules applied by a number of Member States.

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[1] Last consolidated version: Council Regulation (EC) No 118/97 of 2 December 1996 amending and updating Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 — OJ L 28, 30.1.1997.

[2] OJ L 209, 25.7.1998.

[3] COM(2001) 214 final of 19.4.2001.

(2004/C 33 E/244) **WRITTEN QUESTION E-2234/03**

by Bartho Pronk (PPE-DE) to the Commission

(7 July 2003)

Subject: Application for an old-age pension made from Greece

Regulation (EEC) No 1408/71 [1] stipulates that applications for statutory pensions must be submitted to the social insurance agency of the Member State of residence. In other words, a person who has accumulated old-age pension rights in the Netherlands, but who, when reaching the age of 65, is resident in Greece, must submit his or her application for a Netherlands pension to the Greek social insurance

agency, IKA. However, the application procedure via the IKA is lengthy — two-year waiting periods are common. Any entitlement to a Greek old-age pension has no bearing on the level of the pension to be awarded in the Netherlands.

1. Does the Commission share my view that the procedure outlined above is unnecessarily cumbersome and time-consuming and thus poses a threat to the financial security of retired persons?

2. In procedural terms, would it not be better if the application for an old-age pension could be submitted directly to the Netherlands social insurance agency, SVB? If so, why is this not possible? If not, what are the arguments against such a procedure?

3. To what extent does the Commission see this as a restriction on the free movement of workers?

(1) OJ L 149, 5.7.1971, p. 2.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(12 August 2003)

The Commission would inform the Honourable Member that Community social security regulations, namely 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 (1), and Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 (2), do not envisage the harmonisation of Member States' social security systems but merely the coordination of the Member States' national systems in order to enable European citizens to enable European citizens to fully exercise their right to move freely between Member States. The Member States thus remain free to organise their social security systems. However, Community regulations have laid down a series of rules and principles that Member States must respect when exercising their own powers. Regulation (EEC) No 574/72 states that applications for a pension must be submitted to the competent institution of the State of residence. If an applicant has worked and was insured in two or more Member States the competent institution of the place of stay will then forward the application to the competent institution of each Member State in which the applicant was insured. The objective of this procedure is to prevent migrant workers from having to make a separate application for a pension in each Member State where they have worked, and to enable the institution of the place of stay to coordinate the processing of the dossier by all of the institutions involved. However, if the applicant has never worked in the Member State in which he resides, he can apply to the institution of the Member State where he was last insured.

Pension applications from migrant workers must be processed by the competent institutions within a reasonable period of time so that those involved can enjoy the benefits to which they are entitled. In this context, Article 50 of Regulation (EEC) No 574/72 provides for a series of measures to speed up processing of pension applications by the competent institutions and the transmission of applications between institutions of several Member States. Decision No 118 of the Administrative Commission on Social Security for Migrant Workers (3) specifies the conditions of application of this article. Among other provisions, this enables a pension application to be made one year before the person involved reaches pensionable age, so that a complete dossier can be compiled as soon as possible. Furthermore, the Administrative Commission is currently examining a proposal for a decision intended to modernise and simplify the cooperation procedures of the competent institutions of the Member States in order to improve and speed up the processing of pension applications.

(1) Regulation updated by Council Regulation (EC) No 118/97 of 2 December 1997, OJ L 28, 30.1.1997, and last amended by Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001, OJ L 187, 10.7.2001.

(2) OJ L 74, 27.3.1971. Regulation updated by Council Regulation (EC) No 1290/97 of 27 June 1997, OJ L 176, 4.7.1997 and last amended by Regulation (EC) No 1386/2001 of the European Parliament and of the Council of 5 June 2001, OJ L 187, 10.7.2001.

(3) OJ C 306, 12.11.1983.

(2004/C 33 E/245) **WRITTEN QUESTION E-2260/03**

by Margrietus van den Berg (PSE) to the Commission

(8 July 2003)

Subject: European licensing system for professional football clubs

In the Netherlands, the Royal Dutch Football Association has set up a new licensing system for professional football clubs which is transparent, sound and geared to clubs' long-term solvency; it will come into force in the 2004/2005 football season.

What does the Commission think of a European licensing system along the lines of the new Dutch system? Is it willing to encourage a UEFA changeover in the near future?

Answer given by Mrs Reding on behalf of the Commission

(22 August 2003)

The Commission would remind the Honourable Member that it can intervene only in matters within the Community's jurisdiction. Sport is the responsibility of the Member States and of sporting organisations.

The Commission is, in principle, in favour of developing licensing systems for professional football clubs, provided these are compatible with Community law. With this in mind, the Commission takes account of fair competition, as recommended in the Nice Declaration [1]. Licensing systems can indeed help to ensure the sound financial management of clubs and thus to correct certain questionable developments which have been observed in professional football.

[1] Point 2 of the 'Declaration on the specific characteristics of sport and its social function in Europe, of which account should be taken in implementing common policies', Annex to the Presidency Conclusions of the Nice European Council, 8 December 2000.

(2004/C 33 E/246) **WRITTEN QUESTION P-2263/03**

by Elspeth Attwooll (ELDR) to the Commission

(3 July 2003)

Subject: Structural funding in Scotland

Can the Commission provide statistics on the proportion of EU structural funding allocated to Scotland since the beginning of the current programming period (2000 to 2006) which has actually been spent? Can the Commission provide statistics on the proportion of structural funding allocated to Scotland in the current programming period which has been, or is due to be, decommitted? Can the Commission similarly provide statistics regarding the proportion of total monies originally allocated to Scotland from the Structural Funds during the previous programming period (1993-1999) which were actually spent? And can the Commission provide statistics on the proportion of total monies initially allocated to Scotland from the Structural Funds during that same programming period which are subsequently decommitted? With respect to the statistics relating to decommitments, can the Commission indicate the specific projects concerned, and the reasons why the money was decommitted?

Answer given by Mr Barnier on behalf of the Commission

(4 August 2003)

For the period, 2000-2006, payments by the Commission may take the form of payments on account, interim payments or payments of the final balance in accordance with Article 32 (1) of Council Regulation

(EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1]. Interim payments and payments of the balance shall relate to expenditure actually paid out, which must correspond to payments made by the final beneficiaries, supported by receipted invoices or documents of an equivalent nature.

The Scottish authorities have so far claimed approximately EUR 201 million. This represents about 12 % of the allocations under the Structural Funds to Scotland for the programming period 2000-2006, which amounts to EUR 1 688. This amount does not include payments on account which represent 7 % of the contribution from the Funds to the assistance in question.

The only programme supported by the Structural Funds in Scotland subject at this stage to the application of the so-called 'N+2' rule under Article 31 (2) of Regulation (EC) No 1260/1999 was the Highlands & Islands Special Transitional Programme. In accordance with this rule, financial commitments made in the year 2000 had to give rise to payment requests of equivalent value by 31 December 2002 or risk decommitment of unclaimed amounts. No such risks exist for the European Regional Development Fund and the European Social Fund, nor for the Financial Instrument for Fisheries Guidance for which there were no commitments for 2000. In the case of the European Agricultural Guidance and Guarantee Fund the matter is still under discussion involving the Commission and the Scottish authorities on the extent of decommitment.

For the other programmes in Scotland, the N+2 rule will apply for the first time at the end of 2003. The Commission will only be in a position to determine the potential amounts for decommitment per programme after 31 December 2003, once it has received and processed all payment requests from the Managing Authority concerned.

For the period 1994-1999, Scotland received EUR 1 353 million from the Structural Funds. The Commission received the necessary documents from the Scottish authorities for the closure of the programmes before the deadline of 31 March 2003. Only when all the documents are assessed, including the audit controls statements, will the closure process be completed. At that stage, the Commission will be in a position to determine the extent of any decommittment.

It should be noted that the Commission does not establish the amounts which should be decommitted per project but per programme on the basis of final payment claims and closure documentation. Such closure shall, however, be without prejudice to later decisions cancelling or reducing assistance and ordering the reimbursement of payments rongfully paid out, pursuant to Article 24 of Regulation (EEC) No 4253/1988 [2], as amended [3].

[1] OJ L 161, 26.6.1999.
[2] Council Regulation (EEC) No 4253/88 of 19 December 1988, laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments, OJ L 374, 31.12.1988.
[3] OJ C 118, 28.4.1993.

(2004/C 33 E/247)

WRITTEN QUESTION E-2267/03

by Jules Maaten (ELDR) to the Commission

(9 July 2003)

Subject: Discrimination against women

1. On 24 June 2003, the Financial Times reported that the Commission was preparing further proposals to combat discrimination against women, which would include a ban on 'degrading' images of women on television and in newspapers and proposals for banning discriminatory insurance premiums. Is this correct?

2. If these plans are being prepared, who is to decide what is 'degrading'? Will a 'bad taste' committee be set up for the purpose?

3. Is it true that the proposals in question would result in women's paying lower pension contributions but higher car insurance premiums?

4. Is it more appropriate for such rules to be adopted by the European Union rather than the Member States? If so, why?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(22 August 2003)

The Commission would draw the Honourable Member's attention to the fact that a large body of Community legislation already exists to implement the principle of equal treatment for men and women in the area of employment and work.

Since the Treaty of Amsterdam came into force in May 1999, a new legal basis, Article 13 of this Treaty, exists, empowering the Council, on the basis of a proposal from the Commission, to take appropriate action in the areas of Community competence and without prejudice to the other provisions of the Treaty, to combat discrimination based, inter alia, on sex.

It should be remembered that, in 2000, on the basis of Article 13 of the Treaty, the Council adopted a directive to combat all discrimination based on race or ethnic origin [1] in employment, access to goods and services, including housing, social protection, social advantages and education.

In this context, the Commission is looking at ways of implementing Article 13 in order to combat sex-based discrimination in areas other than employment and work.

[1] Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000.

(2004/C 33 E/248) **WRITTEN QUESTION P-2268/03**

by Giorgio Celli (Verts/ALE) to the Commission

(3 July 2003)

Subject: Heavy metal traces in wild mushrooms

There has been a substantial increase in recent years, in Italy and elsewhere, in the marketing and consumption of edible wild mushrooms. According to data supplied by AIIPA [1] in 1998, Italy imports some 20 000 tonnes per annum of non-cultivated mushrooms (fresh, dry, frozen, canned, etc.), of which almost half belong to the Boletus edulis group (B. aereus, B. aestivalis, B. edulis, B. pinophilus). These latter originate mostly in Europe, but growing quantities are now coming from Africa (especially South Africa), China and Central America. In Italy, there are approximately 1000 businesses operating in the import, processing and distribution sectors.

Regulation (EC) No 466/2001, published in the Official Journal of the European Communities on 16 March 2001 [2] and based on the opinion of the Scientific Committee on Food (SCF), lays down the admissible thresholds for certain pollutants in food products, including cultivated mushrooms. The threshold for all cultivated mushrooms is 0,2 mg/kg (fresh weight) for cadmium and 0,3 mg/kg (fresh weight) for lead.

Is the Commission aware that no such thresholds for wild mushrooms exist in Community law?

What measures will the Commission take concerning cadmium and lead thresholds for wild mushrooms, given that studies by authoritative researchers have revealed dangerous levels of those metals in wild mushrooms that are freely marketed in the EU? ([3])

([1]) The Italian Association of Food-Producing Companies — circular dated 20 April 1999 addressed to the member companies on 'Italy's external trade in mushrooms in 1998' (Milan).
([2]) OJ L 77, 16.3.2001, p. 1.
([3]) L. Cocchi et al., 2001 — 'Metalli pesanti e isotopi radioattivi nei funghi: aspetti igienico-sanitari' ('Heavy metals and radioactive isotopes in mushrooms: health and hygiene aspects', in Proceedings of the Second International Conference on Mycotoxicology, Viterbo, 6-7 December 2001 — Associazione Micologica Bresadola — Centro Studi Micologici, 2002, 17:73-91.

Answer given by Mr Byrne on behalf of the Commission

(31 July 2003)

Legislation on contaminants in food sets maximum levels for lead and cadmium in all cultivated mushrooms. Wild mushrooms are presently not covered because, at the time these levels were set, no data were available to indicate that the dietary intake of lead and cadmium from wild mushrooms was a concern for public health.

The Member States have recently gathered new data on levels of lead and cadmium in different foods. It is expected that the report will be finalised before the end of 2003. This report will be used for the review of maximum levels for lead and cadmium in foods.

(2004/C 33 E/249) **WRITTEN QUESTION E-2269/03**

by Hiltrud Breyer (Verts/ALE) to the Commission

(9 July 2003)

Subject: Decline in the bee population/use in pesticides of the active agent Imidacloprid

Beekeepers in France, Germany, Italy and Austria are all reporting the same phenomenon: a massive decline in the bee population. In some regions, up to 80 % of all swarms have died. This has already led to falls of several thousand tonnes per year in honey yields. Since honey bees also play a key role in pollination, yields of apples, pears and rape are also diminishing.

French beekeepers are blaming the severe decline in the bee population which they have been suffering since 1994 on the insecticide Gaucho (active agent: Imidacloprid) marketed by the firm BayerCropscience. Imidacloprid is used both as a spray and in the treatment of seeds. Systemic insecticides of this kind move from the seed into the plant at germination and are later present throughout the plant. Harmful insects die when they eat part of the plant, but, since the active agent also finds its way into pollen, bees are also damaged. As a result, the French Ministry of the Environment has banned the use of Gaucho in sunflower cultivation.

That Imidacloprid is harmful is not in doubt — the packaging for every product containing it bears the words 'dangerous to bees'. A number of tests have shown that this insecticide damages bees' sense of direction. In response, the French National Union of Beekeepers, the German Union of Beekeepers, the German Nature Conservancy and the Coalition Against BAYER Dangers are calling for a preventive ban on the use of Gaucho.

1. What is the Commission's response to the massive decline in the bee population in all parts of Europe?

2. How does the Commission assess the risks to agriculture?

3. Is consideration being given to suspending marketing approval for Imidacloprid?

4. Is the Commission supporting investigations into the risks involved in using Imidacloprid?

5. Is Bayer exerting pressure with a view to ensuring that Imidacloprid continues to enjoy full marketing approval?

Answer given by Mr Byrne on behalf of the Commission

(14 August 2003)

The Commission would like to refer the Honourable Member to the answer given to Written Question P-1804/02 by Mr Souchet [1].

The Commission has received information about the decline of bee populations in some Member States. Currently, there is no scientific evidence that the cause of this decline is due to one single factor such as the use of pesticides.

Moreover the Commission would like to emphasize that plant protection products have to be labelled to reflect their intrinsic hazards. This is done on the basis of the results of standard tests done under extreme exposure conditions. The information put on the label has to be read however in relation to the instructions for use. Member States cannot authorise a plant protection product if, when used according to these instructions, it has an unacceptable impact on non-target organisms, such as honeybees.

In the framework of the review of existing active substances Bayer, as the notifier for Imidacloprid, will have to submit at the latest on 30 November 2003 a complete dossier to the rapporteur Member State Germany. The Commission is also aware of specific studies that are ongoing in France. A plant protection product can only be included in the positive list of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market [2] if a notifier demonstrates that the provisions of its Article 5 are satisfied. The Commission does not contribute financially to studies necessary to demonstrate the acceptability of Imidacloprid.

[1] OJ C 309 E, 12.12.2002.
[2] OJ L 230, 19.8.1991.

(2004/C 33 E/250) **WRITTEN QUESTION P-2271/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(7 July 2003)

Subject: Progress in the Zakynthos city drainage project

A drainage project in Zakynthos city has been financed by the Cohesion Fund. An amending decision set a date of 30 December 2000 for the completion of work. In view of the enormous delays, the Commission has stopped payments on the project. According to the information I have, the Ministry of Economic Affairs has announced an investigation into the matter.

Could the Commission say what proportion of the project has already been completed, what payments have been made, whether it has received the findings of the investigation by the Ministry of Economic Affairs and what further action it intends to take in relation to this project?

Answer given by Mr Barnier on behalf of the Commission

(31 July 2003)

On 30 October 2001 the paying authority sent the Commission an intermediate payment application for this project. Pending receipt of additional information it still awaits a decision.

On 19 December 2001 the Commission informed the Greek authorities that payments for the project would be blocked since it did not appear possible to terminate it within the time limit set under the amending decision (31 December 2001). By 31 October 2001 only 41 % of the work had been completed.

On 29 November 2002 the Commission asked the Greek authorities for detailed information on the state of advance of the project on two fronts: physical realisation and financial management.

On 23 December 2002 the Greek authorities informed the Commission that the paying authority had been asked to check the project on the spot and that on receiving the report they would transmit particulars of the state of advance and prospects for completion.

These have not yet been received.

(2004/C 33 E/251)

WRITTEN QUESTION P-2275/03

by Georges Berthu (NI) to the Commission

(7 July 2003)

Subject: Agriculture — drought and set-aside land

Some parts of France are currently suffering from serious drought, and grass for use as cattle fodder is becoming scarce. Would it be possible in such cases for derogations to be granted so that set-aside land might be used for the growing of animal fodder crops, with a view not only to coping with the current crisis but also to combating the droughts which are likely to occur in the future?

Answer given by Mr Fischler on behalf of the Commission

(29 July 2003)

The Commission is aware of the fact that the drought became worse in several regions of the Community in June 2003 and, following a favourable opinion of the Management Committee for Cereals delivered on 3 July 2003, has decided to authorise the use of set-aside land for fodder in the regions concerned in Germany, France, Italy and Austria in the 2003/04 marketing year. This measure applies from 4 July 2003.

The use of set-aside land for animal feed must remain an exceptional measure to be adopted only where specific regional circumstances so require.

(2004/C 33 E/252)

WRITTEN QUESTION P-2287/03

by Herbert Bösch (PSE) to the Commission

(7 July 2003)

Subject: VAT rates for soy products

Soy products are mainly used as substitutes for milk products of animal origin (often in case of lactose intolerance or milk protein allergy) since they are able to provide an equivalent nutritional value to dairy products, which leads to the fact that soy and dairy products are directly competing on the market.

Whereas all Member States apply reduced VAT rates on dairy products, several Member States apply the standard VAT rate — which is considerably higher — on soy products (e.g. Spain and Austria).

Member States have to respect the principle of 'fiscal neutrality' which prohibits the application of different VAT treatments on equal/similar competing products since it leads to a distortion of competition. Also the European Court of Justice decided in several cases that similar goods/services have to be subjected to a uniform VAT rate.

1. Has the Commission taken or does it envisage any concrete measures to protect the principle of 'fiscal neutrality' within the Member States in the case of soy products?

2. Is the Commission planning to include recommendations to the Member States on applying uniform VAT rates on soy and dairy products in the framework of the general review of reduced rates planned for 2003 or in its biannual report reviewing the scope of the reduced VAT rates?

Answer given by Mr Bolkestein on behalf of the Commission

(8 August 2003)

The current Community rules on VAT rates (Article 12(3) of the Sixth VAT Directive [1]) do indeed give the Member States the option of applying a reduced rate to food products, since that category is listed in Annex H to the Sixth Directive. If they opt to do so, they are not, however, obliged to apply a reduced rate to all food products.

The Commission has recently approved a proposal for a directive on reduced rates of VAT [2]. The main purpose of this proposal is to improve the working of the internal market by rationalising the Member States' use of reduced rates in order to avoid potential distortions of competition by giving all Member States equal opportunities to apply reduced rates.

Though its proposal does not affect the category of foodstuffs, the Commission has nevertheless taken this opportunity to remind Member States of the need to bear in mind the case-law of the Court of Justice when defining the scope of their reduced rates. In particular, they need to respect the principle of fiscal neutrality, which includes two other principles, namely the principles of VAT uniformity and of elimination of distortion in competition.

[1] Sixth Council Directive 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; OJ L 145, 13.6.1977. Last amended by Directive 2002/93/EC; OJ L 331, 7.12.2002.

[2] COM(2003) 397 final.

(2004/C 33 E/253) **WRITTEN QUESTION E-2305/03**

by Philip Claeys (NI) to the Commission

(14 July 2003)

Subject: 'For Diversity, Against Discrimination' campaign

On 16 June 2003, Mrs Diamantopoulou, Member of the Commission, launched her 'For Diversity, Against Discrimination' campaign. One of the campaign's instruments was the creation of a website which is accessible in just three languages (English, French and German). The home page claims that 'In the future this website will be available in all EU languages.' However, on 2 July 2003, a good two weeks after the launch of the said website, the texts were still not available in the other official languages of the European Union.

Why was the said campaign launched before the texts had been translated?

Why does the translation thereof take so long?

Does not the provision of a website in just three EU languages, when the cost thereof also being borne by taxpayers in other linguistic regions, itself constitute a form of discrimination?

(2004/C 33 E/254)

WRITTEN QUESTION E-2306/03
by Philip Claeys (NI) to the Commission

(14 July 2003)

Subject: 'For Diversity, Against Discrimination' campaign — indirect discrimination

On 16 June 2003, Mrs Diamantopoulou, Member of the Commission, launched her 'For Diversity, Against Discrimination' campaign. One of the aspects of discrimination referred to on the campaign website is what is known as indirect discrimination. The following instance is quoted: An example of indirect discrimination is requiring all people who apply for a certain job to pass a test in a specific language, even though knowledge of that language is not necessary for the job. This test might exclude more people whose first language is not the language tested.

That concerns a problem which, to date, has indeed been neglected. Quite a number of undertakings and organisations active on the margins of the European institutions in Brussels apply language criteria to job applicants which discriminate against the local populace. Furthermore, as regards job advertisements, the practice is widespread of applying the criterion not that the person appointed must have a knowledge of languages as such but that he/she must be a native speaker.

How is Commission planning to resolve the problem of indirect discrimination based on unfair language requirements in its 'For Diversity, Against Discrimination' campaign? What specific measures are planned in this area?

(2004/C 33 E/255)

WRITTEN QUESTION E-2319/03
by Philip Claeys (NI) to the Commission

(14 July 2003)

Subject: 'For Diversity, Against Discrimination' campaign

The campaign to encourage diversity and combat discrimination is a multiannual project and has started with discrimination at the workplace. Workers in undertakings criticised for not being sufficiently diverse are depicted as a set of crash-test dummies. On the campaign website and in its pamphlets, an idyllic picture is painted of firms which feature 'diversity': diversity results in enhanced motivation for the workers, in improved creativity, even in larger profits.

In a large number of areas, however, businesses are operating which, with regard to ethnic diversity, are not 'diverse', although they are efficient, creative and innovative — in part because of the diversity of the talents and capabilities of their workforce. Although a large number of undertakings employ few workers from ethnic minorities, that is not because they are pursuing any kind of discriminatory policy. In many cases, persons from ethnic minorities do not generally possess the qualifications required, sometimes because of a lack of knowledge of languages and of the high school dropout rates of such minorities.

What mechanisms will be incorporated into the campaign with a view to preventing undertakings which operate in good faith from being stigmatised because of their 'lack' of ethnic diversity?

Is the Commission aware of the danger that undertakings — under pressure from European or other governmental campaigns — might resort to what is known as 'affirmative action', with better qualified applicants being rejected on the grounds that they are not members of an ethnic minority? What measures is the Commission thinking of taking so as to counter such perverse effects of diversity campaigns?

Joint answer
to Written Questions E-2305/03, E-2306/03 and E-2319/03
given by Mrs Diamantopoulou on behalf of the Commission

(26 August 2003)

The initiative referred to by the Honourable Member is designed to inform people of their new rights and obligations under the two anti-discrimination Directives based on Article 13 of the EC Treaty that were adopted in 2000 [1]. The campaign is funded under the awareness-raising strand of the Community action programme to combat discrimination [2].

The campaign website will soon be available in all Union languages. The different language versions of the campaign materials are in the process of being finalised, following consultations with the relevant stakeholders (national authorities, the social partners and non-governmental organisations (NGOs)) on the adaptation of the campaign materials in each Member State. The initial presentation of the website in three languages was intended to avoid delays in the launching of the campaign. This way of proceeding is in line with the practice adopted for other websites of the Community Institutions, including that of the Parliament, where some pages are available in a limited number of languages. It is in the interest of transparency to make information available as soon as possible rather than to wait for the availability of all Community languages.

The Honourable Member also asks about the application of language tests for certain jobs and requirements concerning the level of knowledge requested. On the discriminatory practice of applying 'mother tongue' or 'native speaker' qualifications in job advertisements, the Commission explained its position concerning this problem in general in numerous replies to written questions. The Honourable Member is therefore referred to the replies of the Commission given to Written Questions: No E-4100/00 by Mr Staes ([3]), E-0779/01 by Mr Staes ([4]), E-1356/01 by Mr Gemelli ([5]), E-1681/01 by Mr Staes ([6]), E-1682/01 by Mr Staes ([6]), E-2331/01 by Mr Ferrer ([7]), E-2900/01 by Mr Staes ([7]), E-2901/01 by Mr Staes ([7]), E-2944/01 by Mr Staes ([7]), E-3189/01 by Mr Rothley ([7]), E-3572/01 by Mr Staes ([8]), E-0941/02 by Mr Staes ([9]), E-2764/02 by Mr Staes ([10]), E-1733/03 by Mr Leinen ([11]) and E-2018/03 by Mr Staes ([12]).

With regard to the Honourable Member's question about 'affirmative action', the case-law of the Court of Justice in sex discrimination cases ([13]) sets clear limits to the scope of measures designed to overcome the disadvantages suffered by particular groups in the labour market. These limits prohibit the use of measures which promote the appointment of workers who are less well qualified for the job on the grounds that they are members of a disadvantaged or discriminated group.

Finally, the Commission sees no risk of firms which are acting 'in good faith being stigmatised because of a lack of ethnic diversity'.

([1]) Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin — OJ L 180, 19.7.2000 and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation — OJ L 303, 2.12.2000.
([2]) Council Decision 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) — OJ L 303, 2.12.2000.
([3]) OJ C 174 E, 19.6.2001.
([4]) OJ C 235 E, 21.8.2001.
([5]) OJ C 350 E, 11.12.2001.
([6]) OJ C 93 E, 18.4.2002.
([7]) OJ C 134 E, 6.6.2002.
([8]) OJ C 160 E, 4.7.2002.
([9]) OJ C 229 E, 26.9.2002.
([10]) OJ C 92 E, 17.4.2002.
([11]) OJ C 11 E, 15.1.2004, p.221.
([12]) See page 201.
([13]) e.g. judgements in C-450/93 Kalanke of 17.10.1995; C-409/95 Marschall of 11.11.1997.

(2004/C 33 E/256) **WRITTEN QUESTION E-2314/03**

by Paul Rübig (PPE-DE) to the Commission

(14 July 2003)

Subject: Restriction of market access of plasma-derived medicinal products in Japan

The Japanese Diet passed new legislation in 2002 requesting annual forecasts of anticipated shipments by domestic and foreign manufacturers of blood- and plasma-derived products. Although one purpose of this

new law (Blood Collection and Blood Donation Mediation Control Law/Showa 31 (1956) Law No 169) is to ensure adequate supply of blood products in Japan, the primary intention of the law is to promote domestic self-sufficiency.

Under this new law, each year a blood materials supply and demand plan will be developed and the Japanese Government will recommend importing companies to reduce their shipments if it is determined that imports are reducing demand for domestically-sourced blood products. Companies that refuse to comply with these recommendations may have their business licences terminated.

The possible labelling requirements that could require foreign manufacturers to specify that their products originate from remunerated sources also create an issue of major concern and could have discriminatory effects.

Does the Commission not agree that such a policy is a severe barrier to trade and market access by discriminating against products that are being manufactured following state-of-the-art technology and authorised to the market in Member States of the European Union? And does the Commission not agree that this issue should be raised and discussed at the next WTO round in Cancun in October 2003?

Answer given by Mr Liikanen on behalf of the Commission

(1 September 2003)

By way of initial comment, the Commission points out that all plasma-derived products approved by the European Agency for the Evaluation of Medicinal Products (EMEA) for marketing in the Union comply with the strictest safety requirements, regardless of their origin.

Concerning the Amendment of the Enforcement Ordinance referred to by the Honourable Member, the Commission is aware of the legal provisions and shares the concerns of the Honourable Member. There should be no trade restrictions imposed that cannot be justified on legitimate grounds.

According to the Commission's understanding, the above-mentioned Japanese legal provisions contain two elements of concern:

— a supply and demand plan;

— a new labelling requirement.

According to the Technical Barriers to Trade (TBT) Agreement, World Trade Organisation's (WTO) Members should ensure that technical regulations are not prepared, adopted or applied with view to or with the effect of creating unnecessary obstacles to international trade. In addition, WTO members should ensure that products imported from the territory of any member should be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country.

Legal provisions, which tend to discriminate between sources of blood donorship or countries of origin, or unfairly to imply — without scientific basis — that products derived from unpaid domestic donors are safer than imported products derived from paid donors, give rise to concerns. As the Honourable Member will be aware, however, Directive 2002/98/EC [1] does require Member States 'to encourage voluntary and unpaid blood donations with a view to ensuring that blood and blood components are in so far as possible provided from such donations' (Article 20).

There is no need for differentiated labelling if the quality and safety of the products are assured as equivalent.

The Commission is currently analysing the situation in order to determine the exact nature and effects of the Japanese legislation, in particular the economic impact on European manufactures. The issue as to whether the legal provisions constitute a breach of the WTO rules is being further assessed.

However, the Commission has already taken up the matter in its bilateral contacts with the Japanese authorities, including the EU-Japan Regulatory Reform Dialogue.

(1) Directive 2002/98/EC of the Parliament and of the Council of 27 January 2003 setting standards of quality and safety for the collection, testing, processing, storage and distribution of human blood and blood components and amending Directive 2001/83/EC, OJ L 33, 8.2.2003.

(2004/C 33 E/257) **WRITTEN QUESTION E-2315/03**

by Paul Rübig (PPE-DE) to the Commission

(14 July 2003)

Subject: Restriction of market access of plasma-derived medicinal products in Australia

In Australia, a monopoly arrangement (The Plasma Fractionation Agreement) allows CSL Limited to be the sole supplier of Australian plasma-derived medicinal products. This is despite that fact that CSL Limited enjoys the same freedom of trade as European manufacturers in the European Union and in other major markets.

The safety standards under which plasma-derived medicinal products are being manufactured and distributed do not differ between CSL Limited and other major manufacturers whose products are being restricted from the Australian market. Indeed, another severe discrimination exists in the fact that plasma-derived medicinal products originating from non-Australian sources have to demonstrate improvements in terms of efficacy and safety to gain market access.

Does the Commission not agree that such a policy is a severe barrier to trade and market access by discriminating against products that are being manufactured following state-of-the-art technology and authorised to the market in Member States of the European Union? And does the Commission not agree that this issue should be raised and discussed at the next WTO round in Cancun in October 2003?

Answer given by Mr Liikanen on behalf of the Commission

(1 September 2003)

By way of initial comment, the Commission points out that all plasma-derived products approved by the European Agency for the Evaluation of Medicinal Products (EMEA) for marketing in the Union comply with the strictest safety requirements, regardless of their origin. The basic safety of plasma-derived products is ensured by a wide variety of measures. Given the similar safety and quality requirements applied in Australia and in the Union there seems to be no public health justification for measures discriminating against European products.

The Commission is aware of the situation and agrees that the Plasma Fractionation Agreement in Australia raises concerns in regard to market access.

According to the Commission's understanding, access to the Australian market for plasma-derived products produced outside Australia is only permitted in exceptional circumstances.

Given the World Trade Organisation (WTO) provisions, WTO members should ensure that products imported from the territory of any member should be accorded treatment no less favourable than that accorded to like products of national origin and to like products originating in any other country.

The Commission is currently analysing the situation in order to determine the exact nature and effects of the above mentioned Fractionation Agreement, in particular the economic impact on European manufacturers. The issue as to whether the market conditions constitute a breach of the WTO rules requires further analysis.

Subject to the results of this analysis, the Commission will take the appropriate steps, e.g. raise the subject with the Australian authorities or in the appropriate WTO Committee.

(2004/C 33 E/258) **WRITTEN QUESTION E-2316/03**

by Armando Cossutta (GUE/NGL) to the Commission

(14 July 2003)

Subject: Knowledge of languages in the Union

Following the widespread introduction of new multi-media technologies, for example DVD technology, Europeans can buy films and watch them in the various Union languages. However, increasingly often DVD's on the market offer films in two language versions at the most, and do not always provide subtitles for each language version.

1. Does the Commission not consider that the potential of technologies should be exploited to the full in order to spread knowledge of Community languages as much as possible, thereby implementing one of the principal commitments made at the Lisbon European Council?

2. What legislative steps and other measures will the Commission take to ensure that European citizens, using the technology mentioned, can learn the languages of other European peoples by watching films?

Answer given by Mrs Reding on behalf of the Commission

(4 September 2003)

The Commission fully shares the Honourable Member's desire to improve the teaching and learning of languages in the Union.

The Honourable Member may be interested to know that the Commission has recently published a Communication to the other institutions [1] 'Promoting language learning and linguistic diversity: an Action Plan 2004-2006'.

The Communication specifically refers to the potential of new technologies for promoting language learning:

> Every community in Europe can become more language-friendly by making better use of opportunities to hear and see other languages and cultures, thereby helping to improve language awareness and learning.
>
> Research shows that the use of sub-titles in film and television can encourage and facilitate language learning. The power of the media — including new media such as DVDs — could be harnessed in the creation of a more language-friendly environment by regularly exposing citizens to other languages and cultures. The potential for the greater use of sub-titles to promote language learning could be exploited.

Furthermore, the Commission proposes to launch a study to analyse the potential for greater use of sub-titles in film and television programmes to promote language learning and to examine ways and means of encouraging greater use of sub-titled audio-visual material for language learning purposes.

Regarding the second question, and more specifically about the legislative steps, one should stress that the Commission does not have the competence to take initiatives of a legislative nature in this field.

In conclusion, the Commission considers multilingual DVDs as one of several possible tools for creating an environment in Europe which is more 'language-friendly', and would encourage their use as such.

(1) COM(2003) 449 final.

(2004/C 33 E/259) **WRITTEN QUESTION E-2324/03**

by Bill Newton Dunn (ELDR) to the Commission

(14 July 2003)

Subject: Is the British Government justified in paying different pensions to different categories of persons working in the British National Health Service?

The British Government rewards workers who in their National Health Service have served a minimum of twenty years looking after patients suffering from mental illness by counting each of those years as double for purposes of calculating pensions.

My constituent served in the mental health field from 1994 to 1999 but then transferred into the field of general nursing — so under these rules her 1994-1999 years would not count double.

Is this discrimination unfair and illegal, possibly bearing in mind the court case Coloroll Pension Trustees Ltd versus Russell in which the statement was made that 'trustees of an occupational pension fund are bound to do everything in their power to ensure compliance with the principles of equal treatment under Article 199 of the Treaty of Rome'?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(14 August 2003)

On the basis of the information provided, the Commission cannot establish whether there is an infringement of Community law in the area of equal treatment between women and men. It would ask the Honourable Member to provide more details concerning the case of the constituent in question.

(2004/C 33 E/260) **WRITTEN QUESTION E-2326/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(16 July 2003)

Subject: Discrimination between workers and employees as regards compensation for dismissal

Greek labour legislation does not consider that intellectual and manual workers merit the same degree of protection in the event of redundancy, which is why, when workers are dismissed, they receive proportionally far less compensation than employees. Trade union organisations have called for compensation for these two categories to be standardised, not only for obvious reasons of equal treatment, but also because the very small amount of compensation given to workers constitutes an incentive for dismissing them.

Can the Commission provide information on arrangements in the other Member States? What measures does it intend to take to promote the standardisation of compensation at European level?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(14 August 2003)

In 1997 the Commission published a report on the legal situation concerning 'Termination of employment relationships' in the Member States. The Commission is sending direct to the Honourable Member and to Parliament's secretariat a copy of this report.

In the European Social Policy Agenda approved by the Nice European Council's meeting in December 2000, the Commission is requested to organise an exchange of views on individual dismissal by the year 2004.

In June 2003 the Commission launched a series of studies in order to ascertain the current position in the Member States. Once these have been finalised it is planned to publish an updated report in 2004. The Commission would then consider what future measures need to be taken.

(2004/C 33 E/261)

WRITTEN QUESTION E-2330/03

by Véronique Mathieu (EDD) to the Commission

(16 July 2003)

Subject: Export of bottled drinks to Germany

German wholesalers have informed French companies of their intention to delist their products as a result of the German Government's decision to implement the Order of January 2003 with effect from October 2003.

The German authorities have not in fact taken the logistical measures that this piece of legislation dictates, leaving producers and distributors responsible for collecting any empty items of packaging and for returning these to their place of origin.

This provision directly affects French drinks, and bottled natural and mineral water in particular, since as a result of this legislation exporting companies will have to see to the return of empty bottles to France. In practice, this creates a genuine distortion of competition. By acting in a manner that makes exportation all but impossible, is Germany not showing protectionist concerns that run contrary to European law?

Does the Commission consider this German regulation to be compatible with European legislation on the internal market on the one hand, and the Packaging Directive on the other?

Answer given by Mr Bolkestein on behalf of the Commission

(29 August 2003)

In its observations in Case C-309/02 the Commission expressed the view that a deposit on one-way packaging is in principle admissible under Article 7 of Directive 94/62/EC on packaging and packaging waste and Article 28 of the EC Treaty, provided that the change from the existing return systems to a system based on deposits on one-way packaging is implemented without disruptions and avoids disproportionate barriers to intra-Union trade.

Having regard to this, by letter dated 15 May 2003 the Member of the Commission responsible for the Internal Market, Mr Bolkestein, and the Member of the Commission responsible for the Environment, Mrs. Wallström, expressed their views to the German Minister for the Environment, Mr Trittin, that the one-way deposit system currently applied in Germany may constitute a serious breach both of Article 28 of the EC Treaty and of Article 7 of Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste [1]. Minister Trittin replied by letters dated 6 June, 7 July and 18 July 2003. In these letters, the Minister indicates that the German Government is determined to set up a return system in conformity with Community legislation by 1 October 2003 and that the remaining time until that date is needed to resolve practical implementation problems.

In his letter sent on 18 July to the President of the Commission, Mr Prodi, the Chancellor, Mr Gerhard Schröder, also gave his personal commitment that the German Government will not tolerate any further transitional period going beyond the deadline of 1 October 2003.

In view of the above, on 23 July 2003, President Prodi replied to Chancellor Schröder. He expressed his continued concerns on the current application of the German mandatory deposit system. In particular, in view of the system's effects on Union imports, on the one hand he asked the Chancellor to consider the possibility of suspending the deposit regime in its current form, until a nation-wide return system covering the entire German territory is operational. On the other hand, he indicated that the Commission will have to initiate infringement procedures against Germany if, by 1 October 2003, no return system in compliance with Community law is set up.

(1) OJ L 365, 31.12.1994.

(2004/C 33 E/262)

WRITTEN QUESTION E-2339/03

by Ilda Figueiredo (GUE/NGL) to the Commission

(16 July 2003)

Subject: Relocation of the American Tool company away from Albergaria-a-Velha

The multinational company American Tool has a factory in Albergaria-a-Velha, where it produces saws of various types and other cutting tools. On 27 June 2003 it notified its workforce that it intends to close down its operations in Portugal with effect from September, to which end it has already launched the process which will result in the collective dismissal of all 74 of its employees.

In a letter to those employees the company has cited 'reasons relating to technology and to the current economic situation' as grounds for closing its factory in Albergaria-a-Velha and relocating part of its production to Denmark.

American Tool's announcement has come as a complete surprise, since the company and the group to which it belongs were not known to be in financial difficulty. In addition to its factory in Denmark, the group has several plants in other EU countries, in particular Spain and Italy.

Would the Commission say whether or not the company has received EU support and, if so, how much?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(29 August 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2004/C 33 E/263)

WRITTEN QUESTION E-2342/03

by Paul Rübig (PPE-DE) to the Commission

(16 July 2003)

Subject: Construction workers' social security fund run by the autonomous province of Bozen (Cassa Edile Provincia Autonoma Bolzano); payments by foreign construction firms

The Austrian firm Strabag AG has complained that Austrian construction firms which post workers to the autonomous province of Bozen, Italy, are required to make payments to the construction workers' social security fund run by that province even though the Austrian firms make essentially the same payments in Austria, in accordance with the law on construction workers' holidays and pay and the general law on social security.

Dual payments of this kind are demanded in particular in connection with tender procedures for public works contracts awarded by municipalities. In addition, according to reports by Italian trade unions non-EU citizens have been denied work permits because the Austrian construction firm which employs them has refused to register its workers with the relevant social security fund.

1. Is the Commission aware of the situation outlined above and does it take the view that the duplication of essentially identical social security payments for construction workers represents a breach of the freedom to provide services on the grounds that it leads to market distortions and distortions of competition?

2. Does the Commission regard the instances of discrimination outlined above as contrary to Community law?

3. If so, does the Commission intend to take action (this refers to both the questions above)?

4. Does the Commission take the view that the payments to the construction workers' social security fund are covered by Directive 96/71/EC on the posting of workers [1]?

5. In its answer, will the Commission confirm the remarks it made in its answer to Written Question E-1479/98 [2]?

[1] OJ L 18, 21.1.1997, p. 1.
[2] OJ C 50, 22.2.1999, p. 41.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(22 August 2003)

The Honourable Member has raised questions relating to the freedom to provide services across national borders and to the provisions 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].

1. The Commission has no knowledge of the particular case brought up by the Honourable Member, but it is aware of the risk of double contributions by employers when they are subject to obligations in respect of paid leave in both the sending Member State and the host Member State.

If the system of paid leave funds exists in both the countries concerned, i.e. in the country of origin of the undertaking and in the host country, the question of the equivalence of the two Member States' schemes must be decided. To address the problems involved in comparing these schemes, the paid leave funds in several Member States have set up a system of cooperation to ensure mutual recognition of paid leave schemes and to avoid employers being faced with having to pay double contributions when they post workers.

2. The Commission is of the opinion that a double burden on employers in this context could constitute a restriction to the exercise of the freedom to provide services and is not in keeping with the spirit or letter of Directive 96/71/EC.

3. The Commission will examine all of the cases brought to its attention and will take all measures necessary to ensure respect for the EC Treaty and correct implementation of Directive 96/71/EC. It will also encourage all initiatives taken by paid leave funds as referred to in point 1.

4. Directive 96/71/EC obliges the Member States to ensure that undertakings posting workers on their territory guarantee these workers the conditions of employment listed in Article 3 that are in force in the host country, including the minimum length of paid annual leave. When implementing this obligation, the Member States must abide by the provisions of the Directive as well as Articles 49 et seq. of the EC Treaty.

5. The Commission confirms its answer to Written Question E-1479/98 by Mrs R. Oomen-Ruijten and others [2].

[1] OJ L 18, 21.1.1997.
[2] OJ C 50, 22.2.1999.

(2004/C 33 E/264)

WRITTEN QUESTION E-2344/03

by Toine Manders (ELDR) to the Commission

(16 July 2003)

Subject: Interreg bureaucracy

The rules governing Interreg subsidies in the Netherlands include passages which make administration unnecessarily difficult. For example, in order to be eligible for a subsidy it is necessary actually to show proof of payment of all invoices and wage/salary payments. This discourages organisations from applying for subsidies, so that inadequate use is made of the funds potentially available.

In the Netherlands, the procedure for applying for an Interreg BMG (Benelux-Middengebied/Central Benelux Region) subsidy is often seen as enormously cumbersome: merely producing a thorough project plan with defined end products already costs a huge amount. In addition, the administration is of considerable complexity: it is necessary to produce evidence of deployment of manpower, invoices, copies of pay slips and now, as mentioned above, also proof of payment.

This means in practical terms that each month a partner has to check which employees on the pay roll have contributed to the project and must print out a list of them, after which he must submit proof of payment/a copy of the bank statement providing the requisite overview. All this information is computerised and stored on payment diskettes, so that it is relatively easy to retrieve from the system, but it is difficult to print out because the relevant lists are enormously long. In a word, while partners' administrative work and book-keeping are computerised, Europe is still insisting on manually produced evidence/copies.

Moreover, I have found that, as a result of the various national approaches and interpretations, project concepts which would be very suitable are often refused Interreg funding and an unnecessary amount of time is wasted because of inadequate coordination.

1. Is the Commission aware of the bureaucratic complexities involved in applying for Interreg subsidies, an example of which appears above?

2. Do the Interreg subsidy rules in other Member States likewise include such provisions, which promote bureaucracy? If so, what?

3. Will the Commission take measures to put an end to unnecessary bureaucratic procedures involved in the granting of Interreg subsidies? If not, why not? If so, what will it do?

4. Will the Commission investigate the scope for setting up one competent authority per Euregion for the central coordination of Interreg project applications, processing and finalisation?

Answer given by Mr Barnier on behalf of the Commission

(22 August 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2004/C 33 E/265)

WRITTEN QUESTION P-2375/03

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

(16 July 2003)

Subject: Eider ducks threatened by the cockle-fishing industry

According to a report published in the 5 July 2003 edition of the Dutch newspaper NRC Handelsblad, it has been proved that commercial industrial fishing for shellfish in the Wadden Sea has an adverse effect on shellfish-eating birds. A team of biologists noted a significant fall — of at least 50 % — in the number of eider ducks (Somateria Mollissima).

The Wadden Sea Association has found that industrial fishing for cockles destroys the entire ecosystem because it ploughs up the seabed.

The Netherlands Wadden and Bird Protection Association is demanding an end to cockle-fishing in the Wadden Sea in order to prevent the mass destruction of eider ducks. In the winter of 1999/2000, 21 000 dead birds were recorded. Recent research has shown a direct connection between the shortage of shellfish and the deaths of eider ducks. The theory that parasites might be the cause of death has been ruled out.

Pursuant to Article 6(2) of Directive 92/43/EEC [1], Member States must take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of the Directive.

That provision applies to existing activities in a special area of conservation which might adversely affect the conservation of wild birds. Implementation of that provision may entail the adaptation or cessation of such activities.

Does the European Commission share my view that this new information must result in measures being taken to protect bird species covered by the Wild Birds Directive?

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

Answer given by Mrs Wallström on behalf of the Commission

(29 August 2003)

In 2001, the Commission opened two cases, one relating to a Key Planning Decision regarding i.a. the industrial fishing for shellfish and military activities in the Wadden Sea (case 2001/2164) and a second one relating directly to the adverse effects of shellfish harvesting in the Wadden Sea on the populations of wild birds (case 2001/4491). The Wadden Sea has been designated by the Netherlands as a Special Protection Area (SPA) under Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [1] (Birds Directive) and has been put forward as a proposed Site of Community Importance (pSCI) under Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [2] ('Habitats Directive'). The cases concern the possible infringement by the Netherlands of Article 6(2), 6(3) and 6(4) of the Habitats Directive, which, pursuant to its Article 7, also applies to Special Protection Areas (SPAs) classified under the Birds Directive.

The assessment of these cases is ongoing. The possible establishment of a clear causal relationship between the shell fisheries and the recorded deaths of wild birds is of crucial importance in this matter. The Commission will include the information provided by the Honourable Member into its assessment in order to determine whether the requirements of the Birds and Habitats Directives have been complied with by the Netherlands.

[1] OJ L 103, 25.4.1979.
[2] OJ L 206, 22.7.1992.

(2004/C 33 E/266)

WRITTEN QUESTION E-2379/03

by Christopher Huhne (ELDR) to the Commission

(18 July 2003)

Subject: Small business and public procurement

Is the Commission satisfied that small businesses have adequate access to public procurement contracts within the EU? What measures does the Commission intend to improve the situation? Will it specifically consider reducing the threshold on the contract size that must be notified and simplifying the notification procedures?

Answer given by Mr Bolkestein on behalf of the Commission

(5 September 2003)

In reply to the Honourable Member's question about small businesses and public procurement in the European Union, the Commission would emphasise that it attaches particular importance to creating the best possible legislative framework in order to ensure optimum market access for all players. The Commission's main objectives are to create a genuine internal market in Europe in the field of public procurement and to meet the needs of businesses in terms of simplification and transparency.

The proposals to amend the public procurement Directives in force at the present time [1] are currently the subject of a co-decision procedure between the Parliament and the Council, and represent a significant advance over the way things currently stand. In addition to simplifying procedures, these proposals contain measures that will be of direct benefit to small and medium-sized businesses (SMEs). These include allowing awarding authorities to divide up single public contracts into smaller lots in order to make them more accessible to small businesses, and facilitating the use of electronic procedures. Access to information has also been greatly improved since May 2002 thanks to increased standardisation of the content of contract notices.

In parallel to this legislative work, the Commission has launched a study to provide a more accurate picture of SME access to European public procurement. The findings of this study will be available by the end of 2003. Initial estimates show that the participation of SMEs in public contracts above the Community thresholds is, on the whole, satisfactory. However, improvements could be made in a number of areas. The main obstacles to greater access to public procurement by small businesses are basically a lack of information on contracts and the procedures in force, too great an administrative and financial burden, the size of the contracts, a lack of preparation on the part of businesses and, finally, the difficulty of accessing legal redress mechanisms.

In its Communication entitled 'Internal Market Strategy — Priorities 2003-2006' [2], the Commission describes the steps it is planning to take in order to improve the situation. However, the Commission reminds the Member States that they 'will have to play a much bigger role in ensuring that rules, which they themselves have agreed, are effectively applied. They should also simplify their national rules, and standardise procedures as much as possible across procurement entities to make it easier for companies to participate in calls for tender.' The Commission also invites the Member States to 'streamline and simplify their own legislation and standardise procedures'.

As regards public contracts below the Community thresholds, which are of most interest to SMEs, European legislation offers businesses a number of guarantees in terms of transparency, equal treatment and non-discrimination. The study on SME access to public procurement may also prove an interesting source of inspiration for economic operators, legislators and national awarding authorities alike. It will set out, in the form of two guides, a number a good practices at European level that will enable the parties concerned to take the necessary steps to ensure greater SME participation whilst complying with Community legislation.

As regards the thresholds for applying the Directives on public procurement and procurement by utilities, Parliament, in its vote on 2 July 2003 at second reading, endorsed the thresholds given in the Council's common positions, which reflect those currently in force. In other words, there are no plans to reduce these application thresholds.

As for the simplification of notification procedures, this should come about as a result of the proper transposition of the new Directives into national law, once these have been adopted at European level, of course. The Commission also intends to propose an amendment of the 'remedies' Directives applicable in the field of public procurement with a view to improving access and clarifying national redress procedures.

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[1] Cf. the Common Position of 30 March 2003 with a view to the adoption of the Directive of the European Parliament and of the Council co-ordinating the procedures for the award of public works contracts, public supply contracts and public service contracts (2000/0115 (COD)).

[2] Cf. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled 'Internal Market Strategy, Priorities 2003-2006', COM(2003) 238, 7.5.2003.

(2004/C 33 E/267)

WRITTEN QUESTION E-2386/03

by Raffaele Costa (PPE-DE) to the Commission

(18 July 2003)

Subject: Funding of health promotion projects

Under the European Community Health Promotion Programme, the Commission has funded 20 projects dedicated solely to health promotion, to a total in excess of EUR 9,5 m. Can the Commission provide a breakdown by project of both total costs and its own contribution? Have arrangements been made to monitor the results of individual projects? Can the Commission supply a full and properly documented analysis, rather than just an Internet reference?

(2004/C 33 E/268)

WRITTEN QUESTION E-2389/03

by Raffaele Costa (PPE-DE) to the Commission

(18 July 2003)

Subject: Health Promotion Programme 1997-2002

Can the Commission provide a list of the professional associations, NGOs, national administrations and public or private bodies which have received payments or contributions (indicating the amounts concerned, whether already paid or not) under the individual actions of the European Community Health Promotion Programme for 1997-2002?

Can the Commission also state whether checks have been made as to whether the sums have in fact reached the intended recipients and whether the initiatives have been properly carried out?

Joint answer to Written Questions E-2386/03 and E-2389/03 given by Mr Byrne on behalf of the Commission

(18 August 2003)

The five year programme of Community Action on Health Promotion, Information, Education and Training was adopted by the Parliament and the Council by decision No 645/96/EC [1] on 16 April 1996 with a total budget of 35 million ECU. On 17 March 2001, the Parliament and the Council adopted an extension of this programme to 31 December 2002 with an increased budget of EUR 14,54 million for the last two years.

Pursuant to Article 7 paragraph 2 of Decision No 645/96/ECan interim evaluation on the Health Promotion Programme has been carried out. The report is published in full on the Commission website http://europa.eu.int/comm/health/index_en.html. A final evaluation of this programme together with the other public health programmes is currently being carried out. The report of this evaluation will be published in 2004.

Each funded project of the Health Promotion Programme has been monitored through the evaluation of an interim report depending on the amount of the budget and of the final report. When the technical report or financial statement have raised questions, further control measures such as site visits have been carried out with a view to undertaking a precise audit and to clarifying all queries and questions. In addition, based on a small sample exercise or in cases where funding has been agreed for several years some audit visits have been carried out.

The attached list shows all projects funded under the Health Promotion Programme since 1996, with a detailed breakdown of the budgets attributed to these projects.

[1] Decision No 645/96/EC of the Parliament and of the Council of 29 March 1996 adopting a programme of Community action on health promotion, information, education and training within the framework for action in the field of public health, OJ L 95, 16.4.1996.

(2004/C 33 E/269) **WRITTEN QUESTION E-2387/03**

by Raffaele Costa (PPE-DE) to the Commission

(18 July 2003)

Subject: Creation of workplace health promotion infrastructures

The Union's public health competences include the promotion of workplace safety. In 2002, the Commission funded a programme for the creation of workplace health promotion infrastructures, contributing the sum of EUR 985 000 to the Federal Association of Company Health Insurance Funds (Essen). The objectives of this programme include the development of support infrastructures at national level in implementation of the Union's workplace health promotion policy. Can the Commission state what structures have been created by each of the Member States involved in the programme? Has the Commission arranged for monitoring of the programme's results?

Answer given by Mr Byrne on behalf of the Commission

(14 August 2003)

The Honourable Member refers to a grant agreement within the Community Action Programme on Health Promotion, Information, Education and Training, which is currently carried out in all Member States, the three European Economic Area (EEA) countries and five candidate countries by the European Network for Workplace Health Promotion (ENWHP). The objectives of this grant agreement include the development of supportive infrastructures at national level for the dissemination and implementation of effective strategies in workplace health promotion and policies.

These supportive infrastructures, which are also, named as national forum for workplace health promotion form a platform at national level for exchange of knowledge and experiences as well as for joint actions of all stakeholders in workplace health improvement. Common goals and rules for closely working together shall be developed, in accordance with national priorities and practices. In most countries participating in this project the national forum will have an informal status and will decide through consensus building on a voluntary basis. The national forum shall involve institutional stakeholders such as governmental, regional and other competent authorities, Social Partners and representatives of social security institutions and non-institutional stakeholders such as enterprises, professional and intermediate associations and granting institutions.

The members of the European Network for Workplace Health Promotion have started to initiate the development of an informal national forum for workplace health promotion on their territory. These initiatives will use already established networks for health and safety at workplace and workplace health improvements at European and national level as far as possible or will have to create new structures in form of networks or platforms. The final results of this project, in particular, the status and working procedures of the supportive infrastructures at national level in relation to workplace health promotion will be presented at the 4th European Conference of the European Network for Workplace Health Promotion on 14-15 June 2004 in Dublin.

(2004/C 33 E/270) **WRITTEN QUESTION E-2393/03**

by Bill Miller (PSE) to the Commission

(21 July 2003)

Subject: The Commission's White Paper 'A New Impetus for European Youth'

Hostels in the Bavarian region of Germany currently impose age limits of 26 years old on visitors in order for the hostel to be eligible for tax exemption. How will this White Paper affect the current age limit

stipulated by the Bavarian region of Germany? Is it legal for them to impose age limits in the first place? It is currently the only region in Germany to allow age limits in hostels.

Answer given by Mrs Reding on behalf of the Commission

(27 August 2003)

The White Paper on youth [1], 'A New Impetus for European Youth' aims at suggesting a new framework for cooperation in youth policy. This new framework, which includes the open method of cooperation, was endorsed by the Council in its Resolution of 27 June 2002 [2] and applies to the four thematic political priorities: participation, information, a greater understanding of youth and voluntary activities.

The White Paper is therefore a first step towards an enhanced cooperation in the youth field and can only deal with a certain number of thematic priorities identified by young people, thereby fully respecting the Member States' subsidiarity in this field. The White Paper aims at giving major political orientations on youth in Europe and does thus not tackle tax questions.

[1] COM(2001) 681 final.
[2] Resolution of the Council and of the Representatives of the Governments of the Member States, Meeting within the Council of 27 June 2002 regarding the framework of European cooperation in the youth field (OJ C 168, 13.7.2002, p. 2).

(2004/C 33 E/271)

WRITTEN QUESTION E-2394/03

by Bill Miller (PSE) to the Commission

(21 July 2003)

Subject: Status of the Commission's White Paper 'A New Impetus for European Youth'

What is the current status of the Commission's White Paper 'A New Impetus for European Youth' [1]?

[1] COM/2001/0681 final.

Answer given by Mrs Reding on behalf of the Commission

(29 August 2003)

White Papers published by the Commission are documents containing proposals for Community action in a specific field. If a White Paper is viewed positively by the Council it can lead to the launching of Union action in the field concerned.

The White Paper 'A new impetus for European youth', adopted by the Commission on 21 November 2001, proposes in particular the implementation of cooperation in the youth field, covering four thematic priorities: 'participation, information, voluntary activity and greater understanding and knowledge of youth'.

The Council took a positive view of the White Paper and adopted the Resolution of 27 June 2002 [1] regarding the framework of European cooperation in the youth field. This Resolution implements the proposals set out in the Commission's White Paper.

On participation and information, the Commission presented a synthesis report [2] and draft common objectives [3] on the basis of suggestions from the Member States. The Council discussed these Commission documents in May 2003.

As far as the priorities 'a greater understanding of youth' and 'voluntary activities' are concerned, the Commission will proceed accordingly. Currently these two priorities are tackled by the Member States.

(1) OJ C 168, 13.7.2002.
(2) Commission staff working paper: Analysis of Member States' replies to the Commission questionnaires on youth participation and information (SEC(2003) 465.
(3) Communication from the Commission to the Council: Follow-up to the White Paper on a New Impetus for European Youth. Proposed common objectives for the participation and information of young people, in response to the Council Resolution of 27 June 2002 regarding the framework of European cooperation in the youth field, COM(2003) 184 final.

(2004/C 33 E/272) **WRITTEN QUESTION E-2404/03**

by Bart Staes (Verts/ALE) to the Commission

(21 July 2003)

Subject: Zinc bacitracin used by rabbit breeders to combat Epizootic Rabbit Enterocolitis: prohibited in Belgium under EU law but now in use again in the Netherlands and in France

Council Regulation (EC) No 2821/98 (1) of 17 December 1998 amending, as regards withdrawal of the authorisation of certain antibiotics, Directive 70/524/EEC (2) concerning additives in feedingstuffs prohibits the use of zinc bacitracin as an additive in feedingstuffs. Zinc bacitracin is used, inter alia, by rabbit breeders to combat Epizootic Rabbit Enterocolitis (ERE). In accordance with the Regulation, the Belgian Government has banned the use of zinc bacitracin. The problem is that Allpharma, the company which markets the product, was late in initiating the application procedure for the registration of zinc bacitracin as a medicinal product. As a result, there is currently no product available to rabbit breeders to combat ERE. In the interim, the Netherlands and France have introduced emergency legislation to permit the use of zinc bacitracin by rabbit breeders. That has led to unfair competition between, on the one hand, Dutch and French rabbit breeders and, on the other, Belgian rabbit breeders.

Is the Commission aware of the fact that, inter alia, the Netherlands and France have renewed authorisation to use zinc bacitracin, although such use is actually prohibited under European law, and that it results in a distortion of the market in rabbit breeding?

Does the Commission acknowledge that, given that zinc bacitracin is the only currently known means of combating ERE, this results in a distortion of the market?

If so, is the Commission intending to seek a solution to this problem?

(1) OJ L 351, 29.12.1998, p. 4.
(2) OJ L 270, 14.12.1970, p. 1.

Answer given by Mr Liikanen on behalf of the Commission

(1 September 2003)

Council Directive 70/524/EEC of 23 November 1970 concerning additives in feeding-stuffs modified by Council Regulation (EC) 2821/98 of 17 December 1998 prohibits the use of zinc bacitracin as feed additive for the purpose of growth promotion, not as active substance included in veterinary medicinal products for the treatment/prevention of specific diseases.

The authorisation of veterinary medicinal products is governed by Directive 2001/82/EC of the Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products (1). Article 6 of this Directive states that as a prerequisite for such an authorisation, the active

substance must be shown in Annexes I, II or III of Council Regulation (EEC) No 2377/90 [2]. Zinc bacitracin is included in Annex I of said Regulation since 27 March 2003 [3]. It is therefore perfectly legal for the competent national authorities to grant marketing authorisations for veterinary medicinal products containing zinc bacitracin for the treatment of enterocolitis in rabbits provided that the quality, safety and efficacy of the product has been demonstrated.

According to Article 7 of Directive 2001/82/EC, Member States may, where the health situation so requires, authorise the marketing or administration to animals of veterinary medicinal products authorised in another Member State. It is therefore within the competence of the Belgian authorities to judge whether such measures are warranted in this case. The Commission cannot comment on a possible distortion of the market in an area as a result of decisions taken by Member States in the their field of competence.

(1) OJ L 311, 28.11.2001.
(2) Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, OJ L 224, 18.8.1990.
(3) OJ L 81, 28.3.2003.

(2004/C 33 E/273) **WRITTEN QUESTION E-2411/03**

by Karl-Heinz Florenz (PPE-DE), Willi Görlach (PSE), Friedrich-Wilhelm Graefe zu Baringdorf (Verts/ALE), Christa Klaß (PPE-DE) and Dagmar Roth-Behrendt (PSE) to the Commission

(21 July 2003)

Subject: Food and kitchen waste from commercial undertakings

The Commission's reply to Written Question E-1154/03 [1] prompts the following additional questions:

— does the Commission currently have data as to the methods and channels whereby waste food and kitchen scraps from commercial undertakings such as industrial kitchens, restaurants, catering firms and public catering services throughout the EU are inspected, analysed, labelled, collected, transported, treated, processed, disposed of and/or destroyed, or does it first need to obtain the 'information … from the Member States' referred to in the reply to Question E-1154/03;

— does the Commission not agree that the subject matter of this question constitutes an acute problem which, for reasons of epidemic control, must be dealt with without further delay? How can the Commission ensure that food and kitchen waste from commercial undertakings within the EU is not illegally fed to animals or otherwise illegally removed or disposed of;

— what measures can and will the Commission take in the event of individual Member States providing no information, or insufficient information, on the collection and treatment of former foodstuffs, and in particular on the analysis, inspection, processing, disposal and/or elimination of food and kitchen waste from commercial undertakings?

(1) OJ C 268 E, 7.11.2003, p. 177.

Answer given by Mr Byrne on behalf of the Commission

(14 August 2003)

Further to the Commission's recent reply to Written Question E-1154/03 by the Honourable Members, the Commission can confirm that the information concerning the collection and treatment of former foodstuffs referred to in that reply is not yet available.

The competent authority in each Member State is responsible for enforcing the law, including ensuring that catering waste is not illegally fed to farmed animals and that it is safely disposed of. The Commission's Food and Veterinary Office will continue to monitor the situation to ensure harmonious implementation of the law.

In line with Article 35 of the Regulation (EC) No 1774/2002 of the Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption [1], Member States are expected to inform the Commission of the measures taken to ensure compliance with the Regulation within one year of its entry into force. The Commission will take appropriate actions to ensure that such information is communicated in due course.

[1] OJ L 273, 10.10.2002, p. 1.

(2004/C 33 E/274) **WRITTEN QUESTION E-2465/03**

by Giuseppe Gargani (PPE-DE), Fiorella Ghilardotti (PSE) and Enrico Ferri (PPE-DE) to the Commission

(23 July 2003)

Subject: Application by the Member States of Directive 2001/29 on copyright

What steps is the Commission taking to monitor and ascertain the correct transposition by the EU Member States of Directive 2001/29/EC [1] of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society?

[1] OJ L 167, 22.6.2001, p. 10.

Answer given by Mr Bolkestein on behalf of the Commission

(4 September 2003)

Since the adoption of Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society [1] on 22 May 2001 and even prior to its entry into force upon publication on 22 June 2001, the Commission began a work program to assist Member States in timely and correct transposition. A series of four informal meetings with Member States was held at intervals beginning in May 2001, December 2001, June 2002 and finally in October 2002. In addition, the Commission undertook bilateral visits to the capitals to discuss transposition of the Directive with the competent authorities. The transposition of the Directive was also discussed at the first meeting of the Copyright Contact Committee on 10 March 2003, which was established by Article 12 of Directive 2001/29/EC and is composed of representatives of the competent authorities of Member States under the chairmanship of the Commission. Furthermore, the Commission wrote to all Member States reminding them of the great importance of a speedy transposition of the Directive because of its relevance to the Community's international obligations (the Directive is the means by which the Community and its Member States will implement the WIPO Copyright Treaty and the WIPO Performances and Phonogram Treaties, which were adopted on 20 December 1996 under the auspices of the World Intellectual Property Organisation — WIPO).

Directive 2001/29/EC was due to be transposed in Member States' laws by 22 December 2002. Denmark and Greece have met this deadline. Italy and Austria transposed the Directive in April and June 2003 respectively. The Commission has received official notification of the national instruments of transposition from those four Member States. Germany has adopted its transposition law in July 2003. It is expected that the other Member States will have transposed in the course of 2003. The Commission, fulfilling its role as guardian of the Treaties, is pursuing infringement proceedings against those Member States that have not yet notified transposition of the Directive.

[1] OJ L 167, 22.6.2001.

(2004/C 33 E/275) **WRITTEN QUESTION E-2479/03**

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

(24 July 2003)

Subject: Canned tuna from Thailand, the Philippines and Indonesia

Since 1 July 2003 Thailand, the Philippines and Indonesia have benefited from a quota for exports of canned tuna to the EU at a reduced tariff of 12 % on the basis of Council Regulation (EC) No 975/2003 [1] of 5 June 2003 opening and providing for the administration of a tariff quota for imports of canned tuna covered by CN codes 1604 14 11, 1604 14 18 and 1604 20 70.

1. Can the Commission say which establishments are authorised to import this type of products into the Community, specifying in each case the country of origin of the canned products concerned?

2. Can the Commission say what type of checks are being or will be made on this canned tuna and on producers in order to guarantee food safety for Community consumers?

[1] OJ L 141, 7.6.2003, p. 1.

Answer given by Mr Byrne on behalf of the Commission

(29 August 2003)

Sanitary conditions for the imports of fishery products, including tuna, from Indonesia, the Philippines and Thailand are laid down in Commission Decision 94/324/EC [1], 95/190/EC [2] and 94/325/EC [3] respectively (as amended).

1. The list of establishments from which the imports of fishery products from Thailand, Philippines and Indonesia are authorised can be found in http://forum.europa.eu.int/Public/irc/sanco/vets/info/data/listes/ffp.html.

The above cited Decisions provide that fishery products imported from the mentioned countries shall be marked with the indication of the name, in capital letters, of the exporting country and with the number or the code of the approved establishment.

2. The sanitary controls on all the fishery products (Community or imported) to be marketed in the Community are those provided by Council Directive 91/493/EEC [4].

[1] 94/324/EC: Commission Decision of 19 May 1994 laying down special conditions governing imports of fishery and aquaculture products originating in Indonesia, OJ L 145, 10.6.1994.
[2] 95/190/EC: Commission Decision of 17 May 1995 laying down special conditions governing the import of fishery and aquaculture products originating in the Philippines, OJ L 123, 3.6.1995.
[3] 94/325/EC: Commission Decision of 19 May 1994 laying down special conditions governing imports of fishery and aquaculture products originating in Thailand, OJ L 145, 10.6.1994.
[4] Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products, OJ L 268, 24.9.1991.

(2004/C 33 E/276) **WRITTEN QUESTION E-2501/03**

by Anne Jensen (ELDR) to the Commission

(29 July 2003)

Subject: Budget chapter B3-4000 for 2002

In 2002, the Commission allocated funding under budget chapter B3-4000 to programmes concerning 'corporate social responsibility', 'industrial relations', 'social dialogue' and 'financial participation'. A number of applications were successfully submitted to the Commission for project funding.

How many applications were submitted for project funding under the above programmes and what percentage of applications were rejected?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(22 August 2003)

In 2002, the Commission received a total of 307 applications under budget heading B3-4000, of which 125 proposals were approved. This represents an acceptance rate of 41 per cent.

The corresponding figures per sub-programme were as follows:

- Sub-programme 1: *Support for European social dialogue*
  - 135 received, of which 63 retained (46,7 %);
- Sub-programme 2: *Promoting the financial participation of workers*
  - 19 received, of which 8 retained (42,1 %);
- Sub-programme 3: *Improving expertise in the field of industrial relations*
  - 57 received, of which 25 retained (43,9 %);
- Sub-programme 4: *Corporate social responsibility and fundamental social rights*
  - 96 received, of which 29 retained (30,2 %).

(2004/C 33 E/277) **WRITTEN QUESTION E-2505/03**

by Maurizio Turco (NI) to the Commission

(29 July 2003)

Subject: Procedure 2001/2151 instituted against Italy under Article 226 of the Treaty for infringement of Directive 89/552/EEC (Television without Frontiers)

Knowing that:

- in 2001 the Commission instituted infringement procedure 2001/2151 against Italy under Article 226 of the Treaty in connection with the implementation of Council Directive 89/552/EEC [1] (as amended by Directive 97/36/EC [2]);
- on 20 March 2002 it decided (PV (2002) 1560) to send a letter of formal notice to the Italian authorities;
- a recent study by Carat Export indicates that the weekly advertising concentration in Italy (435 potential spot advertisements) is apparently double the level in Germany (220) and France (260);
- in its annual reports for 2000 (point 8.1), 2001 (point 2.5.1), and 2002 (point 3.12.1) the Media Safeguards Authority, the body responsible under Italian law for monitoring compliance with the provisions in question, stated that it had initiated investigations and other procedures in order to establish what infringements had been committed by television stations where advertising and sponsorship were concerned.

The Commission:

- does it believe that the Italian state has sufficiently supervised television stations as regards commercial advertising (timing of spot advertisements, commercial breaks, concentration rates, teleshopping, and infomercials), as it is required to do under Directive 89/552/EEC and the amendments thereto;
- does it consider that the procedure for determining whether the directive has been infringed, adopted by the Italian Parliament in implementation of the directive, is appropriate for its purpose? Furthermore, does it think that the Italian authorities have interpreted the letter of the directive according to its spirit;

— does it know how many infringements were ascertained by the Media Safeguards Authority in the years from 1999 to 2002 and in how many cases penalties were imposed as a result;

— does it believe that the Media Safeguards Authority has employed human and financial resources on the scale required to enable it effectively to perform the tasks assigned to it by law?

(1) OJ L 298, 7.10.1989, p. 23.
(2) OJ L 202, 30.7.1997, p. 60.

Answer given by Mrs Reding on behalf of the Commission

(1 September 2003)

The infringement procedure the Honourable Member refers to was based on a monitoring conducted by the Commission in 1999. The results of the monitoring raised serious doubts whether the Italian authorities were sufficiently supervising the application of legislation implementing Chapter IV of the Television without frontiers Directive [1]. The Italian authorities argued that the monitoring period coincided with the transitional stage when the powers were transferred from the broadcasting and publishing standards board and the Ministry of Communications to the newly established authority and that the situation had considerably improved since then.

The Commission asked for additional information concerning the improvement made in monitoring of the rules on advertising and the reply of the Italian authorities of 21 May 2003 provided satisfactory answers to its questions. Staff allocated to this task had increased from 2000 to 2002 of about 30 % (4,5 to 6 full time). Financial resources have been doubled in the same period (EUR 61 000 to EUR 122 000). As far as the number of proceedings is concerned the Italian authorities reported that 198 proceedings against broadcasters were initiated in 1999 and 497 in 2000. According to information available a recent High Court ruling has simplified the current procedure and therefore makes it easier for the Media Safeguards Authority to impose effective sanctions.

With a view to the essentially enhanced situation concerning the application of the Directive the Commission on 9 July 2003, decided to terminate this case. This does not exclude that the Commission might start or continue with infringement procedures that concern specific, advertising practices in Italy.

(1) Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by Law, Regulation or Administrative Action in Member States concerning the pursuit of television broadcasting activities, as amended by Directive 97/36/EC of the Parliament and the Council of 30 June 1997.

(2004/C 33 E/278) **WRITTEN QUESTION E-2519/03**

**by Ria Oomen-Ruijten (PPE-DE)
and Françoise Grossetête (PPE-DE) to the Commission**

(29 July 2003)

Subject: German mandatory deposit system

The introduction in Germany of a mandatory deposit system on one-way containers for soft drinks, beer and water on 1 January 2003 has led to severe indirect discrimination against importing companies. As a result of this mandatory deposit system on cans and one-way plastic and glass bottles, the German retailers have removed these containers from their shops because the collection of these recipients is complicated, unhygienic and costly.

As a consequence imports of soft drinks, waters and beer have stopped almost completely. Foreign companies can only deliver their products on the German market in one-way packaging because of the transport distance and the structure of their companies. German companies are still maintaining or even increasing their market share because they can deliver in refillable packaging, which does not suffer from the new mandatory deposit rules.

In reply to questions asked on this issue by Ria Oomen-Ruijten during the 1 July plenary debate on 'Packaging and packaging waste', Commissioner Wallström stated: 'Mr Bolkestein and myself have made clear that we are not satisfied with the current situation in Germany, and we have urged the German Government to set up a return system in conformity with Community legislation, which can also be a nation-wide, one-way deposit. We are taking action and we will continue to do so.'

1. Can the Commission indicate, in accordance with Commissioner Wallström's statement, what steps it is taking to ensure that the German Government will take the necessary measures to set up a return system in conformity with Community legislation?

2. Can the Commission indicate the time frame in which it will take the above-mentioned steps?

Answer given by Mrs Wallström on behalf of the Commission

(29 August 2003)

The background to this case was explained in the reply given by the Commission on 3 July 2003 to Written Question 1549/03 ([1]).

With regard to the present additional questions, the Commission can inform the Honourable Members as follows. By letter dated 15 May 2003, the Member of the Commission responsible for Internal Market, Mr Bolkestein, and the Member of the Commission responsible for the Environment, Mrs. Wallström, expressed their views to the German Minister for the Environment, Mr Trittin, that the one-way deposit system currently applied in Germany may constitute a serious breach both of Article 28 of the EC Treaty and of Article 7 of Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste ([2]). Minister Trittin replied by letters dated 6 June, 7 July and 18 July 2003. In these letters, the Minister indicates that the German Government is determined to set up a return system in conformity with Community legislation by 1 October 2003 and that the remaining time until that date is needed to resolve practical implementation problems.

In his letter sent on 18 July to the President of the Commission, Mr Prodi, the Chancellor, Mr Gerhard Schröder, also gave his personal commitment that the German Government will not tolerate any further transitional period going beyond the deadline of 1 October 2003.

In view of the above, on 23 July 2003, President Prodi replied to Chancellor Schröder. He expressed his continued concerns on the current application of the German mandatory deposit system. In particular, in view of the system's effects on Union imports, on the one hand he asked the Chancellor to consider the possibility of suspending the deposit regime in its current form, until a nation-wide return system covering the entire German territory is operational. On the other hand, he indicated that the Commission will have to initiate infringement procedures against Germany if, by 1 October 2003, no return system in compliance with Community law is set up.

([1]) OJ C 11 E, 15.1.2004, p. 192.
([2]) OJ L 365, 31.12.1994.

(2004/C 33 E/279) **WRITTEN QUESTION E-2529/03**

by David Bowe (PSE) to the Commission

(29 July 2003)

Subject: Body piercing

Does the Commission consider it necessary to make proposals for minimum common standards for licensing and operation for the commercial provision of the services of tattooing or body piercing in the EU in order to protect the health of the general public and to avoid needless tragedies like the recent death of Daniel Hindle in Sheffield in the UK? If not, why not?

Answer given by Mr Byrne on behalf of the Commission

(29 August 2003)

The Commission is aware of the health concerns that may be associated with tattooing and body piercing.

Recently, a number of Member States, including the United Kingdom, have introduced national measures on the safety and hygiene of tattooing and body piercing practices. As the Honourable Member notes, there are no Community harmonised measures or standards in place.

In order to ensure a consistent and uniform high level of consumer health protection, the Commission has initiated the collection and assessment of all necessary information related to the safety of tattoos and body piercing. The activity is being conducted in the context of the recently established European Information System on the Exposure of Consumers to chemicals from products/articles project (EIS-CHEMRISKS) and consists of a series of thematic meetings and workshops among scientists and technical experts in the field. The types of chemicals and the safety information to support their use in tattoos, national regulations on tattoos/piercing in the Union and elsewhere, reported adverse health effects associated with tattoos/piercing, hygiene practices and requirements, and professional training requirements, are the main topics where information is being gathered.

The Commission recently published three working documents from this activity: a review of published reports of adverse health effects associated with tattoos/body piercing; a regulatory review on tattoos/body piercing in the Union and elsewhere; and proceedings from a dedicated scientific workshop that took place on 5-6 May 2003 in Ispra, Italy [1].

It is expected that the technical experts participating in the activity will be in a position to finalise these documents in the near future. The Commission intends to submit these for review to the Commission's Scientific Committees before considering the need for further steps.

In addition, the Commission has commissioned a separate study to investigate the specific purity requirements of the metal alloys used in piercing post assemblies and in particular in relation to their nickel content and their potential to induce skin allergies (allergic contact dermatitis). This has been submitted for evaluation to the Commission's Scientific Committee on Toxicity, Ecotoxicity and the Environment (SCTEE). The Commission will consider any appropriate action on the basis of the SCTEE opinion.

[1] http://europa.eu.int/comm/consumers/cons_safe/news/eis_tattoo_proc_052003_en.pdf
http://europa.eu.int/comm/consumers/cons_safe/news/eis_tattoo_risk_052003_en.pdf
http://europa.eu.int/comm/consumers/cons_safe/news/eis_tattoo_reg_052003_en.pdf
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(2004/C 33 E/280) **WRITTEN QUESTION E-2534/03**

by Margrietus van den Berg (PSE) to the Commission

(29 July 2003)

Subject: Problem of 'cross-border pupils'

For some time Netherlands municipalities in areas on the border with Germany have had to deal with the problem of children from Dutch families who live over the border in Germany and undergo primary education in the Netherlands and vice versa. At the De Biezenkamp primary school in Beek (Ubbergen), for example, the number of pupils involved is 33 out of a total of 800. In the municipality of Losser the figure is 35 pupils and in Groesbeek 19. The municipality of Maastricht has 200 pupils from Belgium.

The municipality receives no state funding for these 'cross-border pupils' because the resources for primary school infrastructure are allocated on the basis of the number of children aged 0 − 19 resident in the municipality.

Very recently, on 2 June 2003, the findings of a study concerning Netherlands nationals who move to live in Germany were published — that study had been commissioned by, amongst others, the provinces of Gelderland and Overijssel and Euregio. At present, some 18 500 Netherlands citizens live in areas close to the border in Germany. Over the period from 2003 to 2007, that figure is expected to increase by between 20 000 and 40 000.

Should that increase find a direct correlation in the pupils attending, for example, De Biezenkamp primary school, then the number of 'cross-border pupils' is set to increase by between 30 and 60 over the period to 2007 — one more reason to resolve the problem of the related infrastructure costs.

To my mind, border regions are test cases for the new Europe. It is in precisely these regions that the benefits of European integration can be enjoyed by means of cooperation in the education sphere.

Does the Commission feel that measures should be taken to compensate municipalities for the extra costs?

Does the Commission see ways of encouraging the Member States to take such measures and, more generally, to facilitate longer-term cooperation in border regions?

Answer given by Mrs Reding on behalf of the Commission

(27 August 2003)

The Commission acknowledges the concern expressed by the Honourable Member about infrastructure costs related to pupils resident in the border region of one country attending school in a neighbouring country. The promotion of pupil and student mobility is at the heart of Community policy in the field of education.

The organisation and financing of national education systems is, however, not an area of Community competence. Article 149 of the EC Treaty clearly states that: 'The Community shall contribute to the development of quality education by encouraging cooperation between Member States […] while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems'. The Commission is therefore not competent to address the issue of costs arising from such 'cross-border pupils'.

(2004/C 33 E/281) **WRITTEN QUESTION E-2560/03**

by Roberta Angelilli (UEN) to the Commission

(4 August 2003)

Subject: Funding for artistic handicrafts

According to a recent survey, Italy is the country with the highest number of craft industries and craftsmen in the EU. With around one and a half million firms and more than 3 million employees, the sector is one of the mainstays of the Italian economy, accounting for approximately 15% of GDP. However, although the craft industries are of decisive importance in all EU countries, there is no unified legislation on the subject — for example laws in France and Italy are very different from those in Germany and Austria.

The trend towards harmonising the various sectors of the economy merely results in enhancing and regulating SMEs in general, thereby neglecting the craft industries and failing to draw up ad hoc policies for this sector, which constitutes the production base for the majority of businesses in the EU. Furthermore, until now no comprehensive study has been made of the handicraft firms in the EU nor is there a definition of 'European craft industry'.

Handicrafts are the expression of the various cultures in the EU and should therefore be protected and encouraged in all their forms.

Can the Commission therefore say:

1. whether there is any funding for artistic handicrafts;

2. whether there are any calls to tender for the creation of artworks to adorn cities;

3. whether there is any provision for international events featuring artistic handicrafts;

4. what the general situation is in this sector?

Answer given by Mrs Reding on behalf of the Commission

(5 September 2003)

1. The Commission can provide support for artistic handicrafts initiatives under the framework programme Culture 2000, which is the Union's single financing and programming instrument for cultural cooperation, on condition that the initiatives meet the programme's selection criteria. Through its support for the cultural heritage and visual arts sectors in particular, the Culture 2000 programme promotes artistic creation, giving particular priority to young people, the socially disadvantaged and cultural diversity. There is no Community programme devoted specifically to artistic handicrafts: the sole source of funding for cultural heritage and visual arts projects is the Culture 2000 programme.

The Honourable Member will find further information on the programme on the website: http://europa.eu.int/comm/culture/eac/index_fr.htlm

Additionally, the Commission is providing funding for the Prodecom project under the Euromed Heritage II framework programme. This project seeks to mobilise the potential of the Euro-Mediterranean artistic and craft cultural heritage through the introduction of a 'local culture product' label intended to make it easier for the quality and originality of craft products to be recognised. In the longer term, this initiative should facilitate the marketing of craft products in Europe and worldwide. The project is being coordinated by the Chambre des Beaux Arts de Méditerranée ([1]).

2. The Commission is not aware of the publication of any calls for tender for the creation of artworks to adorn cities.

3. The Commission does not have a specific agenda for international events featuring artistic handicrafts. However, international events were supported in 2002 under the Culture 2000 programme. The Commission would refer the Honourable Member to the above-mentioned website, which shows all the projects cofinanced by Culture 2000.

4. The Commission agrees with the Honourable Member that, in the absence of a definition of what constitutes a 'European craft business', it is often difficult to estimate fully the contribution the craft sector makes to the European economy. There has already been a study to establish a definition of 'small craft business', which should enable the Commission to collect comparable and more accurate statistics.

The Honourable Member will find further information on this study on the website: http://europa.eu.int/comm/enterprise/entrepreneurship/craft/craft-studies/methodology-craftstatistics.htm

Competence for assessing the general situation in this sector lies with the Member States alone. However, the Commission, aware of the need to promote the quality of craft products, has also conducted a study to identify craft trades in Europe. The study includes a series of recommendations for strategies to promote craft products, ranging from preserving and transmitting know-how to facilitating access to the national and international markets through the development of e-commerce.

The final report of this study can be found on the website: http://europa.eu.int/comm/enterprise/entrepreneurship/craft/craft- studies/methodology-craftstatistics.htm

The Commission is therefore continuing to devote attention to this subject and is planning a preparatory study to evaluate the feasibility of a Community instrument for promoting typical products — other than agricultural products — made by small European enterprises, including artistic craft products.

(1) 59, rue Cambronne, 75015 Paris: ch.beaux.arts@wanadoo.fr.

(2004/C 33 E/282) **WRITTEN QUESTION E-2570/03**

by Maurizio Turco (NI) to the Commission

(6 August 2003)

Subject: Church tax compulsorily levied by the Federal Republic of Germany on unemployment benefit paid to unemployed people who do not belong to the Church

Knowing that:

— in Germany, significant sums are deducted in the form of church tax from unemployed people without any religious affiliation, who are thus obliged to provide financial support for an organisation to which they do not belong;

— this situation appears all the more incredible given that the German Constitution explicitly prohibits anyone being prejudiced or placed at a disadvantage because they do not belong to a religious community;

— the compulsory levying of church tax among unemployed people without any religious affiliation violates the following provisions of the German Constitution:

(a) Article 3(1) and (3) of the Basic Law, which stipulate that no one may be 'favoured or disfavoured' because of his or her philosophical or religious opinions;

(b) Article 4(1), which provides that 'freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable';

(c) Article 33, which enshrines the fundamental obligation of State neutrality.

— the Federal Constitutional Court has ruled that unemployed people without any religious affiliation may indeed be required to pay this tax as long as a clear majority of employed people belong to the Church. However, it might be pointed out that, according to the judgment of the Bundessozialgericht (Federal Social Court) of 8 November 2001, 49 % of Germany's active population did not pay church tax in 1999.

Given that this arrangement runs counter:

— to the freedom of religion guaranteed by the Constitution,

— to the principle of equal treatment and the obligation of State neutrality and

the principle of the separation of Church and State,

can the Commission say whether it is aware of the above facts, whether it has taken any initiatives and, if so, what initiatives it has taken?

Does the Commission not take the view that the situation described contravenes the acquis communautaire?

What formal initiatives might the EU take vis-à-vis Germany if this situation cannot be resolved, in order to ensure that the principle of religious freedom is respected?

Answer given by Mr Bolkestein on behalf of the Commission

(15 September 2003)

The matter to which reference is made does not fall within the jurisdiction of the Community.

(2004/C 33 E/283)

WRITTEN QUESTION E-2580/03

by Erik Meijer (GUE/NGL) to the Commission

(6 August 2003)

Subject: Expectations of an increase in the production of counterfeit euro bank notes in thinly-populated countries where the euro is important as a parallel currency

1. Can the Commission confirm that, to date, the production of counterfeit money in the euro zone has been concentrated in thinly-populated areas in France and Spain and that this has resulted in losses of EUR 16 million for consumers and business?

2. Do new technologies where, for example, computer printers replace offset presses increase the potential for producing counterfeit bank notes which are difficult to distinguish from genuine ones, despite the use of watermarks, holograms and metal strips?

3. What is current ratio of counterfeit euros to the other widely used currency, the US dollar? Is the counterfeiting of euros moving towards the dollar level?

4. Does the Commission share Europol's expectation that the combination of the enlargement of EU territory and easily crossed frontiers, together with the increasingly important role of the euro as a parallel currency in countries with low incomes and high unemployment, increases the likelihood of a sharp increase in the near future of the production of counterfeit euros in thinly-populated areas and the transport thereof to densely-populated areas?

5. How will the Commission duly protect consumers and business in the future from the risk that they may unwittingly come into the possession of counterfeit bank notes which, on discovery, will not have the face value ascribed to them when they were accepted?

Source: The 18 July 2003 edition of 'Rotterdams Dagblad', a Dutch newspaper.

Answer given by Mrs Schreyer on behalf of the Commission

(18 September 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.