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Notice No | Contents | Page

EN

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

(Continued)

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EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

(2004/C 58 E/001) **WRITTEN QUESTION E-0281/02**

by Nicholas Clegg (ELDR) to the Commission

(8 February 2002)

Subject: Customs and excise

Are members of the public and Members of the European Parliament allowed to obtain copies, from the Commission, of the Letter of Formal Notice issued in late October to HM Treasury (UK) from Commissioner Bolkestein, concerning Customs and Excise policies and possible infringements of the freedom to move goods across borders resulting from those policies? If not, why not?

Answer given by Mr Bolkestein on behalf of the Commission

(20 March 2002)

The Commission considers that documents drafted in connection with proceedings under article 226 of the EC Treaty fall under the 'inspections and investigations' exception of Article 4(2), 3rd indent of Regulation (EC) No 1049/2001 of the Parliament and of the Council of 30 May 2001 regarding public access to Parliament, Council and Commission documents [1] which applies to requests made by members of the public and by individual members of Parliament. This includes the letter to which the Honourable Member refers. The Court of first instance has confirmed this position in particular in its judgement T-191/99 of 11 December 2001 (David Petrie vs Commission) [2] which concerned the same exception already foreseen in Commission Decision 94/90/ECSC, EC, Euratom of 8 February 1994 on public access to Commission documents [3].

[1] OJ L 145, 31.5.2001.

[2] See also judgment of 5 March 1995 in case T-105/95: WWF-UK v Commission Law governing the institutions and Judgment of 14 October 1999 in case T-309/97: The Bavarian Lager Company v Commission Law governing the institutions.

[3] OJ L 46, 18.2.1994.

(2004/C 58 E/002) **WRITTEN QUESTION E-0550/02**

by Erik Meijer (GUE/NGL) to the Commission

(27 February 2002)

Subject: Carcinogenic Spanish peppers in Austria and replacement of reactive approach to food safety with a preventive approach

1. Can the Commission confirm that the carcinogen Pyrzophos, which has been banned in the European Union since 2000 and which moreover affects the central nervous system and disrupts hormones in human beings, has recently been found in Spanish peppers which were on sale in Austrian supermarkets?

2. Is the Commission aware that these peppers were also found to contain eight pesticides which are carcinogenic even in small quantities?

3. Must consumers who wish to protect their health always wait for such cases to be revealed by environmental or consumers' organisations so that they can boycott such unfit foodstuffs on their own initiative? Is it acceptable that in the meanwhile the goods simply continue to be sold to other consumers until a competent authority intervenes?

4. Is the risk that harmful foodstuffs may be sold increased because the elimination of border obstacles and the increasing cheapness of transport are making it possible to offer them for sale further and further away from their place of origin, so that adequate information about the conditions in which they were produced reaches the point of sale only after a certain delay?

5. What changes need to be made to enable national and European institutions concerned with food safety to take preventive action to avoid such products being transported and marketed?

6. What measures, such as prior checks, will the Commission now take in order to put a permanent stop to the recurrent offering for sale of harmful foodstuffs?

Source: 'Metro' daily newspaper, Flanders edition, 13 February 2002

Answer given by Mr Byrne on behalf of the Commission

(16 April 2002)

1. The Commission decided in March 2000 not to include pyrazophos in Annex I to Council Directive 91/414/EEC [1] and to oblige Member States to withdraw existing authorisations for plant protection products containing pyrazophos. The decision was taken because the producer withdrew its support for the substance during its evaluation at Community level in the framework of the Directive. The detailed reasoning behind the decision, described in the review report published on the Commission's public Internet website [2], is that (i) insufficient data were available to adequately assess the environmental fate of the substance and to assess consumer exposure to potential residues resulting from its use; and (ii) that the following areas of concern were identified: high acute risk to honeybees and unacceptable risk to operators, workers and bystanders. The studies submitted by the producer concerning carcinogenicity were found to be acceptable and did not indicate any hazard.

As part of the decision, a period of grace of 18 months was allowed to use up existing stocks of the substance. This expired in September 2001. Subsequently, maximum residue levels (MRLs) for pyrazophos were set by the Commission at the lower limit of analytical determination [3]. Since products containing residues of pyrazophos that was applied to plants before September 2001 may still be on the market after that date, it was decided that the MRLs shall apply as of 1 July 2002.

2. The presence of 8 carcinogenic pesticides in peppers has not been communicated to the Commission — neither by the by the Austrian authorities nor by any other source.

3. It is difficult to give a precise response in the absence of the original information. However, it is clearly unacceptable that unfit goods be sold to consumers. Neither is it acceptable that goods are labelled as unfit without reliable evidence — particularly where a threat to consumer health has not been demonstrated.

4. The Commission has no evidence that the risk of harmful foodstuffs being sold is increased because of the elimination of border controls within the EU and the increased cheapness of transport. In addition, the rapid alert system for food has as one of its objectives, to minimise any such risks where they might occur.

5. The Community program of evaluating more than 800 existing active substances should be finalised by 2008. After that time, all active substances remaining on the market and any newly developed active substance should have been adequately tested and evaluated at Community level.

6. The rapid alert system for foodstuffs operated by the Commission, has the role of permitting the rapid exchange of information between the Commission and the Member States allowing risk mitigation measures to be taken where appropriate in the event of a reported risk to the consumer. The Commission is currently developing guidelines for the reporting of risks to the consumer due to the presence of pesticide residues in food.

(1) 2000/233/EC: Commission Decision of 9 March 2000 concerning the non-inclusion of pyrazophos in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance, OJ L 73, 22.3.2000.
(2) http://europa.eu.int/comm/food/fs/ph_ps/pro/eva/existing
(3) Commission Directive 2000/82/EC of 20 December 2000 amending the Annexes to Council Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on fruit and vegetables, cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively, OJ L 3, 6.1.2001.

(2004/C 58 E/003) **WRITTEN QUESTION P-0770/02**

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

(11 March 2002)

Subject: Steel trade

On 5 March the USA unilaterally imposed tariffs on steel imports which range from 8 % to 30 % of the value thereof and which will apply, subject to review, for a three-year period starting on 30 March.

Naturally, the European Union is going to take the matter to the World Trade Organisation.

What immediate effect might this have on the steel industry in Europe?

What action is to be taken in order to protect the European steel industry whilst the WTO is dealing with the issue, and how is the sector to be compensated for any losses suffered?

How long is it likely to take for the dispute to be resolved?

Answer given by Mr Lamy on behalf of the Commission

(5 April 2002)

As the Honourable Member rightly mentions in his question, it is clear that the Community has no choice but to challenge the unilateral American measures against steel imports in the World Trade Organisation (WTO). The Commission therefore requested consultations with the United States under the WTO Dispute Settlement undertaking and Safeguards Agreement on 7 March 2002. If these consultations were to be unsuccessful, the Commission would be in position to request the establishment of a Panel as early as 6 May 2002.

It is clear that the American action involves a number of procedural and substantive violations of WTO rules. The Commission is therefore confident that the WTO will ultimately rule against the United States, as it has already done in four other safeguard cases. However, as the Honourable Member implies, this process will take some time.

The American measures will cause significant disruption to the world steel market. Exporters, particularly of products covered by 30 per cent increases in tariffs, will look for alternative markets. On a conservative estimate, some 15 million tonnes of steel could be diverted from the American market. Given the overall economic situation, much of this steel is likely to head towards the Community.

At the request of the various European steel industry associations, the Commission is therefore examining the case for a European safeguard measure. Any such measure would not seek to cut the current high levels of imports to the Community, but only prevent the negative effects of massive trade diversion caused by the American measures. Any Community safeguard action would, of course, only be undertaken in full conformity with WTO rules.

In application of WTO rules, the Commission is also asking the United States to propose compensation measures at the level of the amount of European exports hit by the American measures. In light of their reaction, the Commission will consider whether a suspension of tariff concessions vis-à-vis the United States, in full conformity with WTO rules, is appropriate.

It is difficult at this stage to make any reliable forecast of how long the dispute will last. However, if the WTO dispute settlement procedure runs its full course, it could take 18 to 24 months.

(2004/C 58 E/004) **WRITTEN QUESTION P-0800/02**

by Christopher Huhne (ELDR) to the Commission

(13 March 2002)

Subject: Expenditure on private finance initiatives and public-private partnerships — Answer to Written Question E-3528/01

Further to the Commission's answer E-3528/01 ([1]), does the Commission intend to do any work collecting information on government expenditure on private finance initiatives and public-private partnerships? Is the Commission doing any such work?

If so, when does it expect to be able to provide an estimate for each Member State?

If not, will the Commission state why it is not concerned that such schemes may be effective ways of removing public investment from the Maastricht definition of the budget balance without removing the ultimate liability?

Will it set out the criteria by which it believes schemes should fall within or without the Maastricht definition?

([1]) OJ C 147 E, 20.6.2002, p. 198.

Reply by Mr Solbes Mira on behalf of the Commission

(19 April 2002)

The Commission does not collect separate information on government expenditure on private finance initiatives and public-private partnerships in connection with the notification of data on debt and deficit.

However, finance initiatives of this kind are covered by the national accounts and their effects are taken in to account appropriately in the calculation of the main Maastricht aggregates (deficit and debt).

Moreover, accounting for these programmes is covered by the manual on public deficit and debt drawn up by Eurostat, which is available to those responsible for the national accounts. This manual provides for harmonised accounting for the main operations involved in private finance initiatives and public-private partnerships.

(2004/C 58 E/005)

WRITTEN QUESTION E-1116/02

by Astrid Thors (ELDR) to the Commission

(18 April 2002)

Subject: Credit card fraud in e-commerce in Europe

Credit card fraud reportedly caused losses in 2001 of over EUR 900 million in Internet trading in the USA, i.e. the equivalent of 1,14 % of online shopping turnover. The methods of committing the fraud vary; bogus services and shopping sites are set up, databases are hacked into and information on sales vouchers exploited. The Nordea Bank's warning to its customers not to use Mastercard for online purchases also attracted much attention. One of the reasons for the warning is that hackers in the USA have gained access to servers on which customers' credit card data is stored.

Does the Commission have an idea of the amount of losses caused by credit card fraud in Europe? What further measures does the Commission intend to take to increase security? Has Cybercrime Forum looked into this matter?

Answer given by Mr Bolkestein on behalf of the Commission

(20 June 2002)

The Commission does not have precise statistics on the current level of credit card fraud on e-commerce transactions in the Union.

The Commission Fraud Prevention Action Plan [1] states that the proceeds from all types of payment card fraud were estimated at EUR 600 million in the Union in 2000 (which roughly corresponds to 0,07 % of the payment cards turnover in the Union in that year). The main types of fraud were by far the use of counterfeit, lost or stolen credit cards at shops or automated teller machine (ATMs). Credit card fraud on e-commerce transactions only accounted for a little percentage of the above amount.

Credit card details may be obtained by criminals in many ways, including by hacking into databases. The Commission does not have precise statistics on the overall scale of illegal access to information systems. Because of limited awareness and experience among system administrators and users, many intrusions are not detected. In addition, many companies are not willing to report cases of computer abuse, to avoid bad publicity and exposure to future attacks. For this reason, the number of intrusions that are detected and reported almost certainly under-represents the full extent of the problem. Many police forces do not yet keep statistics on the use of computers and communication systems involved in these crimes. However, these problems have diminished over the last two to three years, and the gathering of statistics on illegal access to information systems is gradually improving.

The Commission is taking action to increase the security of payment transactions online. Improvements in security are the main priority of the Fraud Prevention Action Plan which aims to facilitate the introduction of the highest economically viable level of security for payment instruments and systems, especially online payments. The Plan is based on a partnership among all stakeholders to prevent fraud and counterfeiting of non-cash payments. It provides for five main areas (Security of payments; exchange of information; cooperation, training and educational material; other specific fraud prevention measures; and cooperation with third countries) and 11 main actions that the Commission and other parties should undertake, including specific actions to improve the security of payment products and systems.

Discussions on security issues take place regularly at the meetings of the Union Fraud Prevention Experts Group, the steering group for the implementation of the Fraud Prevention Action Plan. These discussions also cover preventative measures such as minimum security requirements for online merchants accepting payment cards.

The Commission recently launched a study which aims to provide an objective assessment of the security of remote electronic payments (eg fund transfers, remote payment by card and mobile payments) in the Internal Market, with a view to possibly enhance consumer confidence in e-commerce. The call for tender for this study was published in January 2002. The tender procedure has been completed and the study will be committed soon. Final results are expected by the end of 2002.

Also, based on the results of the study, the Commission will organise early in 2003 a Conference on the security of payments in the Internal Market, with a view to improve information on the security of modern payment products and systems in the Internal Market.

In addition to the Framework Decision of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment [2], action to increase Internet security has also been undertaken. On 19 April 2002 the Commission proposed a Framework Decision on attacks against information systems [3]. This Framework Decision addresses the new most significant forms of criminal activity against information systems, including illegal access to information systems. The Framework Decision encourages and promotes information security, while ensuring that Europe's law enforcement authorities can take action against this new form of crime.

The Cybercrime Forum has not discussed issues specifically related to credit card fraud, but held extensive discussions on the problem of illegal access to information systems, which resulted in the proposal for the Framework Decision mentioned above.

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[1] Communication from the Commission 'Preventing fraud and counterfeiting of non-cash means of payment', COM(2001) 11 final, of 9.2.2001.
[2] OJ L 149, 2.6.2001.
[3] COM(2002) 173 final.

(2004/C 58 E/006) **WRITTEN QUESTION E-1220/02**

by Daniela Raschhofer (NI) to the Commission

(29 April 2002)

Subject: Management of the Erasmus and Socrates programmes

Complaints about the management of the Erasmus/Socrates mobility programme have increased recently. Particularly the local management of the programmes gives rise to organisational problems, and uncertainties over whether exams will be recognised are also common.

Are there detailed rules stipulating which exams can be taken abroad for each subject, and which exams must be recognised by the home university?

Are decisions made in advance on which exams will be recognised? Who decides what is recognised, and which criteria are used?

Which exams can for example be recognised when an Austrian law student participates in an Erasmus/Socrates programme in Spain?

How does the European Union monitor the use of funding in this area, and is there a report on the subject? If so, which criteria are monitored, and where is the report to be found?

Answer given by Mrs Reding on behalf of the Commission

(6 June 2002)

It is true that there have been recognition problems for students participating in Erasmus all the years that Erasmus has existed, in spite of the fact that recognition of period of studies is a prerequisite for the exchange. The European Credit Transfer System (ECTS) has helped a great deal but problems still remain.

The Commission has recently proposed a new way to organise the contract with universities for cooperation within Erasmus, from the Institutional Contract approach to the Erasmus University Charter. In this context universities will be required to make sure that studies will be recognised and students will be informed about their rights and obligations through an Erasmus Student Charter. These measures together with a closer monitoring of the implementation of ECTS will improve the situation in the future.

There are no rules stipulating which exams can be taken abroad and must be recognised by the home university.

Within ECTS there is a Learning Agreement to be agreed between the sending and receiving universities and the student. This Learning Agreement contains the courses to be followed by the student at the host institution which will be recognised by the host institution after the student's return.

It is a matter for the sending and receiving universities to decide which exams can be recognised for an Austrian student going to Spain.

The monitoring is done through ECTS. The reports will be collected and made available in the future.

(2004/C 58 E/007)

WRITTEN QUESTION P-1320/02

by Roberta Angelilli (UEN) to the Commission

(29 April 2002)

Subject: Funds for the building of monumental church organs

Many European cities comprise a wealth of religious buildings of major historical significance in religious, cultural and artistic terms, containing various forms of figurative art carried out by master-craftsmen, including church organs. The European Union has a special interest in protecting the cultural heritage handed down by craft traditions. There is a project to build, in the recently restored church of San Domenico in Rieti, a 'Dom Bedos de Celles — Formentelli' organ, detailed plans for which were drawn up in 1780 but which was never built.

The Commission:

— will it state whether there are any programmes relating to artistic craftsmanship and especially to the building of church organs;

— are there any pilot projects which might apply to this type of funding;

— what is it's view on the matter?

Answer given by Mrs Reding on behalf of the Commission

(4 June 2002)

The Commission supports initiatives for cooperation in the cultural sector, including the protection, preservation and enhancement of the cultural heritage as part of, and in accordance with the selection criteria for, the 'Culture 2000' programme, which is the only financing and programming instrument for cultural cooperation in the EU. There is no Community programme specifically concerned with artistic craftsmanship in general or the building of organs in particular, since funding in the cultural heritage field is provided only under the 'Culture 2000' programme.

The Honourable Member can find further information on this programme at the following Internet site: (http://europa.eu.int/comm/culture/eac/index_fr.html).

In 2004, the 'Culture 2000' programme will be giving prominence to the cultural heritage. This sector comprises movable heritage, intangible heritage, historical archives and libraries, archaeology, underwater heritage, cultural sites and landscapes, apart from the cultural heritage of the modern era.

The Commission would furthermore draw the Honourable Member's attention to the fact that projects financed under the Structural Funds [1] often have a cultural dimension, including the restoration and utilisation of the architectural and cultural heritage, the building of cultural facilities, the setting-up of cultural and tourist services and the provision of training in the arts or in the management of cultural activities.

[1] More specifically: the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the European Agricultural Guidance and Guarantee Fund (EAGGF).

(2004/C 58 E/008)

WRITTEN QUESTION P-2712/02

by María Izquierdo Rojo (PSE) to the Commission

(20 September 2002)

Subject: Welfare benefits for emigrant Spanish grape-pickers

More than 15 000 Spanish casual workers are currently employed as grape-pickers in France. As far as their rights are concerned, it has been stated that for the present harvesting season of 2002 'grape-pickers shall be exempted from the obligation to pay sickness insurance and pension contributions under the French social security system'. In addition, the information booklet distributed by the Spanish Ministry of Employment to the grape-pickers states clearly that 'at the end of the contract, workers should ask their employer to give them their pay receipts, which should include specification of the social security payments made on their behalf'. In the present circumstances, it is difficult to see how this obligation could be met.

Can the Commission confirm that for the harvesting season of 2002 grape-pickers will be exempted from the obligation to pay sickness insurance and pension contributions under the French social security system, and will thus not be entitled to the corresponding social and employment benefits? Does the Commission not consider that this situation points up the ineffectiveness of the EU rules on social security and the failure to respect the international principles governing welfare? Is this not a case of discrimination against workers from another Member State? Can the Commission provide an estimate of the total sum of lost benefits for these workers?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(16 October 2002)

Community law, as laid down in Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, self-employed persons and their families moving within the Community and in Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for its implementation [1], provides only for coordination of Member States' social security systems with a view to providing social protection to persons moving within the Union. Seasonal workers, as defined in Article 1(c) of Regulation (EEC) No 1408/71, enjoy the same rights and obligations as any other category of workers. This is clear from Article 2 (persons covered), Article 3 (principle of equal treatment for Member State and Community nationals) and Article 13(2)(a) (applicable legislation) of the Regulation.

As far as the specific benefits referred to in the Honourable Member's question are concerned, it should be pointed out that, in the case of sickness benefits, Article 18(2) of Regulation (EEC) No 1408/71 states clearly that the provisions governing the aggregation of insurance periods, periods of employment and periods of residence apply also to this type of workers, provided only that the worker concerned has not ceased to be insured for period exceeding four months. To this end, the seasonal worker must present to the institution in the place of residence a certified statement issued by the competent institution and valid for the same duration as the seasonal work [2].

As for occupational accident benefits, Article 52 of the aforementioned Regulation is clear insofar as it extends the same protection to all types of workers by entitling them to benefits in kind offered by the State of residence and paid by the competent State. In this respect, Article 60(3) of Regulation (EEC) No 574/72 provides that the competent State shall issue a certified statement entitling the holder to these benefits in the State of residence.

In the case of unemployment benefits, it should be noted that, as a general rule, unemployed persons are entitled to unemployment benefits in the State of their last employment. Thanks to Regulation (EEC) No 1408/71, however, seasonal workers have a right to choose between the country of residence and the country of last employment: they may choose to make themselves available to the employment services of either their country of employment or their country of residence. This right of option derives from social and practical efficiency considerations. It is, in fact, only natural that these workers, who have close personal and professional links with the country in which they have established themselves and are ordinarily staying, should have the best chances of reintegrating into the labour market in that State [3].

Finally, Article 108 of Regulation (EEC) No 574/72 imposes an obligation on seasonal workers to present their stamped contract of employment to the employment services of the State in which they are carrying out their activity. This procedure counters the concern expressed in the question that it would be difficult for workers to ask their employer to give them their pay receipts specifying the social security payments made on their behalf.

(1) OJ L 149, 5.7.1971 and OJ L 74, 27.3.1972.
(2) Cf. Article 17(3) of Regulation (EEC) No 1408/71.
(3) Cf. Article 69(1)(c) of Regulation (EEC) No 1408/71.

(2004/C 58 E/009)

WRITTEN QUESTION P-3549/02

by Benedetto Della Vedova (NI) to the Commission

(4 December 2002)

Subject: Compatibility of Law 69 of 3 February 1963 with the free movement of workers within the European Community guaranteed by the EC Treaty

On 25 July 2002 the Lombardy Association of Journalists wrote to the President of the Milan Court requesting the annulment of the decision registering Mr Claude Marie Jenacolas, a French citizen, as editor-in-chief of the Italian magazines 'Gente Casa' and 'Spazio Casa' published by Hachette-Rusconi.

The Lombardy Association of Journalists claimed that Claude Jenacolas could not carry out the functions of editor-in-chief because, although he had been a journalist for decades, he was not entered on the professional register of journalists: Article 46 of Law 69 of 3 February 1963 (law establishing the Association of Journalists) provides that the editor and deputy editor of a daily newspaper, periodical or press agency (…) must be entered on the register of professional journalists (a judgment by the Constitutional Court has since ruled that those entered on the register of publicists — designed to cover those who work as journalists on a non-exclusive, but regular and paid basis — may also carry out such functions).

The Lombardy Association of Journalists seems to want to resolve this issue with a solution which is anything but transparent, proposing that Mr Claude Marie Jenacolas should register with the association of publicists; however, — as pointed out above — this register is in fact intended to cover those who work as journalists on a non-exclusive, but regular and paid basis, and consequently does not cover the case of Mr Jenacolas who is working exclusively and permanently as a journalist. In this context, it should also be noted that the decision of the Council of the Lombardy Association of Journalists of 11 November 2002 entering Mr Jenacolas on the register of publicists appears irregular to say the least, given that Article 35 of Law 69/9063 requires those entered to have worked as publicists for at least two years, evidenced by a minimum number of published and paid articles, and certified by a statement by the editor-in-chief of the Italian publication in which the articles appeared.

Does the Commission not consider that Article 46 of Law 69 of 3 February 1963 is incompatible with Article 39 of the EC Treaty, which provides for the free movement of workers within the Community?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(4 February 2003)

As the conditions which journalists must fulfil in order to take up salaried employment in Italy are not clear, the Commission will contact the Italian authorities to verify the conditions of application of this legislation and will inform the Honourable Member of the outcome.

(2004/C 58 E/010) **WRITTEN QUESTION E-3749/02**

by Glenys Kinnock (PSE) to the Commission

(20 December 2002)

Subject: Financing for development

Would the Commission outline how much progress has been made in efforts to ensure that Member States meet the funding for development targets agreed at the Barcelona Summit in March?

Is the Commission satisfied with the progress so far, and would the Commission confirm that the mandate to monitor the process is being fulfilled?

Answer given by Mr Nielson on behalf of the Commission

(13 February 2003)

Since the Monterrey Conference (18 to 22 March 2002), several Member States including Belgium, Ireland, Luxembourg, the Netherlands, Finland and Sweden reaffirmed their commitment to meet or exceed the United Nations Official Development Assistance (UN ODA) target of 0,7 %. Others have set intermediate targets higher than the Community benchmark. The United Kingdom announced an increase of around USD 2,2 billion in its annual ODA budget by 2005, raising the gross national product (GNP) ratio from 0,32 % to 0,4 %. France has committed itself to reach the United Nations target by 2012 which means that its contribution in 2006 will be above the set Union average. The Commission considers that first steps have been taken.

On 19 November 2002, the Council stressed the importance of adequate monitoring of the implementation of those commitments. In this respect, it welcomed the intention of the Commission to ensure the monitoring, in particular concerning the financial commitments.

The Commission will continue the work done in preparation of the Monterrey Conference through a factual reporting on the state of play at European level to be presented to the Council in May 2003. A questionnaire was sent to the Member States in December 2002 and bilateral contacts will continue on all of the eight commitments made during the Barcelona European Council (15/16 March 2002).

(2004/C 58 E/011) **WRITTEN QUESTION P-0028/03**

by Bart Staes (Verts/ALE) to the Commission

(14 January 2003)

Subject: Compatibility of US cross-border lease (CBL) systems with Community competition law and public procurement legislation

For some time, American investors have been proposing to Flemish communes that they should lease their sewerage networks (or parts of them) for a period of 99 years. The American investor immediately subleases them back to the commune for a shorter period, 25 years. At the end of this period the commune has a right of purchase or call option pertaining to the remaining 99 minus 25 years. This

financial arrangement is called 'leasehold' or 'lease and leaseback'. The aim is to bring about a win-win situation, in that the communes generate extra income while the private investor, in accordance with the tax regime which applies to him, gains a tax advantage from the agreement by placing the sewerage system on his balance sheet and then writing it off. The transactions in Flanders are offered by a particular firm which cooperates with a bank which enjoys a privileged relationship with communes and towns in Flanders.

Is the Commission aware of these facts, and does it consider these arrangements ethical? Are they not at variance with an ethically correct approach to taxation, under which the authorities may be expected not to take advantage of arrangements which are entered into with the sole aim of sharing in a tax advantage via banks in Member States or third countries?

Are these transactions subject to European competition law? Does the method described here violate European competition law? Are those who perform such transactions liable to VAT and/or to an advance levy of the kind applicable to income derived from securities?

Does European public procurement legislation apply to these transactions and do the current practices in Flanders violate it or do they not?

Answer given by Mr Bolkestein on behalf of the Commission

(6 February 2003)

The construction of lease and leaseback is known to the Commission. However, the Commission would like to point out that, as far as direct taxes (such as the 'précompte immobilier') are concerned, they still fall to a large extent under the Member States competence, unless it is proved that they breach fundamental rules of the EC Treaty or relevant Community secondary legislation. Therefore, as far as direct taxation is concerned, it is in principle for the Member State concerned (i.e. in this case Belgium) to internally decide how to regulate situations such as the one described by the Honourable Member.

However, as far as the area of indirect taxation is concerned, the Commission has examined this case in the light of the applicable Community legislation, i.e. the Sixth VAT Directive [1]. Indeed, on the basis of the facts given, it appears that, for VAT purposes the transaction in question should be considered to be the leasing of immovable property, for which normal VAT rules for leasing apply. Since the applicable legislation leaves the Member State free to choose between two options, it appears the supply will either be exempt under Article 13(B)(b) of the Sixth VAT Directive or taxable if and insofar the Member State concerned uses the option to tax the leasing of immovable property under Article 13(C)(a).

The facts, as stated by the Honourable Member, would not appear to disclose any infringement of Community competition law.

The field of application of Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts [2] excludes contracts for the acquisition or rental, by whatever financial means, of land, existing buildings, or other immovable property or concerning rights thereon. Nevertheless, financial service contracts concluded at the same time as, before or after the contract of acquisition or rental, in whatever form, are subject to the Directive. Since the communes concerned are calling on a third party to provide financial services in relation to the leases in question, compliance with the provisions of Directive 92/50/EEC is therefore required. Without concrete details of any financial service contracts concluded by the communes concerned in this connection, the Commission is unable to comment on their conformity with Community public procurement legislation.

(1) Sixth Council Directive 77/388/EE 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.

(2) OJ L 209, 24.7.1992.

(2004/C 58 E/012)

WRITTEN QUESTION E-0048/03

by Charles Tannock (PPE-DE) to the Commission

(21 January 2003)

Subject: Conditions surrounding the freedom of movement of citizens of the applicant countries following accession

A number of Member States have indicated that acceptance of enlargement is conditional upon restricted rights of movement for citizens of applicant countries for a transitional period of seven years after accession in May, 2004. By contrast, a number of Member States, including the United Kingdom, Ireland, Denmark, Sweden and Greece, have indicated that they will not seek to impose any restrictions.

Can the Commission confirm that under the proposals agreed with the applicant countries at the recent summit in Copenhagen that those Member States such as Germany and Austria which have indicated that they wish to impose restrictions will have the option of relaxing them during the transitional period and that those Member States which have indicated otherwise will have the option of imposing restrictions during the transitional period should they find it necessary or desirable to do so?

Answer given by Mr Verheugen on behalf of the Commission

(13 February 2003)

During accession negotiations the following measures related to the free movement of workers from new into current Member States have been agreed for all acceding countries, except Malta and Cyprus. It should be stressed that these measures will only apply to free movement of salaried workers, and that in relation to other categories of citizens (self-employed, students, inactive or retired people), Community provisions regarding right to free movement and residence will apply from the day of accession. There is a minor exception relating to the transnational provision of services involving the temporary movement of workers into Germany and Austria.

For the first two years after accession, the current Member States will admit workers from the future Member States under national rules, rather than under Community rules on free movement. Current Member States may completely liberalise access to their labour markets during these two years, but under national, not Community, law.

Two years after accession, the Commission will report on the situation and the current Member States will have to announce whether they intend to continue with national measures for the remaining three years of the main transitional period, or whether they intend to apply Community rules on the free movement of workers. For the moment the Commission has not received any official information from current Member States in this respect. The Commission expects that only few Member States will continue to restrict access to the labour market, while in other current Member States, citizens from the future Member States would be totally free to get a job. Those Member States would only maintain a 'safeguard'; this means that they could, in cases of unexpected disturbance on the labour market, or in some region or profession, re-introduce restrictions temporarily.

Those current Member States which decide, at the end of the first two years, to maintain restrictions, may do so for a further three years. At any time during this three year period a current Member State may notify the Commission that it intends to stop applying national restrictions. In any event, at the end of that three years period, the transitional period is foreseen to end and the Community rules on free movement of workers will apply.

However, in case of serious disturbances in the labour market, or a threat of such disturbances, Member States may prolong their national policies for a further two years.

Furthermore, a standstill clause will apply, whereby access to current Member State labour markets by workers from the new Member States cannot be more restricted than that prevailing at the time of the signature of the Accession Treaty. Current Member States must give preference to nationals of the new Member States over non-Community labour.

In addition, Germany and Austria have the right to apply flanking national measures to address serious disturbances or the threat thereof, in specific sensitive service sectors (such as construction or industrial cleaning) on their labour markets, which could arise in certain regions from cross-border provision of services involving the movement of workers.

A declaration to the Accession Treaty states that current Member States shall endeavour to grant increased labour market access under national law, with a view to speeding up the approximation to the acquis and even an encouragement to improve access before accession.

These transitional arrangements allow maximum flexibility to the current Member States to admit workers from the new Member States, whether under national rules or under Community law on the free movement of workers.

(2004/C 58 E/013) **WRITTEN QUESTION E-0259/03**

by Elspeth Attwooll (ELDR) to the Commission

(5 February 2003)

Subject: Telephone numbers in Gibraltar

Would the Commission please indicate whether or not the allocation of telephone numbers by Spain to Gibraltar is in conformity with European Community law? Could the Commission further explain its attitude to the fact that whilst access from elsewhere in the world to Gibraltar is governed by an international code, access from Spain to Gibraltar is governed by a Spanish provincial one?

Answer given by Mr Monti on behalf of the Commission

(3 June 2003)

The situation referred to by the Honourable Member results from the refusal of Spain to recognise the international direct dialling (IDD) codes assigned by the International Telecommunications Union (ITU) to Gibraltar. Due to the lack of recognition by Spain, these IDD codes are not programmed in the switches of Telefónica de España. To allow communications between Gibraltar and Spain, number ranges in the Spanish numbering plan for the province of Cadiz have been reserved for operators outside of Spain. All calls from Spain to Gibraltar are routed via the local area code of Cadiz.

The assignment and recognition of IDD codes is not specifically regulated at EC level. The legality of a refusal to recognise an IDD code and the allocation of number ranges in a national numbering plan for operators outside the relevant Member State can therefore only be assessed, on the one hand, under Articles 49, 10 and 82 of the EC Treaty, and on the other hand, in the light of the numbering provisions of the Services [1] and Interconnection Directives [2], as amended. The Commission has not taken a decision yet on whether to pursue an infringement case under Articles 49, 10 and 82 of the EC Treaty, the numbering provisions in Directive 90/388/EEC or the Community harmonisation rules (the ONP framework), in particular the numbering provisions in Directive 97/33/EC.

[1] Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services, OJ L 192, 24.7.1990.

[2] Directive 97/33/EC of the Parliament and of the Council of 30 June 1997 on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP), OJ L 199, 26.7.1997.

(2004/C 58 E/014)

WRITTEN QUESTION P-0260/03

by Giovanni Pittella (PSE) to the Commission

(29 January 2003)

Subject: 'Compatible' projects

Pursuant to Regulation (EC) No 1260/1999 [1]:

— the reason for strengthening cohesion policy (which is supported by means of the Structural Funds) is to reduce disparities between the levels of development of the various regions and the backwardness of the least-favoured regions or islands;

— decentralised implementation of Structural Fund operations by the Member States should provide sufficient guarantees as to the details and quality of implementation and to results and the evaluation thereof;

— achievement of such objectives is ensured through the observance of certain principles (programming, concentration, integration and additionality) which justify the existence of an EU cohesion policy.

Furthermore:

— the first year in which the rule on automatic decommitment applied ended on 31 December 2002;

— in the case of Italy, only 70-80 % of the expenditure certifications submitted by the regions by the above date relate to so-called 'support' projects (i.e. ones consistent with the programmes).

In view of the above, would the Commission answer the following questions:

— For each Italian Objective 1 programme and for each of the Structural Funds, what was the exact amount of the expenditure certified to the Commission in respect of projects which were not selected on the basis of a call launched in connection with a RGP or a NGP, and will the expenditure relating to such projects nonetheless be reimbursed under the ERDF, the ESF, the EAGGF and the FIFG?

— What additions to the programming have been amended in order to make expenditure which has already been disbursed outside the operational programmes retroactively admissible for the sole purpose of avoiding the rule on automatic decommitment? Is the Commission prepared to accept such a practice?

— Does the Commission intend to ascertain in what way the funds which may be released through the implementation of 'consistent' projects are used? If so, what conditions will it impose?

— Does the regions' recourse to such a high percentage of projects selected on the basis of calls which where not launched pursuant to the measures contained in the programmes adopted by the Commission not seriously jeopardise the achievement of the development objectives laid down in the Objective 1 CSF for Italy, and does it not also contravene Community rules on additionality, partnership, programming and information, in addition to thwarting the objectives themselves and undermining the cohesion policy?

[1] OJ L 161, 26.6.1999, p. 1.

(2004/C 58 E/015)

WRITTEN QUESTION P-0261/03

by Giovanni Fava (PSE) to the Commission

(29 January 2003)

Subject: 'Compatible' projects

Pursuant to Regulation (EC) No 1260/1999 [1]:

— the reason for strengthening cohesion policy (which is supported by means of the Structural Funds) is to reduce disparities between the levels of development of the various regions and the backwardness of the least-favoured regions or islands;

— decentralised implementation of Structural Fund operations by the Member States should provide sufficient guarantees as to the details and quality of implementation and to results and the evaluation thereof;

— achievement of such objectives is ensured through the observance of certain principles (programming, concentration, integration and additionality) which justify the existence of an EU cohesion policy.

Furthermore:

— the first year in which the rule on automatic decommitment applied ended on 31 December 2002;

— in the case of Italy, only 70-80 % of the expenditure certifications submitted by the regions by the above date relate to so-called 'support' projects (i.e. ones consistent with the programmes).

In view of the above, would the Commission answer the following questions:

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— What additions to the programming have been amended in order to make expenditure which has already been disbursed outside the operational programmes retroactively admissible for the sole purpose of avoiding the rule on automatic decommitment? Is the Commission prepared to accept such a practice?

— Does the Commission intend to ascertain in what way the funds which may be released through the implementation of 'consistent' projects are used? If so, what conditions will it impose?

— Does the regions' recourse to such a high percentage of projects selected on the basis of calls which where not launched pursuant to the measures contained in the programmes adopted by the Commission not seriously jeopardise the achievement of the development objectives laid down in the Objective 1 CSF for Italy, and does it not also contravene Community rules on additionality, partnership, programming and information, in addition to thwarting the objectives themselves and undermining the cohesion policy?

(1) OJ L 161, 26.6.1999, p. 1.

Joint answer
to Written Questions P-0260/03 and P-0261/03
given by Mr Barnier on behalf of the Commission

(12 February 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2004/C 58 E/016) **WRITTEN QUESTION E-0318/03**

by Olivier Dupuis (NI) to the Commission

(10 February 2003)

Subject: Tunisia — Harassment of the lawyer Mr Abderraouf Ayadi

On 26 January 2003, Mr Abderraouf Ayadi, Secretary-General of the CNLT and Member of the Tunisian Bar, was ill-treated by the border police on his return from a visit to Paris. He was subjected to a body search and had all his personal documents (CNLT documents, professional papers and publications) seized in flagrant breach of current legislation.

Mr Ayadi had been similarly ill-treated on 9 January 2003 when he left for Paris. Such ill-treatment forms part of a long catalogue of attacks carried out by the Tunisian authorities on Tunisian judges and lawyers.

What is the Commission's opinion of the systematic use by the Tunisian authorities of various forms of intimidation against Tunisian judges and lawyers? What measures has the Commission taken, or will it take, to persuade the Tunisian authorities to cease such practices? More generally, what is the Commission's view of the deterioration in the human rights situation in Tunisia?

Answer given by Mr Patten on behalf of the Commission

(3 March 2003)

The Commission has been informed by both the Euro-Mediterranean Human Rights Network and the National Council of Freedoms in Tunisia (CNLT) of the circumstances surrounding Mr Ayadi's trips. This information matches other facts reported by the same sources, concerning intrusions attributed to the Tunisian police into the offices of prominent members of the Tunisian Bar and the physical intimidation of these same lawyers.

Tunisian border control is of course strictly the responsibility of the Tunisian authorities. However, should these controls impinge on civil liberties, it would be a matter for Article 2 of the EU-Tunisia Association Agreement and the Commission could raise the issue in the relevant partnership fora, after discussion with the Member States.

In the case in point, because the reported incidents are part of a general downward trend in the human rights situation, the EU intends to remind the Tunisian authorities of their obligations and the commitment of the Member States to these fundamental rights and principles. The EU will choose the appropriate time and place to express its concerns.

(2004/C 58 E/017) **WRITTEN QUESTION E-0393/03**

by Glyn Ford (PSE) to the Commission

(13 February 2003)

Subject: Foreign sales corporation laws

Is the Commission aware of potential job losses that could be caused by EU retaliatory measures against the US in the framework of the foreign sales corporation laws dispute? As some of the products potentially listed for high tariffs are produced in the south-west of England, job losses could result in an Objective 2 area adjacent to an area with Objective 1 status, and therefore one of the poorest regions in the country.

Answer given by Mr Lamy on behalf of the Commission

(24 March 2003)

The Honourable Member raises his concern on the negative effect that any eventual imposition of sanctions on American products would have on businesses established in the South West of England.

In that respect, it would be useful to recall the circumstances relating to the World Trade Organisation (WTO) incompatible Foreign Sales Corporation/Extraterritorial Income (FSC/ETI) legislation which provides an illegal export tax subsidy to American firms to the tune of roughly USD 4 000 million per year. In particular, following the Community's successful challenge of the FSC/ETI legislation before the WTO, on 30 August 2002 the Community was granted by the WTO the right to impose countermeasures in the

form of tariffs on imports of certain goods from the United States up to that amount. However, the United States has not yet taken concrete steps towards compliance, although both the Administration and senior members of Congress have indicated that this is their intention.

At the same time it must be made clear that the Commission's objective in this dispute is not the imposition of countermeasures on American products but to obtain the withdrawal of illegal measures that adversely affect the interests of Community companies. The Commission's aim is, therefore, to ensure that the United States complies with the WTO ruling on FSC within the shortest time possible. But if the United States fails to comply, the Community will have no other option than to exercise its WTO rights.

In an attempt, however, to minimise the negative consequences that any eventual countermeasures could create for European industry, the Commission has launched a public consultation exercise on a draft list of products so as to give economic operators the opportunity to express their views on the list; furthermore the Commission has only inserted on the list products for which imports from the United States represent a maximum 20 % of total imports into the Community. The Commission is now in the process of evaluating comments received from interested parties during the public consultation period. In carrying out this analysis, the Commission aims to further minimise the negative consequences that any eventual sanctions could create to Community interests which is after all the stated objective of the whole exercise. A final decision on this will be taken following consultation of the Member States during the first quarter of 2003.

As regards the specific situation described by the Honourable Member (where he says 'as some of the products potentially listed for high tariffs are produced in the south-west of England, job losses could result'), high tariffs on certain products favour, not damage, import-competing domestic producers and thus do not harm their personnel.

(2004/C 58 E/018) **WRITTEN QUESTION P-0415/03**

by Roger Helmer (PPE-DE) to the Commission

(11 February 2003)

Subject: VAT on food in the UK and Ireland

Would the Commission confirm or deny a report that appeared in the UK's Sunday Telegraph (25 January 2003) that the UK and Ireland will be forced to levy VAT on food if Malta's accession to the EU is approved, in that Malta's accession terms to the EU say that Malta should levy VAT on food by 2010, by which time no other EU country would have this exemption?

Answer given by Mr Bolkestein on behalf of the Commission

(17 March 2003)

The length of Malta's transitional arrangements under the Accession Treaty is not linked to the transitional period referred to in Article 28l of the Sixth VAT Directive [1]. During this period, Ireland and the United Kingdom are entitled to continue to apply zero-rates. As a result, these zero-rates may only be abolished by a unilateral decision of these Member States or by a new directive adopted by a unanimous decision of the EU's Council of Ministers under Article 93 of the EC Treaty.

[1] 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 58 E/019)

WRITTEN QUESTION E-0454/03

by Graham Watson (ELDR) to the Commission

(19 February 2003)

Subject: Persecution of Christians in Vietnam

Is the Commission aware of a continuing campaign of intimidation, persecution and terror by the Vietnamese authorities against innocent Christian people in the central highlands of Vietnam?

What pressure will the Commission bring to bear to stop this senseless persecution and killing?

Answer given by Mr Patten on behalf of the Commission

(25 March 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 million. The official figure for active Buddhists is stated at 7,5 million, but many more Vietnamese claim to be Buddhists and recent years have seen an upsurge in the number of people visiting Buddhist pagodas. There are between 6 and 7 million practising Catholics. The remaining four religions are reported to have about 3,5 million adherents in total, although 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 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. However, it may also be invoked against unapproved religious movements perceived by the authorities as engaging in political activities or as potential elements of disunity.

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.

Access to the Central Highlands area remains limited. Nonetheless, in 2002, two Union-Troika missions to the Central Highlands took place with Commission participation and with the agreement of the Government of Vietnam, the latest in November 2002. Following the latest Troika mission the Commission, in close coordination with the Member States, has offered to the Government of Vietnam to support — in the framework of the Commission-Vietnam Cooperation programme — possible activities, involving inter alia the ethnic minorities, to reduce poverty in the Central Highlands and thus to deal with some of the root causes of the problems in the area. In January 2003 the Government of Vietnam agreed that an exploratory mission of the Commission could visit the area in the coming weeks.

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's Delegation in Hanoi, together with the diplomatic missions of the Member States, will continue to follow closely developments in the Central Highlands and take appropriate action.

(2004/C 58 E/020) **WRITTEN QUESTION E-0484/03**

by Theresa Villiers (PPE-DE) to the Commission

(20 February 2003)

Subject: Export of sheep from accession countries to the European Union

How many (i) lambs aged six months or less and (ii) adult sheep were exported from each accession country to each European Member State in (a) 2000 and (b) 2001?

Answer given by Mr Fischler on behalf of the Commission

(21 March 2003)

The Honourable Member will find enclosed the information that is available from the Commission. A table which is sent direct to the Honourable Member and to Parliament's Secretariat gives the export of lambs up to one year old. Unfortunately, the statistics do not provide information on lambs aged six months or less. Additionally, the Commission provides also the statistics on live goats.

Only four countries are mentioned. There is no export from the other Accession Countries to the Community.

(2004/C 58 E/021) **WRITTEN QUESTION E-0524/03**

by Ilda Figueiredo (GUE/NGL) to the Commission

(24 February 2003)

Subject: WTO negotiations on the General Agreement on Trade in Services (GATS).

The General Agreement on Trade in Services is currently being negotiated within the WTO, following on from the conclusions of the WTO ministerial meeting in Doha. The 'offer' phase, as it is termed, is due to end on 31 March 2003.

1. What specific proposals have been submitted, both by EU Member States to non-member countries and by non-member countries to EU Member States?

2. How does the Commission view a new advance in the liberalisation of services (bearing in mind the specific proposals being negotiated), not least as regards its economic, social, environmental, and political impact, especially in terms of curbs on national sovereignty and the growing impoverishment of democracy?

3. In the light of the demands being put forward by political, workers' social, environmental, and development cooperation organisations, what would be the Commission's attitude to:

— suspension of the negotiations and a moratorium on the processes under way to liberalise services?

— serious, exhaustive public debate to gauge the consequences of the liberalisation policies implemented to date and the impact of the current rules and the new GATS proposals in, for example, restricting the freedom of countries endeavouring to provide or develop free, universal public sectors and services?

4. How does the Commission view exclusion of public services (including education, health, energy, water, transport, communications, and sanitation) from the scope of the GATS negotiations, as is being called for by political, workers', social, environmental, and development cooperation organisations?

Answer given by Mr Lamy on behalf of the Commission

(27 March 2003)

The Honourable Member is referred to the statement made by the Commission during the debate on trade in services within the framework of the WTO, including cultural diversity, at Parliament's part-session in March this year.

(2004/C 58 E/022) **WRITTEN QUESTION E-0549/03**

by Baroness Sarah Ludford (ELDR) to the Commission

(26 February 2003)

Subject: Minority rights in Vietnam

As the Commission is aware, officials in Vietnam continue to stifle free expression, and to systematically suppress and control the activities of religious groups, including ethnic minority Christians in the northern and central highlands, members of the banned Unified Buddhist Church of Vietnam, and Hoa Hao Buddhists in the south. Members of these faiths and their leaders are frequently detained by local authorities and are subjected to beatings and pressure to renounce their religion and cease religious gatherings.

Apart from taking every available opportunity to raise its concerns with Vietnamese officials and politicians about such continued human rights abuses, what pressure can the Commission exert on Vietnam's authorities to ensure the situation improves?

Does the continued and systematic persecution of religious minorities not infringe the Human Rights Article of the Framework Cooperation Agreement signed between the EC and Vietnam in July 1995? If it does, what action will the Commission take?

Answer given by Mr Patten on behalf of the Commission

(14 May 2003)

The Commission would refer the Honourable Member to its reply to Written Question E-454/03 by Mr Graham Watson [1], concerning the persecution of Christians in Vietnam.

As far as the Unified Buddhist Church of Vietnam is concerned the Honourable Member may know that the situation has recently evolved. Most notably, its Supreme Patriarch, Venerable Thich Huyen Qang, has been received by Vietnam's Prime Minister Phan Van Khai. The Commission is aware that the recent events do not automatically entail a change with regard to the legal status of the Unified Buddhist Church of Vietnam, which remains banned in the country. The Commission will continue to monitor closely the developments, but considers that these latest gestures of the Government of Vietnam are an encouraging step towards enhanced tolerance of freedom of religion.

The Union's policy towards Vietnam, and indeed to all countries, is to encourage and support continued progress on human rights and democratisation, and to raise concerns where any abuses or a deterioration in the situation is observed.

The Community-Vietnam Co-operation Agreement, which was signed in 1995, states in its first Article that respect for human rights and democratic principles is the basis of our co-operation. This reference constitutes the enabling framework for the Human Rights dialogue of the Commission with the Government of Vietnam, for instance in the context of Joint Commission meetings. The Commission, together with the Member States represented in Vietnam, therefore monitors closely human rights developments in Vietnam as part of the policy of the Union to encourage and support the continued commitment of the Government of Vietnam to make progress in the field of human rights. The Commission also participates with the Member States in the regular dialogue with and in all démarches to the Government of Vietnam on human rights issues.

The Union, Commission and Member states, have repeatedly urged the Government of Vietnam to strengthen its respect for political and religious freedoms, to further strengthen economic and social freedoms and to create a legal framework for a supportive environment to allow the development of a strengthened civil society, from which Vietnam would greatly benefit. Commission and Member states have expressed these requests in their joint declaration at the Consultative Group meeting in Hanoi in December 2002.

The May 2001 Commission Communication on the Union's Role in Promoting Human Rights and Democratisation in Third Countries confirmed that the Commission would take action to enhance the positive impact of Community assistance programmes on respect for human rights and democratisation by — inter alia — taking performance in the area of human rights (including social, economic and cultural rights) into account when deciding country allocations under the main co-operation programmes.

In addition to the explanations given in the reply to Written Question E-454/03, referred to above, the Commission would like to draw the attention of the Honourable Member to the fact that an exploratory mission of the Commission has now been sent to Vietnam to look at possibilities, involving inter alia the ethnic minorities, to reduce poverty in the Central Highlands and thus to deal with some of the root causes of the problems in the area.

(1) See page 18.

(2004/C 58 E/023) **WRITTEN QUESTION P-0556/03**

by María Izquierdo Rojo (PSE) to the Commission

(20 February 2003)

Subject: European funding and the banning of women from Mount Athos

The European Parliament has recently adopted two motions for resolutions (Swiebel and Izquierdo Rojo reports) in which it opposed the banning of women from Mount Athos. It should also be borne in mind that the monastery region of Mount Athos has been granted aid to restore and renovate monasteries and preserve cultural treasures, which belong to both men and women.

Can the Commission answer the following:

1. How much European funding has been allocated for this purpose?

2. Does the Commission not take the view that it is mandatory for the 'acquis communautaire' to be applied, in line with the EU's fundamental principles?

3. What European Economic Area funding mechanism has been used to benefit the region economically?

4. Under the Community support framework for Greece, in what specific way is such aid granted through the structural funds? What criteria have been used to define the fields of structural adjustment and economic development?

Answer given by Mr Barnier on behalf of the Commission

(7 March 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2004/C 58 E/024)

WRITTEN QUESTION E-0665/03

by Cristiana Muscardini (UEN) to the Commission

(6 March 2003)

Subject: Banks and their customers

Italians are protesting more and more frequently about the treatment they receive from their banks — excessively high costs, lack of transparency, growing inefficiency, obstructive procedures for closing a current account and little scope for competition, hampered by costly bureaucratic procedures which do not make things easy for customers who want to change banks. A long list of charges, commission rates, indirect costs and accounting 'innovations' squeeze disproportionately large amounts of money out of customers. The current stock-market crisis, combined with the unprofessional attitude of many employees, has helped to fleece users of bank services even more and made them feel more insecure about their savings.

Can the Commission say:

1. whether it is aware of the situation;

2. whether it does not consider that all bureaucratic and administrative obstacles to competition in the banking sector should be removed;

3. what stage has been reached in establishing a single market in the sector;

4. whether discount rules and costs in the various Union countries have been harmonised;

5. what powers it has to safeguard the benefits of saving?

Answer given by Mr Bolkestein on behalf of the Commission

(8 April 2003)

As regards completion of the single market in banking, a large number of directives have been adopted since 1973 with a view to abolishing restrictions on the freedom of movement and freedom to provide services of banks and other financial institutions. Those directives were coordinated by Parliament and Council Directive 2000/12/CE of 20 March 2000 relating to the taking up and pursuit of the business of credit institutions [1]. They are designed, among other things, to ensure the protection of savings and the stability of the banking system and to promote competition between credit institutions in the Union.

The Honourable Member's question on the degree of harmonisation within the EU of the 'rules and costs' relating to banking transactions is very wide-ranging. Strictly speaking, actual bank charges have not been harmonised.

However, it must be pointed out that, with the Directive of 27 January 1997 [2], the Union put an end to double charging for cross-border transfers within the Community. In addition, a 2001 Regulation [3] provided for charges for cross-border payments within the Community (by card or by way of withdrawals) to be aligned on those for domestic payments with effect from 1 July 2002. This move will be extended to transfers as of 1 July 2003.

At first sight, it would seem that the other, more general concerns expressed by the Honourable Member do not strictly relate to Community law and might fall directly within the remit of the Italian authorities. They would though necessitate a more detailed analysis for which more precise information would be needed. Accordingly, the Commission would ask the Honourable Member to clarify the exact nature of the costs and obstacles objected to.

[1] OJ L 126, 26.5.2000, p. 1.
[2] Parliament and Council Directive 97/5/EC on cross-border transfers, OJ L 43, 14.2.1997, p. 25.
[3] Parliament and Council Regulation (EC) 2560/2001 of 19 December 2001 on cross-border payments in euros, OJ L 344, 28.12.2001.

(2004/C 58 E/025)

WRITTEN QUESTION E-0674/03

by Marco Pannella (NI), Emma Bonino (NI), Marco Cappato (NI), Gianfranco Dell'Alba (NI), Benedetto Della Vedova (NI), Olivier Dupuis (NI) and Maurizio Turco (NI) to the Commission

(7 March 2003)

Subject: Persecution, beatings, torture and murder by the authorities of the Republic of Vietnam against the Christian Montagnard population

Y-Su Nie, a Montagnard (Degar) from the village of Buon Mbhao, in Mdrak district in the province of Dak Lac, was arrested on 15 November 2002 by the Vietnamese authorities because he was asserting Montagnard land ownership rights.

The arrest was confirmed by the report entitled 'Vietnam: New Assault on Rights in Central Highlands, Crackdown on Indigenous Montagnards Intensifies', published by Human Rights Watch on 21 January 2003.

Following his arrest he was subjected to torture, including electric shocks. He gave in and every day he was taken out of the prison to publicly denounce the activities of Kok Ksor, President of the Montagnard Foundation, in front of the inhabitants of the Montagnard villages.

On 30 January government police handcuffed him and told him that he would die soon, but that the Vietnamese government in its mercy of would allow him to see his family one last time.

After being injected with chemical agents he was released and sent back to his family weeping. He said 'the government has let me come and see you, but for only a few minutes because the police have injected me with poison'. He died at 10 p.m. the next day, 31 January, and was buried on 2 February 2003.

On 7 May 2001 Mrs H'ble Ksor, who is over eighty years old and the mother of Kok Ksor, President of the Montagnard Foundation, was beaten by the Vietnamese security forces. Some of her ribs were broken, she spent 3 days in hospital and since then her medical problems have worsened. She was beaten whilst her children were being forced to read out the charges against Kok Ksor on television, the reason for the beating being that she herself had refused to do so. Since then she has been under house arrest in the village of Bon Broai at Ayun Pa in the Gia Lai region. The police are even preventing her relatives from bringing medicines to her and are continuing to threaten her.

Can the Commission say:

— whether it has prevailed upon the Vietnamese authorities to put an end to the decades of repression of the Montagnards (Degar), which has worsened since the peaceful demonstrations of February 2001;

— whether it has taken any steps, and if so what kind, to ensure that the Vietnamese authorities meet the requests set out in the Concluding Observations of the UN Human Rights Committee of 27 July 2002 (UN Doc. CCPR/C/SR.2031), starting with the request to allow monitoring by the UN, other international organisations and independent NGOs;

— whether it intends to continue to fund the Vietnamese Government despite the fact that it continually and repeatedly infringes its international obligations with regard to human rights, thereby contravening the cooperation agreements?

Answer given by Mr Patten on behalf of the Commission

(16 May 2003)

The Commission would refer the Honourable Members to its reply to Written Questions E-0454/03 by Mr Watson [1], concerning the persecution of Christians in Vietnam and E-0549/03 by Mrs Ludford [2].

The Commission, together with the Member States represented in Vietnam, monitors closely human rights developments in Vietnam, including individual cases of concern and issues related to freedom of religion and freedom of opinion, as part of the policy of the Union to encourage and support the continued commitment of the Government of Vietnam to progress in the field of human rights. The Commission also participates with the Member States in regular dialogue with and in all démarches to the Government of Vietnam on human rights issues. Moreover, the Member States as members and the Union as observer fully support the work of the United Nations (UN) High Commissioner for Human Rights and actively work with the UN Commission for Human Rights.

The Commission and Member States have repeatedly urged the Government of Vietnam to strengthen its respect for political and religious freedoms, as well as further strengthen economic and social freedoms. They again expressed this request recently in their joint declaration at the Consultative Group meeting in Hanoi in December 2002.

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

[1] See page 18.
[2] See page 20.

(2004/C 58 E/026) **WRITTEN QUESTION E-0705/03**

by Olivier Dupuis (NI) to the Commission

(10 March 2003)

Subject: Chechnya: Russian troops blowing up civilians

Various independent Russian sources indicate that military and paramilitary troops carried out combing ('zachistka') operations in the Chechnya town of Argoun at the beginning of January, arresting 100 individuals. Several days later, 18 corpses were thrown from the building which houses the Russian control post. 32 people have disappeared. All the other individuals arrested, with six exceptions, were released after paying ransoms and being subjected to torture and ill treatment. The six who were not released were taken to the banks of the Argoun river, where sticks of dynamite were attached to their bodies. They were then 'blown up'.

At the same time, the Russians have dismantled the refugee camps in Ingushetia and sent the refugees into Chechnya, where they risk persecution and where both their freedom and lives are in danger as long as the international community fails to oblige the Russian Federation to put an end to the atrocities being perpetrated and open serious negotiations with President Maskhadov's legitimate government on the future status of Chechnya.

What information does the Commission have concerning the absolutely unspeakable crimes perpetrated by military and paramilitary troops in the town of Argoun and how has it reacted to these crimes? What political and diplomatic initiatives does the Commission intend to take in response to the Russian policy of dismantling refugee camps in Ingushetia and thus forcing Chechen refugees to return to Chechnya on the one hand, and on the other, organising criminal military operations like those in Argoun? Could the Commission draw up a proposal for joint action with the objective of implementing an emergency plan — along the lines of those implemented in Bosnia and Kosovo — to take in all the Chechen refugees whose lives and physical integrity are at risk if they return to Chechnya?

Answer given by Mr Patten on behalf of the Commission

(31 March 2003)

Although the Commission does not have details of this specific case, it is aware of allegations of significant human rights violations committed by Russian servicemen in Chechnya. There can be no justification for the abuse of human rights and the Commission calls for all allegations to be forwarded to the relevant Russian authorities for investigation by both military and civilian prosecutors, in order to dispel any notion of impunity. The findings of all such investigations should be public.

Shared values in the fields of democracy and human rights underpin the EU-Russia relationship and its Partnership and Cooperation Agreement in particular. The Commission has in the past repeatedly raised this matter within the framework of the Union's bilateral political dialogue with the Russian Federation and it will continue to do so. The Commission also supports raising these issues at the forthcoming United Nations Human Rights Commission in Geneva.

The Commission promotes respect for human rights and democracy in Russia through a number of projects that are financed under the European Initiative for Democracy and Human Rights. These activities are implemented in cooperation with civil society and international organisations such as the Council of Europe. The Tacis programme is also active in this domain.

The Commission considers that the return of internally displaced persons to Chechnya should take place on a strictly voluntary basis. Those who wish to remain in Ingushetia should be allowed to do so. In December 2002, the Russian authorities summarily closed the Aki-Yurt camp for internally displaced persons in Ingushetia. After Union political pressure was brought to bear, the Russian authorities gave assurances that there would be a moratorium on the closure of camps. The Commission — as the major provider of humanitarian aid to the region — will monitor developments closely.

The Commission considers that a military solution will not by itself provide stability and lasting peace for the north Caucasus or address the root causes of the conflict. All avenues for a political solution, respecting Russia's sovereignty and territorial integrity, should be explored. In this regard, the Commission believes that it is in the interest of Russia to maintain a continued Organisation on Security and Cooperation in Europe field presence in Chechnya with a meaningful mandate. The Commission is closely following Russian preparations for the constitutional referendum which Russia intends to hold on 23 March 2003.

(2004/C 58 E/027) **WRITTEN QUESTION E-0718/03**

by Rosa Miguélez Ramos (PSE) to the Commission

(11 March 2003)

Subject: 'Prestige': re-routing of maritime transport corridors

On 21 November 2002, the European Parliament adopted a resolution on the 'Prestige' disaster off the coast of Galicia. Paragraph 12 reads:

> Calls for the existing corridors for the maritime transport of oil and hazardous substances in Community waters to be rerouted as far away as possible from coastlines and, in particular, areas declared vulnerable; asks the Commission to work with the IMO towards the establishment of such a mechanism at international level.

How does the Commission view this request from Parliament?

What steps has it taken or does it intend to take in response?

(2004/C 58 E/028) **WRITTEN QUESTION E-0720/03**

by Rosa Miguélez Ramos (PSE) to the Commission

(11 March 2003)

Subject: 'Prestige': EU action at WTO level

On 19 December 2002 the European Parliament adopted a resolution on safety at sea and measures to alleviate the effects of the 'Prestige' disaster. Paragraph 5 reads:

> Recognises the fact that the EU has only limited power to control ships in transit through its waters; therefore calls on the Council to act quickly to grant the Commission the mandate to negotiate on behalf of all 15 Member States within the International Maritime Organisation, with particular regard to the establishment of more stringent rules on Port State Control in third countries, the development of a Flag State audit procedure aimed at combating flags of convenience, as defined by the Paris Memorandum of Understanding, and the proper implementation of compulsory shipping routes and pilotage and the restriction of shipping in designated Particularly Sensitive Sea Areas in order to protect sensitive coastlines; given the slow process of decision-making at IMO level, calls on the Commission simultaneously to initiate bilateral negotiations with key third countries with a view to improving the safety of ships in transit through EU waters.

How does the Commission view this request from Parliament?

What steps has it taken or does it intend to take in response?

(2004/C 58 E/029) **WRITTEN QUESTION E-0722/03**

by Rosa Miguélez Ramos (PSE) to the Commission

(11 March 2003)

Subject: 'Prestige': setting up a European coastguards service

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 Coastguards Service which can work in close cooperation with maritime traffic controllers'.

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

(2004/C 58 E/030) **WRITTEN QUESTION E-0723/03**

by Rosa Miguélez Ramos (PSE) to the Commission

(11 March 2003)

Subject: 'Prestige': identification of particularly sensitive sea areas

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 21 reads:

> Considers that a protection, prevention and monitoring plan for maritime transport routes in the EU regions which are most vulnerable to accidents involving oil and chemicals should be drafted, and these areas should be identified as Particularly Sensitive Sea Areas by the International Maritime Organisation.

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

(2004/C 58 E/031)

WRITTEN QUESTION E-0727/03

by Rosa Miguélez Ramos (PSE) to the Commission

(11 March 2003)

Subject: 'Prestige': intensifying Port State Control

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 15 reads:

> Stresses the importance of intensifying Port State Control; urges all Member States to meet the 25 % target of Port State Control inspections as required by Directive 95/21/EC [1]; urges the Commission to pursue Member States who continue to fall short of this target; considers that, in the light of the 'Prestige' disaster, it will be necessary substantially to increase the rate and quality of inspections, with a particular targeting of ships above a certain age, of high-risk types of ships, and those ships flying flags of convenience as defined by the Paris Memorandum of Understanding;

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

[1] OJ L 157, 7.7.1995, p. 1.

Joint answer to Written Questions E-0718/03, E-0720/03, E-0722/03, E-0723/03 and E-0727/03 given by Mrs de Palacio on behalf of the Commission

(15 May 2003)

With regard to the measures taken following the wreck of the oil tanker 'Prestige' in general, the Commission would invite the Honourable Member to refer to the report it presented for the hearing by Parliament's Committee on Regional Policy, Transport and Tourism on 19 March 2003, and its annex: 'Communication from the Commission to the Parliament and to the Council on improving safety at sea in response to the "Prestige" accident' [1], adopted on 5 March 2003.

As regards taking action in the context of the IMO (International Maritime Organisation), the Commission would remind the Honourable Member that it is not, at present, a member of that organisation. Accordingly, its work consists in encouraging and coordinating action taken by the Member States in the framework of that international body.

This is the approach the Commission has adopted with regard to identifying Particularly Sensitive Sea Areas and reorganising maritime traffic, as it already indicated to the Honourable Member in its answer to Written Question E-3657/02 [2] on moving the Finisterre corridor further away from the coast.

At international level, the Commission, within the framework of the Agreements linking them to the Union, has asked the EU's neighbouring States, in particular Russia and the Mediterranean Partners, to adopt measures equivalent to those the EU is taking to ban the transport of heavy fuel oil and speed up the process of phasing out single-hull tankers.

With regard to strengthening port State control, the Commission would remind the Honourable Member that in its Communication of 3 December 2002 [3] it asked the Member States to take the necessary measures to apply the existing Directive and anticipate the implementation of the Directive as revised following the wreck of the 'Erika' [4].

In particular, the Commission stressed the need to recruit a sufficient number of inspectors to check at least 25 % of vessels, as required under current European rules. It also called on Member States to ensure a sufficient inspection rate at all ports and anchorage areas to avoid the emergence of 'ports of convenience'.

The Commission intends to remain particularly vigilant on this point, and has thus taken France and Ireland to the Court of Justice for failure to attain the 25 % inspection threshold.

The Commission considers that, in the light of recent events, there is a legitimate argument for creating a European Coastguard Service as a means of effectively countering the risks of pollution and ensuring maritime safety.

The first task of the European Maritime Safety Agency, created under Regulation (EC) No 1406/2002 [5] of the European Parliament and of the Council of 27 June 2002 and due to become operational in the next few months, will be technical coordination of the enforcement of Community law. The aim is for the Agency's mandate gradually to be extended.

In particular, the organisation will have a major role to play in stepping up cooperation between the Member States' coastguard authorities with regard to maritime safety and prevention of pollution. The question of whether a next stage should be the creation of a European coastguard fleet will need to be examined in the light of the experience gained by the Agency, and considered by all the parties concerned.

(1) COM(2003) 105 final.
(2) OJ C 192 E, 14.8.2003, p. 127.
(3) COM(2002) 681 final.
(4) Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control), OJ L 157, 7.7.1995.
(5) OJ L 208, 5.8.2002.

(2004/C 58 E/032) **WRITTEN QUESTION E-0788/03**

by Yvonne Sandberg-Fries (PSE) to the Commission

(14 March 2003)

Subject: Investment aid creates unemployment

In February 1996 the EU approved Spanish state aid of close on SEK 57 million (approximately EUR 6 million) for 'Outokumpu Kopper' which was intended for 'restructuring of the company'. The aid was conditional on a reduction in production capacity and the creation of 60 new jobs in Spain.

The result of this state aid being approved was that the company chose to shut down its operations at the Granefors works at Blekinge in southern Sweden in 1998 with the loss of 145 jobs.

This is yet another example of how far public subsidies can fall wide of the mark. An earlier example of a company in Sweden being forced to shut down operations on account of state aid being approved elsewhere in the EU is the German tyre manufacturer Continental's factory in Gislaved.

EU regional aid seeks to even out social inequalities between Member States. Regional aid does not allow tax subsidies to individual companies in order to attract manufacturing activity from another country and, yet, this is what is happening.

Does the Commission believe it is right to use EU structural aid in this way? What is it doing to ensure that there is no repetition of state aid being granted that results in company relocations with the above consequences?

Answer given by Mr Monti on behalf of the Commission

(6 May 2003)

The Commission understands that the question of the Honourable Member refers to the consistency of state aid policy when there are relocations of production facilities within the Union.

The Commission is aware that Community policies, including state aid, may lead, inter alia, to potential relocation problems and it is the Commission's concern to ensure that these problems are reduced as much as possible, while respecting the fundamental principles of the common market. To illustrate this concern, when the Commission adopted for example its Guidelines on national regional aid in 1998 ([1]), it reduced the level of aid authorised across the board in order to minimise the risks of regions attempting to outbid one another and to limit aid to what is strictly necessary. At the same time, the granting of regional aid was tied more strictly to conditions of duration in terms of the continuation of investment and job creation in the region concerned.

In general, as far as relocations are concerned, the Commission would like to underline that these are first and foremost the result of choices made by the enterprise in order to improve its competitiveness, either by reducing its overheads (wage costs, transport, raw materials, tax) or by rationalising its production tools. A number of factors, not only or principally the possibility of obtaining financial support from the public purse, may thus influence decisions concerning the location of a new investment. Therefore, there is not always a direct link between the granting of a state aid in a certain region and the closing down of an establishment in another.

The enterprises which have decided to relocate should take also into account the financial cost for compensating the social costs of their decision. These social costs have been imposed by social regulations in Member States and on Community level. In particular Council Directive 98/59/CE ([2]) relative to collective redundancies which includes provisions on the information and the consultation with the representatives of the workers in the cases where the employer is contemplating such redundancies. Generally, the Commissison recommends to enterprises, when they are planning their relocation, to consider the consequences of their decision to employees. This has been stressed in the Communication of the Commission concerning the Corporate Social Responsibility. A bussiness contribution in sustainable development ([3]).

Moreover, the Commission has invited the European social partners to participate in a dialogue, on anticipating change with a view of adopting a dynamic approach towards the social aspects of restructuring. The social partners accepted to incorporate this important aspect in their multiannual work program which has been adopted recently.

When examining the compatibility of an aid with the common market, the Commission should not only ensure that there is no distortion of competition to an extent contrary to the common interest but also that the fundamental principles of the common market are respected. The completion of the common market implies the possibility for firms to establish and carry on an economic activity in any of the Member States. Freedom of establishment within the common market, enshrined in Article 43 of the EC Treaty, embodies one of the fundamental principles of the Community ([4]).

As to the case mentioned by the Honourable Member, the Spanish State aid to 'Outokumpu Copper', the Commission would like to refer the Honourable Member to its answer to Written Question E-0847/03 by Mr Andersson ([5]). Concerning the second example provided by the Honourable Member, this is state aid to 'Continental', the Commission would like to refer to the answers given by the Commission to Oral Questions H-0009/02, H-0031/02 and H-0040/02 by Mr Sjöstedt, Mr Gahrton and Mr Schmidt respectively at the Question Time of the first February 2002 ([6]) session of Parliament.

([1]) Guidelines on national regional aid; http://europa.eu.int/eur-lex/pri/en/oj/dat/1998/c_074/c_07419980310en00090031.pdf. These Guidelines are applicable from their date of publication in the Official Journal of the European Union onwards, OJ C 74, 10.3.1998. 4.10. Aid for initial investment must be made conditional, through its method of payment or through the conditions associated with its acquisition, on the maintenance of the investment in question for a minimum period of five years.

([2]) Council Directive 98/59/CE of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies, OJ L 225, 12.8.1998.

([3]) COM(2002) 347 final.

([4]) Case C-270/83 Commission versus France [1986] ECR 273, paragraph 13.

([5]) See page 30.

([6]) Written answer of 5 February 2002.

(2004/C 58 E/033)

WRITTEN QUESTION E-0847/03

by Jan Andersson (PSE) to the Commission

(18 March 2003)

Subject: Closure of the Asarum plant as a result of government aid

A common internal market is based on open and fair competition between the companies operating in that market. It is for this reason that government aid to companies is allowed only in exceptional cases, the main rule being that it must not have the effect of distorting competition. Nevertheless, several cases have come to light over the years in which government aid appears clearly to have distorted competition. Judging by the circumstances, such a case has just emerged in southern Sweden several years after the actual event. In 1996, a company belonging to Outokumpu Copper Tubes in the Basque country received the equivalent of SEK 57 million in aid from the Spanish Government. The aid was approved by the Commission. As a result of the aid, the factory at Asarum in Sweden, having the same owner and same production, was closed down, despite the fact that the Swedish plant was considerably more profitable than the one in the Basque country.

1. Does the Commission actually take the view that this type of government aid, with the risk it entails of distorting competition, is consistent with the legislation applicable on the common internal market?

2. What criteria did the Commission apply in making its assessment in the abovementioned case and would the same assessment be made today in the light of the strategy for a general reduction and re-orientation of government aid by the Member States, which the Commission itself is working intensively to promote?

Answer given by Mr Monti on behalf of the Commission

(28 April 2003)

1. The need for a comprehensive and firm control of State aid in the Union is widely acknowledged in order to ensure a more efficient operation of the internal market. Indeed, the distortive effect of aid is magnified as other governmental distortions are eliminated and markets have become more open and integrated.

The basic principle underlying the rules on State aid is that it is incompatible with the common market. However, exceptions may be made for legitimate reasons provided that the impact on trade and the distortion of competition which result from the granting of State aid are offset by an adequate contribution to the Community's objectives or otherwise mitigated as far as possible.

In this sense and in order to ensure a level playing field for all firms within the internal market, the Commission has adopted rules which explain the criteria by which it assesses the State aid cases.

As to the specific State aid case to which the Honourable Member refers, it concerns aid that had been granted by the Basque Government in support of the restructuring plan of Outokumpu Copper SA, a subsidiary of the Finnish based company Outokumpu Copper OY. The Commission considered it compatible with the common market by Decision adopted on 20 December 1995.

The Commission notes that it was only in 1998 that, in order to improve the profitability of its tube mills operations, Outokumpu decided to move the tube production of the Granefors Plant in Sweden to Pori (Finland) and Zaratamo (Spain) [1]. Therefore, the link between the closure of the Swedish plant in 1998 and the aid granted by the Basque Government prior to 1995 does not appear to be straightforward. Moreover, the restructuring plan of the company resulted in the closure of another plant in Spain.

2. In assessing the above mentioned aid, the Commission applied the criteria contained in the Community guidelines on State aid for rescuing and restructuring firms in difficulty [2] in force at the time.

The Commission took namely into account that the restructuring plan served to restore the long term viability and health of the firm which had been making losses. Furthermore, the Commission also considered that the aided restructuring programme included measures which offset undue distortions of competition: it entailed the definitive closure of the copper wire and tube facilities of the company's plant located in Cordoba. This resulted in a significant net reduction of 8 000 tonnes per annum in the overall production capacity of the company and, therefore, made a significant contribution to the restructuring of the copper industry in the Community, which was affected by a structural excess of production capacity. Finally, the Commission took also into account that the aid would help to overcome the structural problems of the region where the plant is located by creating sixty new jobs and assuring an economically viable business.

On 9 October 1999 the Commission published new guidelines on State aid for rescuing and restructuring firms in difficulty [3] which in principle are in force until October 2004. These new guidelines have tightened the rules namely as far as the eligibility of the firms for aid is concerned. The Commission does not have all the relevant information that would be needed to assess today whether the company could be considered a firm in difficulty for the purposes of the application of the guidelines.

[1] Source: Company's annual report.
[2] OJ C 368, 23.12.1994.
[3] OJ C 288, 9.10.1999.

(2004/C 58 E/034) **WRITTEN QUESTION E-0859/03**

by Roberta Angelilli (UEN) to the Commission

(20 March 2003)

Subject: Request for clarification about funding obtained by the City of Frosinone

In connection with the allocation of European funding a number of Italian daily newspapers recently reported that the City of Frosinone has received EU funding amounting to EUR 30 billion to carry out projects of various kinds.

These reports contradict other data according to which a number of Italian cities, including Frosinone, find it difficult to make the effort to obtain the funding available to them, which the Commission has often pointed out remains unused, even though it is much needed.

Such data include the Commission's answers to questions E-3433/02 [1], E-3427/02 [2], E-3429/02 [3] and E-3431/02 [4] on the use, by the municipality of Frosinone, of the following funds: URBAN II, Daphne, EQUAL, the ESF and the Fourth Action Programme on Equal Opportunities for Women and Men, SAVE II and Altener II.

All the Commissioners' answers indicate that the municipality of Frosinone has not submitted projects for any of the programmes mentioned.

In view of all this, can the Commission clarify the situation with regard to the actual use of European funding by the municipality of Frosinone?

[1] OJ C 137 E, 12.6.2003, p. 207.
[2] OJ C 222 E, 18.9.2003, p. 70.
[3] OJ C 137 E, 12.6.2003, p. 206.
[4] OJ C 155 E, 3.7.2003, p. 153.

Answer given by Mr Prodi on behalf of the Commission

(16 May 2003)

The Commission would refer the Honourable Member to its answer to her Written Questions E-0827/03 [1], E-0828/03 [2], E-0829/03 [3], E-0860/03 [4], E-0861/03 [5], E-0862/03 [6], E-0863/03 [7] and E-0864/03 [8].

[1] OJ C 242 E, 9.10.2003, p. 184.
[2] OJ C 242 E, 9.10.2003, p. 192.
[3] OJ C 268 E, 7.11.2003, p. 144.
[4] OJ C 11 E, 15.1.2004, p. 148.
[5] See page 32.
[6] OJ C 268 E, 7.11.2003, p. 156.
[7] OJ C 268 E, 7.11.2003, p. 157.
[8] OJ C 242 E, 9.10.2003, p. 208.

(2004/C 58 E/035) **WRITTEN QUESTION E-0861/03**

by Roberta Angelilli (UEN) to the Commission

(20 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds. The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the City of Frosinone, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector, can the Commission state:

1. whether the City of Frosinone has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the City of Frosinone has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/036) **WRITTEN QUESTION E-0884/03**

by Roberta Angelilli (UEN) to the Commission

(21 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Fiumicino

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Fiumicino, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector, can the Commission state:

1. whether the municipality of Fiumicino has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Fiumicino has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/037) **WRITTEN QUESTION E-1078/03**

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Ancona

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Ancona, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Ancona has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Ancona has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/038) **WRITTEN QUESTION E-1079/03**

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Carrara

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Carrara, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Carrara has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Carrara has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/039) **WRITTEN QUESTION E-1080/03**

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Florence

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Florence, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Florence has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Florence has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/040) **WRITTEN QUESTION E-1081/03**

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Livorno

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Livorno, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Livorno has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Livorno has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/041)

WRITTEN QUESTION E-1082/03

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Macerata

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Macerata, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Macerata has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Macerata has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/042)

WRITTEN QUESTION E-1083/03

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Massa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Massa, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Massa has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Massa has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/043) **WRITTEN QUESTION E-1084/03**

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Perugia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Perugia, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Perugia has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Perugia has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/044) **WRITTEN QUESTION E-1085/03**

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Pesaro

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pesaro, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Pesaro has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Pesaro has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/045) **WRITTEN QUESTION E-1086/03**

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Pisa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pisa, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Pisa has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Pisa has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/046) **WRITTEN QUESTION E-1087/03**

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Pistoia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pistoia, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Pistoia has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Pistoia has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/047)

WRITTEN QUESTION E-1088/03

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Prato

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Prato, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Prato has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Prato has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/048)

WRITTEN QUESTION E-1089/03

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Siena

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Siena, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Siena has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Siena has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/049)

WRITTEN QUESTION E-1090/03

by Roberta Angelilli (UEN) to the Commission

(31 March 2003)

Subject: Use of funds under the Action Plan on promoting safer use of the Internet by the municipality of Terni

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Terni, urgently need to use European funds to promote the safe use of the Internet and encourage, at European level, a favourable environment for the development of the relevant sector,

can the Commission state:

1. whether the municipality of Terni has submitted projects for the Action Plan on promoting safer use of the Internet?

2. whether the municipality of Terni has secured funding for these projects?

3. whether this funding has been used?

Joint answer
to Written Questions E-0861/03, E-0884/03, E-1078/03, E-1079/03, E-1080/03, E-1081/03, E-1082/03, E-1083/03, E-1084/03, E-1085/03, E-1086/03, E-1087/03, E-1088/903, E-1089/03 and E-1090/03
given by Mr Liikanen on behalf of the Commission

(15 May 2003)

Regarding the subsidies the Union awarded to the towns subject of the written questions in the Action Plan on Promoting Safer Use of the Internet, it has been found that none of the 15 Italian municipalities has presented a proposal for funding under the Safer Internet Action Plan 1999-2002. Consequently, none of the municipalities has received any funding in the framework of this action plan.

(2004/C 58 E/050)

WRITTEN QUESTION E-0936/03

by Dana Scallon (PPE-DE) to the Commission

(26 March 2003)

Subject: Timber industry

Is the Commission aware that the proposed tariff that is to be imposed on American softwood and hardwood timber being imported into Europe would have a negative effect on the timber industry in Ireland and that in the opinion of an Irish hardwood timber importer, it would result in closure of a great deal of companies involved in the said industry?

In light of this serious situation I would ask the Commission's reasons for proposing this tax and for a review of the decision to propose it.

Answer given by Mr Bolkestein on behalf of the Commission

(5 May 2003)

The Honourable Member raises her concern on the negative effect that any eventual imposition of countermeasures on American products would have on the timber business in Ireland.

In that respect, it would be useful to recall the circumstances relating to the World Trade Organisation (WTO) incompatible Foreign Sales Corporation/Extraterritorial Income (FSC/ETI) legislation which provides an illegal export tax subsidy to American firms to the tune of roughly USD 4 000 million per year. In particular, following the Community's successful challenge of the FSC/ETI legislation before the WTO, on 30 August 2002 the Community was granted by the WTO the right to impose countermeasures in the form of tariffs on imports of certain goods from the United States up to that amount. However, the United States has not yet taken concrete steps towards compliance, although both the Administration and senior members of Congress have indicated that this is their intention.

At the same time, it must be made clear that the Commission's objective in this dispute is not the imposition of countermeasures on American products but to obtain the withdrawal of illegal measures that adversely affect the interests of Community companies. The Commission's aim is, therefore, to ensure that the United States complies with the WTO ruling on FSC within the shortest time possible. But if the United States fails to comply, the Community will have no other option than to exercise its WTO rights.

In an attempt, however, to minimise the negative consequences that any eventual countermeasures could create for European industry, the Commission has launched a public consultation exercise on a draft list of products so as to give economic operators the opportunity to express their views on the list. Furthermore, the Commission has only inserted on the list products for which imports from the United States represent a maximum 20 % of total imports into the Community. The Commission has evaluated numerous comments received from interested parties during the public consultation period. In carrying out this analysis, the Commission aimed to minimise the negative consequences that any eventual sanctions could create to Communbity interests which was after all the stated objective of the whole exercise. Following consultations, on 28 March 2003, Member States adopted unanimously a final list of products that could be subject to any eventual countermeasures. This final list will be posted on the following Commission's website address: http://trade-info.cec.eu.int/europa/index_en.php when formalised.

(2004/C 58 E/051)

WRITTEN QUESTION E-1035/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the Leader+ programme by the municipality of Carrara

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Carrara, urgently need to use European funds to support innovative rural development measures aimed at enhancing the cultural and natural heritage, creating new jobs by strengthening the local economy and improving the organisational capacity of rural communities,

can the Commission state:

1. whether the municipality of Carrara has submitted projects for the Leader+ programme?

2. whether the municipality of Carrara has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/052)

WRITTEN QUESTION E-1036/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the Leader+ programme by the municipality of Florence

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Florence, urgently need to use European funds to support innovative rural development measures aimed at enhancing the cultural and natural heritage, creating new jobs by strengthening the local economy and improving the organisational capacity of rural communities,

can the Commission state:

1. whether the municipality of Florence has submitted projects for the Leader+ programme?

2. whether the municipality of Florence has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/053) **WRITTEN QUESTION E-1037/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the Leader+ programme by the municipality of Livorno

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Livorno, urgently need to use European funds to support innovative rural development measures aimed at enhancing the cultural and natural heritage, creating new jobs by strengthening the local economy and improving the organisational capacity of rural communities,

can the Commission state:

1. whether the municipality of Livorno has submitted projects for the Leader+ programme?

2. whether the municipality of Livorno has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/054) **WRITTEN QUESTION E-1039/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the Leader+ programme by the municipality of Massa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Massa, urgently need to use European funds to support innovative rural development measures aimed at enhancing the cultural and natural heritage, creating new jobs by strengthening the local economy and improving the organisational capacity of rural communities,

can the Commission state:

1. whether the municipality of Massa has submitted projects for the Leader+ programme?

2. whether the municipality of Massa has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/055)

WRITTEN QUESTION E-1042/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the Leader+ programme by the municipality of Pisa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pisa, urgently need to use European funds to support innovative rural development measures aimed at enhancing the cultural and natural heritage, creating new jobs by strengthening the local economy and improving the organisational capacity of rural communities,

can the Commission state:

1. whether the municipality of Pisa has submitted projects for the Leader+ programme?

2. whether the municipality of Pisa has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/056)

WRITTEN QUESTION E-1043/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the Leader+ programme by the municipality of Pistoia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pistoia, urgently need to use European funds to support innovative rural development measures aimed at enhancing the cultural and natural heritage, creating new jobs by strengthening the local economy and improving the organisational capacity of rural communities,

can the Commission state:

1. whether the municipality of Pistoia has submitted projects for the Leader+ programme?

2. whether the municipality of Pistoia has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/057)

WRITTEN QUESTION E-1044/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the Leader+ programme by the municipality of Prato

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Prato, urgently need to use European funds to support innovative rural development measures aimed at enhancing the cultural and natural heritage, creating new jobs by strengthening the local economy and improving the organisational capacity of rural communities,

can the Commission state:

1. whether the municipality of Prato has submitted projects for the Leader+ programme?

2. whether the municipality of Prato has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/058)

WRITTEN QUESTION E-1045/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

Subject: Use of funds from the Leader+ programme by the municipality of Siena

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Siena, urgently need to use European funds to support innovative rural development measures aimed at enhancing the cultural and natural heritage, creating new jobs by strengthening the local economy and improving the organisational capacity of rural communities,

can the Commission state:

1. whether the municipality of Siena has submitted projects for the Leader+ programme?

2. whether the municipality of Siena has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/059) **WRITTEN QUESTION E-1157/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the European Agricultural Guidance and Guarantee Fund by the municipality of Carrara

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Carrara, urgently need to use European funds for the processing and marketing of agricultural products and for rural development,

can the Commission state:

1. whether the municipality of Carrara has submitted projects for the EAGGF?

2. whether the municipality of Carrara has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/060) **WRITTEN QUESTION E-1158/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the European Agricultural Guidance and Guarantee Fund by the municipality of Florence

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Florence, urgently need to use European funds for the processing and marketing of agricultural products and for rural development,

can the Commission state:

1. whether the municipality of Florence has submitted projects for the EAGGF?

2. whether the municipality of Florence has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/061) **WRITTEN QUESTION E-1159/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the European Agricultural Guidance and Guarantee Fund by the municipality of Livorno

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Livorno, urgently need to use European funds for the processing and marketing of agricultural products and for rural development,

can the Commission state:

1. whether the municipality of Livorno has submitted projects for the EAGGF?

2. whether the municipality of Livorno has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/062) **WRITTEN QUESTION E-1160/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the European Agricultural Guidance and Guarantee Fund by the municipality of Massa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Massa, urgently need to use European funds for the processing and marketing of agricultural products and for rural development,

can the Commission state:

1. whether the municipality of Massa has submitted projects for the EAGGF?

2. whether the municipality of Massa has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/063) **WRITTEN QUESTION E-1161/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the European Agricultural Guidance and Guarantee Fund by the municipality of Pisa

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pisa, urgently need to use European funds for the processing and marketing of agricultural products and for rural development,

can the Commission state:

1. whether the municipality of Pisa has submitted projects for the EAGGF?

2. whether the municipality of Pisa has secured funding for these projects?

3. whether this funding has been used?

(2004/C 58 E/064) **WRITTEN QUESTION E-1162/03**

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the European Agricultural Guidance and Guarantee Fund by the municipality of Pistoia

In September 2002, the monitoring committee of the Italian Ministry for Economic Affairs issued a report on the spending of EU funds.

The report reveals the alarming slowness and inefficiency with which EU funds are allocated to projects by some regional authorities.

The grave concerns about the inadequate use of European funds by local authorities have frequently been echoed by the Commission.

Bearing in mind that some local authorities, such as the municipality of Pistoia, urgently need to use European funds for the processing and marketing of agricultural products and for rural development,

can the Commission state:

1. whether the municipality of Pistoia has submitted projects for the EAGGF?

2. whether the municipality of Pistoia has secured funding for these projects?

3. whether this funding has been used?

Joint answer
to Written Questions E-1035/03, E-1036/03, E-1037/03, E-1039/03, E-1042/03, E-1043/03, E-1044/03, E-1045/03, E-1157/03, E-1158/03, E-1159/03, E-1160/03, E-1161/03 and E-1162/03
given by Mr Fischler on behalf of the Commission

(24 April 2003)

The questions put are on utilisation of European Agricultural Guidance and Guarantee Fund (EAGGF) funding by the municipalities of Carrara, Florence, Livorno, Massa, Pisa, Pistoia, Prato and Siena. In particular the Honourable Member asks whether these municipalities have submitted projects to the EAGGF, secured funding for them and used the money.

In Tuscany Region the EAGGF Guarantee Section contributes to financing of the 2000-2006 rural development plan approved by Commission Decision C(2000)2510 of 7 September 2000, last amended by Decision C(2002)3492 of 8 October 2002. The plan covers the entire territory of Tuscany except in the case of certain support measures for which the Region chose to exclude urban centres with more than 15 000 inhabitants. These measures, for which the eight municipalities are not eligible, cover services essential to the economy and the rural population, expansion and improvement of infrastructure linked to agricultural development, and promotion of tourism and craft activities. They can however submit projects under the other measures, given that public bodies may receive aid under them.

The EAGGF Guidance Section contributes to financing of the Leader+ Community Initiative programme for the period 2000-2006 approved by Commission Decision C(2001)4012 of 3 December 2001. Tuscany Region has, acting in consonance with the Commission's notice to the Member States of 14 April 2000 [1], restricted this programme to upland community rural zones and to zones with a population density of less than 120 per km^2 and an agricultural employment rate more than twice the Community average. Urban centres with more than 15 000 inhabitants are excluded. As a result the eight municipalities are ineligible except for the upland zones of Pistoia (area 5 370 hectares, population 7 631).

The Commission approved the above programmes in question after checking on conformity with the relevant Community provisions. Management on the ground at the most appropriate geographical level is a responsibility of the Member States. It is up to their authorities, whether national or regional, to implement programmes. This includes selecting projects proposed by potential recipients who meet the terms of eligibility and apply for support. The Commission is informed, through the partnership, programme execution reports and as appropriate the monitoring committees, in the work of which it shares, how Fund resources are being taken up. The information provided in the form of financial and physical monitoring indicators and assessment data does not however extend to individual recipients of assistance, on whom under the subsidiarity principle the Commission is not competent to speak.

The Commission therefore requests the Honourable Member to approach the Assessorato all'Agricoltura of Tuscany Region for any information relating to support for individual persons and bodies, including the eight municipalities in question, under the abovementioned programmes.

[1] Commission Notice to the Member States of 14 April 2000 laying down guidelines for the Community initiative for rural development (Leader+), 2000/C 139/05, OJ C 139, 18.5.2000.

(2004/C 58 E/065) **WRITTEN QUESTION E-1151/03**

by Richard Corbett (PSE) to the Commission

(1 April 2003)

Subject: Pricing of medicines sold in developing countries

In October 2002 the Commission submitted a proposal to Council based on Article 133 of the Treaty relating to the tiered pricing of medicines sold in developing countries. The proposal is now subject to massive, negative and highly inappropriate industry lobbying based on the pharmaceutical industry's continuing desire to be able to charge high prices in poor countries, therefore denying access to medicines for millions. The underlying philosophy of the proposal is essentially developmental and not only trade related. However, the Commission's choice of legal base has resulted in industry lobbying being conducted in closed meetings and entirely out of public view, with Member State officials and the Commission being almost besieged by pharmaceutical industry lobbyists.

Should Council seek to amend the proposal significantly, will the Commission consider re-submitting the proposal based on joined legal bases of Articles 133 and 179, thereby allowing the proposal to be adopted by codecision, which would surely have been a more appropriate legal base in the first place?

Answer given by Mr Lamy on behalf of the Commission

(30 April 2003)

The Commission concurs to the statement of the Honourable Member that the proposal for a Regulation to avoid the trade diversion of certain key medicines, submitted to Council on 30 October 2002 [1], continues to be the subject of massive industry lobbying, addressed to both Member States and the Commission.

The Commission is confident that Member States' governments, like the Commission itself, make their decisions not only on the basis of input from lobbyists, but are capable to find the necessary equilibrium between all interests and policy objectives concerned. Moreover, in addition to industry input, the Commission has, of course, equally taken into account the views expressed by other interested parties.

Considering that the discussions in the Council are still ongoing, the Commission considers the question submitted by the Honourable Member to be premature.

[1] OJ C 45 E, 25.2.2003.

(2004/C 58 E/066) **WRITTEN QUESTION E-1179/03**

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

(1 April 2003)

Subject: Operating systems, software and programming and development environments used for the operation of the systems used by Europol

Can the Commission answer the following:

1. What are the operating systems, software and programming and development environments used for the operation of the systems used by Europol?

2. What legal rules on intellectual property apply to these IT programmes?

3. Does the European Union have the right to check the source codes of all software infrastructures, and have such checks actually been carried out to ascertain that the systems are not defective, do not generate errors (with particular reference to mistaken identity) and do not have security failings which could jeopardise Europol's objectives?

Answer given by Mr Vitorino on behalf of the Commission

(21 May 2003)

According to Article 29 of the Europol Convention, the day-to-day management of Europol is the responsibility of the Europol Director. This includes the monitoring of the adequate processing of data by Europol.

Pursuant to Article 24 of the Convention the responsibility for monitoring the adequacy of data processing lies with the Joint Supervisory Body (JSB). The task of the JSB is in particular to ensure that the rights of individuals are not violated by the storage, processing and utilisation of the data held by Europol. If the JSB notes any violations of the provisions of the Europol Convention, it shall make any complaints it deems necessary to the Director of Europol. The Director shall keep the Management Board, in which all the Member States and the Commission are represented, informed of the entire procedure. In the event of any difficulty, the JSB shall refer the matter to the Management Board.

The Commission has no responsibility for the development or administration of Europol operating systems or other software used at Europol and does not have any access to their Information Technology (IT) systems. The Commission, which attends the Management Board of Europol in an observer capacity, is not aware of any reported complaints of the JSB on this issue.

Information on contractual obligations on intellectual property applying to the Europol systems should be requested by the Honourable Members to Europol.

(2004/C 58 E/067) **WRITTEN QUESTION P-1204/03**

by Niels Busk (ELDR) to the Commission

(25 March 2003)

Subject: Government aid to Italian farmers

Does the Commission take the view that Italy has implemented the milk quota system satisfactorily on individual farms and, if so, how does the Commission explain the fact that 93 % of Italian milk producers have been able to exceed the milk quotas?

Has the Commission authorised the Italian Government to pay EUR 411 million to cover Italian milk producers' massive overshoot of their production quotas, and can the Commission confirm that the exemptions from paying additional levies granted to Italian milk producers amount to EUR 411 million in direct government aid to milk production in Italy?

Answer given by Mr Fischler on behalf of the Commission

(26 May 2003)

The Commission can indicate that about a third of Italian producers have exceeded their milk quota over one or more of the periods 1995-1996 to 2000-2001.

A major difficulty that has arisen and continues to arise in the Italian management of milk quota is the fact that the levy bills are almost systematically litigated in the Italian courts. This is notably due to the delay accumulated by the Italian authorities in implementing the regime.

The Commission can inform the Honourable Member that the Italian Government is seeking authorisation not from the Commission but from the Council of Ministers, under article 88(2) third subparagraph of the EC Treaty, for state aid measures in favour of producers with outstanding levy payments. The Commission will follow developments and reserves the right to take any action that appears appropriate.

(2004/C 58 E/068) **WRITTEN QUESTION E-1205/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(2 April 2003)

Subject: Outlawing of the HADEP party in Turkey

The HADEP party has been recently outlawed by the Turkish Constitutional Court which also banned over 40 of its members from any form of political activity over the next five years. In addition, the public prosecutor has been seeking to outlaw the recently founded DEHAP party.

The HADEP party, under the name DEHAP, gathered two million votes in the most recent Turkish elections, 6,2 % at national level, while in 12 provinces in the Kurdish areas it came first, achieving 47 % in Diyarbakir, Batman, Sirnak, Hakkari and Ban.

The European Court of Human Rights has already condemned Turkey for outlawing political parties on numerous occasions in the past. Last year (Sadak v. Turkey) the Court ruled that this infringed not only the right of such parties freely to exercise their mandate and their right to freedom of expression, but also the right of voters to fair and free elections.

In view of the above, will the Commission take action with a view to having this new and unacceptable measure overturned, given that it prevents parties from freely exercising their mandate and infringes the right to freedom of expression and representation of millions of Kurds in Turkey?

Answer given by Mr Verheugen on behalf of the Commission

(30 April 2003)

The Commission is aware of the situation regarding the HADEP party, and its successor, the DEHAP party. On 14 March 2003 a Commission spokesperson expressed the concern of the Commission with regard to the banning of the HADEP party, as the decision appeared to be against the spirit of the current reform agenda in Turkey.

According to the Turkish authorities, the Turkish Constitutional Court delivered its judgement against the HADEP party after receiving evidence that the party had explicitly aided and abetted the Kurdistan Workers' Party (PKK), which is considered by the Turkish state to be a terrorist organisation.

The Commission notes that, although the European Court of Human Rights (ECHR) has in the past ruled against Turkey with regard to the freedom to exercise a parliamentary mandate and the right to freedom of expression, some cases against Turkey have not been upheld. For example, in the case of the Refah Partisi (The Welfare Party) and others versus Turkey, the ECHR held that there were 'convincing and compelling reasons justifying Refah's dissolution' which could be regarded as 'necessary in a democratic society'.

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 provisions concerning the freedom of association with the European Convention on Human Rights and Member State norms. The Commission will continue to monitor all developments related to the freedom of association in Turkey and intends to raise this issue in its regular dialogue with the Turkish authorities.

(2004/C 58 E/069) **WRITTEN QUESTION E-1225/03**

by Mogens Camre (UEN) to the Commission

(2 April 2003)

Subject: German government aid to workers taking up jobs in other Member States

The Danish newspaper Jyske Vestkysten reported on 15 March that a businessman from Kiel had had the idea of supplying German workers to Danish firms. This is a shrewd idea in that the German government

subsidises German workers who take up jobs abroad by approximately DKK 60 an hour. The individual worker also receives a tax allowance of some DKK 800 a day.

The businessman in question has sent 3 000 e-mails and faxes to Danish firms offering to supply them with German workers in the building trades at an hourly rate of DKK 120. By way of comparison, a firm must pay between DKK 175 and 190 an hour for a skilled Danish worker.

The businessman is doing nothing illegal, he is simply exploiting current German law as the system was introduced by the Federal Institute of Labour. However, this system is severely undermining the Danish labour market in that it is increasing the pressure on a sector in which unemployment is currently rising.

Germany has, in effect, introduced an unfair system in an attempt to export high German unemployment to another Member State, in this case Denmark, thereby undermining the Danish system.

In the light of this situation, what does the Commission intend to do to put an end to this arrangement, which is distorting competition?

Answer given by Mr Monti on behalf of the Commission

(27 May 2003)

The Commission can assure the Honourable Member that it is aware of the fact that employment aid granted by Member States may have a major impact on competition in the common market, although the promotion of employment is a central aim for the economic and social policies of the Community and of its Member States. The Community has developed a European employment strategy in order to promote this objective and as a legal basis for employment aid to be granted by Member States, the Commission has adopted Commission Regulation (EC) No 2204/2002 of 5 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment [1].

As regards the specific measures mentioned by the Honourable Member, they seem to form part of plans and measures already put into effect aimed at reforming the German labour market. Some of these elements are presently under scrutiny by the Commission under State aid law. The Commission will request the German authorities to provide information on the specific measures addressed by the Honourable Member and will assess them if appropriate under State aid rules.

[1] OJ L 337, 13.12.2002, corrigendum OJ L 349, 24.12.2002.

(2004/C 58 E/070) **WRITTEN QUESTION E-1231/03**

by Christopher Huhne (ELDR) to the Commission

(2 April 2003)

Subject: EC Committee on the Driving Licence

1. Who are the members of the medical working groups established under the auspices of the EC Committee on the Driving Licence, and what powers or decision-making responsibilities do they have relative to European policy on the use of bioptic lenses in driving?

2. Can the Commission confirm whether the relevant working group is now established and functioning, and what the frequency of its meetings is?

3. Where is the issue of bioptic driving on their agenda, and what, if any, proactive actions or enquiries are they pursuing on this subject?

4. Do they have any projected timeframe within which they anticipate developments?

Answer given by Mrs de Palacio on behalf of the Commission

(30 April 2003)

While the creation of medical working groups, including one on vision, has been announced to the Driving Licence Committee which approved of the principle, these working groups have not yet been established, nor have terms of reference been fixed or members appointed. The future medical working groups will be evaluating the medical requirements to drive as laid down in Annex III of Council Directive 91/439/EEC of 29 July 1991 on driving licences [1], which were established in 1991.

The issue of bioptic driving is still in an experimental stage in the Union. So far the use of bioptic lenses has not been allowed, and is not expected to be for the near future, as it should first be thoroughly investigated and discussed.

As the medical working group on vision has not yet been established, it is not possible to affirm if this subject will be an issue on the agenda.

[1] OJ L 237, 24.8.1991.

(2004/C 58 E/071) **WRITTEN QUESTION E-1258/03**

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

(3 April 2003)

Subject: Shipbuilding at the Izar-Fene shipyard in the Ría do Ferrol, Galicia

The Galician Parliament recently approved a proposal requesting that the Izar-Fene shipyard in the Ría do Ferrol, Galicia, be allowed to build ships again — an activity in which it had reached world-class, building ships up to 300 000 tonnes — and that it should be able to continue manufacturing off-shore equipment. The Izar-Fene shipyard, formerly Astano and now part of the Izar company, would thus no longer suffer from the discrimination which led, in different circumstances, to it being banned from building merchant ships, causing a serious economic crisis in the Ferrol region. The need to renew the world fleet for the transport of oil derivatives and dangerous goods, which is particularly urgent given the disastrous effects of accidents such as that involving the 'Prestige' off the Galician coast, speaks in favour of such a decision, which would make a significant contribution to the development of both the Ferrol region and Galicia as a whole.

What decision will the Commission take on the request from the Galician Parliament, which reflects the desire expressed by the whole of Galician society?

Answer given by Mr Monti on behalf of the Commission

(23 May 2003)

It may be worth recalling that Fene (ex Astano) shipyard is closed to shipbuilding because this was one of the conditions when the Commission authorised [1] Spain to grant substantial restructuring aid to the

public Spanish shipyards. It can furthermore be noted that the relevant Commission decision was partly based on Council Regulation (2) 1013/97 of 2 June 1997 on aid to certain shipyards under restructuring, which also stated the condition on the non-reopening to shipbuilding at Astano. However, the Commission has not received any formal request from the Spanish government concerning the Fene yard and has not taken any position on this issue.

(1) OJ C 354, 21.11.1997, p. 2.
(2) OJ L 148, 6.6.1997, p. 1.

(2004/C 58 E/072) **WRITTEN QUESTION E-1260/03**

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

(3 April 2003)

Subject: Presence of Galician vessels in the development of the fishing industry in Brazil

Is the Commission aware of the experiences of fishing vessels from Galician ports such as Vigo, La Coruña, Ribeira and Marín which are working or have worked in waters under exclusive Brazilian competence, hiring licences from Brazilian companies? Will the Commission take advantage of the desire for cooperation shown by the new Brazilian government and take steps which might lead to mutually beneficial agreements?

Answer given by Mr Fischler on behalf of the Commission

(16 May 2003)

At present there is no fisheries agreement between the Community and Brazil. Thus any fishing in Brazilian waters by vessels flying the flag of a Member State is not covered by such an agreement. The Commission does not rule out the possibility that under private contracts Community vessels have been allowed to fish in these waters.

The Commission has maintained contact in the past with Brazil in order to explore the possibility of reaching mutually advantageous agreements in the fisheries sector. These have however never given rise to formal negotiations.

The Commission is ready to consult regularly with Brazil on questions of mutual interest in the sector. If a desire for cooperation arrangements was to be confirmed it would be ready to discuss directly what the content of these should be.

(2004/C 58 E/073) **WRITTEN QUESTION E-1268/03**

by Antonio Di Pietro (ELDR) to the Commission

(3 April 2003)

Subject: Rules governing local radio broadcasters in Italy

Article 1(2)(a) of Law No 66 of 20 March 2001 requires that commercial local radio broadcasters in Italy have the legal status of partnerships or joint stock companies that employ at least two people in conformity with the social security provisions in force.

Does the Commission not consider that this rule forces local radio broadcasters to bear considerable fixed costs (in addition to the licence fee already imposed) to the detriment of free competition, and that this openly conflicts with Directive 97/13/EC [1] and the annex to that directive, recital 25 of which indicates its essential goal as being that of 'ensuring the development of the internal market in the field of telecommunications and specifically the free provision of telecommunications services and networks throughout the Community'?

More precisely, recital 2 of the directive states the intention to 'ensure that general authorisation and individual licensing regimes are based on the principle of proportionality and are open, non-discriminatory and transparent'. Recital 3 states that 'market entry should be restricted on the basis only of objective, non-discriminatory, proportionate and transparent selection criteria relating to the availability of scarce resources or on the basis of the implementation by national regulatory authorities of objective, non-discriminatory and transparent award procedures'. Recital 4 indicates that 'general authorisation and individual licensing systems should provide for the lightest possible regulation' and, lastly, recital 10 states that 'any conditions attached to authorisations should be objectively justified in relation to the service concerned and should be non-discriminatory, proportionate and transparent'.

(1) OJ L 117, 7.5.1997, p. 15.

Answer given by Mr Liikanen on behalf of the Commission

(22 May 2003)

The questions of the Honourable Member concern the obligation established by the Law of 20 March 2001, No 66 which makes the continuation of the activity of a local radio broadcaster subject to certain requirements as to its legal status. In his view, firstly this law would force the local broadcasters to bear considerable fixed costs to the detriment of free competition. Secondly, the law would be in breach of Directive 97/13/EC of the Parliament and of the Council of 10 April 1997 on a common framework for general authorizations and individual licences in the field of telecommunications services (hereafter, the Licensing Directive), since it would require affected operators to incur significant additional costs, which would hinder the development of competition.

While the relevant requirements may mean a burden for the relevant operators, there are nevertheless no indications that they limit free competition. Moreover, the requirements apply in the same way to all operators and could be justified by the need to ensure a minimal continuity and professionality of the services of the broadcasters allowed to use scarce radiospectrum. In such case, the relevant obligation could be considered proportionate.

As regards the compliance with the Licensing Directive, the issue raised does not seem, in the Commission's opinion, to fall within its scope of application. As stated in its Article 2(2), Directive 97/13/EC uses the same definitions as Directive 90/387/EEC [1] as amended [2], which applies to telecommunications services with the exception of radio and television broadcasting. In addition, Article 1(2) of the Licensing Directive states that 'this Directive is without prejudice to the specific rules adopted by the Member States in accordance with Community law, governing the distribution of audiovisual programmes intended for the general public and for the content of such programmes'.

With effect from 25 July 2003, the Licensing Directive will be repealed by Directive 2002/20/EC of the Parliament an of the Council on the authorisation of electronic communications networks and services (hereafter, the Authorisation Directive) [3]. As in the case of the old framework, the new regulatory framework, including the Authorisation Directive, does not cover the content of services delivered over electronic communications networks using electronic communication services, such as broadcasting content.

However, the Authorisation Directive applies to authorisation for the provision of electronic communications networks and services, which includes networks used for radio broadcasting, in accordance with the definition in Article 2(a) of Directive 2002/21/EC of the Parliament and of the Council on a common

framework for electronic communications networks and services (Framework Directive) ([3]). The deadline for transposition of the Authorisation Directive is 24 July 2003. Italy is currently drafting the relevant legislation. The Commission will naturally assess the compliance of the relevant national legislation with the new Community regulatory framework for electronic communications networks and services once this has been notified.

([1]) Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision, OJ L 192, 24.7.1990.
([2]) Directive 97/51/EC of the Parliament and of the Council of 6 October 1997 amending Council Directives 90/387/EEC and 92/44/EEC for the purpose of adaptation to a competitive environment in telecommunications, OJ L 295, 29.10.1997.
([3]) OJ L 108, 24.4.2002.

(2004/C 58 E/074) **WRITTEN QUESTION E-1301/03**

by Emilia Müller (PPE-DE) to the Commission

(7 April 2003)

Subject: Support for aquaculture under Regulation (EC) No 1257/1999

In its communication COM(2002) 511 — A strategy for the sustainable development of European aquaculture — the Commission points out that certain environmental aspects of ponds or other water bodies in use for aquaculture are eligible for EU support under Regulation (EC) No 1257/1999 ([1]) (p. 20). Point 4.8 provides a list of environmental aspects eligible for support which includes, inter alia, action to 'recognise and strengthen the positive impact of extensive culture and re-stocking'.

1. Can support be provided under this scheme for extensively farmed ponds even where they are not economically viable?

2. What precise measures does the Commission consider must be taken for such aquaculture to be eligible for support?

3. What maximum rates would be set for such support?

4. What type of funding would be involved?

([1]) OJ L 160, 26.6.1999, p. 80.

Answer given by Mr Fischler on behalf of the Commission

(3 June 2003)

While support for the aquaculture sector per se is not eligible for support 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), the Honourable Member correctly indicates that certain environmental aspects of ponds or other water bodies in use for aquaculture can be supported. Such support falls in particular within Chapter VI of this Regulation (agri-environment). The provisions on environmental objectives and support fixed in this Chapter can equally apply to ponds which might be used for aquaculture, provided the beneficiary is a farmer.

With regard to the individual questions of the Honourable Member, the following can be stated:

1. For agri-environment the economic viability is not an eligibility criterion. General criterion for granting aid under the above-mentioned Chapter VI is benefits for the environment. If these benefits are demonstrated, the efforts of a potential beneficiary to achieve them resulting in income foregone and cost incurred can be compensated; where necessary, an incentive up to 20 % of these losses can be paid.

2. These measures are summarised under article 22, 2nd alinea of Regulation (EC) No 1257/1999, in particular the 3rd and 4th indent thereof.

3. The maximum aid rate co-financible amounts to EUR 450 per hectare and year. The Community contribution is fixed at 50 % (in Objective 1 — areas: 75 %) of the aid rate up to this ceiling.

4. The source of the Community co-financing is the EAGGF, Guarantee section. The necessary co-financing by the Member States may come from national, regional or other public budgets.

(2004/C 58 E/075) **WRITTEN QUESTION E-1304/03**

by David Bowe (PSE) to the Commission

(7 April 2003)

Subject: Treatment of CFC-and HCFC-containing equipment

In regard to EC Regulation 2037/2000 [1] and more specifically the treatment of refrigerators and other cooling appliances that contain CFCs and HCFCs, can the Commission explain what measures are being taken to ensure that these appliances containing ozone depleting substances are being properly distributed to licensed recycling and treatment plants? In what ways are Member States actively encouraging and assisting in making certain that these appliances are treated properly? What steps are being taken by candidate countries to prepare for the proper treatment of equipment containing CFCs and HCFCs?

[1] OJ L 244, 29.9.2000, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(8 May 2003)

Regulation (EC) No 2037/2000 of the Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer requires Member States to undertake and report on the recovery, recycling, reclamation and destruction of ozone depleting substances (ODS) controlled under the Regulation and to define the minimum requirements for the personnel involved [1].

The responsibilities of the Commission are to determine compliance with the Regulation by examining the progress made in each Member State. The Commission sent out official letters to Member States in July 2002 reminding them of their reporting obligations [2].

To date, all Member States except one have responded. Based on the evaluations undertaken by the Commission, most Member States have now reported on: the safety and quality standards for equipment that contains ODS; inspection procedures for installations containing ODS, record keeping and reporting requirements; ODS recovery methods; mobile and fixed ODS destruction equipment; quantities of ODS recovered, recycled, reclaimed and destroyed during 1999, 2000 and 2001; the minimum qualification standards for technicians involved in ODS recovery, recycling, reclamation and destruction and efforts undertaken to make the public and industry aware of the requirements of the Regulation that include articles in the news media, workshops and information on official websites.

The Commission has identified four Member States that are not in compliance with the Regulation and has launched infringement procedures for not reporting, or for insufficient reporting and implementation of the Regulation.

The Commission has been closely monitoring the steps taken by Acceding States in their preparation to ensure compliance by 1 May 2004 with all the requirements of the Regulation. After this date, the Commission will assess the compliance of these countries based on their reports on ODS recovery, recycling, reclamation and destruction, following the same procedures that are used for current Member States. Bulgaria and Romania will need to comply with the same requirements by a date yet to be agreed with the Union.

(1) Article 16(5) of Regulation (EC) No 2037/2000: 'Member States shall take steps to promote the recovery, recycling, reclamation and destruction of controlled substances and shall assign to users, refrigeration technicians or other appropriate bodies responsibility for ensuring compliance with the provisions of paragraph 1 […]'.

(2) Article 16(6) of Regulation (EC) No 2037/2000: 'Member States shall report to the Commission by 31 December 2001 on systems established to promote the recovery of used controlled substances, including the facilities available and the quantities of used controlled substances, recovered, recycled, reclaimed or destroyed'.

(2004/C 58 E/076) **WRITTEN QUESTION E-1308/03**

by Bill Newton Dunn (ELDR) to the Commission

(7 April 2003)

Subject: Human rights abuses in North Korea

The Commission will be aware of the human rights abuses, notably the treatment of Christians, which continue in North Korea.

Has the Commission:

1. made representations to the North Korean Government?

2. other plans, to try to improve the dreadful situation?

Answer given by Mr Patten on behalf of the Commission

(5 May 2003)

North Korea is currently a major concern for the international community including the Union. The Union systematically raises the human rights situation, including freedom of religion, during its regular political contacts with the Democratic People's Republic of Korea (DPRK) Authorities. In June 2002 in Pyongyang, it had the opportunity to discuss the plight of Christians in North Korea. It also requested access to the country for the Special Rapporteur of the United Nations (UN) Commission on Human Rights '(http://www.unhchr.ch/html/menu2/7/b/mrei.htm)'.

The Commission is kept regularly informed about the situation of Christians through non-governmental organisations (NGOs), and in particular Amnesty International and the Christian Solidarity Network. However, it will continue to monitor very closely the human rights situation in North Korea. Its concerns are also raised during discussions at the ongoing session of the UN Commission of Human Rights in Geneva where the Union has tabled a resolution on the human rights situation in the DPRK.

(2004/C 58 E/077)

WRITTEN QUESTION E-1319/03

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

(7 April 2003)

Subject: Suspected distortion of competition as a result of illegal State aid provided to Spanish shipbuilders by the Spanish government

In November 2001 the shipbuilding industry lodged a complaint with the Commission concerning suspected distortion of competition as a result of illegal State aid to the Spanish shipbuilding industry provided by the Spanish government. This distortion of competition could weaken the European shipbuilding industry. The Commission's investigations revealed no evidence supporting the suggestion that the Spanish government had provided illegal State aid to Spanish shipbuilders. In December 2002 the shipbuilding industry lodged a further complaint providing a number of illustrations corroborating the suspicions of state aid.

Spanish shipbuilders are in a position where they can ask much lower prices than shipbuilding firms from other EU Member States. There is no reason to assume that Spanish shipbuilding firms are able to produce significantly more cheaply than their counterparts elsewhere in the EU. This gives clear grounds for assuming that the illegal State aid may be involved.

Only recently the Spanish government granted a subsidy of approximately EUR 500 million to the Spanish shipbuilding industry for research and development.

1. Is the Commission aware of recent developments concerning this alleged State aid and, if so, is it investigating this?

2. Does the Commission believe that illegal State aid is being granted by the Spanish government to the Spanish shipbuilding industry?

3. How does the Commission view the subsidy of EUR 500 million recently granted by the Spanish government to the Spanish shipbuilding industry in terms of fair competition? Was Brussels notified of this subsidy?

Answer given by Mr Monti on behalf of the Commission

(27 May 2003)

1. It is assumed that the first question refers to the issues mentioned in the first paragraph above.

It is correct, as the Honourable Member points out, that the Commission, on the basis of available information, has not been able to find any proof of illegal aid actually offered or granted by the Spanish Government to Spanish shipbuilders in the referred case. It can be noted that the complaint concerned alleged aid to private Spanish shipyards.

The further complaint lodged in December 2002 concerns the public Spanish shipyards, and may therefore not be directly linked to the previous complaint. The Commission is still investigating this issue.

2. The Commission has a procedure open [1] on state aid case C 40/00, which concerns suspicions that illegal state aid has been provided to the public Spanish shipyards.

3. The Commission is not aware of any decision by the Spanish government to grant the alleged EUR 500 million to the Spanish shipbuilding industry as aid for Research and Technological Development.

[1] OJ C 328, 18.11.2000 and OJ C 21, 24.1.2002.

(2004/C 58 E/078)

WRITTEN QUESTION E-1355/03

by Maurizio Turco (NI) to the Commission

(10 April 2003)

Subject: Vincenzo Mitidieri, held in preventive custody for 12 months on charges of heading a mafia-type organisation and acquitted for lack of evidence, but still being held

After 12 months of preventive custody under special arrangements (41a) in the prison at Terni, on charges of belonging to a mafia-type criminal organisation, Vincenzo Mitidieri was acquitted by the Court of Matera for 'lack of evidence'. Although he appealed to the Minister of Justice to have the special arrangements revoked, he has still not received an answer and is still being held under those arrangements.

The provisions of Italian Law No 279 of 23 December 2002 state:

(a) in Article 2.2e, 'The Court, within 10 days of receiving the complaint (…) shall decide in camera (…) whether the preconditions for adopting the provision exist and whether the contents thereof are consistent (…)'. By 31 December 2002 the approximately 700 prisoners held under special arrangements — including Mr Mitidieri — received the implementing decree, a number of them appealed within the specified deadline of 10 days, but there is no indication of any decree being discussed by the supervisory courts within the deadline of 10 days, whereas it has been reported that hearings are due to be held after 90/180 days;

(b) in Article 2c.2, paragraph 2a, that the implementing decrees 'shall be adopted by virtue of a decree justified by the Minister of Justice'. As to how the justification is to be endorsed, the former Under-secretary for Justice, Giuseppe Ayala said, at the 21st sitting of the 'parliamentary committee of inquiry on the phenomenon of mafia or similar criminal organisations' held on 9 July 2002, '(…) I must have signed hundreds of provisions, but justifications for extending deadlines belong to the category of provisions which are signed blindfold (it is an automatic action which we can all carry out and it can be done better blindfold). I say this without in any way meaning to criticise the bodies which were sometimes called upon to provide evidence, but because sometimes it is almost a'probatio diabolica" (negative proof impossible to provide);

(c) in Article 1, c.1, paragraph (a), that as regards the prisoners '(…) jobs outside, authorisations and alternatives to detention (…) may be granted only in cases where detainees and prisoners collaborate with the judiciary' a practice which is defined as torture in UN and Council of Europe conventions.

In view of Articles 6 and 7 of the EU Treaty, can the Commission say whether it has any instruments at its disposal and, if so, which, to monitor compliance with those articles, or what internal procedures are envisaged if it receives complaints regarding infringements of those articles?

Answer given by Mr Vitorino on behalf of the Commission

(22 May 2003)

The detention of Mr Vincenzo Mitidieri 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 fall entirely within Member States' competencies.

However, it should be stressed that, following exhaustion of all domestic remedies, as Mr Mitidieri considers that his fundamental rights were violated, there exists the possibility of applying to the European Court of Human Rights for redress.

(2004/C 58 E/079)

WRITTEN QUESTION E-1368/03

by Joan Vallvé (ELDR) to the Commission

(11 April 2003)

Subject: Increase in aid for hazelnut producers

The production of nuts in certain European Union areas is a typical example of single-crop and multifunctional production. The zone given over to their production provides a guarantee of land conservation and prevention of erosion and also helps to safeguard against the forest fires that are one of the most common dangers in mountainous Mediterranean areas, particularly during the long and in many cases dry summer season. This season is one of high temperatures and, at the same time, an almost total lack of rainfall.

It would be very difficult for alternative crops to be grown in the areas where hazelnuts are currently produced. The fact should not be overlooked that some of the areas now given over to hazelnut production were wine-producing areas in the 18th Century, before the phylloxera outbreak which devastated the vineyards of Catalonia in the last decades of that century. A large part of the former vineyards were replanted with hazelnuts. The EU rules currently applicable to vines (Regulation (EC) No 1493/1999 [1]) make any reversion to the pre-phylloxera scenario unviable.

Neither would it be possible to envisage replanting these production areas with oil crops, and more specifically olives, given their latitude and climate, and also the current Community rules on olive oil production (Regulation (EC) No 1873/2002 [2]).

Lastly, the introduction of cereal crops, which could substitute for the production of hazelnuts in areas where these were grown on flat land, would not be possible in view of Regulation (EEC) 1766/92 [3].

In view of the multifunctional nature of hazelnut production and the difficulty of replacing it with other types of production, does the Commission not consider that a form of aid should be introduced which goes beyond that currently envisaged in the Commission proposal COM(2003) 23 final?

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(1) OJ L 179, 14.7.1999, p. 1.
(2) OJ L 284, 22.10.2002, p. 1.
(3) OJ L 181, 1.7.1992, p. 21.

Answer given by Mr Fischler on behalf of the Commission

(16 May 2003)

As previously explained to the Honourable Member in the reply made by the Commission to his Written Question E-0295/03 [1], the Commission, before doing its proposal [2], carried out a global analysis of the Community nut sector. The results make a clear point on the fact that nut production in the Community remains chronically non-competitive overall, while playing a fundamental part in protecting and maintaining the environmental, social and rural balance in many regions.

Therefore, the Commission shares the Honourable Member's point of view on the strategic and multifunctional role that nut production has still to play in maintaining the environment and the landscape. Consequently, the proposal submitted to the Council and the Parliament represents a new regime, put forward as a market measure, while containing a strong 'rural development' aspect.

As far as the budget is concerned, the figures proposed of EUR 80 million reflect the will to ensure budget neutrality with the current Community expenditure on improvement plans: the Community spent EUR 970 million in 12 years. It is foreseen to cover a large part of the productive area, which has been estimated at 800 000 hectares (ha). This explains the level of EUR 100 per hectare for the Community part.

The Commission proposed a single level of support by hectare, taking into consideration a number of elements:

— need for simplicity and ease of use;

— the main reason for support is the multifunctional role of nuts. It is difficult to argue that different type of nuts (almonds or hazelnuts, for example) contribute differently to this role.

The proposal of the Commission gives a substantial help towards achieving environmental and rural goals ensuring the continuation of sustainable production in non-competitive and, at the same time, gives a targeted support for competitive production.

Therefore, the Commission does not have the intention at this stage to make substantial modifications to its initial proposal.

(1) OJ C 192 E, 14.8.2003, p. 167.
(2) COM(2003) 23 final.

(2004/C 58 E/080)

WRITTEN QUESTION E-1374/03

by Bart Staes (Verts/ALE) to the Commission

(15 April 2003)

Subject: (Illegal) timber used for buildings to house the European Commission

The European Commission will communicate a proposal for an EU action plan in the framework of Forest Law Enforcement, Governance and Trade (FLEGT). One of the issues in the action plan will be public procurement. The Commission occupies many buildings in Brussels and should assume its responsibility to ensure that no timber from illegal sources is being used.

Can the Commission give me a list of buildings occupied by the Commission, with details of the owners for each of the buildings, details of all the refurbishment, redevelopment and new building over the last five years or projected to start in the next six months, details of how the Commission checks the contracts, details of contractors and subcontractors and in particular the companies that are providing their contractors and subcontractors with timber and wood products?

Answer given by Mr Kinnock on behalf of the Commission

(19 June 2003)

Safeguards are in place to ensure that buildings procured by the Commission do not contain timbers from illegal sources. Where fitting out of new buildings and refurbishment of existing buildings are executed on behalf of the Commission they are carried out strictly in accordance with Belgian legislative requirements including the prohibition of certain materials.

In addition, and subject to the technical particulars of a project, compliance with the requirements of 'Immeuble Type' is also sought. This document is the Commission's standard specification for buildings and sets out the standards for quality of space, use of materials and quality of technical installations. According to the current version 'Improved forestry-management practices can only be encouraged if invitations to tender specify that wood must come from forestry operations where the rules of sustainable development are followed'.

In circumstances where the Commission can influence the market in respect of buildings it is likely to acquire, such as the renovation of the Berlaymont, it makes an explicit requirement to the developer to procure timber only from sustainable sources. Compliance with the requirements of Immeuble Type is monitored by the technical staff of the Office for Infrastructures and Logistics — Brussels. The final acceptance of works carried out under building contracts is conditional upon the receipt of documentary evidence of compliance with legislative and contractual requirements.

The research required to provide a more detailed answer to the Honourable Member's question, addressing the specific points raised in respect of each building, would be out of all proportion to the result obtained and would be inappropriate in the context of answering a written question. Nevertheless, some of the requested detailed information on buildings & information on the Commission's building standard, 'Immeuble Type', is being sent direct to the Honourable Member to supplement the above response.

(2004/C 58 E/081) **WRITTEN QUESTION E-1381/03**

by Giles Chichester (PPE-DE) to the Commission

(15 April 2003)

Subject: Swedish state aid to municipal housing companies

The development of cross-border property investment is one of the recent great breakthroughs of the internal market, reaching EUR 25 billion in just a few years. This in turn is leading to the emergence of a European property industry whose increasingly sophisticated services provide important underpinning for the European economy. It is the duty of the Commission to ensure that State aid is not allowed to distort competition in the property sector.

Last year, the Swedish government granted an initial EUR 300 million in subsidies to municipal housing companies (MHCs). This included purchasing non-viable housing from MHCs for conversion to other uses and providing MHCs with equity capital and loan guarantees. The distortion of competition ensues from the fact that MHCs are not providers of social housing; they compete with private housing companies for the same tenants. The distortion is magnified by the fact that the Swedish 'utility value system' obliges local judges to set the rent of private landlords at the same rate as that of comparable MHCs. The State aid therefore enables MHCs to bankrupt genuinely private housing companies by setting rents at levels that their private competitors cannot match.

The distortion is particularly relevant to the substantial and increasing European property investment in Sweden, because all of it is, by definition, private.

Following a complaint by the European Property Federation, the Commission launched an investigation last summer (CP 115/02 — Financial Support Granted to Swedish Municipal Housing Companies) and the Swedish government responded.

1. Did the Commission respond to the Swedish government's letter of 16 October 2002 and if so, how?

2. What is the current state of the Commission's investigations concerning this matter?

3. When does the Commission expect to conclude?

Answer given by Mr Monti on behalf of the Commission

(15 May 2003)

1. The information provided by the Swedish Government in their letter of 16 October 2002 is still being assessed; a formal response to the letter in question has thus not been made.

2. The Commission is investigating the various issues raised by the original complaint. Additionally, on 21 January 2003 the Commission has received a formal notification from the Swedish Government of proposed state measures also concerning the housing market in Sweden. To ensure a consistent and coherent approach in the assessment of the two cases in question the Commission is now investigating them in parallel; to enable the Commission to move forward on this basis it has requested additional information from the Swedish Government concerning the notification.

3. The Commission has not arrived at a definitive conclusion yet. It expects to do it after it will have received all the information necessary for a final decision.

(2004/C 58 E/082) **WRITTEN QUESTION E-1387/03**

by Roberta Angelilli (UEN) to the Commission

(15 April 2003)

Subject: Possibility of funding zootechnology projects in eastern Europe

The Italian company Nuova Cizo s.r.l. has been operating for some years in the zootechnology sector on the planning, construction, installation and marketing of metal structures, automatic equipment, fodder storage silos and various kinds of plant engineering.

The company has developed extensive technical capacity for innovation and is increasingly asked to undertake comprehensive projects entailing supply of breeding structures, automatic facilities and the relevant technological plant, including a project for producing organic chickens that is unique in Europe.

It is currently developing two innovative projects for closed-cycle poultry breeding, covering all phases of production from egg to adult bird, including processing, meat-packing and distribution of the finished product on local markets.

These projects are attracting the interest of some eastern European countries soon to join the European Union, as well as others, including Albania in particular, which could enter into cooperation with a view to developing similar production cycles in their own countries.

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

1. whether EU funds are available to finance projects of the kind described above in the countries of eastern Europe?

2. what procedures would the company Nuova Cizo and its partners have to follow to obtain such funding?

Answer given on behalf of the Commission by Franz Fischler

(3 June 2003)

1. Regarding agriculture and rural development, the acceding countries of central and eastern Europe benefit from the pre-accession Sapard programme set up under Council Regulation 1268/1999 of 21 June 1999 ([1]).

The way it works: the countries each draw up a programme to be approved by the Commission, then see to its implementation subject to a Commission decision empowering them to so do. The measures eligible for co-financing include investments in agricultural holdings and in the processing and marketing of agricultural products. The public contribution may not exceed 50 % of the total, while Community expenditure may not exceed 75 % of the public aid.

2. All the countries in question included both the above types of measure in their Sapards, and received Commission approval of their management of the same.

The details of implementation of each measure (scope, type of investment and expenditure, maximum amount eligible, etc.) are specified in each programme.

The companies in question are therefore advised to consult these programmes on the web site of the Commission's Directorate-General for Agriculture (http://europa.eu.int/comm/agriculture/external/enlarge/countries/index_en.htm); they will find for each country a description of the measures concerned and the coordinates of the body in charge of implementing them, to which latter they should apply for the details of implementation of each programme (timetable, etc.). They should note, however, that the relevant funding applications have to be submitted by the project beneficiaries.

(1) OJ L 161, 26.6.1999.

(2004/C 58 E/083) **WRITTEN QUESTION E-1454/03**

by Hiltrud Breyer (Verts/ALE) to the Commission

(29 April 2003)

Subject: Euratom/other international financial institutions/public accountability requirements

1. *Other international financial institutions*

Can you supply details of the nuclear lending policies of international financial institutions such as World Bank, European Investment Bank, Nordic Development Bank, Asian Development Bank, Latin American Development Bank and African Development Bank?

2. *Public accountability requirements*

Are there public involvement requirements for the granting of Euratom loans, for example

(a) Must the loan recipients require a full public participation process including conformity to international agreements such as the Espoo Convention?

(b) Are the loan recipients required to publish the full environmental impact assessment?

(c) Is Parliamentary approval in the recipient State required before granting the loan?

(d) Are competitive tenders required for the proposed construction work for the tender, if not, why not?

Answer given by Mr Solbes Mira on behalf of the Commission

(26 June 2003)

1. As far as the Commission is aware, only the European Bank for Reconstruction and Development (EBRD) among International Financial Institutions is presently pursuing an active lending policy from its ordinary resources on completion and upgrade of nuclear plants.

Main conditions include:

— a direct link with the closure of high-risk reactors operating in the country concerned;

— the respect of the same least-cost criteria, financial viability and environmental standards, as non-nuclear projects;

— the respect of the fundamental principles set out in the International Atomic Energy Agency (IAEA) documents concerning the standards applied for the construction, management and operation of the plant;

— the approval of the relevant national nuclear safety authorities.

The European Investment Bank (EIB) has financed in the past nuclear projects in Member States, but is not presently pursuing an active policy in this area and has never considered financing such projects in third countries.

2. (a) 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] (Environment Impact Assessment (EIA) Directive) as amended by Council Directive 97/11/EC of 3 March 1997 [2], and the Espoo Convention on environmental impact assessment in a transboundary context, apply to certain nuclear projects. Their public participation provisions would have to be followed in those cases. In other cases, the public participation process has to be followed as set down in the law of the country of the project. Further, in case the country has ratified nuclear related international agreements, these would also have to be followed.

(b) If domestic law so requires. The full EIA should be made available to the public to the extent that Directive 85/337/EEC of 27 June 1985 on environmental impact assessment and/or national law applicable in third countries so requires.

(c) The answer to this question depends on the national law of the recipient State.

(d) In Member States, this would be a requirement; in third countries, domestic law applies.

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

(2004/C 58 E/084) **WRITTEN QUESTION E-1456/03**

by Hiltrud Breyer (Verts/ALE) to the Commission

(29 April 2003)

Subject: Euratom Loans in Member States/non-member States

1. Have any requests for Euratom loans been received from Member States since 1987?

2. Why have no loans been granted for the construction of facilities in Member States in recent years?

3. Is the European Investment Bank allowed to lend for nuclear projects, and if so, why isn't this institution used to provide financing rather than the Euratom Loan Facility?

4. Kozloduy 5 and 6:

(a) What is the funding schedule for this project, e.g. how much of the loan has been disbursed, and when are the other tranches expected?

(b) Is the closure of units 1-4 at Kozloduy by 2008 one of the conditions for the loans, and will the loan repayment schedule be accelerated if permanent closure of all four reactors is not undertaken by this time?

5. Khmelnitsky 2 and Rovno 4:

(a) Why is the EUR 688 million included in the column of amounts approved in the Non-Paper (version 1) when only provisional agreement was reached on the project?

(b) Will further economic and safety assessments be required by the Commission for this project were it ever to be re-proposed? Will this require review by the PHARE and TACIS Nuclear Safety Expert Group and the European Investment Bank?

(c) What is the current timetable for the further development of the project?

6. Cernavoda 2:

(a) Can you supply documentation which shows that the funding of Cernavoda 2 by Euratom will have a direct impact on the increase in nuclear safety in the project?

(b) What is the current timetable for the decision in the European Commission for this project?

(c) Can you supply the approval statements and associated documents from the European Investment Bank and the PHARE/TACIS Nuclear Safety Expert Group?

Answer given by M. Solbes Mira on behalf of the Commission

(7 July 2003)

1. No

2. It would seem that the number of investment projects in the nuclear sector in Member States decreased markedly through the eighties and nineties.

3. The European Investment Bank (EIB) has financed nuclear projects in Member States in the past, very often in parallel with Euratom. Such a possibility still remains open. The EIB, however, currently refrains from financing nuclear projects in non-Member States.

4. (a) To date EUR 80 million have been disbursed. A further tranche of EUR 25 million is in preparation for disbursement; the remainder up to EUR 212,5 million will be drawn down up to the end of the project scheduled for 2006.

(b) The closure of Units 1 to 4 is part of the loan conditionality. Units 1 and 2 are already shut down. The Commission expects the closure of Units 3 and 4 before the end of 2006. In case of non-respect of the conditionality the loan could be accelerated.

5. (a), (b) and (c) The Commission approved in December 2000 a Euratom loan for the K2R4 project, subject to certain conditions that were fulfilled by the end of 2001. However, when the loan contracts were to be signed, the Ukrainian government requested the Commission and the European Bank for Reconstruction and Development (EBRD) (the other main lender to this project) to continue discussions on some of the financial conditions. These discussions are still ongoing, and it is difficult to envisage when they would be completed. They relate to certain financial aspects (cost, electricity tariff, financial plan, etc.) but not to its technical aspects. Only when an agreement has been reached on how the project is to be reorganised will it be possible to decide whether any of the studies need to be modified or updated. In any case, the Commission decision is legally binding and would therefore require a new Commission decision if it had to be cancelled. That is why the corresponding amount must remain 'earmarked' and is not available for other projects.

Any further economic and safety assessments and/or review by PHARE and TACIS Nuclear Safety Expert Group and the European Investment Bank would depend on the result of the final agreement reached with Ukraine.

6. (a) The PHARE/TACIS Nuclear Expert Group Statement will be provided under separate cover.

(b) The planning foresees that the Commission may be in a position to decide on this loan about summer 2003.

(c) The Experts' Statement and the EIB Opinion will be provided under separate cover.

(2004/C 58 E/085) **WRITTEN QUESTION E-1458/03**

by Hiltrud Breyer (Verts/ALE) to the Commission

(29 April 2003)

Subject: History of Euratom Loan Facility

1. Will the Commission list all past Euratom loans, with details of:

— type and name of nuclear facility,

— country of facility,

— amount of loan,

— purpose of loan, e.g. safety improvement of operating facility; completion; new construction,

— the names of the utilities or companies that have received Euratom loans?

2. Have loans been used for the construction of nuclear waste facilities? If not, why not?

3. Have any loans been sought and/or granted for activities at reprocessing facilities?

4. What is the budget for the development of each Euratom Loans? Details requested on the different TACIS or PHARE grants for project preparation for the following projects, giving amounts and the use of objectives for each sub-project:

— Mochovce,

— Kozloduy 5 and 6,

— Khmelnitsky 2 and Rovno 4,

— Cernavoda 2,

— Kalinin 3.

5. Will the Commission list the staff working on the development of Euratom loans and the annual budget of their unit, including salaries and overheads?

6. What are the financial advantages for utilities in obtaining a Euratom loan compared to funding from a private bank? For example in the case of Kozloduy 5 and 6, what was the interest rate and period of grace fixed at for the project compared to what might have been achieved without the Euratom Loan?

7. Details on the financial arrangements are requested, namely:

— What are the interest rates used for the loans?

— What period of grace is used in the loans?

Answer given by Mr Solbes Mira on behalf of the Commission

(7 July 2003)

1. A table that provides information on all Euratom loans granted from 1977 until 1987 is sent direct to the Honourable Member and to Parliament's Secretariat. Since then, the only loans disbursed are for the Kozloduy 5 & 6 Safety Upgrade Project in Bulgaria described in more detail in our response to Written Question E-1456/03 by the Honourable Member [1].

2. Yes. There was one loan (in France) that was granted in 1987 for a project involving the construction of two buildings at a nuclear facility. The complex was destined for the provisional storage of waste fuel from the facility. Elsewhere, other projects financed by Euratom had waste storage features as part of the overall design and construction, for example the construction of electrical power plants in France and Italy included waste storage facilities specifically defined.

3. Yes, there was one loan granted (in the United Kingdom) for a reprocessing plant. This was a project for a plant to reprocess uranium oxide fuel elements and included some ancillary buildings.

4. Financing has been from various sources and is currently obtained from TACIS or PHARE funds. For the costs identified as being directly linked to the Euratom procedures, the Commission refers to the table, which is sent direct to the Honourable Member and to Parliament's Secretariat. These costs relate to the studies carried out as part of the Euratom procedure, the work done by the European Investment Bank (EIB) in the preparation of its opinion and by the Commission in preparing the loan documentation. It is to be noted that the Commission sometimes relied on studies commissioned and financed by the European Bank for Reconstruction and Development (EBRD).

5. Unit L-3 of the Economics and Financial Affairs Directorate General is currently responsible for the coordination of Euratom lending, which has concentrated on certain non-member states since 1994. In addition, other departments are involved for their specific competence in the field (in particular, Environment, Energy, Nuclear Safety, Enlargement, External Relations, EuropeAid). In Unit L-3 currently four officials are assigned mainly to this instrument. It is estimated that (in 2002) the average cost (over all categories) of an official was EUR 108 000.

It should be noted that the Commission effort related to loans in Member States (1977-1987) was significantly less as the analysis of each application was less complex and the workload was shared with the EIB.

6. The main advantage is that Euratom, because of its rating in the markets, can raise finance at the best available conditions in these markets. However, these are not subsidies. The Commission lends the funds at the conditions it achieves in the market with the addition of a small administration fee.

The repayment profile of a loan depends on what the borrower wishes to achieve. Typically, the grace periods agreed for the Euratom funding would allow for the completion of the project and an income stream coming into existence.

The financial conditions are fixed for each disbursement. For Kozloduy, the total loan is scheduled to be disbursed in several tranches (about two per year) over the length of the project with capital repayment typically planned to start about two years after the end of project. Conditions can be determined as the tranches are drawn down. To date, the interest rate payable on the loan has been a few basis points above the Inter-Bank Lending Rate (or fixed rate equivalent). The first tranche was drawn in 2001 and the first capital repayment is planned for 2007.

The conditions that a borrower may achieve for funding from other sources will vary according to the standing of that borrower and the opportunities in the market. The Commission is not in a position to compare with what might have been available in this case.

7. The profile of each loan is negotiated with the Borrower within the framework of the existing Decision and dependent on the availability of the funds in the market. A loan may be disbursed in several tranches and each tranche would have its own profile.

The interest rate applied to each tranche mirrors the interest rate on the corresponding borrowing contracted on the market. Euratom adds some basis points to cover its administration costs.

Normally the Commission would examine the project schedule with the borrower and arrange that disbursements be planned in line with the (major) milestones and financing requirements, for example to cover down payments on contracts. The disbursement schedule would be integrated into the overall financing plan.

A grace period is agreed with the Borrower for each tranche, linked to the length of the project implementation period and the income stream coming on-line, for example, planned commissioning date + about two years.

(1) See page 66.

(2004/C 58 E/086) **WRITTEN QUESTION E-1474/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(30 April 2003)

Subject: Language policy at the European Schools and in European education

In view of the forthcoming enlargement of the EU to a total of 25 participating countries, is there any proposal, plan or intention to abolish or reduce teaching of the less widespread languages of the Union (Greek, Portuguese, Finnish, Swedish, etc) in the curriculum of the European Schools, which are maintained by the Community budget? Has the idea been mooted of creating a 'European school-leaving certificate' for secondary education in the Member States, parallel to the certificate awarded at present? Is there any intention of establishing a 'European curriculum' in Belgian state schools (initially) and subsequently extending it to the state schools of the other Member States of the Union?

Answer given by Mr Kinnock on behalf of the Commission

(19 June 2003)

1. As the Honourable Member may be aware, management of the European Schools is not the responsibility of the Commission, but rather of the Board of Governors established under the European Schools statute. This includes representatives of each Member State: the Commission has just 1 vote among 16. None the less, the Commission can inform the Parliament that, from the very beginning, the European Schools have taught pupils their native language if it is an official European Union language. Further, language sections have been established whenever there are sufficient pupils speaking a particular language to justify this. This principle has been respected following the last three enlargements and will be respected on entry of the ten new Member States. All official languages of the European Union will therefore be taught (provided pupils of category 1 or 2 are enrolled) and there is no intention of abolishing or reducing teaching of the less widespread languages. Indeed, it is proposed that new language sections be established in Polish, Czech and Hungarian immediately.

2. Following Parliament's Resolution of 17 December 2002 the Board of Governors of the European Schools has set up a working party to investigate the possibility of offering the European Baccalaureate in schools that are not part of the European School system.

This group will also be looking at possibilities for co-operation between the European Schools and national educational establishments.

The introduction of a European certificate alongside the national certificate would require a decision by each participating Member State.

3. The content and organisation of education in the Union is the responsibility of the Member States. The Board of Governors has no authority to launch a European curriculum in State schools. Any decision to do so would be a matter for the Member States. The Commission for its part has not taken any action in relation to the creation of a European school-leaving certificate for secondary education or a European curriculum and has no plans to do so.

(2004/C 58 E/087)

WRITTEN QUESTION E-1476/03

by Michel Raymond (EDD) to the Commission

(30 April 2003)

Subject: 'Produce of regional nature parks' brand

The Ministry for Ecology and Sustainable Development in France plans to review the brand name 'Produce of …. Nature Park'. The use of this label to add value to agri-food products significantly improves their recognition and increases employment and income.

Which European regulation could be used as the basis for continuing the use of a distinctive brand that helps to add value to these products?

Answer given by Mr Fischler on behalf of the Commission

(25 June 2003)

The Commission welcomes initiatives adding value to agri-food products. Indeed such initiatives are seen as an important element to sustain the European multifunctional model of agriculture. For these reasons the Commission, in its recent proposal to reform the Common Agriculture Policy [1], introduced specific measures to support farmers participating in quality production schemes.

Currently only few labels benefit from Community recognition, namely those granted within the framework of:

— 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 [2],

— Council Regulation (EEC) No 2082/92 of 14 July 1992, on certificates of specific character for agricultural products and foodstuffs [1],

— Council Regulation (EEC) No 2092/91 of 24 July 1991, on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs [3],

— Commission Regulation (EC) No 1607/2000 of 24 July 2000 laying down detailed rules for implementing in particular the Title relating to quality wine produced in specified regions [4].

At this stage and with the limited information available, the Commission is not in a position to give a more conclusive answer. Without information on the exact denomination proposed to figure on the label, the nature of the protection, the characteristics and types of products and the rightholders it is difficult to identify which legal framework would apply.

However, in the Commission's view at least the general legal framework regulating trade, labelling and state aid rules should be taken into consideration at an early stage of designing new initiatives.

In relation to this reference is made in particular to:

— Community guidelines for State aid for advertising of products listed in Annex I to the EC Treaty and of certain non-Annex I products [5],

— Article 28 of the EC Treaty, including the recent interpretation of the Court of Justice on case C-6/02,

— Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks [6],

— Directive 2000/13/EC of the Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs [7].

[1] COM(2003) 23 final.
[2] OJ L 208, 24.7.1992.
[3] OJ L 198, 22.7.1991.
[4] OJ L 185, 25.7.2000.
[5] OJ C 252, 12.9.2001.
[6] OJ L 40, 11.2.1989.
[7] OJ L 109, 6.5.2000.

(2004/C 58 E/088) **WRITTEN QUESTION E-1485/03**

by Richard Corbett (PSE) to the Commission

(2 May 2003)

Subject: Discrimination in building society/bank share conversion

1. Is the Commission aware that some UK banks/building societies appear to be using internal administrative rules to deny their investors who reside in certain Member States the same benefits as those investors resident in other Member States, regarding allocation of shares when a building society is converted to a plc? In particular, the Bradford and Bingley Building Society in the UK has denied one of its investors a share allocation during the Building Society's conversion into a plc because the investor lived in Austria, whereas investors who live in Belgium, France, Germany, UK, Ireland, Spain and the Netherlands have been allocated these shares.

2. Does the Commission agree that this discrimination is incompatible with the Treaty?

3. What action will the Commission take to rectify the situation?

Answer given by Mr Bolkestein on behalf of the Commission

(5 June 2003)

The Commission recently received a complaint concerning possible discriminatory treatment at the time of the process of demutualization of an entity in the United Kingdom. To reply to this complaint, the Commission requested the assistance of the United Kingdom Financial Services Authority (FSA). According to the FSA, in the process of demutualization of that entity, its members were allotted shares in the new public limited company as compensation for giving up their membership rights, except for those members who were resident in countries other than the United Kingdom and who receive cash instead of shares. The process of demutualization was governed by the company's rules of constitution; it was agreed between its members; and it was not subject to the jurisdiction of the FSA. This exception for non-United Kingdom residents was apparently made with a view to the perceived extra expense involved in issuing shares to non-United Kingdom residents and the information about this envisaged exception was made available to all members prior to the above mentioned agreements.

In that case, the Commission considered that neither article 12 of the EC Treaty nor the Community case law offered any support to pursue the matter further. The Commission can only start an infringement procedure on the basis of Article 226 of the EC Treaty against a Member Sate if that Member State has failed to fulfil an obligation under the EC Treaty. In this case, the issue at stake concerns rights granted amongst private parties and falls, in the Commission's opinion, within the competence of the British authorities and courts.

From the information given in the written question regarding the allocation of shares during the Building Society's conversion into a public limited company (plc), it is not possible to determine whether there is discrimination on grounds of residence. In this case, unlike in the previous one, there is even a different treatment between those members who were resident in countries other than the United Kingdom. The Commission will proceed to obtain more detailed information on this part of case and has written to the FSA for assistance. The Commission will analyse whether the differences with the previous case above mentioned imply any discrimination and will take the necessary measures if appropriate.

(2004/C 58 E/089) **WRITTEN QUESTION P-1495/03**

by Jean-Louis Bernié (EDD) to the Commission

(24 April 2003)

Subject: Interpretative guide to the Birds Directive

The Commission has for several months been working on the interpretative guide to the Birds Directive.

Parliament has never been involved in the drafting of this document, which is supposed to clarify the situation concerning the hunting seasons for migratory birds, particularly in connection with Articles 7 and 9 of Directive 79/409/EEC [1].

The Commission has recently requested an opinion from its Legal Service on the guide's content.

Would the Commission state whether it plans to submit the document to the European Parliament for its opinion? If so, under which procedure and at what stage? If not, how does the Commission propose to involve European MPs in the project before the text is finally agreed, bearing in mind that 254 of them signed a written declaration in December 2000 calling for amendment of the Birds Directive?

And would the Commission state whether the interpretative guide will be annexed to the Birds Directive, and whether it will be contestable before the Court of Justice of the European Communities?

Finally, would the Commission provide me with a copy of the French version of the document submitted to its Legal Service, and the latter's opinion?

[1] OJ L 103, 25.4.1979, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(22 May 2003)

The Commission is committed to providing a copy of the guidance document to the Parliament as soon as it has been finalised, and it will also make a copy of the French version available to the Honourable Member.

As a guidance document it is being prepared under the sole responsibility of the Commission. There are no provisions for formal consultation of the Parliament in the context of such documents. However, the Commission has already indicated that the document will be presented to the appropriate Committee and Intergroups of the Parliament.

The document is not itself a legal instrument, and will not be formally annexed to the Directive. In addition, it needs to be stressed that the Court of Justice retains the sole prerogative to interpret the provisions of the Directive. However, the Commission intends to promote the guide, which will be widely disseminated to Member States and the different stakeholder groups.

(2004/C 58 E/090) **WRITTEN QUESTION P-1512/03**

by Mario Mauro (PPE-DE) to the Commission

(29 April 2003)

Subject: The case of Oriel de Armas Peraza

The Cuban exile Oriel de Armas Peraza, who has been living for a year in Vicenza (Italy) with his wife and four-year-old daughter, is an active member of the human rights association 'Cuban Patriotic Alliance' and is awaiting a reply to an application for political asylum lodged with the relevant Italian authorities. There is no doubt that, because of his frequent criticisms of the Castro regime, Mr Oriel de Armas will be arrested for his political activities if he is sent back to Cuba.

His situation is posing a problem, however, because he does not have health insurance and is unable to secure treatment for his daughter, who suffers from asthma.

The residence permit issued to Mr Oriel de Armas Peraza, which expired on 18 August 2002, was extended by the Vicenza police until 14 February 2003 pending a decision on his application for political asylum.

Will the Commission take steps to ensure that, in similar cases involving severe human rights abuses, 'European political asylum' can be granted to enable those such as Cuban exile Oriel de Armas Peraza and his family to renew their residence permits?

Answer given by Mr Vitorino on behalf of the Commission

(21 May 2003)

In the field of asylum, there are no Community provisions in place based on Article 63 of the EC Treaty related to the matter raised in this question. The proposal for a Directive on minimum standard for the qualification as a refugee or as a person otherwise in need of international protection [1] is still under discussion in the Council. Therefore, the Commission has no power to intervene on that basis with the Italian authorities.

[1] OJ C 51 E, 26.2.2002.

(2004/C 58 E/091) **WRITTEN QUESTION E-1515/03**

by André Brie (GUE/NGL) to the Commission

(6 May 2003)

Subject: Extensive clearing of trees and bushes in FFH areas in the Elbe-Elster district, Brandenburg, Germany

For some time now extensive clearing of trees and bushes has been taking place on the rivers Schwarze Elster, Pulsnitz and Röder (Elbe-Elster district, Brandenburg). The competent authority (Brandenburg Regional Environment Office) has justified this work on the grounds of the necessary renovation and maintenance work on the dykes.

These operations have been or are being carried out in the following designated FFH areas:

— FFH area 509 'Pulsnitz and flood plains';

— FFH area 495 'Middle reach of the Schwarze Elster';

— FFH area 231 'Arnsnestea flood plains';

— FFH area 498 'Kleine Röder'.

The Brandenburg Regional Environment Office takes the view that this constitutes maintenance work (for urgent flood-protection reasons), even though there was no acute threat on these rivers during the floods of August 2002 or during those of January 2003. The extensive clearance of trees and bushes in these FFH areas is having a considerable impact on protected habitats and animal species.

Can the Commission say:

— whether it has already been informed of this work?

— whether it is prepared to verify if this clearing operation is simply renovation or maintenance work (as claimed by the Brandenburg Regional Environment Office)?

— whether it is prepared to investigate (perhaps on the spot) the possibility that the work may be in breach of EU directives (FFH Directive)?

Answer given by Mrs Wallström on behalf of the Commission

(19 June 2003)

The Commission has not been informed of the developments described by the Honourable Member. It will initiate an investigation as to whether the requirements of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1] have been respected in this case.

[1] OJ L 206, 22.7.1992.

(2004/C 58 E/092) **WRITTEN QUESTION E-1528/03**

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

(6 May 2003)

Subject: Creation of a Joint Inspection Structure (JIS) and proposal to set up the Community Fisheries Control Agency in Galicia

On 21 March this year the Commission published a Communication to the Council and the European Parliament 'Towards uniform and effective implementation of the Common Fisheries Policy' in which it included a proposal to introduce a Community system to step up inspection and surveillance in the sphere of fisheries [1]. According to some media sources this proposal has caused a conflict of competence between the Commission and the Member States, since a number of the latter consider that the proposal encroaches on national competences. What is the current state of play as far as this proposal is concerned?

The Communication suggests setting up a Community Fisheries Control Agency (CFCA) and defines its functions and tasks. What conditions should a European city meet in order to qualify as the location for this agency?

Does the Commission not consider that, although the Member States are responsible for deciding on the location of the Community Fisheries Control Agency, it should propose that it be set up in a region particularly important for the fisheries sector?

In this case, Galicia fulfils all the conditions, in view of its strategy position on the Atlantic coast, the fact that it is a European fisheries power and that a large proportion of international sea traffic passes along its coastline, and bearing in mind the economic consequences of the serious accident caused by the 'Prestige' for the region's fisheries sector.

Is the Commission considering the possibility of proposing Galicia as the location of the Community Fisheries Control Agency?

[1] COM(2003) 130 final.

Answer given by Mr Fischler on behalf of the Commission

(4 June 2003)

The possibility of setting up a Community Joint Inspection Structure (JIS) to co-ordinate national and Community inspection policies and activities and to pool the means and resources for control purposes was one of the options identified in the Green Paper on 'The Future of the Common Fisheries Policy (CFP)' ([1]) which was retained in the Communication from the Commission on the reform of the CFP ('roadmap') ([2]). The Communication to the Council and the Parliament 'Towards uniform and effective implementation of the Common Fisheries Policy' ([3]) follow up these initiatives.

The last Communication setting out the concept of a JIS will be discussed thoroughly in the Council and the Parliament. A proposal of the Commission on the setting up of the JIS will be transmitted to the Council and the Parliament by 2004 after an extended impact study is finalised. In this context, the Commission could also propose to the Council the seat of this Agency.

([1]) COM(2001) 135 final.
([2]) COM(2002) 181 final.
([3]) COM(2003) 130 final.

(2004/C 58 E/093) **WRITTEN QUESTION P-1529/03**

by Rodi Kratsa-Tsagaropoulou (PPE-DE) to the Commission

(29 April 2003)

Subject: Granting of loans by the European Investment Bank (EIB) to Greece and Turkey

On 2 April 2003 the EIB decided to grant EUR 350 million to Turkey to support the private sector and for the reconstruction of the areas hit by the 1999 earthquake.

Does the Commission have any information from the EIB (tables or studies) regarding which specific projects the Turkish administration will fund with these loans? Is there an evaluation of the use made of the first tranche of EUR 150 million in loans to Turkey, granted for the same purpose?

In 1999 Greece was granted a loan of EUR 300 million for the same purpose. Does the Commission have details on the use made of these loans and the take-up rate? The first envelope which the EIB approved made provision for the granting of EUR 900 million. What reasons can the Commission give for the delay in continuing with the granting of these loans, and what plans are there for payment of the remaining amount?

Answer given by Mr Solbes Mira on behalf of the Commission

(21 May 2003)

In response to the August 1999 earthquake which devastated the Eastern Maramara region of Turkey, at the request of the Council, a composite Loan Facility of EUR 600 million was approved by the European Investment Bank's (EIB) Board of Governors in January 2000, known as the 'TERRA' Mandate (the Turkey Earthquake Rehabilitation and Reconstruction Assistance Mandate). This Mandate is covered by a Community Guarantee ([1]).

The EUR 150 million ([2]) loan signed on 2 April 2003 is the third tranche of a total loan of EUR 450 million (for Infrastructure and Urban Reconstruction), under what is termed the 'TERRA 1'. The first two loan tranches amounting to EUR 300 million were signed in 2000.

The full amount of the 'TERRA 1' loans of EUR 300 million signed in 2000 have been completely allocated and disbursed. This is a complex, multi-sector, multi-location operation embracing the reconstruction of over 3 100 housing units, the establishment of business centers for over 5 600 business premises, support to nearly 25 000 small businesses to replace business assets, emergency highway repairs, railway repairs, rehabilitation of municipal infrastructure, reconstruction of hospitals. In all, almost 60 distinct investment reconstruction programmes or projects have been individually financed by the EIB. Implementation of the recently signed final TERRA 1 tranche of EUR 150 million is well underway.

As regards the evaluation, the EIB monitors in cooperation with the World Bank and other donors the use of the loans closely and receives monthly progress reports. A recent in-depth review by the Bank of the whole TERRA 1 project confirmed that it is progressing well. The physical completion of the TERRA 1 project and use of the full EUR 450 million is foreseen before the end of 2004. At that time, a Project Completion Report will be issued.

Known as the 'TERRA 2' project, the remaining amount of the overall TERRA Facility (EUR 150 million) was mounted in parallel and signed in 2000/2001 in the form of global loans, via local banks, to assist Turkish enterprises (mainly small and medium-sized enterprises (SMEs) in the affected areas) to rebuild and reconstruct their former businesses. This part of the Mandate is also now progressing well after a slow start, and it is expected that the amount will also be fully committed by end 2004 in favour of a wide range of Turkish SMEs in the affected areas.

Following the earthquake of September 1999, Greece and the EIB entered in December 1999 into a finance contract signed for an amount of EUR 300 million (of an original EUR 900 million approved by the Board on 7 December 1999). EUR 150 million were disbursed on 15 December 1999. Mid 2002, the disbursement deadline was extended to 31 December 2002, following which date, any undisbursed balance would be automatically annulled. The Progress Report of the Ministry of Economy dated November 2002, demonstrated that realised project expenditure was not sufficient to justify further loan disbursements and it was decided that the remaining credit (EUR 150 million signed but undisbursed and EUR 600 million not signed) would be cancelled on 31 December 2002.

The principal reasons identified for the delay are:

— a higher than expected Community contribution (mainly European Regional Development Fund (ERDF) grants) allowing for a mere 10 % of investment cost lent by EIB;

— the considerable delays in schemes implementation because of lengthy and cumbersome administrative procedures;

— the over-estimated original budget as established by the Ministry of Economy and Finance at appraisal.

(1) Council Decision 2000/24/EC of 22 December 1999 granting a Community guarantee to the European Investment Bank against losses under loans for projects outside the Community (Central and Eastern Europe, Mediterranean countries, Latin America and Asia and the Republic of South Africa), OJ L 9, 13.1.2000.

(2) EUR 350 million loans were signed on 2 April 2003, of which EUR 150 million under TERRA 1 and EUR 200 million for other non-related operations.

(2004/C 58 E/094) **WRITTEN QUESTION P-1530/03**

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

(29 April 2003)

Subject: Funding by the Italian State and the region of Campania of the programme contract presented by Agrifuturo S.c.a.r.l.

In a preliminary reply of 14 February 2003 to my written question of 22 January 2003 (P-0126/03 (1)), Commissioner Fischler said that he had no knowledge of the investment project submitted by the company Agrifuturo.

It later emerged that the region of Campania had proposed an amendment to point 4.9 of its regional operational programme in an effort to have the Commission review the limits and prohibitions affecting funding of the tomato-processing sector.

Without an amendment of this kind, the Agrifuturo programme contract could not be funded, as it was in breach of the specific provisions of point 4.9, under which plant modernisation resulting in an increase in processing capacity was not eligible for assistance.

The Commission did not accept the proposed amendment and notified the region of Campania of its decision in April 2002.

In the light of the above, will the Commission ascertain whether, despite the rejection of the proposed amendment to point 4.9 of Campania's regional operational programme, funding for the abovementioned programme contract has been provided by the Italian State and/or the region of Campania and, if so, whether infringement proceedings have been initiated?

([1]) OJ C 161 E, 10.7.2003, p. 180.

Answer given by Mr Fischler on behalf of the Commission

(5 June 2003)

The Commission requested from the Italian authorities all the data needed to ascertain if funding had been accorded Agrifuturo.

The Italian authorities recently supplied the same.

No proceedings have yet been initiated as the said data has still to be analysed.

(2004/C 58 E/095) **WRITTEN QUESTION E-1539/03**
by Jonas Sjöstedt (GUE/NGL) to the Commission

(7 May 2003)

Subject: EIB loans to Morocco — alleged irregularities with risk capital given to SMEs

In a note dated 21 February 2003, Mr Abdelkader Chatri, former 'Responsable du Contrôle Régionale du Crédit Agricole du Maroc (CNCA)' has drawn the attention of the European Investment Bank to serious irregularities in connection with EIB loans given to the company Biopain.

What steps have been taken by the EIB to follow up these allegations?

Has the EIB informed the European Anti-Fraud Office OLAF about these allegations?

What steps have been taken so far by OLAF?

Answer given by Mrs Schreyer on behalf of the Commission

(30 June 2003)

The Commission has received the following information from EIB:

The European Investment Bank (EIB) received a letter from Mr Chatri, former financial controller of one of the participating banks in an apex global loan to the Moroccan Government. In that letter, Mr Chatri complained that proceeds of two sub-loans were not used for the intended purpose. In line with prevailing procedures, the letter and documents were immediately transmitted to EIB's Head of

Internal Audit who is responsible to EIB's management and Audit Committee for conducting initial investigations into allegations of irregularities concerning EIB or EIB-managed funds. EIB's Internal Audit (IA) has reviewed all relevant documents and procedures and has interviewed staff concerned.

The Commission has received the following information from OLAF:

In late May 2003, the EIB sent a complete dossier regarding this matter to OLAF. OLAF is presently analysing this information and will shortly decide on whether it should open an investigation regarding the allegations of irregularities in connection with EIB loans to Biopain.

(2004/C 58 E/096) **WRITTEN QUESTION E-1569/03**

by Erik Meijer (GUE/NGL) to the Commission

(8 May 2003)

Subject: Creation of a legal distinction between the conflicting roles of accountants as auditors and consultants of large companies

1. Is the Commission aware of the findings of the investigation into financial directors and chartered accountants commissioned by the Financiëel Dagblad newspaper and the Nova TV programme, which questioned 935 financial directors of the largest companies in the Netherlands and 1 000 chartered accountants from the Nivra register of Auditors?

2. What is the Commission's view of the fact that a majority of the accountants surveyed said that their consultancy and auditing work for companies was closely or inextricably linked and that they even carried out activities relating to the private interests of directors?

3. Does the Commission share my view that this may give rise to a conflict between the presumed independence of auditors and their dependent position in that they are partly responsible for the efforts of company management to reduce artificially the profits to be declared to the tax authorities or increase artificially the profit forecasts for shareholders, as well as for the rewards and golden handshakes paid to directors, which are not usually disclosed to the public?

4. Does the Commission consider it desirable that the two conflicting responsibilities of accountants should be strictly separated? Which EU Member States already have legislation separating these responsibilities? What does the Commission think of the proposal in the Netherlands to appoint the Financial Markets Authority as an independent and publicly funded supervisory body for accountants?

5. How can such a distinction also be introduced in Member States where it does not already exist? Is the Commission taking any initiatives in this direction?

Answer given by Mr Bolkestein on behalf of the Commission

(13 June 2003)

1. The Commission is not aware of the details of this investigation.

2. In May 2002, the Commission issued a Recommendation on 'Statutory Auditors' Independence in the Union [1]. The starting point of the Recommendation is that a statutory auditor should not carry out a statutory audit if there are any financial, business or other relationships between him and his client (including the provision of additional services) that would compromise his independence.

3. From a European perspective, the role of the statutory auditor does not include a specific duty in relation to tax advice or other forms of advice but deals exclusively with providing an opinion on the true and fair view of financial statements.

4. The responsibility of the statutory auditor is to perform thorough audits of the financial statements in the public interest. Business and financial relationships and the provision of non-audit services to the audit client may not undermine this responsibility. This does not imply a strict prohibition of non audit services. The Commission is aware that there is pressure to restrict even further the possibility for an auditor to provide additional services and will conduct a study on the impact of a more restrictive approach.

This study is one of the actions included in the Communication on reinforcing statutory audit in the Union which the Commission issued on 21 May 2003. The provision of additional services is prohibited in Greece, France and Italy (for listed companies).

Public oversight of the audit profession in the Union is one of the other priorities in the Communication. From a European perspective, it is important that Member States' oversight fulfils certain (functional) quality criteria. However, the structure of oversight is primarily a responsibility for Member States.

5. The aforementioned study into the consequences of a strict(er) prohibition as well as the practical experience with the implementation of the Commission Recommendation, will allow the Commission to decide in due course whether and which further action may be needed in this area.

(1) OJ L 191, 19.7.2002.

(2004/C 58 E/097)

WRITTEN QUESTION E-1574/03

by Chris Davies (ELDR) to the Commission

(8 May 2003)

Subject: State aid approval for coal mine methane extraction

Has the Commission received an application from the UK Government for state aid approval to grant the coal mine methane industry an 80 % exemption from the UK climate change levy?

If so, what response has the Commission made or when will it do so?

Answer given by Mr Monti on behalf of the Commission

(16 June 2003)

The Commission has not received an application from the British Government for state aid approval to grant the coal mine methane industry an 80 % exemption from the British Climate Change Levy (CCL).

The Commission has, however, received a notification from the British Government to grant the production of electricity using coal mine methane a full exemption from the British CCL. The Commission has opened the formal investigation procedure according to Article 88(2) EC Treaty on this notification as it has doubts, at first sight, that the aid granted is compatible with State aid rules. This decision was published in the Official Journal (1), and third parties were invited to submit comments within one month from the date of publication. The Commission has received third party's comments at the end of April

2003 and forwarded them according to Article 6(2) of the Procedural Regulation [2] to the British authorities for a reply within one month. The Commission is awaiting the reply of the British authorities and will then take a final decision.

[1] OJ C 69, 22.3.2003, p. 9.
[2] Council Regulation (EC) No 659/1999 of 22.3.1999 laying down detailed rules for the application of Article 93 of the EC Treaty, OJ L 83, 27.3.1999.

(2004/C 58 E/098) **WRITTEN QUESTION E-1615/03**

by Joan Vallvé (ELDR) to the Commission

(13 May 2003)

Subject: Aid for rice growing

The Commission Communication to the Council and the European Parliament of 10 July 2002 [1] stated, in the section on rice (p. 15 of the English version of the text):

> The global price reduction will be compensated at a rate of 88 % … This leads to compensation of 177 EUR/t, … Of this, 102 EUR/t multiplied by the 1995 reform yield would become an income payment paid per farm. The remaining 75 EUR/t multiplied by the 1995 reform yield would be paid as a crop specific aid reflecting the role of rice production in traditional production areas.

This additional aid recognising the specific characteristics of traditional rice-growing areas was particularly welcome in areas such as the Ebro y Pals delta in Baix Empordà, Girona, where rice production has been well established for some time. Although they did not agree with the basic philosophy behind the Commission proposals nor the future prospects indicated for this crop, the rice growers and the Catalan Government alike considered that this additional aid could alleviate, if only partly, the loss of income which application of the reform would entail.

However, in the text of the legislative proposals submitted in January 2003, this specific aid has been extended to all areas of rice production, with no territorial differentiation, and based on establishing a basic area of cultivation for each country and imposing penalties if this is exceeded. In the case of Spain, the area laid down is 104 973 hectares.

This new approach will greatly exacerbate the damage that the CAP reform will inflict on Catalan rice growers, since they cultivate areas where there are no alternative crops and, in addition, their crops have great ecological value as most of these areas are protected by the Ramsar Treaty. If rice production is no longer viable, this will not only have a considerable impact on incomes, but will also damage ecosystems and eventually threaten the survival of an exceptional environment which is unique in Europe.

Does the Commission not think that, for these areas of great ecological value, the specific aid that was laid down should be maintained in its entirety and that, if the basic area is exceeded, the penalties should not affect the growers who are established in these areas?

[1] COM(2002) 394 final.

Answer given by Mr Fischler on behalf of the Commission

(17 June 2003)

Under its proposed reform of the common agricultural policy (CAP), which it presented to the Council and Parliament in January 2003, the Commission is suggesting that specific aid for rice, under the support regimes, should be granted to all rice producers, irrespective of their area of production.

The planned reform will allow the Member States to subdivide their base area using objective criteria. In that case, it will be up to them to decide whether to subdivide their base area so that the impact of any reductions can differentiated by region of production.

In any case, agri-environmental aid may be granted over and above specific aid for rural development in accordance with Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations [1].

[1] OJ L 160, 26.6.1999.

(2004/C 58 E/099) **WRITTEN QUESTION E-1633/03**

by Mario Borghezio (NI) to the Commission

(15 May 2003)

Subject: Commemoration of Saint Mark of Aviano, symbol of European identity

Pope John Paul II has canonised the Capuchin priest Mark of Aviano, emphasising his prophetic mission as a man of peace, and holding him up as a symbol of a common European cultural identity.

Can the Commission state what initiatives the EU intends to undertake, at a time when a Constitution affirming Europe's Christian cultural and spiritual roots is being prepared, to celebrate (together with Saint Benedict, Patron Saint of Europe) Mark of Aviano, a great European, defender of Vienna and an extraordinary man of peace?

Answer given by Mr Prodi on behalf of the Commission

(16 June 2003)

The notable merits of Marco d'Aviano unfortunately do not alter the fact that the Commission must confine its work to its areas of competence, so no specific action to commemorate the life and testimony of this Saint will be launched on the Commission's own initiative. As a matter of record, Honourable Members have drawn the attention of the Commission to the merits of individual Saints before, and the Commission's response has been the same. The Commission could draw the Honourable Member's attention for example to the reply given to question E-0559/93 by Mr Fernandez-Albor [1].

[1] OJ C 320, 26.11.1993.

(2004/C 58 E/100) **WRITTEN QUESTION E-1638/03**

by Bernard Poignant (PSE) to the Commission

(16 May 2003)

Subject: Combating marine pollution caused by the sinking of the 'Prestige'

Southern Brittany is now having to deal with the problem of pellets of fuel oil from the 'Prestige', which sank off the Galician coast over six months ago, being washed up along its shores. The hulk is still leaking oil, and we now have proof that the decision to tow the 'Prestige' away from the Spanish coast helped ensure more extensive and widespread pollution of the European coastline.

The risk of pollution will remain unless and until the oil lying at the bottom of the sea in the vessel is removed. The techniques used to pump up oil from the Erika cannot be used on this occasion, as the 'Prestige' is lying at too great a depth. The attempts made by Ifremer to seal up the wreck by robot have not proved sufficiently effective and at present about a tonne of oil is leaking per day. At that rate, it could take months or even years for the risk to disappear.

Along the European coastline, two activities have been particularly badly affected by this disaster: fishing and aquaculture, which are directly affected by the pollution, and the tourist industry, for which clean beaches are a priority. Everyone is asking the same question: When will this pollution stop?

Does the Commission at last have any plans to issue a call for an international project to neutralise the oil pollution caused by the 'Prestige'? If so, when will it do so? Does the Commission have any plans to set up a 'Eurocorps' for civil emergencies to allow the rapid deployment of qualified human resources and appropriate technical means to clean up affected areas? Does the Commission have any plans to consider the construction of anti-pollution vessels designed to track down pollution at sea, rather than waiting for it to wash up on our shores?

Answer given by Mrs Wallström on behalf of the Commission

(13 June 2003)

The Commission fully shares the concern expressed by the Honourable Member about the problem caused by the oil in the wreck of the 'Prestige', which represents a threat for the marine and coastal environment of Spain and France.

Concerning the neutralisation of the pollution of the 'Prestige', the Honourable Member of Parliament is invited to refer to the previous oral question H-069/03 by Mr Nogueira Roman during question time at Parliament's March 2003 session [1] and Written Questions E-3595/02 [2] and E-1259/03 [3] both by Mr Nogueira Roman.

The Commission reminds the Honourable Member that a report on actions dealing with the effects of the 'Prestige' disaster was adopted on 5 March 2003. This report, submitted to the European Council of 21 March 2003, examines past, present and future actions undertaken at Community level to remedy the consequences of the 'Prestige' disaster and to prevent similar accidents from occurring in the future.

Concerning the setting-up of a Civil Protection Eurocorps or an Euro Coast Guard, the Honourable Member is invited to refer to previous oral question H-197/03 by Mr Dhaene during question time at Parliament's April 2003 session [4]. Civil Protection measures fall under the competence of the Member States and are governed by the principle of subsidiarity.

Moreover, it should be stressed that the Commission is already active in this field. At the Commission's initiative, a Community mechanism to facilitate reinforced co-operation in the field of civil protection [5] has been set-up. This framework can provide a way for a better Civil Protection co-ordination within as well as outside the Union. One of the key elements in this context has been the setting-up, within the Commission, of the Civil Protection Response Centre. This Centre is in place since 1 January 2002 and available on a permanent basis, 24-hours a day. Once activated by a request from one of the participating countries, the Centre can immediately call upon Member State Civil Protection resources, as already pre-identified, for all types of major emergencies. The Commission considers that the Civil Protection Response Centre, which builds on all available national capacities, represents an effective tool that addresses the concerns expressed by the Honourable Member.

Nevertheless, the idea of creating a Civil Protection Eurocorps is certainly interesting and the Commission will carefully follow the discussions on this issue, also in the context of the Convention.

The Commission has already broached the issue of specialised vessels to combat pollution at sea, by financing a specific pilot project under the Community framework for cooperation in the field of response to marine pollution [6]. The results have been sent to competent national authorities and a summary report is available on the following website: (http://europa.eu.int/comm/environment/civil/marin/mp09_en_rollingplan.htm).

Moreover, the Commission has already announced its intention to amend the Regulation creating the European Maritime Safety Agency (EMSA) in order to enable EMSA to purchase or lease anti-pollution ships in cases of maritime pollution in the Union.

(1) Written reply, 11.3.2003.
(2) OJ C 242 E, 9.10.2003, p. 63.
(3) OJ C 280 E, 21.11.2003, p. 121.
(4) Oral reply, 8.4.2003.
(5) 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.
(6) Council Decision 2850/2000 of 20 December 2000 setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution, OJ L 332, 28.12.2000.

(2004/C 58 E/101)

WRITTEN QUESTION E-1664/03

by Cristiana Muscardini (UEN) to the Commission

(19 May 2003)

Subject: Cancellation of the colloquy on multilingualism

If my information is correct, the Commission agreed to finance a colloquy on multilingualism in the European institutions and in Europe, to be held on 5/6 May 2003. Apparently, the Commission suggested holding a preparatory meeting to draw up the list of topics to be discussed. The meeting was held on 27/28 January 2003 and was attended by experts from the Member States and eminent people in the cultural sphere. Despite the apparent success of the preparatory meeting, the Commission decided to cancel the scheduled colloquy.

1. Can the Commission state the reasons for the cancellation?

2. Does it not consider that by taking this decision it failed to exploit one of its institutional prerogatives, that of identifying the general interest and making proposals for safeguarding it, and also failed to meet the commitment it made to experts and representatives of civil society with whom the idea of holding the colloquy originated?

3. Does it not consider, in the interests of respecting the cultural diversity of the EU countries, that a harmonious balance should be reached between languages and populations, in order to avoid patronising and silencing these different cultures by not promoting multilingualism?

4. Does it not consider that there is a close link between a people's language and identity and that exclusion of the former may be an attempt to abolish and proscribe the latter?

5. Does it not consider that it would be appropriate to consider once again the idea of holding the colloquy on the value of multilingualism in the near future?

Answer by Mr Kinnock on behalf of the Commission

(10 July 2003)

Following an initiative from various bodies interested in language policies, a Symposium on Multilingualism in the Enlarged Union and its Institutions was scheduled for 5/6 May 2003, in the European Parliament.

In preparation, the Commission organised and financed a meeting with language experts from the Member States on 27/28 January 2003.

Difficulties relating to the logistics of organising such an important event within the given timeframe meant, however, that the symposium had to be postponed to a later date — not cancelled as the Honourable Member asserts in her Question.

The Commission has since, however, agreed that the project could and should be relaunched on a new basis. The Language and Cultural Institutes and the Observatoire international de la langue française (OILF), which set up the Preparatory meeting in January 2003 with the Commission and with Parliament has been invited — together with other Institutes — to draft a proposal for organising this symposium. The proposal should, inter alia, define the parameters and cost of such an event.

Depending on the terms of the proposal produced, the Commission will consider providing the technical support for the setting up of the symposium, on the sensible condition that the Institutes and the OILF take a leading role in its organisation.

This solution reflects the Commission's support for encouraging fruitful external debate on the various aspects of multilingualism and its adherence to its obligations under the EC Treaty and under its Internal Rules of Procedure to ensure the practice of multilingualism by its Language Services through pragmatic measures. Nothing that the Commission has done, or will do, could ever be fairly described as being part of any attempt to 'exclude' languages or 'abolish or proscribe' identity. On the contrary, all policies and actions of the Commission are motivated by the active commitment to foster cultural, linguistic and personal diversity and distinctiveness.

(2004/C 58 E/102) **WRITTEN QUESTION P-1675/03**

by Inger Schörling (Verts/ALE) to the Commission

(13 May 2003)

Subject: Follow-up question on compensation to EU fishermen

With respect to the earlier question on compensation that has been paid to EU fishermen for cessation of fishing activities (P-0742/03 [1]), the Commission has given only a partial answer.

Apparently three Member States have made such payments under the current FIFG programme but the Commission did not provide all of the data which were requested.

Spain and Portugal — compensation was paid resulting from the non-renewal of the Moroccan agreement but no data are provided on the number of vessels and fishermen from each country or the time period(s) involved. Also, the question referred to ship-owners, not vessels.

Belgium — no data are given on the time period(s) involved (was this for one or more events?) nor on the fishery(ies) involved and the circumstances leading to the stoppage(s). Also, the question referred to ship-owners, not vessels.

For the previous programming period, only the total amounts of compensation paid by each of four Member States is given, whereas similar details were requested as in the current programme (fishery, time period, number of fishermen and ship-owners, etc).

Could the Commission provide the missing information?

[1] OJ C 242 E, 9.10.2003, p. 170.

Answer given by Mr Fischler on bahalf of the Commission

(16 June 2003)

In this follow-up to the Hounourable Member's Written Question P-0742/03, the Honourable Member requests additional information regarding the implementation of Article 16 (temporary cessation of

activities) of the current Financial Instrument for Fisheries Guidance (FIFG) ([1]) Regulation. Regrettably, the Commission was unable to provide a complete answer to this initial question because the reporting requirements for the Member States regarding measures co-financed by the FIFG during the 2000-2006 programming period are limited. These requirements are actually laid down in Annexes I and IV of Commission Regulation (EC) No 366/2001 ([2]).

With respect to temporary cessation of activities, these requirements relate to the type of action (as defined in the FIFG Regulation), the number of vessels and fishermen involved and the number of days of activity lost and giving entitlement to compensation (to vessels and to fishermen). This implies, for example, that the Commission is unable to provide information on the number of ship-owners who have benefited from this measure except when all of them own only one vessel. In all other cases, that is whenever some benefiting vessels belong to the same ship-owner, all that can be said is that the number of benefiting ship-owners is likely to be lower than the number of vessels affected.

Another problem, with which the Commission was confronted when attempting to provide a more detailed response is that Member States have adopted various modes and frequencies for reporting the relevant information. In one particular example, the numbers of fishermen and amounts of compensation paid were reported on a monthly basis, with no possibility for the Commission to determine whether the same or different fishermen had benefited from this measure all along the relevant period.

On the basis of the information provided by the Member States pursuant to this Regulation and in spite of its occasional shortcomings, the Commission can nevertheless complete its previous answer as follows:

- for Belgium, the exact number of vessels (which given the particular fleet ownership pattern appears to be the same as the number of ship-owners) amounts to 59 and that of fishermen to 323. The compensation covered the period 15 February 2001 to 30 April 2001 and was linked to the fall in the North Sea cod stock;

- In the context of the non-renewal of the fisheries agreement with Morocco, compensation for temporary cessation was granted in the period 2000-2001 to:

  - 29 Portuguese vessels and 706 fishermen,

  - 397 Spanish vessels and 3 588 fishermen.

- Spain has further granted aid in the context of 'unforeseeable circumstances, caused by biological factors'. However, the Commission can only inform about the amounts involved: total aid EUR 4,672 million of which the FIFG represents EUR 2,628 million;

- in this same context, Portugal has granted aid for temporary cessation of sardine fishing which benefited 69 vessels and 899 fishermen. A total aid of EUR 1,105 million was paid for this of which the FIFG represented EUR 0,829 million;

- finally, Spain has granted aid in the context of 'recovery plan for a resource threatened with exhaustion' with a total aid of EUR 27,714 million of which the FIFG represents EUR 21,261 million.

Regarding the previous programming period (1994-1999) and basically for the same reasons as indicated above for the present programming period, the Commission is regrettably not in a position to complete the information already provided.

([1]) Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector.

([2]) Commission Regulation (EC) No 366/2001 of 22 February 2001, OJ L 55, 24.2.2001.

(2004/C 58 E/103)

WRITTEN QUESTION P-1679/03

by Lissy Gröner (PSE) to the Commission

(15 May 2003)

Subject: Use of funds by the Bavarian Prime Minister's Office to support events in Europe Week 2003

I heard from the Bavarian Prime Minister's Office last week that no Commission funds will be available in Bavaria this year to support Europe Week events.

The Bavarian Prime Minister's Office was notified by the Commission, in a letter sent in January 2003, that the previous procedure for granting subsidies to Europe Week events was to be changed. Further details were not yet known at that stage. A number of institutions subsequently made applications.

On 16 April 2003 the Commission sent the Bavarian Prime Minister's Office a draft agreement which the shortage of time remaining made impossible to implement in Bavaria. According to the Bavarian Prime Minister's Office the Commission was not prepared to limit the text to the guidelines which were yet to be implemented, and to simplify it.

Owing to this state of affairs no Commission funds could be made available this year for Europe Week events. This has resulted in considerable annoyance among applicants.

Did the events depicted by the Bavarian Prime Minister's Office actually take place as described?

Is the failure represented by the tardy agreement attributable to the Commission or to the Bavarian Prime Minister's Office?

Did delays occur only in Bavaria, or also in other German Länder?

Were there problems with disbursing funds in other Member States, too?

On 6 May I received three posters for 9 May from Pplus Service, on behalf of the Commission's Representation in Munich. At such short notice this delivery was pointless for Europe Week, and I regard it as action for the sake of it.

What were the costs of printing and dispatching these posters?

Answer given by Mr Prodi on behalf of the Commission

(27 June 2003)

The origin of the problem raised by the Honourable Member lies in the amendments to regulations (the Financial Regulation [1]), which entered into force on 1 January 2003, and the detailed implementing rules [2]) were adopted in December 2002) with which the Commission must comply. The new Financial Regulation contains strict provisions on grant award procedures (see, in particular, Articles 109 to 113).

Thus, in 2003, the Commission offered to negotiate and conclude Europe Week agreements with interested Länder on an individual basis. Ten Länder showed an interest and nine agreements were concluded.

In the specific case referred to by the Honourable Member, an additional problem had to be dealt with in a very short period of time. The Bavarian Prime Minister's Office wished to include in the agreement only projects organised by third parties, and no projects of its own. To this end, the Land intended to conclude contracts with the project organisers, something which, according to the Prime Minister's Office, was not possible given the deadline of 9 May 2003. Therefore, the Prime Minister's Office asked whether the relevant parts of the agreement could be amended. On account of the (strict) provisions of the new Financial Regulation and its implementing rules, in particular concerning the award of grants, these amendments could not be made for lack of time.

The other nine Länder were in the same situation as regards project organisers; they nevertheless concluded agreements in accordance with the above-mentioned financial rules. This shows that one cannot speak of general delays and that, from the Commission's point of view, the procedures applied in 2003 — although difficult — have proved effective.

The situation in the other Member States is somewhat different. Where grants were planned, delays occurred while legal commitments were brought into line with the new Financial Regulation. In this context, it has to be kept in mind that 'Europe Week' is a special event for the German Länder.

The Commission regrets that the posters for 9 May were late in reaching the Honourable Member. 400 000 posters were printed at a cost of EUR 26 860 in response to requests from distributors throughout Europe.

(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.

(2) Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities.

(2004/C 58 E/104) **WRITTEN QUESTION E-1722/03**

by Erik Meijer (GUE/NGL) to the Commission

(23 May 2003)

Subject: Obstacles to North-South rail travel as a result of the territory of the former Yugoslavia being split between three of the eight European Interrail zones

1. Is the Commission aware that passes issued by UIC-CIT, the international European railways organisation, for unlimited travel within one or more European countries, known as Interrail, Scanrail, Euro Domino and Eurail, were initially intended only for tourism, in particular for young people under the age of 26, but have now become attractive as alternative tickets for destinations in countries for which normal rail tickets are no longer available in the passenger's country of residence?

2. Is the Commission also aware that the current division of Europe into eight Interrail zones has resulted in the former Yugoslavia being split between three different zones, namely Slovenia in zone G together with Italy, Greece and Turkey, Croatia in zone D with Poland, the Czech Republic and Hungary, and Serbia-Montenegro with Macedonia in zone H together with Romania and Bulgaria?

3. What is the Commission's view of the fact that although this arrangement is good for travel between Poland and Croatia it is highly damaging to the previously frequent North-South rail travel via the former Yugoslavia, as passengers are obliged to buy more expensive or less easily obtainable tickets:

(a) On the route between Austrian and Greece passengers have two travel through four zones. On this fairly short journey, the highest Interrail tariff, covering all eight zones, is automatically applied.

(b) An alternative is the advance purchase of a series of Euro Domino tickets, valid for several days, for all the countries en route for which separate rail tickets are no longer sold elsewhere in order to obtain a valid ticket for entry to Greece.

(c) The cheapest but most inconvenient solution is to break the journey to buy tickets at Belgrade station, or possibly at Zagreb or Ljubljana. This involves paying cash in currencies other than the euro.

4. Is the Commission prepared to take action to ensure that through train tickets are once again obtainable, for example by bringing the whole of the former Yugoslavia within Interrail zone G (Slovenia-Greece) or ensuring that through train tickets for Greece are put back on sale in Germany, Austria and Hungary?

Answer given by Mrs de Palacio on behalf of the Commission

(10 July 2003)

The Commission has taken note of the increased possibilities for the travel passes issued by European Railway Undertakings, such as the Interrail, Scanrail, EuroDomino and Eurail cards, notably the possibility for persons over 26 years to use this card, as well as the grouping of countries into different zones. Validity, scope and conditions of use are determined by the European Railway Undertakings and the provisions of the CIV/CIT, and have to be left to the decisions of the railway undertakings, whose management independence should be ensured according to the provisions of Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways [1], unless Member States have imposed public service obligations under Council Regulation (EEC) No 1191/69 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 [2], providing for other terms of use.

It should be observed though that the Commission can table proposals to determine the framework conditions under which the market for international rail passengers services can operate, as it has announced in its workprogramme for 2003 [3]. In line with the opinion of the Parliament on the second railway package, expressed in its plenary session in January 2003, the Commission will look at the extent to which freedom to provide international railway services inside the Union should be completed. Furthermore, in the preparatory works for the proposal for a Regulation on Passengers' Rights and Obligations in International Rail Services, the Commission envisages to include provisions requiring railway undertakings offering rail passenger services between major railway stations to co-operate in offering throughtickets on a single transport contract to passengers.

[1] 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.

[2] 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.

[3] The Commission will table a proposal for a Regulation on Passengers' Rights and Obligations in International rail services as well as a proposal for a Directive to gradually open the market for international passenger services by rail.

(2004/C 58 E/105) **WRITTEN QUESTION P-1724/03**

by Freddy Blak (GUE/NGL) to the Commission

(19 May 2003)

Subject: Contracts between the Commission and companies owned by Mr Ojo, such as Eurogramme Limited, Eurogramme Limited (succursale), Eurogramme Sarl and Calethon Holdings SA

Commission services have, to date, signed more than 70 contracts with different companies belonging to a Mr Ojo. The first contract was signed in 1996 with Eurogramme Limited (UK), despite the fact that the company gave false financial information (confirmed by an internal audit report and OLAF) Eurostat has subsequently signed another 52 contracts with Eurogramme Limited.

In 1997, Mr Ojo created Eurogramme Limited (succursale) in Luxembourg, of which the legal base parent company is registered in the UK. This company was closed down in 2002. In May 2001, Mr Ojo created a new company in Luxembourg, Eurogramme sarl. However, in 2003, the parent company in the UK transferred its stockholding in the Luxembourg entity (Eurogramme Sarl.) to Calethon Holdings SA (former My-Fal S.A.).

Against the background of this confusing situation, Eurostat apparently suspended all payments in February 2003 to Eurogramme and Calethon and has undertaken not to sign any new contracts with these companies.

Are all payments for the contracts between Eurostat and companies owned by Mr Ojo still suspended? If not, why not?

Have other Commission DGs suspended all payments to these companies? If not, why not?

Which contracts does the Commission currently have with any of the companies referred to above (including contracts that should have ended but in respect of which the final payment has still not been made)? Please specify the contract number, the contracting company (according to the original contract), and the amount still to be paid.

How much money does the Commission still owe Eurogramme Limited?

Does not the Commission agree that, since contracts have been concluded with Eurogramme Limited (UK), payments should be made only to Eurogramme Limited (UK)?

Answer given by Mr Solbes Mira on behalf of the Commission

(18 June 2003)

The terms of the Commission's undertaking of 28 February 2003 to Mr Casaca were that all payments under current contracts to Eurogramme and Calethon would be suspended on a precautionary basis and that the Commission would not engage in future in any contractual relationship with Calethon Sàrl/ Eurogramme Sàrl unless it is satisfied that it complies in all respects, without exception, with the provisions laid down in the Financial Regulation.

As of 21 May 2003, all payments for the contracts between Eurostat and Eurogramme or Calethon are suspended on a precautionary basis.

The two conditions to be met before the suspension could be lifted were specified in the Commission undertaking of 28 February 2003:

— examination of the circumstances of the transaction between Eurogramme and Calethon and of the financial and operational capacity of Calethon;

— analysis of the amounts contractually due compared to the work carried out.

Other Directorates General have suspended all payments to the companies concerned.

A table listing the contract numbers, contractors and amounts not yet paid is sent direct to the Honourable Member and to Parliament's Secretariat.

The Commission has contractual obligations towards Eurogramme worth EUR 292 838.

Since the end of 1996, and prior to the creation of Eurogramme S.à.r.l. in 2001, contracts were concluded with Eurogramme Limited (succursale Luxembourg) which in the Memorial (the Official Journal of Luxembourg) was referred to as 'Sàrl'. Payments for these contracts were therefore made to that entity.

(2004/C 58 E/106) **WRITTEN QUESTION E-1738/03**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(26 May 2003)

Subject: Energy agency for Malaga

The plan to create a provincial energy agency for Malaga (Spain) is prompted by the objectives of promoting and developing renewable energy sources, energy savings and efficiency and transforming traditional structures.

The aim is to double the percentage of renewable energy in gross energy consumption, increasing the current level from 6 % to 15 % by the year 2010.

Will the Commission say how Community aid can be secured for the setting up of the abovementioned energy agency in connection with the multiannual programme (2003-2006) to promote renewable sources of energy and what standard requirements the Malaga project must meet in order to be eligible for such aid?

Answer given by Ms de Palacio on behalf of the Commission

(25 June 2003)

The Intelligent Energy for Europe programme provides for aid for creating new energy agencies (Horizontal Key Action 2: 'Think globally, act locally').

The Intelligent Energy for Europe work programme must be discussed with the programme committee. Provided that the Commission proposal is not amended, the maximum level of aid will be 40-50 % of the eligible costs. The main standard requirements will be the commitment of the local or regional authorities to managing and financing the agency, as well as the assurance that the agency's activities will continue for at least five years after the Community aid has ended (which is given for three years).

When a proposal is accepted, technical assistance activities for the new agencies are provided for, in particular compulsory training for the agency's staff, participation in European activities, access to information on the activities of other agencies, exchanges of experience, participation in meetings with contractors, etc. The Commission will evaluate the activities of the new agencies periodically and make recommendations for improving their performance. The first call for proposals for the creation of agencies is planned for the end of the summer, which means that the contracts could be signed in 2004.

(2004/C 58 E/107) **WRITTEN QUESTION E-1741/03**

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

(26 May 2003)

Subject: White Paper on agricultural research in the European Union

The development of agricultural research is of particular importance to all Member States, since the quality of their agricultural produce is directly linked to the results of research in this sector of vital importance to the Community economy.

However, there is widespread ignorance as to what research is being conducted in the various countries, and research centres in some Member States may even be investigating the same areas.

In the light of the above, will the Commission promote the drawing up of a White Paper on agricultural research, so as to shed light on the exact state of research at national level across the Community as a whole with a view to streamlining the sector to prevent unnecessary duplication?

Answer given by Mr Busquin on behalf of the Commission

(15 July 2003)

European agricultural research is based on a broad diversity of research centres and universities on national and regional level. They face the same challenges (food safety, Common Agricultural Policy (CAP) reform etc.). But cultural, economic, ecological and social conditions differ. Therefore, a research structure close to the clients (farmers and consumers) has advantages.

European co-ordination of this diverse agricultural research landscape is essential to strengthen the research capacity and to avoid duplication. This is a starting point of the Communication 'Towards a European Research Area' ([1]) and a guiding principle of FP 6 ([2]). Specifically the new instruments in Thematic Priority 5 'Food quality and safety', will have a structuring effect on European research. In addition, the ERA-NET scheme is targeting co-ordination of national or regional research programmes while policy oriented research on CAP reform is part of the 'Scientific Support to Policies' activity.

The Commission is also supporting co-ordination activities ([3]) in the 'Standing Committee of Agricultural Research', in collaboration with Euragri ([4]) or targeting developing country needs in the EFARD ([5]). Numerous Community funded concerted actions co-ordinate subject specific research.

Time is more than ripe, at the eve of the adhesion of new Member States which can only reinforce the overall strength and potentials of agricultural research in Europe, to carry out a mapping exercise of relevant research investments and prospects, and to lay down the basis for a reinforced co-ordination. The Commission is already co-operating closely with the main national actors. In the favourable context resulting from the conjunction of the European Research Area and the new Common Agricultural Policy, both in progress, a Europe-wide stock taking activity would gain political desirability. In light of these recent developments, the Commission will investigate the opportunity of a new political initiative for European agricultural research in the future.

([1]) COM(2000) 6 final.
([2]) FP 6 — 6th Research Framework Programme (2002-2006).
([3]) Full overview at: http://europa.eu.int/comm/research/agriculture/index_en.html.
([4]) Euragri — European agricultural research initiative.
([5]) EFARD — European Forum for Agricultural Research for Development.

(2004/C 58 E/108)

WRITTEN QUESTION E-1745/03

**by Toine Manders (ELDR)
and Herman Vermeer (ELDR) to the Commission**

(26 May 2003)

Subject: European Cycling Day

To promote recreation and physical exercise, a National Cycling Day is organised annually in the Netherlands by Dutch tourist offices (VVVs) and the Netherlands Tourist Board (Toerisme Recreatie Nederland) on the second Saturday in May. On 10 May of this year, some 22 000 people took part in the event.

Lack of physical exercise is one of the causes of obesity, which can be a factor in cardiovascular disease. This is a worrying situation, bearing in mind that the consequences of so-called Western diseases go beyond the implications for the health of European citizens. The high healthcare costs associated with such diseases stifle economic growth and prevent the higher labour market participation rates considered necessary to achieve further growth. These trends consequently have the potential to frustrate the Lisbon Process.

As well as encouraging people to take exercise, events of this kind also promote cycling as a mode of transport, helping to reduce car use, and therefore traffic congestion, including commuter traffic.

Finally, the event promotes tourism and recreation, which can also lead to the setting up of a transnational network of cycle paths and cycling routes.

Given that Commission policy views the fight against obesity, as well as transport and tourism/recreation, as being of paramount importance, it makes sense to investigate the prospects of creating a European equivalent of the Dutch National Cycling Day, and/or to initiate, encourage, and provide financial support for such an event.

1. Is the Commission aware of the above-mentioned National Cycling Day?

2. Is the Commission prepared to investigate the prospects of creating an annual European Cycling Day and linking it to the National Cycling Day in the Netherlands?

3. If these prospects prove positive, is the Commission prepared to encourage the organisation of such an event and, where appropriate, to provide financial support for it, so that the policy areas mentioned above can be further developed?

Answer given by Mrs Wallström on behalf of the Commission

(15 July 2003)

The Commission is aware of the Dutch National Cycling Day event, which it regards as a valuable initiative. The Environment Directorate General of the Commission supports cycling in many different ways. The Member of the Commission responsible for the Environment, launched the European Car Free Day 2000 on 4 February 2000 in Brussels and invited Member States to join the initiative. In just a few months, this event not only enticed 14 Member States in the Union to participate, but also 12 other countries in Europe and beyond. In 2002 1446 European cities and local authorities participated in the European Car Free Day.

Based on the success and lessons learnt from the European Car Free Day, the European Mobility Week was launched on 19 April 2002 in Brussels (during the Green Week).

The first edition of the European Mobility Week, organised from 16 to 22 September 2002, consisted of a whole week of awareness raising events focusing on various aspects of sustainable mobility. Public Transport, Cycling and Living Streets/Greenways were chosen as common themes for the whole of Europe. A list of other themes was also available for the other days and of course the Car Free Day on Sunday 22 September 2002 was the highlight of the whole Mobility Week.

At European level the Commission feels that cycling is an important alternative mode of transport and that this is highlighted sufficiently in the framework of the European Mobility Week. There is a web site promoting the European Mobility Week (http://www.mobilityweek-europe.org/).

In addition, the Commission also promotes innovative integrated actions in urban mobility — including cycling — in the context of the Civitas initiative, which aims to encourage the introduction of sustainable urban transport policy strategies in a number of European cities. The aim is to achieve a significant change in the modal split towards sustainable transport modes. Further information on the Civitas initiative can be found at (http://www.civitas-initiative.org).

The lack of physical exercise will also be taken into account in the Public Health Programme (2003-2008), via the activities of the Network for Nutrition and Physical Activity: (http://europa.eu.int/comm/health/ph_determinants/life_style/nutrition/nutrition_en.htm).

In view of the above, the Commission considers that cycling and its health effects are sufficiently addressed and is therefore not prepared to investigate the prospects of an annual European Cycling Day linked to the National Cycling Day in the Netherlands. As a consequence, no Community funding will be available to support such an initiative.

(2004/C 58 E/109) **WRITTEN QUESTION E-1749/03**

by Erik Meijer (GUE/NGL) to the Commission

(26 May 2003)

Subject: Partial financing by Europe of the American balance of payments deficit as a result of the dominance of the dollar on the oil market

1. Is the Commission aware that, since 1983, the United States of America has had a permanent external balance of payments deficit, with expenditure and imports high in relation to production and exports, that the deficit has grown from 1 % at that time to almost 6 % or USD 600 thousand million in

2003, and that, even without taking into account the high costs of the war in Iraq, a deficit of USD 680 thousand million is forecast in 2004?

2. Can the Commission confirm that these American deficits are only possible as long as American importers are able to settle their accounts in dollars, which leaves those receiving payment in Europe, Japan or Arab oil states with little choice than to lend, or invest, their large amounts of dollars in America?

3. In the Commission's view, can the US continue with its combination of over-consumption, low oil prices and low taxes if the dollar is no longer the automatic means of payment in world trade and a substantial proportion of payments is made in euros?

4. Are we to expect that the US, in order to avoid the necessity to devalue the dollar and cut domestic consumption, will do everything possible to maintain the dominance of the dollar and to reduce the role of the euro?

5. Is there now a danger that, for supplies of oil from Iraq, there will be a return from payments in euros to payments in dollars?

6. What action is being taken by the EU to ensure that Europe is no longer, or not again, placed in the position of contributing to financing American deficits and to avoid the unnecessary flight of capital to America?

Source: Netherlands daily 'de Volkskrant', 10 May 2003

Answer given by Mr Solbes Mira on behalf of the Commission

(30 June 2003)

1. The United States has since 1983, with a short interruption in 1991, recorded a current account deficit. The deficit amounted to 4,7 % of the gross domestic product (GDP) in 2002 on a national accounts basis. In the Commission's Economic Forecast from Spring 2003 a further deterioration of the United States current account is projected for 2003 and 2004, when it could reach 5,6 % and 6,1 % of GDP respectively. This evolution has been followed regularly by the Commission in its bi-annual Economic Forecasts.

2. Large current account deficits do not only occur in countries whose currencies are used widely in international trade. The sustainability of a country's current account deficit depends on many factors, including the size of the deficit in relation to GDP, the growth rate and the other fundamentals of the economy. It also depends on the willingness of international investors to continue to finance the deficit. This willingness is a function of the risk assessment and the relative rate of return on investment in that country compared to the rest of the world. In the end, investors can freely convert their US Dollar holdings into other currencies through foreign exchange market transactions.

3. Changes in the international role of a currency usually take place only gradually. Neither economic theory nor historical experience show that the international status of a currency affects domestic consumption and domestic taxes in that country.

4. Since the early 1970s the exchange rate of the US Dollar is not fixed but is the result of market forces. The strength of the exchange rate of a currency should not be mistaken with its use as an international currency, though investors might prefer to invest in an appreciating currency.

5. Iraq's oil exports were denominated in euro from January 2001 under the Oil-for-Food programme. With the lifting of sanctions in May 2003 through Resolution 1483, and the termination of the Oil-for-Food programme within six months, Iraq's exports of oil might be denominated in dollars since this is the main invoicing currency for trade in oil and primary commodities. However, in any particular trade agreement for oil, there is contractual freedom between the buyer and seller such that a contract may be denominated in whichever currency the private parties deem appropriate.

6. Union companies have over the last decade invested heavily in the United States, contributing to the financing of the United States current account deficit. These investments were based on an assessment of relative risks and returns. The attractiveness of the Union for both domestic and international investors needs to be enhanced. To this end, the Member States are committed to pursue stable macroeconomic policies to ensure sustainable growth, to creating a single financial market by 2005 and to further implement structural reforms to improve the growth potential of the Union's economy.

(2004/C 58 E/110)

WRITTEN QUESTION E-1773/03

by Claude Moraes (PSE) to the Commission

(28 May 2003)

Subject: Thessaloniki June Council meeting

Will the Commission please give its view of the agenda of the June Council meeting in Thessaloniki? Will the meeting discuss the question of EU border police, policing resources for the new EU external borders post-enlargement, coordination of integration issues in relation to migrants, and the issue of coordination of managed economic migration?

Answer given by Mr Vitorino on behalf of the Commission

(14 July 2003)

The Commission presented a package of initiatives on immigration, asylum and the management of external borders to the Thessaloniki summit. These provided an overview of the work accomplished since Tampere together with proposals designed to pave the way for new policy initiatives. The package consisted of three Communications [1], adopted by the Commission on 3 June 2003, dealing with illegal immigration, border controls, more accessible asylum systems and immigration, integration and employment. These were accompanied by a proposal for a co-operation programme with third countries in the area of migration, building on the preparatory actions financed since 2001 under the current budget line B7-667.

The first of the three Communications gives particular attention to burden sharing and to the more efficient management of the external borders of the Union. The European Council noted the Commission's estimate that EUR 140 million were necessary for this purpose for the period 2004 to 2006 and accepted its proposals to make use of the margin available (heading 3 of the financial perspectives) to obtain additional funding. It also agreed that the post 2006 budgetary perspectives should reflect more adequately political priorities in this area. There will thus be a first effort of solidarity in the field of external borders, return and the initial investment required for the development of a visa information system that will be covered. The Commission will report in due course to the Council on the need to establish a Community structure, with the necessary human, material and financial resources, to be in charge of operational co-operation among the national services and specialised centres responsible for the external borders of the Union.

The European Council welcomed the Commission's proposals in its Communication on immigration, integration and employment for strengthening integration policies for third country nationals, in the light of the growing importance of immigration in the context of demographic ageing and decline. It agreed on the necessity to reinforce policy co-ordination both at Union and national level inter alia in the form of an annual report to be presented by the Commission on the development of the common immigration policy and to develop exchange of information and good practice at Union level via the national contact points on integration, established by the Council in October 2002 and through the work of the European Migration Network which should be strengthened.

With the Communication 'towards more accessible, equitable and managed asylum systems', the Commission responded to the March 2003 European Council invitation to explore further the ideas put forward by the United Kingdom on new approaches to international protection, and to report to the European Council meeting in June 2003. This Communication sets out the Commission's views and

objectives for a possible new approach towards more accessible, equitable and managed asylum systems. Such new approach should respect a number of basic premises, set out in this Communication, one of them being the complementarity with the Common European Asylum System, called for at Tampere.

In line with previous Communications, this Communication confirms the importance the Commission attaches to the three identified objectives of:

(i) managed arrival in the Union,

(ii) burden-and responsibility sharing with regions of origin and

(iii) streamlined, efficient and enforceable asylum decision- making and return.

The European Council invited the Commission to explore all parameters in order to ensure more orderly and managed entry in the Union of persons in need if international protection, and to examine ways and means to enhance the protection capacity of regions of origin, as well as the possibilities to reinforce the asylum procedures in order to make them more efficient.

The Commission believes that the Thessaloniki European Council marks an important step in the consolidation of the Union's actions in the field of immigration and asylum. It has given a strong signal marking the Union's commitment to the development of the common immigration and asylum policy called for in Tampere (15/16 October 1999).

(1) 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, Communication towards more accessible, equitable and managed asylum systems, COM(2003) 315 final, Communication on immigration, integration and employment, COM(2003) 336 final.

(2004/C 58 E/111) **WRITTEN QUESTION E-1790/03**

by Claude Moraes (PSE) to the Commission

(28 May 2003)

Subject: Eurojust

How does the Commission propose that MEPs will be consulted on the activities of Eurojust?

Answer given by Mr Vitorino on behalf of the Commission

(14 July 2003)

Eurojust is a body with legal personality, established by the Council under the provisions of the EU-Treaty on judicial co-operation in criminal matters. Being composed of judicial officials and judges of the Member States, Eurojust's position towards the Commission is independent. Therefore, it is mainly in the responsibility and the interest of Eurojust to establish an exchange of views with the Members of the Parliament.

The Council Decision 2002/187/JHA establishing Eurojust of 28 February 2002 (1) provides for direct contacts with the Parliament only in budget matters. According to Article 36(2) of the Council Decision, the Eurojust President shall submit to the Parliament detailed accounts for the previous financial year no later than 31 March. paragraph (3) of this Article provides for discharge to Eurojust by Parliament. Furthermore, direct contacts may be established and 'experiences of a non-operational nature' be exchanged (Article 26(5) of the Council Decision). The Rules of Procedure provide that Eurojust maintain 'the necessary channels of communication' with the Parliament in accordance with the Decision. However, an exchange of information on operational matters, particularly on personal files, is not foreseen (2).

Right from its starting phase on beginning, Eurojust has made use of those provisions by establishing various contacts with Members of Parliament. For instance, the Commission has been informed that Members of the Parliament's Committees on Citizens' Freedoms and Rights and Justice/Home Affairs and on Budgetary Matters have been invited to Eurojust. The Commission appreciates this.

Furthermore, Eurojust has published its first annual report [3] and provided copies to Parliament. According to the Council Decision (Article 32), Eurojust so far only had to report to the Council and the Commission (the Joint Supervisory Body on data protection only to the Council, Article 23(12)) [4]. On proposal of the Commission [5], the Council Decision is going to be adapted to the new Financial Regulation. In this context, the Commission proposed among other things that the report be sent directly to the Parliament; amendment is likely to be adopted by the Council soon [6].

In this context, the Commission is ready to provide support for further arrangements if need be, particularly if either the Parliament or Eurojust considers this necessary.

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[1] OJ L 63, 6.3.2002, p. 5.
[2] As concerns the Commission, the Rules of Procedure (OJ C 286, 22.11.2002, Article 21(5)) expressly exclude access to operational data, although the Commission is fully associated with the work of Eurojust, Article 11(1) of the Council Decision.
[3] Council doc. 9124/03 Eurojust 11.
[4] The Council Decision provides only for a report by the Presidency of the Council to the Parliament, but no direct report, Article 32(2).
[5] OJ C 331 E, 31.12.2002, p. 67.
[6] See Interinstitutional File 2002/0173, Council doc. 9015/03 of 19.5.2003.

(2004/C 58 E/112) **WRITTEN QUESTION E-1799/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(28 May 2003)

Subject: Delays affecting the construction of the northern Ionian highway and the viability of the Rion-Antirion link

The northern section of the western (Ionian) highway in Greece for which concession contracts are to be awarded is being delayed considerably. Furthermore, the financial viability of the new Rion-Antirion bridge, scheduled for completion in December 2004, will obviously be affected by the late opening of the Antirion-Ioannina motorway owing to the disruption of traffic flows to and from the bridge.

1. Where exactly does the problem lie regarding the awarding of concession contracts which appears to be holding up the project?

2. What stage has been reached by work on the sections under construction, when are they scheduled for completion and when is it anticipated that the northern Ionian highway will function to full capacity?

3. What is the level of Community funding for construction of the northern Ionian highway? Is the project remaining within its original budget and if not where have the changes occurred?

4. What indications does the Commission have regarding:

— the delays affecting completion of the northern Ionian highway and the timetable for redemption of public and private investment capital;

— the financial viability of the Rion-Antirion bridge as affected by the construction of the northern Ionian highway?

Answer given by Mr Barnier on behalf of the Commission

(30 July 2003)

The north Ionian axe, from Antirio to Ioannina, as well as the section of the PATHE axe from Athens to Malliakos, form together a concession scheme which has been tendered by the Greek Authorities in autumn 2001. The phase of the preselection of candidates within this tendering procedure was completed in autumn 2002. At present, the final tender documents and terms are being prepared by the Greek Authorities for this concession scheme.

The by-passes of the cities of Agrinio, Arta and Philipiada, are important sections of the north Ionian axe. They have a total length of 52,5 kilometres (km), and they are now under construction as public works. They are co-financed by the Community Support Framework, 2000-2006, and by the Cohesion Fund, 2000-2006. On the basis of the information given by the Greek Authorities and the relevant funding decisions in the case of the Cohesion Fund, the projects should be completed by the end of 2007.

For information regarding the second and third points of his question, the Honourable Member is asked to refer to the answer given by the Commission to the Written Question P-0386/03 of Mr Averoff [1].

The socio-economic feasibility assessment for the RIO-Antirio bridge undertaken by the Commission and the European Investment Bank yielded a positive result taking into account the traffic data and projections, and the capacity of existing transport infrastructures in Epirus, Western Greece and Peloponnese. New transport infrastructure be completed under the Community Support Framework and the Cohesion Fund, 2000-2006, including the north Ionian axe are also expected to enhance the viability of the RIO-Antirio bridge.

[1] OJ C 222 E, 18.9.2003, p. 194.

(2004/C 58 E/113) **WRITTEN QUESTION P-1808/03**
by Philip Bradbourn (PPE-DE) to the Commission

(23 May 2003)

Subject: Communication COM(2002) 709 final (C5-0202/2003), Target-based tripartite contracts

With regard to the European Commission Communication [1], will the Commission please confirm that the tripartite contracts and agreements referred to will not override the powers and prerogatives of Member States in terms of bypassing national economic and social objectives and controls on public expenditure and also national policies and constitutional arrangements in Member States in respect of their own regional and local authorities?

[1] COM(2002) 709 final.

Answer given by Mr Prodi on behalf of the Commission

(10 June 2003)

The Commission can confirm that, pursuant to the Commission communication of December 2002 to which the Honourable Member refers, involvement by the Member States (central government) is a sine qua non for the establishment of a target-based tripartite contract or agreement.

In particular, when the communication was adopted, the Commission made its position known in the following terms: 'Since the aim is to develop experience and encourage involvement, the clear identification of local actors to be included in the contract or agreement is an important condition for success. This identification requires the involvement of the Member States, if only to ensure that the contract or agreement is compatible with constitutional, legislative and administrative provisions in force in each Member State.'

It is the Commission's firm intention to abide by these guidelines on compliance with Member States' constitutional arrangements when implementing target-based contracts and agreements.

(2004/C 58 E/114) **WRITTEN QUESTION P-1814/03**

by Mario Borghezio (NI) to the Commission

(23 May 2003)

Subject: Mario Cipollini's arbitrary disqualification from the Tour de France

The world road cycling champion, Mario Cipollini, a professional sportsman and hence a worker, has been barred, along with his team, from competing in the Tour de France, even though, as can be seen from his latest brilliant victories in the Giro d'Italia, he is currently in superb form.

Does not this disqualification signify an instance of discrimination contrary to Union rules, in particular the principle of equal treatment and free movement of Community workers on Union territory?

Answer given by Mr Bolkestein on behalf of the Commission

(20 June 2003)

The Honourable Member has questioned the Commission about the fact that the racing cyclist Mario Cipollini and his team were not selected for the Tour de France. However, on the basis of the facts presented in the Written Question, the Commission does not have any information that would lead it to identify the presence of some form of discrimination or infringement of EU rules.

More specifically, the information available does not make it possible to establish whether the decision taken by the organisers of the Tour de France breaches the principle of equal treatment and freedom of movement within the internal market.

Furthermore, in accordance with the established case law of the Court of Justice [1], it should be pointed out that the Community provisions on the free movement of persons and services do not exclude rules or practices (such as selection criteria) which are justified on non-economic grounds relating to the nature and specific context of certain sports meetings and events, provided that these rules or practices are non-discriminatory and proportionate.

[1] Case 13/76, Donà / Mantero, ECR 1976, p. 1 333 Case C-415/93, Bosman, ECR 1995, p. 5 040 Joined Cases C-51/96 and C-191/97, Deliège.

(2004/C 58 E/115) **WRITTEN QUESTION E-1822/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(2 June 2003)

Subject: Transfer to airforce of EKAB (National First Aid Centre) air rescue operations

In 2000, the EKAB air rescue fleet was set up with 75 % of the funding being provided under the second Community Support Framework. Following a series of accidents, the Greek Government decided to transfer the fleet to the airforce and reregister it accordingly with the Air Transport Utilities Command (DAYKO) for which the airforce will assume responsibility by 20 May 2003. However, the unit has not yet been legally formalised. This is causing serious concern, given that the strict JAA (Joint Aviation Authority) standards do not apply to the armed forces and that the accident involving the EKAB helicopter was largely caused by inadequate safety specifications.

1. Is the transfer to the armed forces of helicopter crews who, under the second CSF, were considered to be civilian emergency rescue personnel, thereby increasing the Community budget for the armed forces, in accordance with the principles governing CSF funding?

2. Does the Commission accept some of the responsibility for the fact that, following its transfer to the armed forces, the European Union-funded EKAB helicopter fleet will no longer be governed by the stringent JAA safety rules and, in particular, JAR Code 145 on technical backup for aircraft and JAR OPS-1 and JAR OPS-3 which lay down stringent standards regarding aircraft and helicopters, their equipment, the safety and flight experience of air crews and JAA licensing, since it is specifically stated that these rules are binding on emergency air ambulance services but not on flights by aircraft belonging to the armed forces?

3. Has the Commission investigated the way in which Community funds are being used for the air ambulance fleet in Greece, the reasons for the accidents involving the A 109 Power Agusta helicopter and ways of preventing this from occurring again in the future? Has it also looked into the decision to purchase two Piaggio aircraft subsequently revealed to be unsuitable, leading to cancellation of the order?

4. What representations will the Commission make to the Greek Government with a view to ensuring that emergency air rescue services remain in the civil aviation sector, rather than the airforce, as is the case in all other Member States of the European Union, so as to guarantee full compliance with JAA specifications?

Answer given by Mrs de Palacio on behalf of the Commission

(23 July 2003)

1. The helicopter crews and other operational costs of the Greek National First Aid Centre (EKAB) have never been financed under the European Union's Community Support Framework for Greece.

2. The Commission does not bear any responsibility for the operational safety of these aircraft. The Greek authorities' decision to transfer the operation of emergency air rescue services to the armed forces means that their operation is not covered by JAA requirements. Furthermore, the provisions of JAR OPS 1 and 3 have not been transposed into Community law.

3. The Honourable Member is referred to the Commission's answer to Priority Question No P-546/03 from Mr Xarchakos [1].

4. The Commission does not have the power to make representations to a Member State about the civil or military nature of the body responsible for its emergency air rescue services. These services are covered by Community rules on freedom of movement of services, freedom of access to the market and competition. Therefore, measures to exclude or to prohibit activities by service providers may only be taken if they will guarantee that their intended objective will be achieved, but they may not go beyond what is necessary for that objective to be attained. It must be impossible to achieve the same result by imposing less restrictive rules. Furthermore, such measures must be justified by overriding public-interest requirements and not by economic factors and must be in proportion to the aims pursued.

[1] OJ C 192 E, 14.8.2003, p. 199.

(2004/C 58 E/116) **WRITTEN QUESTION E-1823/03**

by Monica Frassoni (Verts/ALE) to the Commission

(2 June 2003)

Subject: Failure to carry out a 'preliminary inspection' in respect of the entire Costa Dorada property complex on the coast between Malfatano and Capo Spartivento, Teulada (Cagliari), Sardinia, Italy

Along the coast between Malfatano and Capo Spartivento (Teulada district, Sardinia), five holiday/residential developments (apartment blocks, hotels, holiday homes, service units, golf courses, and so on) have been approved [1]. They lie adjacent to one another and they form part of a single 189 000 m^3 complex, the plans for which have been submitted by the SITAS SpA company. The environmental associations Amici della Terra and Gruppo d'intervento giuridico have on a number of occasions asked the

appropriate administrative authorities at Community, national, regional and local level to carry out the environmental impact assessment procedure [2], since the area in question is one of the few remaining unspoilt broad Mediterranean coastal strips. The area is protected as a landscape [3] and part of it enjoys comprehensive protection [4]. It also contains archaeological sites dating from the nuraghic period and it is due to be designated as a protected marine area [5]. Individual sections of the building project have been subjected to three 'preliminary inspection' procedures, under which three of the five site-development plans submitted have been excluded from the subsequent environmental impact assessment procedure (Decisions 2204/VIII of 18 September 2002 and 2218/VIII of 19 September 2002 taken by the Director of the SIVEA Department, Regional Environmental Protection Council), whilst only one site has been subjected to the environmental impact assessment procedure (Decision 2204/VIII of 18 September 2002 taken by the Director of the SIVEA Department, Regional Environmental Protection Council), in blatant violation of Community and Italian laws which stipulate that a comprehensive assessment must be undertaken in respect of the proposed building project (see European Court of Justice ruling of 16 September 1999 in Case 435/97 and the Lazio regional administrative court's decision No 1456 of 16 December 2002).

In view of the above, would the Commission answer the following questions?

1. Is it aware of the situation described above?

2. Are there currently (or will there be in future) any projects (such as roads, water mains or sewage systems) financed by the Community (e.g. under the 2000-2006 Sardinia RGP) for the benefit of building projects in the Malfatano-Capo Spartivento area?

3. Is the Commission intending to take any action in respect of this serious case involving incorrect application of Directives 97/11/EC [6] and 85/337/EEC [7]?

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[1] Proceedings of the Teulada Municipal Council nos 9, 10, 11, 12 and 13 of 21 March 2001.
[2] Directive 97/11/EC (Annex II, paragraph 12c) amending and incorporating the previous directive 85/337/EEC (Annex II, paragraph 11a), the DPR of 12 April 1996 (Articles 5 and 10; Annex B, paragraph 8a) and Sardinian regional law 1/1999 (Article 31), as amended by and incorporated into Sardinian regional law 17/2000 (Article 17).
[3] Law decree No 490/1999, Articles 139 and 140 and Article 146(1)(a), (g) and (m).
[4] Regional law No 23/1993, Article 2(1)(a).
[5] The Capo Spartivento-Capo Teulada protected marine area within the meaning of Law no 394/1991.
[6] OJ L 73, 4.3.1997, p. 5.
[7] OJ L 175, 15.7.1985, p. 40.

Answer given by Mrs Wallström on behalf of the Commission

(16 July 2003)

The Commission has already made an inquiry on the issue raised in this written question. However, it had never appeared that the projects mentioned by the Honourable Member lie adjacent to one another and that they form part of a single 189 000 cubic meter (m^3) complex. Therefore, the issue of the splitting of a single project had never been assessed.

Member States are obliged to ensure that the objective 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, before or after amendments by Council Directive 97/11/EC of 3 March 1997, is not circumvented by the splitting of projects. Not taking account of the cumulative effect of split projects in the determination adopted under Article 4, paragraph 2, of Directive 85/337/EEC as amended, means that projects that, taken together, are likely to have significant effects on the environment within the meaning of Article 2(1) of the Directive may escape the obligation to carry out an assessment.

On 11 June 2003, the Commission asked the Italian regional authorities to verify the existence of any co-funding under the 2000-2006 Sardinia RGP, but it has not received any reply for the moment.

The Commission will take the appropriate steps in order to gather detailed information on the issue raised by the Honourable Member and to ensure, within the limits conferred on it by the EC Treaty, the compliance with Community law. Should the Commission come to the conclusion that Community law is being breached in this specific case, it will not hesitate, as the guardian of the EC Treaty, to take all necessary measures, including infringement proceedings under Article 226 of the EC Treaty, in order to ensure compliance with relevant Community law.

(2004/C 58 E/117)

WRITTEN QUESTION E-1824/03

by Monica Frassoni (Verts/ALE) to the Commission

(2 June 2003)

Subject: Motorway infrastructure in Lombardy and Trans-European Corridor No 5

Pursuant to the Lombardy Region's regional regulation no. 4 of 8 July 2002, the licensing procedure in respect of the Cremona-Mantua regional motorway is currently under way.

In the Lombardy Regional Government's proceedings no. 7/9865 of 19 July 2002 it is stated that 'one of the priority infrastructure objectives under the EU programme is the completion of Corridor No 5 (also known as the 45th-parallel or Barcelona-Kiev corridor), the Italian section of which comprises a crossing of the Po basin probably involving a transit route passing to the south of the Milan junction'.

Other items of infrastructure planned for Lombardy are also justified by the sponsoring authorities on the grounds that they constitute operational segments of the above corridor. This is the case, for example, with the Brescia-Bergamo-Milan regional motorway.

In view of the above, would the Commission answer the following questions:

1. Is Trans-European Corridor No 5 due to pass through Lombardy?

2. Is the corridor to be a road one or a rail one?

3. Is Community funding to be made available for the completion of the corridor?

Answer given by Mrs de Palacio on behalf of the Commission

(14 July 2003)

Corridor V is a multi-modal transport link running from the north of Italy (Venezia and Trieste) to Ukraine (Lviv). The Corridor was decided by the Ministers of Transport at the second Pan-European Transport Conference in Crete in 1994. A Memorandum of Understanding was signed on 16 December 1996. The main line of Corridor V links Venezia (Italy) and Trieste (Italy) via Ljubljana (Slovenia) and Budapest (Hungary) with Lviv (Ukraine). In addition to this line there are three branches to ports on the Adriatic Sea, and one branch to connect Corridor V with Corridor IV in Bratislava.

Concerning the precise questions put by the Honourable Member, the Commission can give the following informations:

1. As defined by the Memorandum of Understanding, Corridor V does not pass through Lombardy.

2. Corridor V is a road and rail corridor.

3. For different parts of Corridor V, different Community instruments can be used. For those parts which run through Member States, the TEN-T budget can be used. The TEN-T budget is for co-financing of the TEN-T network in Member States. On those parts which run through Accession Countries, the Instrument for Structural policies for Pre-Accession (ISPA) funds can be used. ISPA co-finances transport and environment infrastructure.

It might be of interest in this context to the Honourable Member, that priority project No 6 ('High-Speed train/combined transport: France-Italy') runs through the region of Lombardy. This project has been decided by the Head of States of the Union in 1994 as a priority and is part of the Essen list (Annex III of Decision No 1692/96/EC of the Parliament and of the Council of 23 July 1996 on Community guidelines for the Development of the Trans-European Transport Network [1]).

[1] OJ L 228, 9.9.1996.

(2004/C 58 E/118)

WRITTEN QUESTION E-1845/03

by Giorgio Celli (Verts/ALE) to the Commission

(3 June 2003)

Subject: Request for an amendment to the Habitats Directive in order to enable the Iberian wolf to be hunted in areas south of the River Duero

Via the Spanish Environment Ministry the Commission has received from the Castilla y León Regional Government a request for the Habitats Directive (92/43/EEC [1]) to be amended in such a way that the Iberian wolf loses its entitlement to strict protection in areas south of the River Duero and can therefore be hunted.

In view of the fact that the Castilla y León Regional Government:

— has been auctioning wolves for hunting purposes since before 1996 at a price of over EUR 6 000 per animal;

— has never established to the south of the River Duero the Special Protection Areas for wolves which it was required to set up under Annex II of the above Directive;

— has since 1999 unilaterally authorised hunts to the south of the Duero (in contravention of the Directive) with parties of over 100 people — events which cannot be regarded either as selective shoots or as monitoring expeditions;

— systematically ignores the poaching of wolves, with the result that over 200 animals are killed illegally in the region each year, even though no more than six fines have been issued since 1990 for illegal wolf hunting;

— is unwilling to pay compensation for attacks by wolves, to monitor feral dogs or to introduce measures to improve livestock management (subsidies for guard dogs, fencing or shepherds);

— has based its request on research carried out over excessively short periods using the wrong methods and publicly criticised by Spanish wolf experts, who dispute the findings of such research: they have confirmed that, rather than increasing, the wolf population is gradually dispersing on account of the disappearance of its natural habitat and the increasing presence of major items of infrastructure, and that the species is no longer found in many areas, such as the entire province of Salamanca,

1. does the Commission not consider the scientific and ethical views underpinning the request for such an amendment to be unacceptable?

2. will the Commission give any consideration to such a request?

[1] OJ L 206, 22.7.1992, p. 7.

Answer given by Mrs Wallström on behalf of the Commission

(11 July 2003)

The Honourable Member expressed his concern regarding the amendment of the Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora).

According to the information available the Commission has not received any request from the Spanish Ministry of Environment to amend the Habitats Directive.

At present, the Commission does not intend to modify the Habitats Directive, apart from adapting it for the new accession countries. Obviously, this limited adaptation will not incorporate any modification to the status of the wolf population in Spain.

(2004/C 58 E/119)

WRITTEN QUESTION E-1859/03

by Proinsias De Rossa (PSE) to the Commission

(3 June 2003)

Subject: Hare coursing in Ireland

A recent study indicated that the hare (Lepus capensis (europaeus)) population in Northern Ireland had declined enough to qualify the hare as a 'species in crisis' and to suggest the need for the implementation of a Species Action Plan to protect hares. What are the most recent, independent estimates of the number of hares on the island of Ireland in the Commission's possession and will it consider adding hares to the list of animals protected under the Habitats Directive — Directive 92/43/EEC [1]?

In reply to Written Question P-0165/02 [2], the Commission stated that the catching of hares using nets as reported by the Honourable Member would 'be contrary to the provisions' of the Berne Convention on the Conservation of European Wildlife and Natural Habitats which commits signatory states to taking appropriate and necessary regulatory measures to protect the species and regulating the transport of captured animals. Is the Commission of the view that the practice of capturing, transporting and coursing live hares as carried out in Ireland is compatible with this Convention and with the Protocol to the Amsterdam Treaty which commits the EU to taking due account of the welfare requirements of animals in the context of EU policies?

Is the Commission of the opinion that the transportation of hares to coursing events in Ireland is compatible with Council Directive 91/628/EEC [3], as amended by Directive 95/29/EC [4], on the protection of animals during transport?

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[1] OJ L 206, 22.7.1992, p. 7.
[2] OJ C 172 E, 18.7.2002, p. 161.
[3] OJ L 340, 11.12.1991, p. 17.
[4] OJ L 148, 30.6.1995, p. 52.

Answer given by Mrs Wallström on behalf of the Commission

(23 July 2003)

Of the two species of hares that occur in Ireland, the Brown Hare (Lepus europeaus) is restricted in its area of distribution to Northern Ireland, where it is considered to have been introduced. This species, occurs throughout Europe and is not identified as a species of Community interest under Council Directive 92/43/EEC of 21 May 1992, on the conservation of natural habitat and of wild fauna and flora. Therefore, there is no legal basis under the Directive for regulating the capture and transport of this species. Management and conservation of this species is the competence of the relevant authorities in Northern Ireland.

The Mountain Hare (Lepus timidus) has a widespread distribution throughout Ireland. This species is listed in Annex V of Council Directive 92/43/EEC which provides for Member States, if they deem it necessary in light of surveillance, to take measures to ensure that taking in the wild of specimens of the species as well as its exploitation, is compatible with it being maintained at a favourable conservation status. The Commission is not aware of any recent changes in the status of this species in Ireland.

There are at present no plans to amend the Annexes of the Directive in relation to these species of hares.

Lepus timidus and Lepus europeaus are listed in Appendix III of the Berne Convention on the conservation of European wildlife and natural habitats which requires contracting parties, inter alia, to prohibit the indiscriminate means of capture and killing and use of means capable of causing local disappearance of, or serious disturbance to populations of these species. In so far as the practices complained of are not consistent with these obligations and cannot be justified as an exception in accordance with Article 9 of the Convention then this is not fully respected.

In relation to the Protocol on animal welfare in the Amsterdam Treaty there is no suggestion by the Honourable Member that Union policies are a factor influencing the practice complained of and therefore the Protocol would not appear to be relevant in this case.

The Commission is not aware of the exact conditions under which wild hares are transported to coursing events in Ireland.

Council Directive 91/628/EEC of 18 November 1991 on the protection of animals during transport (amending Directives 90/425/EEC and 91/496/EEC), as amended by Council Directive 95/29/EC of 29 June 1995, does not apply to transport of animals on journeys of less than 50 kms, transport which is not of a commercial nature or to transport of any individual animal accompanied by a person who has responsibility for it during transport. With these exceptions, transport of wild hares would be covered by the relevant provisions of the Directive relating to 'other mammals and birds'.

(2004/C 58 E/120)

WRITTEN QUESTION E-1863/03

by Bernd Lange (PSE) to the Commission

(6 June 2003)

Subject: Problems in the implementation of the sixth research framework programme owing to auditing costs

In order to be eligible for reimbursement under the sixth research framework programme, the costs of integrated projects and networks of excellence must be certified each year by an independent auditor. The result is that auditing costs are extremely high, and much of the funding provided is not used for actual research.

Moreover, the way in which public bodies are required to conduct audits is still not sufficiently clear.

Why are partners with small shares in projects not required simply to conduct an audit of the total costs of the project instead of obtaining an annual certificate, so as to reduce auditing costs?

Can public bodies be exempted from the external certification requirement, or is verification by an independent expert required here too?

Answer given by Mr Busquin on behalf of the Commission

(25 July 2003)

The Commission fully shares the concern of the Honourable Member to keep the audit certificate costs as low as possible. Certification by an external auditor of actual expenses incurred, as a condition for their reimbursement, is a principle established in Article 14 of Regulation (EC) 2321/2002 of the Parliament and of the Council of 16 December 2002 concerning the rules for the participation of undertakings, research centres and universities in, and for the dissemination of research results for, the implementation of the European Community Sixth Framework Programme (2002-2006) [1]. The requirement of annual audit certificates for Networks of Excellence (NoE's) and Integrated Projects (IP's) results from the characteristics of these new instruments, which will involve significant Community contributions and will last over a number of years.

On the other hand, for other instruments, although an audit certificate will be required at some point, it is not necessarily annual. This is an issue to be determined in the negotiation between the Commission and the contractors, depending on the duration of the project, its nature and estimated budget and in respect of the provisions of the Financial Regulation and its implementing modalities requiring audit certificates in certain cases.

The Honourable Member will understand that for reasons of non-discrimination, entities from both the private and the public sector have to submit audit certificates. However, public entities can have their audit certificates delivered either by an external auditor or by a public competent officer (see also Article 14 of the above mentioned Regulation). The latter will certainly reduce the costs related to the audit certificates for public bodies.

It should also be noted that the costs of audit certificates are fully covered by the Community funding contribution under the management activity foreseen in each project and represent only a minor portion of the total costs of the projects, the great bulk of which is devoted to carrying out the research work.

(1) OJ L 355, 30.12.2002.

(2004/C 58 E/121) **WRITTEN QUESTION E-1883/03**

by Christopher Huhne (ELDR) to the Commission

(6 June 2003)

Subject: Trade impact of euro

Will the Commission summarise the conclusions of any major studies, including its own, on the impact of the euro on trade within the euro-area? Will it estimate the size of any increase in trade as a result of the introduction of the euro?

Answer given by Mr Solbes Mira on behalf of the Commission

(14 July 2003)

Several studies have been made on the impact of the euro on trade within the euro-area, although the period since the introduction of the single currency is still short and the total effect has probably not yet occurred. These studies find a significant increase of trade as a result of the euro-introduction.

Looking at the euro-area Barr, Breedon and Miles (1) come to the conclusion that the Economic and Monetary Union (EMU) has already led to a 29 % increase in the level of trade between euro members. Also using data from European countries Micco, Stein and Ordonez (2) find a sizeable effect for the bilateral trade between the members of the Eurozone: the EMU effect is estimated to have increased trade between 12 and 19 %. Finally, Bun and Klaassen (3) conclude in their study on the effect on trade an increase of 4 % in the first year and a projected long run effect of about 40 %.

Recently the United Kingdom Treasury has published several background EMU-studies to inform the assessment of the five economic tests on UK-membership of the single currency. In one of these studies, EMU and trade, an overview of studies on the effects of currency-unions on trade and specifically of EMU on trade can be found.

(1) Barr D., F. Breedon and D. Miles, Life on the outside: economic conditions and prospects outside Euroland in Economic Policy, 2003, forthcoming.

(2) Micco A., E. Stein and G. Ordonez, The currency union effect on trade: early evidence from the European Union, Inter American Development Bank 2002.

(3) Bun M. and F. Klaassen, Has the euro increased trade?, Tinbergen Institute Discussion Paper No 02-108/2, University of Amsterdam 2002.

(2004/C 58 E/122)

WRITTEN QUESTION E-1892/03

by María Sornosa Martínez (PSE) to the Commission

(6 June 2003)

Subject: Failure to protect the Albufera de Valencia park

The author of this question has repeatedly condemned the failure to protect the Albufera de Valencia park, which is a special protection area for birds (SPAB). Last month saw the expiry of the precautionary measures which the Valencia Regional Government laid down in April 2000 on a temporary basis, pending final approval of the park's management plan. However, approval of that plan is now eight years overdue.

The Valencia Regional Government's Environment Ministry began drawing up the management plan in April 2000 and the period during which it was made available for public consultation ended last year. However, the regional government has yet to reply to the objections raised, nor has it published a final version of the management plan.

In view of the fact that, in a judgment of 11 November 1999, the Supreme Court declared the Albufera Natural Park Special Protection Plan (the only specific planning and management tool applicable to the park) to be null and void, and given the threat currently posed by the damage being done to the park (which loses a certain number of species each year, whilst even greater numbers become endangered), is the Commission planning to make representations to the Spanish authorities with a view to ensuring that the Albufera SPAB is finally covered by a proper management plan which will protect its biodiversity?

Does the Commission not think that the Valencia Regional Government should draw up a management plan before promoting any more urban developments which could seriously affect the park, such as the Pinedo housing estate, the Parador Nacional hotel, industrial growth around the park's protective boundary and the installation of extensive drainage (in the Barranco del Poyo, for example)?

Can the Commission guarantee that the above urban developments will not be promoted without the requisite environmental assessment being carried out in each case?

Answer given by Mrs Wallström on behalf of the Commission

(18 July 2003)

The Honourable Member has expressed her concern regarding the lack of management plan for the 'Parque Natural de la Albufera de Valencia'.

The Albufera has been designated as Special Protected Area under the Birds Directive [1] and proposed as Site of Community Importance under the Habitats Directive [2] for the Mediterranean Region. The last Mediterranean bio-geographical seminar was held in Brussels in January 2003. At the present time, Member States are still analysing the results of the seminar therefore the Commission has not adopted yet the Mediterranean List.

After the Commission list adoption, Member States have a period of six years to designate the proposed sites as 'Special Areas of Conservation'

Article 6§1 of the Habitats Directive establishes that 'For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites'.

Therefore, Member States must establish appropriates conservation measures in order to ensure that the objectives of the Habitats Directive are fulfilled. These conservation measures, that must be established for the special areas of conservation, could be management plans or not. Member States are the competent authorities to define which conservation tool it is needed for each Natura 2000 site.

Regarding the urban development, Article 6§3 of the Habitats Directive establishes that 'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public'.

For this case, any urban development that could have a significant impact on the Natura 2000 site must be submitted to an environmental impact assessment.

(1) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, OJ L 103, 25.4.1979.
(2) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992.

(2004/C 58 E/123) **WRITTEN QUESTION E-1893/03**

by María Sornosa Martínez (PSE) to the Commission

(6 June 2003)

Subject: Unauthorised discharge of hazardous waste in the Valencia region

The Valencia region currently has no facilities for hazardous waste, even though it produces 250 000 tonnes thereof each year (1). According to a study carried out by the Valencia UGT's Environment and Occupational Health Department, only between 3 % and 18 % of that annual figure is procesed properly (a finding which has recently been confirmed by the Valencia Regional Government). Most of the rest is disposed of on unauthorised dumps.

Furthermore, it should be borne in mind that most of the paltry amount of hazardous waste which is actually managed is exported to other Spanish regions (Catalonia, the Basque Country, Andalusia and Murcia), precisely because Valencia itself lacks suitable processing facilities.

In view of the fact that, under Community law on waste:

— there is a ban on the unauthorised dumping of waste which, according to the ERC, is deemed hazardous;

— particular emphasis is placed on the need to locate waste-management centres at a reasonable distance away from production centres and at the same time to observe the minimum safety distances established for the benefit of the local population;

— the dangers possibly associated with the carriage of hazardous substances over large distances are regulated,

is the Commission prepared to request, for the purposes of its research, the data contained in the above-mentioned UGT report?

Does the Commission consider that the Valencia Regional Government's current management of hazardous waste meets the needs of a community which generates 250 000 tonnes of such waste per year? Does it not think that it should make representations to the Spanish authorities with a view to having a specialist facility permanently installed in a suitable location within the region, without any repetition of the serious shortcomings detected in the case of Real de Montroi?

(1) The only facility which has hitherto been available (the one at Real de Montroi) has recently been closed in response to justified protests from local people at the failure to observe minimum safety distances, infringement of environmental law and other operational irregularities.

(2004/C 58 E/124)

WRITTEN QUESTION E-1894/03

by María Sornosa Martínez (PSE) to the Commission

(6 June 2003)

Subject: Toxic-waste management in the Valencia region

The Valencia Regional Government has still not solved the serious problem of managing urban solid waste (USW) and toxic waste, as the Commission has been informed by means of reports on the cases which are most damaging to the environment.

These include:

— the Dos Aguas (Valencia) refuse dump, which is suspected of polluting groundwater intended for human consumption and whose proximity to major residential areas is causing local people problems such as exposure to bad smells and to a range of allergies and respiratory ailments (see E-1261/98 [1] and E-0631/99 [2]);

— the Fervasa (Quart de Poblet y Aldaia) USW dump, which causes leaching and bad smells and which is infested by rats and parasites (see E-2084/01 [3] and E-2260/02 [4]).

In addition to these cases of poor waste management there are other ones which also pose a serious threat to the environment and to the health of the people living in proximity to the sites.

A growing awareness of such threats has prompted major protests amongst local inhabitants. Particularly significant are the as-yet unresolved case of the above-mentioned Dos Aguas refuse dump and that of the Real de Montroi toxic-waste dump which is run by the VER company and which has recently been closed pursuant to a Supreme Court judgment condemning its many irregularities.

In its response to the many cases reported the Commission, having carried out a brief inquiry, usually announces that it has been assured by the Spanish authorities that the sites in question have all undergone a mandatory environmental impact study and have qualified for the requisite local and regional licences. However, one of the most telling arguments put forward by the local people affected is that construction, management and emission permits are not granted in accordance with the rules and that the terms and conditions laid down in Spanish law and Community directives are not met.

Has the Commission had an opportunity to check for itself that impact assessments have been carried out (and that licences and permits have been granted for the above-mentioned sites) in accordance with Spanish law transposed from EU legislation and with Community directives?

Does the Commission not consider that it should do more than simply examine the data supplied by the Spanish authorities and that it should re-open its inquiry into Dos Aguas and Fervasa?

Is the Commission intending to make representations to the Valencia regional authorities in order to ensure that waste is properly managed (this being particularly important in the case of a highly industrialised and densely populated region where the issue has a major impact on the tourist industry)?

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[1] OJ C 402, 22.12.1998, p. 103.
[2] OJ C 348, 3.12.1999, p. 110.
[3] OJ C 40 E, 14.2.2002, p. 182.
[4] OJ C 28 E, 6.2.2003, p. 211.

Joint answer to Written questions E-1893/03 and E-1894/03 given by Mrs Wallström on behalf of the Commission

(23 July 2003)

The Commission has not seen the report on waste management in Valencia drawn up by the Unión General de Trabajadores (UGT), to which the Honourable Member refers in this Written Question. Consequently, it cannot say whether the authorities in the Valencia region may be failing to apply Community legislation regarding hazardous waste properly.

However, the Commission will examine the problem raised by the Honourable Member once it receives the report referred to in the Written Question.

The Commission does not have the power to require a Member State to choose a specific site for the construction of a waste treatment facility, or to require the creation of such a site. That choice falls under the powers of the national authorities.

The Commission has not been informed about the toxic waste dump at Real de Montroi or the irregularities which led the Supreme Court to force it to close down. The problem regarding this facility is therefore now resolved as a result of the Court's judgment.

With regard to the other facilities referred to by the Honourable Member, the Commission would point out that it has launched two investigations of its own regarding the Dos Aguas facility and the Fervasa waste treatment centre. Scrutiny of these two cases has revealed that the former was authorised following an impact assessment study and a favourable finding by the competent authorities. However, the waste treatment centre did not undergo an impact assessment study since it was authorised in 1977, long before Spain joined the Community.

In the light of the information provided by the Spanish authorities about these facilities, the Commission has not found any infringement of the applicable Community legislation.

However, as it announced to the Honourable Member in its reply to Question 2260/02 [1] and in a letter to the Honourable Member on 8 November 2002 regarding the Fervasa treatment centre, the Commission does not rule out the possibility of examining the waste management problems referred to when it receives the relevant information.

[1] OJ C 28 E, 6.2.2003.

(2004/C 58 E/125) **WRITTEN QUESTION E-1895/03**

by María Sornosa Martínez (PSE) to the Commission

(6 June 2003)

Subject: Mineral Resource Extraction Plan and Natura 2000 areas in the Valencia region

In the draft version of the Mineral Resource Extraction Plan relating to the clay sector in the Valencia region (which is currently available for public consultation), 25 of the 94 SCI areas proposed by the regional government for inclusion in the Natura 2000 Network [1] are described as 'suitable subject to evaluation' (i.e. subject to an environmental impact assessment) for mining purposes.

Under the Plan, such important Natura 2000 sites as Penyagolosa, the Caroig mountain ranges, the river Palancia and the Hoces del Cabriel (amongst others) are identified as containing clay deposits. Only in the natural parks and in certain special protection areas for birds are mining operations banned.

Does the Commission consider the draft Mineral Resources Plan to be compatible with the conservation of the biodiversity found in the Natura 2000 areas which the regional government itself has designated?

Does the Commission consider that SCI areas can legitimately be declared as 'sites suitable, subject to evaluation, for mining purposes' when mining operations in protected areas are explicitly banned under Community law on the grounds that such activities are highly damaging to flora, fauna and the environment?

[1] Source: Valencia Regional Government, Ministry for Industry.

Answer given by Mrs Wallström on behalf of the Commission

(24 July 2003)

The Honourable Member is referring to the blueprint Mineral Resources Management Plan of the Autonomous Community of Valencia.

The Commission does not have information regarding this management plan. The Natura 2000 network is established under the Habitats Directive [1] and in principle the Directive does not prohibit any activity within a Natura 2000 site.

Article 6 of the aforementioned directive establishes that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4 of this article, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

According to the information provided by the Honourable Member an environmental impact assessment will be compulsory for any action within protected areas. Therefore, it seems that the measures adopted by the authorities follow the requirements of the Habitats directive.

Nevertheless, it is foreseeable that the national authorities submit the plan and all the individual projects to an environmental assessment according to the provisions of article 6 of the Habitats Directive.

[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.

(2004/C 58 E/126) **WRITTEN QUESTION E-1907/03**

by Patricia McKenna (Verts/ALE) to the Commission

(11 June 2003)

Subject: The Les Marínes housing project in Denia in the Valencia region, Spain

On 1 August 2002 the town council of Denia (Valencia Region) provisionally adopted sectoral authorisation for 400 hectares of building land at Les Marínes in order to alter the relevant category in accordance with the law regulating town planning activities, so that the land may be used to build 17 000 dwellings. The authorisation was adopted by the Alicante town planning committee on 3 February 2002, which means that the work may start at any time. 'Les Marínes' is a wetland of great environmental value worthy of protection and urgent restoration. The deterioration of the area may have disastrous consequences for the environment and the inhabitants of Denia, which does not have enough facilities (it has a population of around 35 000, which already rises to 100 000 in summer, and it does not have enough schools, hospital beds or waste management services). The area where building work is planned is home to a number of plant species recognised in the 'Habitats' Directive (92/43/EEC) [1] and more than 100 bird species, some of which are listed in Annex 1 to the Directive on birds (79/409/EEC [2]): Emberiza hortulana, Nycticorax nycticorax, Egretta garzetta, Ardea purpurea, Falco columbarius, Larus audouinii, Sterna sandvicensis, Chlidonias niger and Alcedo atthis.

The Les Marínes area is also surrounded, within a distance of one kilometre, by three habitats of Community interest: the Pego-Oliva marsh, L'Almadrava (a Posidonia oceanica marine ecosystem, the subject of question E-2661/02 [3]) and El Montgó. All these areas contain priority species. The European Parliament and Council Recommendation concerning the implementation of Integrated Coastal Zone Management in Europe [4] of 30 May 2002 is being completely disregarded, although the recommendation was promoted by the Spanish presidency. The project has already been the subject of complaints to the local and regional authorities, but there has been no response.

1. What steps will the Commission take to demand a detailed assessment of the project's environmental impact?

2. Does it not consider that an assessment of the environmental impact on the nearby sites of Community interest should also be carried out?

3. Can the Commission say what action has been taken in response to question E-2661/02 on the project for regeneration of the Almadrava and Les Devesses beaches?

(1) OJ L 206, 22.7.1992, p. 7.
(2) OJ L 103, 25.4.1979, p. 1.
(3) OJ C 110 E, 8.5.2003, p. 82.
(4) OJ L 148, 6.6.2002, p. 24.

Answer given by Mrs Wallström on behalf of the Commission

(24 July 2003)

The Commission has been informed about the facts referred to by the Honourable Member through a complaint. As part of its investigation of this compliant, the Commission has contacted the Spanish authorities to ask for their comments on the facts referred to and the application of Directives 85/337/EEC (1) and 92/43/EEC (2) in the case in question.

The competent authorities of the Member State are required, in accordance with Council Directive 85/337/EEC, as amended by Council Directive 97/11/EC of 3 March 1997 (3), to determine, following a case-by-case examination or by laying down thresholds or criteria, whether the environmental effects of urban development projects must be assessed before authorisation is given.

If the project referred to were also likely to have a significant impact on the sites of Community importance (SCI) referred to by the Honourable Member, which were proposed by the Spanish authorities for the establishment of the Natura 2000 network, an appropriate assessment of the project's impact on the sites should be carried out. In the light of the conclusions of that assessment, the competent authorities would only be able to give their approval for the project after ensuring that it would not affect the integrity of the sites concerned and, where appropriate, after consulting the public. Despite any negative conclusions of the assessment of the impact on the sites, the project would nevertheless be able to be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, if there are no alternative solutions. In this case, the Member State is required to take all necessary compensatory measures to ensure that the overall coherence of Natura 2000 is protected.

With regard to the action taken in response to question E-2661/02 from Mrs Patricia McKenna (4) on the project for the regeneration of the Almadrava and Devesses beaches, the Commission has considered the reply from the Spanish authorities and takes the view that the authorities have not properly applied Community law, as a result which it has initiated an infringement procedure. The Commission sent the Spanish authorities a letter of formal notice in the framework of this procedure. Their comments in reply to this letter are currently being considered by the Commission.

With regard to the action taken on petition 472/2000, the Commission has already sent three replies to Parliament dated 7 March 2002, 18 October 2002 and 8 April 2003. The petition has not yet been discussed by a Parliamentary Committee.

(1) Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, OJ L 175, 5.7.1985.
(2) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna, OJ L 206, 22.7.1992.
(3) OJ L 73, 14.3.1997.
(4) OJ C 110 E, 8.5.2003, p. 82.

(2004/C 58 E/127) **WRITTEN QUESTION E-1912/03**

by María Sornosa Martínez (PSE) to the Commission

(12 June 2003)

Subject: Award of service contracts in Spain to non-Community helicopter companies

The Spanish Government is still failing to comply with Regulation (EEC) No 3922/91 [1] on the harmonisation of technical requirements in the field of civil aviation, given that it continues to authorise the transport of forest fire brigades in helicopters subject to airworthiness restrictions, such as a ban on carrying persons and flying over urban areas or groups of people. These helicopters, which were withdrawn from military use on grounds of age (after 30 years in the Spanish, North American or Israeli Army), have entered the field of commercial aviation thanks to authorisations granted by the Spanish authorities. However, the Commission already has figures showing that these helicopters caused serious accidents in Spain last year (a particularly tragic accident occurred on 14 June 2002 in Lérida, when eight people died on board an EC-GJL purchased from the Spanish army for only EUR 3 000 which had been in use for more than 30 years). This type of helicopter is not certified and authorised for commercial operation in any other EU country.

What steps will the Commission take vis-à-vis the Spanish authorities to ensure compliance with the rules set out in Regulation (EEC) No 3922/91 on requirements in the field of civil aviation?

What action will the Commission take to curb the serious rise in helicopter accidents in Spain, which people working in the Spanish sector attribute to the absence of national legislation in line with Community legislation or similar to that in other EU countries?

Does the Commission not believe that granting licences for the type of helicopter described above constitutes negligence on the part of the Spanish aviation authorities?

What is the Commission's view of the practice followed by the Spanish authorities of certifying and authorising the transport of forest fire-fighters in helicopters which should be subject to the airworthiness restrictions described above, taking account of the provisions laid down in Community legislation on health and safety at work?

See Written Questions E-3487/00, E-3488/00 and E-3489/00 [2].

[1] OJ L 373, 31.12.1991, p. 4.
[2] OJ C 187 E, 3.7.2001, p. 9.

(2004/C 58 E/128) **WRITTEN QUESTION E-1913/03**

by María Sornosa Martínez (PSE) to the Commission

(12 June 2003)

Subject: Contracting of non-Community helicopters to fight fires: the cases of Italy and Spain

The Commission issued a warning to the Italian Government in relation to the purchase of 49 helicopters to fight forest fires, calling on it to comply with Community legislation and arguing that the fire problem was neither exceptional nor temporary an endemic problem.

How, then, Commission explain its failure to act in the case of Spain, thereby allowing the Spanish Government to use those same criteria of exceptional and temporary circumstances to circumvent Community legislation, and permitting the subcontracting procedure to be abused in relation to wet-lease agreements involving non-Community helicopter companies?

See Written Questions E-3487/00, E-3488/00 and E-3489/00 [1].

[1] OJ C 187 E, 3.7.2001, p. 9.

(2004/C 58 E/129) **WRITTEN QUESTION E-1914/03**

by María Sornosa Martínez (PSE) to the Commission

(12 June 2003)

Subject: Breach of Community competition law in the helicopter sector in Spain

The two companies Helicsa SA and Helisureste SA make up 90 % of the helicopter sector in Spain and divide up the market by mutual agreement, as can be seen from the temporary mergers set up by them.

Will the Commission take any action vis-à-vis the Spanish Government to ensure respect for free competition among operators and the right to an open market not divided up among firms in this sector in Spain, particularly bearing in mind that virtually all the contracts stem from the various Spanish administrations?

(2004/C 58 E/130) **WRITTEN QUESTION E-1915/03**

by María Sornosa Martínez (PSE) to the Commission

(12 June 2003)

Subject: Items in the Community budget intended for fire-fighting in Spain and their actual final use in the years 1996 to 2002

Can the Commission provide information on the funds from Community budgets allocated to fight forest fires in Spain, and on their final use as decided by the Spanish Government?

Does the Commission know whether the Community funds concerned have been used to purchase or hire aviation equipment used to fight forest fires in the years 1996 to 2002 inclusive?

Can the Commission guarantee that Community funding has not been used in Spain to hire non-Community equipment which does not comply with the criteria for airworthiness certification and equivalent safety standards required by Regulation (EC) No 2407/92 [1], which are met in the remaining EU countries?

[1] OJ L 240, 24.8.1992, p. 1.

(2004/C 58 E/131) **WRITTEN QUESTION E-1916/03**

by María Sornosa Martínez (PSE) to the Commission

(12 June 2003)

Subject: Failure to comply with Directive 2000/79/EC on working time in civil aviation in the helicopter sector in Spain

The deadline set by the Community authorities for the various Member States to implement the measures which will enable Directive 2000/79/EC [1] on working time in civil aviation to come into force will expire in six months, and no measures have been adopted in Spain to ensure that the 2 000-hour restriction on working time contained therein is applied to Spanish helicopter pilots.

What type of action will the Commission take if the Spanish Government has not complied with the requirements of Directive 2000/79/EC when the deadline expires?

What is the Commission's view of and what action will it take in response to the Spanish Government's long-standing inability to enforce either Spanish or Community legislation as regards working time in the Spanish helicopter sector, even though virtually all of these helicopters work for central and autonomous governments?

[1] OJ L 302, 1.12.2000, p. 57.

(2004/C 58 E/132)

WRITTEN QUESTION E-1917/03

by María Sornosa Martínez (PSE) to the Commission

(12 June 2003)

Subject: Failure to comply with Community law in connection with the subcontracting of services to non-Community helicopter companies

The competent authorities in Spain are pursuing a policy of subcontracting non-Community to fight forest fires with helicopters not certified in the European Union. Specific mention might be made of the non-Community companies Heliseco Ltd, from Poland, and Skorpion Air, from Bulgaria, which have been subcontracted by the Spanish contract-holders Helicsa SA and Helisureste SA (following public calls for tender issued by the Spanish Environment Ministry).

Nevertheless, inspections carried out by the Spanish labour authority in 1999 and 2000 revealed irregularities in the treatment of workers in the firms subcontracted.

Does the Commission not believe that, on the basis of the facts set out above, Spain is clearly failing to comply with Council Directive 92/50/EEC [1] of 18 June 1992 relating to the coordination of procedures for the award of public service contracts, in view of the persistent violation of the provisions of Chapter II thereof?

Does the Commission believe that the practices described here and in previous questions comply with Directive 96/71/EC [2] on the transnational posting of workers, which provides that undertakings from third-countries must not be given more favourable treatment than those from the Member States themselves?

Could the Commission guarantee that practices of subcontracting services to helicopters not approved by the EU do not violate the provisions of Regulation (EEC) No 3922/91 [3] on the harmonisation of technical requirements and administrative procedures in the field of civil aviation?

See Written Questions E-3487/00, E-3488/00 and E-3489/00 [4].

[1] OJ L 209, 24.7.1992, p. 1.
[2] OJ L 18, 21.1.1997, p. 1.
[3] OJ L 373, 31.12.1991, p. 4.
[4] OJ C 187 E, 3.7.2001, p. 9.

Joint answer to Written Questions E-1912/03, E-1913/03, E-1914/03, E-1915/03, E-1916/03 and E-1917/03 given by Mrs de Palacio on behalf of the Commission

(9 September 2003)

For information on the general situation regarding the use of helicopters to fight forest fires in Spain, the Commission would refer the Honourable Member to its answers to questions E-3487/00 to E-3489/00 [1].

To date, the Community has not yet adopted common rules applicable to the technical operation of helicopters. Consequently, Council Regulation (EC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation [2] does not apply and it is up to each Member State to take appropriate measures to ensure the safety of aircraft operations.

Regarding the purchase of helicopters for forest fire fighting in Italy, the Commission has begun infringement proceedings under ex-Article 226 of the EC Treaty against the Italian Republic with respect to an order of the President of the Council of Ministers, dated 24 July 2002, authorising the purchase by mutual agreement of the said helicopters outside the procedures provided for in Community public procurement legislation.

Where Spain is concerned, the Commission has no knowledge of any such irregularities. As already indicated in the Commission's joint answer of 13 February to Written Questions E-3487/00, E-3488/00 and E-3489/00, all Spanish public authorities responsible for preventing and fighting forest fires were using, at that time, around 100 helicopters. In order to do so, they had concluded contracts with private helicopter operators, applying the public procurement rules governed by the provisions of Royal Decree 2/2000 of 16 June 2000, which transposes the Community public procurement Directives into Spanish law.

According to information available at the time, if there are not enough Spanish helicopters, the companies employed by the public authorities temporarily hire civil helicopters registered in other States. The Commission has no knowledge of any helicopters being hired in breach of the procedures applicable under Community public procurement rules.

Regarding compliance with the rules on competition, the fact that two companies hold 90 % of the market is not in itself evidence that Community rules have been infringed, and the Commission has no information allowing it to give an opinion on the matter.

Under Council Regulation (EEC) No 2158/92 of 23 July 1992 on protection of the Community's forests against fire [3], Community aid totalling EUR 13,3 million was granted to Spain from 1996 to 2002.

However, the Regulation only covers preventive measures (information campaigns, studies to identify the causes of fires, the creation of protective infrastructure such as tracks, firebreaks and water supply points, monitoring and the training of specialised personnel). Forest fire fighting with helicopters from outside the Community has therefore never been funded within this framework.

Regarding the application of Council Directive 2000/79/EC of 27 November 2000 on the organisation of working time of mobile workers in civil aviation [4], the deadline for transposition is 1 December 2003. The Commission will check when the time comes whether the Member States have fulfilled their obligations and will take, if necessary, the measures provided for in the EC Treaty.

If the inspections carried out by the Spanish labour authorities in 1999-2000 uncovered irregularities with respect to the treatment of workers employed by subcontractors, it is up to the Spanish authorities to draw conclusions from this, in particular regarding compliance with Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts [5].

(1) OJ C 187 E, 3.7.2001.
(2) OJ L 373, 31.12.1991.
(3) OJ L 217, 31.7.1992.
(4) OJ L 302, 1.12.2000.
(5) OJ L 209, 24.7.1992.

(2004/C 58 E/133) **WRITTEN QUESTION E-1918/03**

by Herbert Bösch (PSE) to the Commission

(12 June 2003)

Subject: Misappropriation of funds by Eurostat and the duty of the officials responsible to provide compensation

In autumn 1999, an audit produced by Eurostat's internal audit service revealed that revenue of more than EUR 920 000 from the sale of statistical data had not been registered in the Community budget as required, but had been misappropriated, on the instigation of leading Eurostat officials and with their approval.

According to Article 28 of the Financial Regulation then in force, however, all measures or situations which may have given rise to or modified a debt due to the Communities had to be preceded by a forward estimate of the amount due, which had to be presented to the financial controller of the institution for his approval and to the accounting officer for registration.

Is it true that, in the cases set out in the above audit, this did not take place?

If so, does the Commission agree that, according to Article 73 of the Financial Regulation, the officials concerned are liable to disciplinary action and to payment of compensation? What steps has the Commission taken to initiate the relevant proceedings?

The above audit was forwarded to the Commission's Financial Control Directorate-General by Eurostat. According to Article 29 of the Financial Regulation, the financial controller was obliged to inform the Commission that, in this case, the competent authorising officers had not adhered to the procedure set out in the Financial Regulation on the collection of revenue due to the Community.

Has the financial controller in fact informed the Commission and/or the financial control Commissioner, as required by the Regulation?

If so, can the Commission state when this took place? Can the Commission provide me with a copy of the relevant communication?

Answer given by Mrs Schreyer on behalf of the Commission

(4 September 2003)

Those questions were already discussed during the Parliament's Committee on Budgetary Control (Cocobu) meeting on 17 June 2003, but the Commission nevertheless wishes to give a precise answer to all the questions raised by the Honourable Member.

OLAF investigations are still ongoing in this case and the Commission therefore would not like to draw conclusions or interfere with those inquiries.

The Commission has opened a disciplinary proceeding against three officials.

As a follow-up to the internal audit report of Eurostat, the Director General of Eurostat, by note of 24 September 1999, approved the recommendations of the Internal Audit report and instructed the Director responsible to implement them.

An action plan was established, the main features of which are the following:

— Termination of the agreements in question;

— Recovery of the amounts remaining in the bank accounts.

The three conventions with the contractors were terminated by 31 December 1999.

A total amount of 413 KEUR has been recovered by the end of 2000 in accordance with the financial procedures in place.

In general terms, chapter 4 of the new Financial Regulation of 25 June 2002, applicable from 1 January 2003, contains detailed rules of liability in case of misconduct committed by a financial actor (Articles 64 to 68 of the Financial Regulation). According to Article 73 of the old Financial Regulation and Article 65(1) of the new Financial Regulation, possible measures in case of misconduct include disciplinary action as well as the payment of compensation as provided for in the Staff Regulations, and in particular in Article 22 thereof.

There are no records indicating that either the Commission or the Commissioner responsible for Financial Control were informed by the Financial Controller about the findings of the audit report, which was finalized in June 2000.

The draft report was sent to OLAF on 17 March 2000.

(2004/C 58 E/134) **WRITTEN QUESTION P-1935/03**

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

(5 June 2003)

Subject: Implementation of the Telecoms Package

The Telecoms Package consists of the five Directives on electronic communications. The Telecoms Package must be implemented by 24 July 2003 at the latest. A number of Member States of the European Union will not be able to meet that deadline. The Netherlands, where implementation will be secured on the adoption of a new Telecommunications Act, is one of the Member States to which that caveat certainly applies.

1. Can the Commission indicate the legal consequences for market players if Member States fail to implement the new regulatory framework for electronic communications networks and services by the due date?

2. In the Commission's view, does the new regulatory framework include provisions on the basis of which market players may take direct legal action if implementation is delayed?

Answer given by Mr Liikanen on behalf of the Commission

(10 July 2003)

In its contacts with the Member States, the Commission has consistently stressed the importance of a timely and effective transposition of the new regulatory framework for electronic communications. On a point of detail, it should be noted that while the deadline for transposition of four of the Directives in the new package is 24 July 2003, Member States have until 31 October 2003 to transpose 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) ([1]). As far as the situation in the Netherlands is concerned, the Commission has not been informed by the Netherlands authorities that the deadlines for transposition will not be met. Consequently, it is at this stage hypothetical to speculate on the legal consequences of a failure to meet the deadline for transposition in that country.

In any event, the legal consequences for market players in a Member State which fails to transpose the new regulatory framework for electronic communications on time will depend on the legal framework applicable at national level to those parties at the relevant time. The Commission is not in a position at this point usefully to comment on what those consequences may be on a hypothetical or generalised basis.

The Commission would recall that it is for the courts, and ultimately the European Court of Justice, to decide on the circumstances in which a particular provision in a directive can be relied upon by third parties against the state, in the event of a failure to transpose. The Commission would refer the Honourable Member to the case law on this subject, notably that flowing from the judgment of the Court of Justice in the Van Gend en Loos case ([2]).

([1]) OJ L 201, 31.7.2002.

([2]) Case 26/62 Van Gend en Loos [1963] ECR 1; see also Case 148/78 Ratti [1979] ECR 1629 and Joined Cases C-6/90 and C-9/90 Francovich and Others v Italy [1991] ECR I-5357.

(2004/C 58 E/135)

WRITTEN QUESTION E-1989/03

by Maurizio Turco (NI)
and Monica Frassoni (Verts/ALE) to the Commission

(16 June 2003)

Subject: Application of the milk quota system in the Italian Republic

As a result of the application of the milk quota system in the Italian Republic, an additional levy of over EUR 1 000 million was due in the period 1995-2001.

The Italian government has submitted draft reforms to the relevant parliamentary committees, including the possible cancellation of fines incurred by producers in that period and a new system for applying levies.

Reliable estimates put the amount of what is known as 'black milk' at 20 % of total production, with fraudulent practices continuing to occur, such as the non-registered import of milk from abroad and the re-use of powdered milk intended for use as feed.

The L1 forms for the 2001/2002 season, submitted to the Agricultural Delivery Agency (AGEA) by milk buyers and signed by around 60 000 producers, show that:

(a) 5 953 farms claim to have produced milk whilst claiming not to have any cattle or failing to declare how many; total production attributable to these 'producers' comes to over 1,6 million tonnes;

(b) 2 527 farms declare over 12 000 kg of production per head per annum, which is clearly incompatible with the animals' potential; this amounts to declared production per head of 284 744 kg per annum;

(c) 157 farms declare a fat content for delivered milk of less than 2,80 %, a level below which the product can no longer be called 'milk';

(d) a very large number of buyers have bought milk from different producers with an identical fat content, and with the quantity of milk delivered being identical to the quantity corrected, suggesting that the chemical and microbiological analyses required under current legislation had not in fact taken place (or that the milk was not from these sources), with predictable consequences on the health and hygiene situation.

Any monitoring of these serious 'anomalies' has been rendered slower and more difficult by the chaotic state of the national cattle registry, the principle means of monitoring commercial stock and cattle movements.

Can the Commission state whether it is aware of these serious anomalies, whether it intends to take steps to safeguard the Community budget and consumer health, and if so, what such steps would be?

Answer given by Mr Fischler on behalf of the Commission

(8 August 2003)

The Commission closely monitors operation of the milk quota system in Italy, where the main problem remains collection of the levy from producers. It knows about the seeming anomalies indicated by the Honourable Members and that is why in 2002 the European Anti-Fraud Office (OLAF) launched an investigation into a number of specific irregularity cases. As this has not yet been completed OLAF's findings are not yet known.

Moreover under Council Decision 2003/530/EC of 16 July 2003 approving an Italian Government aid scheme, Italy will have to pay the Community the full volume of debt to be recovered for the 1995/1996 to 2001/2002 levy periods.

(2004/C 58 E/136)

WRITTEN QUESTION E-2006/03

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

(16 June 2003)

Subject: Deposit charged for waste oil from ships — European competition rules

Following the oil disasters involving the 'Prestige', the Tricolor and the Vicky, the Flemish government recently decided that ships docking at Flemish harbours would have to pay a deposit to cover their waste oil. This deposit is returned if they can show that they have had their waste oil processed in a sustainable way. The measure has been introduced to curb the number of illegal discharges at sea and has received the support of shipowners who still face considerable unfair competition from vessels registered under the Panamanian or Liberian flag.

The authorities in Flanders are applying the ecologically sound principle that the polluter must pay. However, other ports, in the Netherlands or Germany for example, provide waste oil processing facilities free of charge.

Is the Commission aware of these regulations in Flanders?

What is its opinion of this approach?

Is it prepared to introduce similar rules throughout Europe in order to ensure that these ecologically responsible measures do not undermine fair competition between European ports?

Answer given by Mrs de Palacio on behalf of the Commission

(23 July 2003)

The Commission shares the concerns of the Honourable Members about recent shipping accidents in Union waters and about the extent of operational ship-source pollution. The Commission has considered that a number of measures, in addition to the international ones, are needed in order to stop the deliberate discharges of oil and other substances at sea. In 1998 it made a proposal for a Directive on port reception facilities for ship-generated waste and cargo residues [1]. The Directive, which was adopted by the Parliament and the Council in November 2000 [2], had to be implemented by the Member States since 28 December 2002.

While a Directive is binding as to the results to be achieved, it leaves to national authorities the choice of form and methods. The decision which is referred to in the question forms part of the Belgian measures to implement Article 8 of Directive 2000/59/EC. This article sets down a number of principles relating to the fees and cost recovery systems for waste reception facilities in ports. The Commission is currently analysing the implementing legislation of the Member States, including the provisions referred to in the question. The correspondence of those provisions with the principles listed in Article 8 on fee systems will naturally form an important part of this analysis. The Commission will ensure the effective application of Community law in this respect.

Article 8.4 of the Directive further provides that the Commission, before the end of 2005, shall prepare a report to the Parliament and to the Council evaluating the impact of the cost recovery systems adopted at national level on the marine environment and waste flow patterns. If necessary in light of this evaluation, the Commission will make further proposals with respect to the principles governing the fee system for ship-generated waste.

(1) OJ C 271, 31.8.1998.
(2) Directive 2000/59 of the Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues, OJ L 332 of 28.12.2000.

(2004/C 58 E/137)

WRITTEN QUESTION E-2012/03

by Glyn Ford (PSE) to the Commission

(17 June 2003)

Subject: Secondment of staff

Could the Commission indicate the number of staff it has on secondment to institutions and organisations to which it gives subsidies? Could the Commission also provide a list of institutions where staff are currently on secondment and indicate what steps are being taken to ensure that the relationship is not abused?

Answer given by Mr Kinnock on behalf of the Commission

(22 September 2003)

Tables with the number of staff on secondment to institutions and organisations and the amount of grants that was committed for those of them to whom it was applicable in 2002 are sent directly to the Honourable Member and to the Secretariat of the Parliament.

These figures clearly demonstrate that the relationship is not abused. In relation to secondments in the interest of the service, the Honourable Member will notice that in the vast majority of cases, only one Commission official is seconded per host institution/organisation, a situation which is in keeping with the interests of the Commission.

In relation to secondments at the request of the official concerned, it should be borne in mind that the relevant officials are fully paid by the host institution/organisation so that any net impact on the Commission (and, therefore, the Union) budget is either marginal or non-existent.

(2004/C 58 E/138)

WRITTEN QUESTION E-2014/03

by Robert Goebbels (PSE) to the Commission

(17 June 2003)

Subject: Distortion of competition with regard to CO_2 emission rights

The political agreement on the trading of greenhouse gas emission rights provides for a trading system to come into effect in 2005. Initially, it will cover CO_2 emissions from large industrial and energy plants. However, because implementing procedures vary from sector to sector and from undertaking to undertaking within one and the same country as well as from country to country, the implementation of the European Directive may well result in distortions of competition within the European Union. What is more, the implementation thereof may well penalise European industry vis-à-vis industry in other parts of the world, especially the United States of America, which has not signed up to the Kyoto Protocol. The case of the iron and steel industry is particularly striking if we consider that an inconsistent application of trading quotas may entail a sale price increase of up to 15 %. It is self-evident that that sector's competitiveness on external markets would be seriously jeopardised.

Has the Commission given any thought to the possibility of an iron and steel group retaining the emission rights relating to sites which are no longer operational and which may be transferred to other sites?

Does the Commission intend to take account of the recovery of blast-furnace gases sold by iron and steel groups to the electricity sectors?

How does the Commission intend to protect the iron and steel industry in Europe from foreign competitors who do not have to bear such additional costs?

Answer given by Mrs Wallström on behalf of the Commission

(13 August 2003)

The Directive establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, enables transfers of allowances within the internal market, and a transfer of production capacities can, therefore, be accompanied by a corresponding transfer of allowances both within and across Member State borders during a trading period. It is also relevant in this context that the annual allocation of allowances with respect to an installation can only be made to a holder of a greenhouse gas emissions permit relating to that installation.

The Directive makes the operator of an installation accountable only for direct emissions released on-site. Activities of operators to indirectly reduce greenhouse gas emissions do not fall under the scope of the Directive. Therefore, if iron and steel groups recover blast-furnace gases in order to sell them to operators of combustion installations, the gases are not emitted into the atmosphere at the site of those iron and steel companies. If the gases later give rise to emissions from installations belonging to the electricity sector, they will have to be taken into account there.

Emissions allowance trading is an instrument used to contribute to the implementation of the targets accepted by the Community and its Member States under the Kyoto Protocol. The Community and the Member States ratified the Kyoto Protocol in the knowledge that addressing climate change in this way would involve certain costs at least in the short term. It is true that the United States as an important trading partner has decided not to ratify the Kyoto Protocol, and that developing countries have no emission limitation commitments under the Protocol. At the same time, other important trading partners of the Union have undertaken emission limitation obligations under the Kyoto protocol, including for example all the Accession Countries, Canada, Japan and Switzerland. These countries will hence equally incur costs for meeting their Kyoto targets.

The Community emissions trading scheme is expected to reduce the costs for the Union economy of implementing the obligations under the Kyoto Protocol by ensuring that emission reductions are achieved where they are cheapest. On 23 July, the Commission presented to the Council and the Parliament a proposal to allow credits from the project mechanisms under the Kyoto Protocol (Joint Implementation, Clean Development Mechanisms) to be converted into allowances under the Community scheme which will lead to further significant cost savings. This proposal again underlines the Commission's commitment to the most cost-effective implementation of the Kyoto Protocol.

(2004/C 58 E/139) **WRITTEN QUESTION E-2023/03**

by Herbert Bösch (PSE) to the Commission

(17 June 2003)

Subject: Commercial relations between the Commission and GIM

In her Written Question E-4099/97 [1], Mrs Winifred Ewing asked the Commission in early 1998 for information about its commercial relations with Geographic Information Management (GIM), a company with offices in Belgium and Luxembourg. In that Question, Mrs Ewing drew the Commission's attention to the fact that 99 % of GIM Belgium's shares were owned by GIM Luxembourg and that 75 % of GIM Luxembourg's shares were owned by a company named Kival Consultants, located in the Bahamas.

Under Bahamian law, it is impossible to verify the shareholdership of the company and identify the major shareholders.

Nevertheless, it is clear that the Commission has maintained its commercial relations with GIM.

Can the Commission indicate how many contracts it has awarded to GIM since 1998, the total value of those contracts and the procedures in accordance with which the contracts were awarded?

Can it indicate whether GIM has carried out work on behalf of Eurostat?

Can it indicate whether it now knows the names of the owners hiding behind Kival Consultants?

Does the Commission still maintain, as it did when Mr Liikanen answered Mrs Ewing's Question in 1988, that companies which conceal details of ownership may not be excluded from the award of contracts, since application of that criterion would be deemed to constitute discrimination?

(1) OJ C 196, 22.6.1998, p. 77.

Answer given by Mr Solbes Mira on behalf of the Commission

(1 October 2003)

Twelve public contracts have been awarded to Geographic Information Management (GIM) since 1998 for commitments totalling EUR 1 028 693,40. Ten out of the twelve were awarded by invitation to tender using an open procedure; two were awarded using a restricted procedure involving a call for expressions of interest. Work was carried out on behalf of Eurostat under eleven of these twelve contracts.

The Environment DG has also concluded an additional contract, awarded by restricted procedure, for EUR 35 000 and has paid EUR 199,08 under a contract with an expert connected to GIM.

Since 1997, the Regional Policy DG has concluded four contracts with GIM for a total of EUR 507 410. These contracts — for services in the field of transport statistics — were awarded following an invitation to tender using an open procedure. All these contracts have expired. Since 2002, Eurostat has taken charge of the entire management of the contracts (commitments and payments) via a sub-delegation assigned to it by the Regional Policy DG in December 2001. The last two payments on the last of the four contracts were therefore made by Eurostat.

The Information Society DG has also concluded eighteen contracts with the company in question since 1998 for a total of EUR 219 877,47. Fifteen of these were 'Task Contract Letters' — in other words, small service contracts with a value of less than EUR 5 000 for assistance and expertise in connection with evaluating proposals or reviewing projects. These contracts involved just a few days' work. Companies are entered on a list of potential contractors following a call for expressions of interest and project leaders choose experts from companies on the list on the basis of their competence and technical know-how. The other three contracts are for projects — two for the eContent programme and its predecessor INFO 2000 and one for the Information Society Technologies programme under the fifth framework programme for research and technological development. GIM was one of the project partners in these three cases. The projects were selected following a call for proposals published in the Official Journal. Selection was by a Commission decision, after consultation of external evaluators and the programme committee.

The Commission does not know the names of the owners of Kival Consultants. Companies that do not supply details of ownership may not be excluded from the award of contracts for that reason alone. Pursuant to Article 94a) of the new Financial Regulation, which entered into force on 1 January 2003, there should be evidence of a conflict of interests before exclusion can be considered. As from that date, Eurostat has required bidders, as part of the tender documentation, to sign a declaration to the effect that they are not in a situation of conflict of interests.

OLAF has opened an investigation regarding GIM, which is still under way.

(2004/C 58 E/140)

WRITTEN QUESTION E-2027/03

by Erik Meijer (GUE/NGL) to the Commission

(18 June 2003)

Subject: Exemptions to avoid the hazardous storage of radioactive waste in porous ground with no possibility of cooling or retrieval

1. Is the Commission planning to issue a directive requiring all present and future EU Member States to store underground as from 2018 all the radioactive waste so far produced?

2. Is the Commission aware that there are major differences in the subsoil of EU Member States, which ranges from hard volcanic rock and flexible salt strata through porous limestone and clay to loose coarse-grained sediment (sand) and material from dead plants and trees built up over the centuries (peat), which means that the options for storing waste underground also vary significantly?

3. What view does the Commission take of the opinion of experts that the waste should always be kept cool and that it should be retrievable at any time, if it emerges that this is necessary or that underground storage can have unexpected negative effects on groundwater, the usability of the ground above storage sites, soil temperature, etc?

4. Is the Commission taking account the fact that much of the substratum in the Netherlands consists of sand saturated with water, clay and peat and that following discussions during the 1980s the underground storage option was ruled out, not least because of the nature of the subsoil?

5. Is the Commission aware that in the Netherlands EUR 110 million has been spent since 1993 on storing all the radioactive waste from nuclear power stations, industry, hospitals and research institutes for at least one hundred years at Borsele in COVRA, a concrete bunker to be completed by the end of 2003 with very thick walls capable of withstanding flooding and aircraft crashes, and that the first consignments have now been transported to the site amid considerable public controversy?

6. What exemptions can the Commission offer the Netherlands — and other Member States that find themselves in a similar position — from its planned underground storage requirements?

Answer given by Mrs de Palacio on behalf of the Commission

(17 July 2003)

1. The Commission has adopted a proposal for a Council Directive on the management of spent nuclear fuel and radioactive waste [1]. The aim of this Directive is to establish long-term management programmes for this material oriented towards disposal whenever possible. Where there is no suitable alternative to disposal the Directive would require geological disposal sites to be available by 2018 for the disposal, of the most hazardous categories of radioactive waste. Waste management programmes may, under very strict conditions, include shipments of waste to another Member State or third country in full compliance with existing norms and in agreement with the receiving State. This could facilitate the development of common disposal facilities through co-operation between different States.

2. The PAGIS [2] study conducted within the Community Research Framework Programme showed the widespread availability of suitable host rock formations throughout the Union. These are specifically clay, salt and crystalline rock strata or deposits.

3. Heat generation is an important characteristic of high-level waste and this must be taken into consideration in the design and operation of disposal systems, especially as regards maximum permissible generation rates commensurate with adequate safety and negligible impact on host rock characteristics.

Major research projects are currently underway to assess these impacts. Retrievability of the waste is a natural result of the 'concentrate and contain' strategy employed in radioactive waste management. What is crucial is that any measures to enhance retrievability do not compromise overall safety.

4. The Commission places the highest priority on safety, and disposal is the only option capable of guaranteeing long-term safety and protection of the environment. Individual differences between Member States were not specifically addressed in the current proposals, but the Commission considers there is adequate flexibility in its measures to allow all Member States to find appropriate solutions. With regards to the Dutch sub-soil, the PAGIS study mentioned above indicated the existence of suitable salt deposits.

5. Yes.

6. The Commission considers that the current proposals already offer significant flexibility to allow for differences between Member States. The Commission has made it clear that it is ready to continue the discussions on its proposals with the Member States in the Council to see if such flexibility might be further enhanced.

(1) COM(2003) 32 final.
(2) Performance assessment of geological isolation systems.

(2004/C 58 E/141)

WRITTEN QUESTION E-2036/03

by Chris Davies (ELDR) to the Commission

(18 June 2003)

Subject: Treaty on Austrian accession to the EU

According to the Austrian Embassy, under the 1995 Treaty on Austrian accession to the EU Austria received two guarantees from the Commission:

1. in order to improve air pollution, emissions would be reduced permanently by 60 %, and

2. a European framework guaranteeing a sustainable transport policy governing traffic for all of Europe would be in place by the time that the agreement expired.

When does the Commission intend to put forward proposals for such legislation?

Answer given by Mrs de Palacio on behalf of the Commission

(16 July 2003)

When Austria joined the Union, the Council asked the Commission to propose the adoption of a framework aimed at resolving the environmental problems caused by heavy good vehicles (see Declaration 34 annexed to the Adhesion Act of Austria).

With a view to implementing this framework, the Commission presented a working document (1) and proposals, inter alia, in the area of road charging and railway policy.

As far as road charging is concerned, a proposal for a Directive on the charging of heavy goods vehicles for the use of certain infrastructures (2) was put forward, which became the so-called 'Eurovignette-Directive' (3). This proposal contained amongst other things the possibility for Member States to apply higher rates in sensitive areas. This and other novel aspects of the proposal were, however, not adopted by the Community legislator.

As far as railway policy is concerned, the Commission presented in the late 1990s the first railway package, which was adopted in 2001 and presented a second railway package in 2002, which is now being debated in the Council and Parliament.

The Commission has therefore already followed up on the Council's request, mentioned in Declaration 34 annexed to Austria's Adhesion Act, and presented legislation in the relevant areas. Moreover the Commission has presented in December 2001 a proposal for a prolongation of the ecopoints system [4] which is now the subject of the conciliation procedure. Finally the Commission has the intention to present shortly a new sectoral proposal for a Directive on charging for the use of road infrastructure modifying the Eurovignette-Directive.

[1] COM(98) 444 final.
[2] OJ C 59, 26.2.1997.
[3] Directive 1999/62 EC of the Parliament and the Council of 17 June 1999 on the charging of heavy good vehicles for the use of certain infrastructures, OJ L 187, 20.7.1999 replacing Council Directive 93/89/EEC of 25 October 1993, OJ L 279, 12.11.1993.
[4] OJ C 103 E, 30.4.2002.

(2004/C 58 E/142)

WRITTEN QUESTION E-2046/03

by Anne Jensen (ELDR) to the Commission

(19 June 2003)

Subject: German road tax

The German Government has taken a decision to introduce a road tax (HGV toll). The introduction of a unilateral German road tax will place hauliers from a number of European countries in a considerably worse position than their European colleagues. Transit through Germany, for example, is essential for haulage from Denmark and Sweden to the rest of Europe. With the introduction of a unilateral German road tax, therefore, Danish and Swedish hauliers will be competitively worse off.

Does the Commission consider that this unilateral German road tax is consistent with EU competition rules? Will the Commission seek a common European solution rather than accept unilateral national taxation?

Answer given by Mrs de Palacio on behalf of the Commission

(18 July 2003)

Germany has notified to the Commission its intention to introduce a new road toll system for heavy goods vehicles on German motorways. The Commission has written to the German authorities in order to assess the compatibility of the system with Community law, and in particular with Directive 1999/62/EC [1] as regards both the level of tolls and the other relevant aspects of the system. The issue is currently under examination.

In any case the Commission will make sure that Community law is duly respected in the application of all issues related to the new road toll system in Germany.

[1] 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 58 E/143)

WRITTEN QUESTION E-2057/03

by Bartho Pronk (PPE-DE) to the Commission

(20 June 2003)

Subject: One and two eurocent coins

A scientific article which was recently published in the Netherlands [1] used Cramer's algorithm to demonstrate that a set of euro coins which did not include one and two cent coins was much more efficient for cash payment transactions than the current set of euro coins. According to the article, an efficient system for cash payment transactions is in the interests of consumers, shops, banks, industry and the Central Banks.

1. Does the Commission agree with the conclusion drawn in that article that a set of euro coins which did not include one and two cent coins would be much more efficient for cash payment transactions than the current set of coins? If not, what arguments can it use to defend its position, preferably by means of an econometric model as well?

2. In its answer to Written Question E-2574/02 [2], the Commission states that 'the role of the one and two cent coins will essentially be determined by the behaviour of the European citizens'. How does the Commission measure that behaviour? Have any findings been published, in Finland or in other countries in the eurozone? When assessments are being made, is account taken of scientific conclusions such as those drawn in the article referred to above?

[1] Economische Statistische Berichten, 30 May 2003, No 4404, p. 248.
[2] OJ C 161 E, 10.7.2003, p. 27.

Answer given by Mr Solbes Mira on behalf of the Commission

(25 July 2003)

The denominations of the euro coins were laid down by Member States in Council Regulation (EC) No 975/98 of 3 May 1998 on denominations and technical specifications of euro coins intended for circulation [1] and necessarily represent a compromise between the mix of denominations used previously.

The article that the Honourable Member refers to argues on the basis of the 'least-effort-principle' meaning that a set of denominations is the more efficient the less banknotes and coins have to be used for a cash payment. The study takes both the original payment and the change rendered into account.

The authors of the article themselves rightly raise the question whether the advantage of abolishing the 1 and 2-cent coins outweighs the risk of price increases through the rounding of prices. Alternatively, if the amount to be paid were rounded to the nearest 5 cents, as is the case in Finland, the efficiency gain of the payment operation has to be compared with the need to carry out an additional rounding operation before the payment is settled.

While articles such as the one mentioned above provide useful insights, the results are inevitably conditioned by the definitions and underlying assumptions being used and notably the way in which 'efficiency' is being measured. In addition, account should be taken of behavioural elements. For example shopkeepers could decide on their own initiative to adjust their prices to the nearest 5 cent in order to avoid payments including euro cents, if both their customers and themselves believe to gain from this.

As coin issuance is a demand-driven process, the evolution of the 1 and 2-cent coins in circulation gives an indication of the population's need for these coins. The year on year growth rate of the 1 and 2-cent coins amounted to 42 % and 32 % respectively in May 2003, while the average growth rate across all coin denominations comes to 23,5 %. The relative significance of the 1 and 2- cent coins is, therefore, apparently increasing.

[1] OJ L 139, 11.5.1998.

(2004/C 58 E/144) **WRITTEN QUESTION E-2062/03**

by Mihail Papayannakis (GUE/NGL) to the Commission

(20 June 2003)

Subject: Leakage of clophen at the Ministry of Economic Affairs

Further to my Written Question QE-2025/03 [1], I should like to inform you that a letter, dated 13 August 1996, sent to the Director-General of the Ministry of Economic Affairs by the company charged with the maintenance of transformers stated that 'a leakage of oil was found in both transformers from various points, and it is likely that these leakages will increase at some point'.

This issue acquires increased importance in the light of the study by the University of Crete which shows clearly that pollution levels in the building in question, especially in the basement, have reached very high levels.

Given that in Greece the necessary haematological examinations may only take place in a special research centre and only after referral, is the Commission examining the possibility of setting up and sending a special scientific team to examine pollution levels in the rooms of the building (atmosphere and objects) and the effect on officials? Does the Commission intend to accelerate the procedures so that Greece complies immediately with Directive 78/319/EEC [2] on toxic and dangerous waste and Directive 96/59/EC [3]?

[1] OJ C 51 E, 26.2.2004, p. 182.
[2] OJ L 84, 31.3.1978, p. 43.
[3] OJ L 243, 24.9.1996, p. 31.

Answer given by Mrs Wallström on behalf of the Commission

(25 July 2003)

Within the framework of environmental law, the Commission has no general competence to conduct inspections. The Commission can only make use of the inspection procedure in specific infringement cases which relate to compliance with judgements of the European Court of Justice. Consequently, a special scientific team will not be sent.

Regarding compliance with Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT) [1], the Court recently declared that Greece had failed to fulfil its obligations under Articles 4(1) and 11 of the Directive [2]. The infringement concerns the failure to draw up summaries of inventories of equipment with PCB volumes of more than five cubic decimeter (dm^3), plans for the decontamination and/or disposal of inventoried equipment and the PCBs contained therein, and outlines for the collection and subsequent disposal of equipment which is not subject to inventory.

Council Directive 78/319/EEC of 20 March 1978, on toxic and dangerous waste [3], was repealed by Council Directive 91/689/EEC of 12 December 1991 on hazardous waste [4]. Concerning the implementation of Directive 91/689/EEC, the Court declared that, by failing to send to the Commission all the information required under Article 8(3), Greece had not fulfilled its obligations under the Directive [5].

If Greece does not take the necessary measures to comply with the Court's judgements, the Commission will not hesitate to open infringement procedures under Article 228 of the EC Treaty.

In addition, it must be stressed that Greece has been referred to the Court of Justice (case C-163/03) over its failure to put in place an adequate plan for the management of hazardous waste in the region of Thriassio Pedio (prefecture of Attiki). The referral also relates to its failure to avoid the pollution of groundwater by hazardous waste.

[1] OJ L 243, 24.9.1996.
[2] ECJ judgement of 5 June 2003, case C-83/02, not yet published.
[3] OJ L 84, 31.3.1978.
[4] OJ L 377, 31.12.1991.
[5] ECJ judgement of 13 June 2002, case C-33/01, European Court reports 2002, p. 5 447.

(2004/C 58 E/145) **WRITTEN QUESTION E-2074/03**

by Robert Evans (PSE) to the Commission

(24 June 2003)

Subject: Trafficking in human beings and EU policy

Is the Commission aware of Anti-Slavery International's campaign which urges governments to put the protection of the trafficked person at the centre of counter trafficking policies, for which over 11 000 people have pledged their support?

Ministers from nine South Eastern European countries signed up to a 'Statement on Commitments to Legalise the Status of Trafficked Persons' on 11 December 2002. These governments agreed to: improve identification of trafficked persons; refrain from immediately expelling possible victims of trafficking; entitle possible victims of trafficking to remain on the state's territory and to grant them a recuperation period of up to 3 months; refer possible victims of trafficking to shelters, providing them with social assistance, health care, counselling and legal advice.

1. What has the Commission done to put the protection of trafficked people at the centre of European Union counter trafficking policy?

2. Why is the EU not signed up to a binding set of minimum standards for the protection and support of victims of trafficking which is at least equal to those made by the nine South Eastern European countries in the Statement on Commitments to Legalise the Status of Trafficked Persons December 2002?

3. Is the Commission aware of Anti-Slavery International's report Human Traffic, Human Rights: Redefining victim protection, 2002, and if so what conclusions has it drawn from this research?

Answer given by Mr Vitorino on behalf of the Commission

(23 July 2003)

The Commission has been actively engaged since 1996 in developing a comprehensive and multi-disciplinary approach towards the prevention of and fight against trafficking in human beings. The issue was addressed in the Commission Communication of 20 November 1996 on trafficking in women for the purpose of sexual exploitation [1] and again in Commission Communication of 9 December 1998 proposing further action in the fight against trafficking in women [2]. This 1998 communication announced that a proposal would be presented for legislation on temporary residence permits for victims prepared to give evidence.

This proposal was prepared on the basis of a thorough examination of the legislation and practice of the Member States, the replies to a questionnaire which the Commission sent to the Member States in spring 2000 and the consultations in the European Forum for the Prevention of Organised Crime. It introduces a residence permit for the victims of action to facilitate illegal immigration and trafficking in human beings, subject to conditions designed to encourage them to co-operate with the competent authorities against those suspected of committing the crimes in question. Under these rules and amongst other provisions, victims would be granted a 30-day reflection period in which to decide whether or not to co-operate with the police and judicial authorities. During this reflection period, the Member State would allow them to receive aid according to their needs (housing, medical and psychological care, social assistance if necessary).

The proposal was adopted by the Commission on 11 February 2002 [3]. The European Economic and Social Committee issued its opinion on 28 May 2002, the Parliament adopted its opinion in plenary on 5 December 2002. The Italian Council Presidency has announced that negotiations shall be resumed on this proposal as soon as possible.

Furthermore, in the area of Community legislation the Commission's Communication of 21 December 2000 on combating trafficking in human beings and combating the sexual exploitation of children and child pornography [4] paved the way to the Framework Decision of 19 July 2002 on combating trafficking in human beings [5]. This Decision includes a provision on protection of and assistance to victims.

Since 1996 projects aimed at preventing and combating trafficking in human beings are financially supported through Union programmes like STOP, STOP II, AGIS and Daphne. Many of these projects focus on the protection of trafficked victims like Anti-Slavery International's study and report 'Human Traffic, Human Rights: Redefining victim protection', which received financial assistance from the STOP II Programme. Members of the Commission, on 24 October 2002, attended the public launch of the project's findings. The Commission will take the outcome of the project into due consideration with a view to developing further measures in the fight against human trafficking.

In 2001, the Commission initiated the Union Forum for the Prevention of Organised Crime. In the framework of the Forum a number of workshop meetings on trafficking in human beings took place and involved participants from public agencies as well as from international, inter-governmental or non-governmental organisations. The Commission invited Anti-Slavery International to present the findings of the study in the meeting of 15 November 2002. Further to that presentation, participants discussed and underlined the necessity of a human rights based approach for the protection of and the assistance to trafficked victims. The last workshop meeting on 30 June 2003 focused on co-operation between law enforcement agencies and non-governmental organisations or other parts of civil society providing specialised services and support for victims.

In September 2002 the European Conference on Preventing and Combating Trafficking in Human Beings — Global Challenge for the 21st Century — brought together Member States, Candidate Countries, third countries, international, inter-governmental and non-governmental organisations and the institutions of the European Union. The Conference was initiated by the Commission under the STOP II Programme and organised by the International Organisation for Migration in close co-operation with the Parliament and the Commission. The major outcome of the Conference is the Brussels Declaration, which aims at further developing European and international co-operation, concrete measures, standards, best practices and mechanisms to prevent and combat trafficking in human beings. A number of recommendations set out in the annex to the Brussels Declaration underline the importance of a human rights based approach. The Declaration explicitly addresses the issue of victim protection and assistance.

The Commission informed the Council of the European Union of the Brussels Declaration and on 8 May 2003 the Justice and Home Affairs Council adopted Conclusions taking note of the document and agreeing to examine appropriate proposals to implement specific items contained in it.

On 25 March 2003, the Commission decided to set up an experts group on trafficking in human beings, which shall assist the Commission with a view to launching further concrete proposals at European level. The group will also address the protection of victims taking their human rights into due consideration and paying attention to recent findings concerning this subject.

The Commission will continue to use the Council working structures, the Experts Group on Trafficking in Human Beings, the Union Forum for the Prevention of Organised Crime as well as programmes like AGIS and Daphne to further improve the protection of victims of trafficking in human beings.

(1) COM(96) 567 final.
(2) COM(98) 726 final.
(3) OJ C 126 E, 28.5.2002.
(4) COM(2000) 854 final.
(5) OJ L 203, 1.8.2002.

(2004/C 58 E/146) **WRITTEN QUESTION E-2090/03**

by Bert Doorn (PPE-DE) to the Commission

(24 June 2003)

Subject: Protection of the domestic postal market by the French authorities against foreign service providers

A number of court cases and inquiries are under way in France against TNT Jet Services, an express mail delivery service and subsidiary of the Dutch TPG mail delivery service, which, it is alleged, has been evading labour law provisions by using subcontractors. Other service providers in the postal sector, such as the UK's Royal Mail, are also being prosecuted.

Undertakings belonging to La Poste, the French Post Office group of companies, such as Chronopost, also use subcontractors. However, there is nothing to show that any inquiries are being conducted into their activities. I have actually seen a letter in which Chronopost received an assurance from the French Labour Inspectorate that its practices involving subcontractors would not be investigated.

In my view, all this goes to prove that the French authorities are pursuing a policy which seeks to protect the French domestic market against foreign competition and which actually results in its being so protected. The Competition DG is aware of this matter and has agreed to initiate an inquiry into the competition law aspects thereof. The conduct of the French authorities is also hampering the liberalisation of express mail services on the internal market.

Is the Commission aware of the recent inquiries and court cases that the French authorities have initiated against TNT Jet Services and other express mail undertakings?

What is the Commission planning to do to combat the unequal application of the law in the postal sector in France?

Will the Commission ensure that the liberalisation of express mail services is applied uniformly in the internal market?

Answer given by Mr Monti on behalf of the Commission

(14 August 2003)

The Commission is aware of the fact that a number of court cases and inquiries are under way in France against TNT Jet Services and other express mail service providers for evading labour law provisions by using subcontractors. A complaint has been filed with the Commission in that respect which alleges a discriminatory application by the French Authorities of the national rules, notably labour law rules, on the use of subcontractors.

The Commission is at present analysing this complaint in order to verify whether there is effectively a problem of discrimination and whether there is scope for intervention in application of the European law.

The Commission has already sent a letter to the French State communicating that it is looking at the above mentioned complaint and asking which is its position vis-a-vis the circumstances mentioned in it.

On the basis of the position of the French State and of the further evidences that the complainant will be able to produce, the Commission will decide whether there is scope for its intervention on the matter at issue.

As finally regards your concerns about an uniform enforcement of the liberalisation of express mail services, the recent record of Commission's decisions and initiatives regarding the application of competition rules in the postal sector constitutes a strong evidence of its commitment in this respect.

(2004/C 58 E/147) **WRITTEN QUESTION E-2096/03**

by Jean Lambert (Verts/ALE) to the Commission

(25 June 2003)

Subject: Construction of high voltage power station by the Greek PPC in the Argyroupolis — Ilioupolis area

The planning and construction of a high voltage power station (HVPS) by the Greek PPC was approved in accordance with Article 24 of the Greek law L. 2516/1997 in an area that belongs to the B protection zone of mount Imittos. The stipulations of this article were judged non valid by the High Administrative Court, due to infringement of the article 24 of the Greek Constitution referring to protection of the environment. Objections (referring to the construction licence and the environmental impact assessment study) were submitted by the mayor of the city of Argyroupolis and a few citizens to the High Administrative Court against the construction of the HVPS, but the trial has been postponed three times (1 November 2002, 7 February 2003 and 9 May 2003). Three public schools are situated less than 50 metres from the area where the HVPS will be constructed.

Although the construction of the HVPS violates the Greek Constitution, the Government has adopted a new law L. 2947/2002 for Olympic works, which includes the construction of the HVPS. Referring to this law, the Minister of Public Works issued another construction licence, No 59365/25.7.2002. The PPC and the Government never examined alternative solutions, contrary to the provisions of Greek Law.

Furthermore, the Government has refused to give access to interested parties to the new construction plans, and policemen present in the neighbourhood since the beginning of May 2003 have refused access to the wider area to the general public.

Do the present works on the HVPS by the PPC in Argyroupolis-Ilioupolis comply with Directive 97/11/EC [1] on the assessment of the effects of certain public and private projects on the environment?

Under which authorised planning and construction licence are the works on the HVPS being continued?

[1] OJ L 73, 14.3.1997, p. 5.

Answer given by Mrs Wallström on behalf of the Commission

(28 July 2003)

A complaint concerning the plan to build a power station with high-voltage overhead transmission lines in the Argyroupolis-Ilioupolis area has already been registered under the reference number 2002/5430.

A letter has been sent to the Greek authorities requesting information on compliance with the provisions of Directive 85/337/EEC [1], as amended by Directive 97/11/EC [2], and the measures taken to meet the requirements of Directive 92/43/EEC [3].

Once it has received a formal reply from the Greek authorities, the Commission will examine the information provided to check for any incompatibility with the Community provisions in force, and will then take appropriate action. However, the Commission does not have the power to give a decision on possible breaches of Greek law, such as failure to comply with Article 24 of the Greek Constitution.

[1] Council Directive 85/337/EEC of 27 June 1985 on the assessment of certain public and private projects on the environment, OJ L 175, 5.7.1985.
[2] Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC of 27 June 1985 on the assessment of certain public and private projects on the environment, OJ L 73, 14.3.1997.
[3] 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.

(2004/C 58 E/148) **WRITTEN QUESTION P-2109/03**

by Sebastiano Musumeci (UEN) to the Commission

(19 June 2003)

Subject: Illegal immigration

Boatloads of illegal immigrants are continuing to land on the southern coasts of Italy. Although the Italian government's efforts to tackle this issue reduced the numbers by more than 15 thousand last year, Italy cannot solve this complex problem alone.

Does the Commission not consider that it should apply the principle of financial burden-sharing between Member States and try to ensure that future cooperation agreements with States from which illegal immigrants come are no longer signed by individual countries but by the EU, in line with the proposal put forward in 1995?

Answer given by Mr Vitorino on behalf of the Commission

(30 July 2003)

The Commission, in its Communication adopted on 3 June 2003 [1], pays particular attention to the principle of burden sharing and to the more efficient management of the external borders of the Union. The Commission proposes to make use of the margin available from 2004-2006 (heading 3 of the financial perspectives) to make available EUR 80 million that would represent a first effort of solidarity in

the field of external borders and that would also cover the initial investment required for the development of a visa information system. The Commission indicates, at the same time, that an amount of EUR 140 million would probably be more adequate based on reasonable estimates that would also take into account an integrated return programme. In this respect the recent European Council in Thessaloniki supported this approach inviting the Commission to pursue this line.

The Commission considers that co-operation with third counties in the area of migration will require increased attention in the coming years and has presented its approach in the Communication on integrating migration issues in the Union's relations with third countries that was presented on 3 December 2002. Besides intensifying the dialogue with the main countries of origin and transit, concrete co-operation to prevent and combat illegal migration will be required. The proposal for a Regulation establishing a programme for financial and technical assistance to third countries in the area of migration that was published on 11 June 2003 [2] and sent to the Council and the Parliament aims to provide the financial means for such co-operation. Once this Regulation will be adopted, the Community will dispose of a specific financial instrument to assist third countries in their efforts in better managing migratory flows in all their dimensions. This Community program will finance actions which join in a coherent way national and other bilateral or regional Community co-operation and is intended in particular for third countries actively engaged in the preparation or implementation of a readmission agreement initialled, signed or concluded with the Community.

The Readmission Agreements concluded with third countries are an essential complement to the adoption of effective laws and efficient practices for the expulsion and return of illegal immigrants. The 1999 Tampere European Council confirmed that the Amsterdam Treaty conferred powers on the Community in the field of readmission (cf. Article 63(3)(b) of the EC Treaty). The Council was, therefore, invited to conclude readmission agreements or to include readmission standard clauses in other agreements between the Community and relevant third countries or groups of countries. So far the Community has signed a readmission agreement with Hong Kong in November 2002 which is expected to enter into force in the second half of 2003. Two other Agreements with Sri Lanka and Macao have been initialled in May 2002 and October 2002 respectively. In addition, the Council also authorised the Commission to negotiate Community readmission agreements with Morocco, Russia, Pakistan (September 2000), Ukraine (June 2002), Albania, Algeria, China and Turkey (November 2002).

[1] 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.

[2] COM(2003) 355 final.

(2004/C 58 E/149) **WRITTEN QUESTION E-2115/03**

by Ilda Figueiredo (GUE/NGL) to the Commission

(25 June 2003)

Subject: Rights of tenant farmers

In order to be eligible for early retirement, farmers in Portugal must ensure that their farm is transferred to another farmer, designated the transferee, who meets the conditions laid down in the regulation approved by decree No 99/2001 of 16 January 2001.

Tenant farmers, however, are required to cancel the rural lease contract in addition to the above obligation, which prevents the farm from being transferred to their children.

This situation is extremely unfair to these farmers, who are discriminated against by comparison with farmers who own the land they work and may transfer their farm to their children.

Can the Commission say whether the rural development regulation, or any other Community regulation, prevents tenant farmers from transferring the land lease contract to their children, so that the parents can be eligible for early retirement?

Answer given by Mr Fischler on behalf of the Commission

(1 August 2003)

Article 11 of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations [1] provides that, to be eligible for early retirement, the transferor of a farm must stop all commercial farming activity completely. The transferee of the farm must succeed the transferor as the head of the agricultural holding or take over all or part of the land released.

The procedure for transferring rural tenancies is the responsibility of the Member States and is not governed by the rural development Regulation nor by any other Community Regulation.

It is true that the national legislation to which the Honourable Member refers (Portaria No 99/2001 of 16 January 2001) requires the rural lease to be cancelled, but it gives the owner of the land the option of signing a new lease with the original tenant's descendants.

[1] OJ L 160, 26.6.1999.

(2004/C 58 E/150) **WRITTEN QUESTION E-2128/03**

by Bart Staes (Verts/ALE) to the Commission

(25 June 2003)

Subject: Beverage which reduces blood alcohol levels — BOB information campaigns

In its communication IP/02/1762, the Commission states that it is spending EUR 1,1 million on campaigns against drinking and driving in seven EU Member States. It acknowledges that, of the 40 000 people killed on Europe's roads each year, one third are victims of drinking and driving. In order to do something about this, the Commission is subsidising the 'Euro-BOB' campaign in a number of EU Member States.

A beverage has recently come onto the market which is called Outox, produced by Lifestyle Drinks NV, and which, it is claimed, can very quickly reduce the level of alcohol in the blood and will also render the next day's hangover less severe. The impression is given, at the very least, that drivers can drink alcohol to excess and yet, after drinking Outox, again become 'sober' enough to drive a vehicle. Flemish researchers consider it very doubtful that Outox can have this effect.

Is the Commission aware of the existence of Outox, and has it had any checks carried out as to whether this beverage really does reduce blood alcohol levels?

In the light of the BOB campaigns, does the Commission consider it appropriate to place beverages on the market which reduce blood alcohol levels? If not, what will it do to protect consumers/drivers?

Are the BOB campaigns in various Member States having the desired effect of reducing the number of people killed or injured on the roads specifically as a result of alcohol consumption?

What additional efforts will the Commission make to further reduce the number of people killed or injured on the roads due to excessive consumption of alcohol?

Answer given by Ms de Palacio on behalf of the Commission

(9 September 2003)

The Commission does not have any information on the drink mentioned by the Honourable Member. In any event, it is the responsibility of the Member State in which the product is being advertised to check the accuracy of the information provided by the supplier. This is especially important in this case, as alcohol-related road accidents are a serious public health problem requiring special attention from the authorities because of the suffering they cause.

On 27 May 2003 the Commission held a seminar to assess the effectiveness of the 'Designated driver' campaigns, such as the BOB campaign in Belgium. Summaries of the presentations made at the seminar can be found at (http://europa.eu.int/comm/transport/road/roadsafety/behaviour/alcohol/conf_designated_drivers_en.htm).

In order to work, the campaigns must be supported by the police and promoted by players on the ground such as bars, petrol stations, etc. There can be a sharp drop in the number of alcohol-related accidents during this type of campaign.

The number of accidents caused by excessive alcohol consumption is falling in the EU. In order to reduce the figure further, and in line with its recommendation of 17 January 2001 on the maximum permitted blood alcohol content for drivers of motorised vehicles, the Commission has taken action on several fronts: increasing and improving roadside checks, driver training, research (for example into the use of immobilisers where a driver's BAC level is too high), the rehabilitation of habitual offenders and support for awareness-raising campaigns.

(2004/C 58 E/151) **WRITTEN QUESTION E-2132/03**

by Christopher Huhne (ELDR) to the Commission

(26 June 2003)

Subject: Industrial crops

1. Will the Commission reconsider its proposal to disallow the growing of industrial and energy crops on set-aside land?

2. Will it detail new techniques which would enable it to be reassured that land so used cannot be brought into the production of food enjoying any CAP subsidy?

3. Does the Commission agree that the decoupling of production and income support should in principle remove the need for any restrictions on the use of land such as set-aside?

Answer given by Mr Fischler on behalf of the Commission

(4 August 2003)

During the debates on these questions, the Member of the Commission responsible for Agriculture and Fisheries indicated to the Council on Agriculture and Fisheries of 8 April 2003 the Commission's willingness to examine the possibility to return to rotational set-aside and growing crops intended for non-food use insofar as control problems are settled. The final political compromise adopted by the Council on 26 June 2003 confirms the continuation of the non-food set-aside system, as a consequence the growing of industrial and energy crops in set-aside land will be possible.

The set-aside land used for industrial and energy crops will continue to receive the Common Agricultural Policy (CAP) subsidy. The current controls applied on the non-food set-aside system avoid, in the Commission's opinion, the risk of fraud. The Commission does, however, intend to simplify the current control system when implementing the reform.

The set-aside was created as a market regulation instrument, therefore the production of renewable raw materials is not its principal aim. The decoupling of production and income support does not change with respect to this first objective. Any restrictions on the use of set-aside land will continue to apply.

(2004/C 58 E/152)

WRITTEN QUESTION P-2135/03

by Rosemarie Müller (PSE) to the Commission

(19 June 2003)

Subject: Compulsory insurance against damage caused by natural forces

Experience gained following the flood disaster in summer 2002 has highlighted a dilemma concerning insurance against damage caused by natural forces. On the one hand, in the light of the increasing number of natural disasters hard-nosed private insurance companies are deliberately withdrawing cover against damage caused by natural forces, such as storms and flooding; on the other, emergency aid and private donations are reducing the incentive to minimise the risk of damage by taking protective measures.

Over-estimates of the scale of the damage in the immediate wake of a natural disaster merely add to this dilemma. Unnecessarily high volumes of private donations and ad hoc state aid measures out of all proportion to real needs are the results. The consequent loss of private purchasing power and state investment resources causes excessive damage to the economy and diminishes the credibility of economic policy.

In its weekly report No 12/2003 the German Institute for Economic Research in Berlin suggests that the problems outlined above could largely be solved by means of the imposition of a general requirement to take out insurance against damage caused by natural forces.

Workable insurance of this kind might be based on the following provisions:

— Firstly, all significant forms of damage caused by natural forces (storms, flooding, earthquakes, etc.) should be jointly insured. This arrangement would ensure risk diversification and make for the widest possible range of at-risk clients, thereby increasing the level of acceptance of this new form of insurance.

— Secondly, in the case of flooding, only exceptional damage should be covered. In areas not generally at risk, almost every flood would thus be exceptional. In at-risk areas, however, damage caused by regular flooding would not be covered, since in such areas self-protection makes more sense.

Does the Commission regard this outline proposal for compulsory, Europe-wide insurance against damage caused by natural forces as workable?

Answer given by Mr Bolkestein on behalf of the Commission

(1 August 2003)

The Commission would refer the Honourable Member to its answer to Written Question E-0114/03 from Mr Walter [1].

Member States are exposed to different levels of risk of natural disasters. Geographical location and demographic or climatic characteristics make some Member States more vulnerable than others to different types of natural disaster (floods, earthquakes, snow avalanches, tidal waves, storms, etc.), with the frequency and intensity of such events also differing. This means that Member States are not all concerned in the same way by the various types of natural disaster and the damage they can cause.

Because of these differences, arrangements for remedying the damage caused by natural disasters are more satisfactory when implemented at national or regional level than at Community level. Member States are in a better position to identify which types of natural disaster affect their own territory and thus to determine their needs and take the appropriate action.

According to the information available to the Commission, most Member States have already taken action, devising mechanisms to compensate for damage caused by natural disasters that vary according to the type of disaster: flood, avalanche, earthquake, storm, etc. In many cases, where risk coverage for natural

disasters is technically possible, the Member States have imposed compulsory insurance cover. However, there are cases in some Member States where the risk is such that it is technically very difficult or even impossible to cover.

Imposition of a compulsory insurance system at European level does not necessarily seem to be the appropriate response, as it would be difficult to tailor it to the specific types of natural disaster to which Member States are exposed. There would also be the problem of the insurability of certain risks.

As indicated in Regulation (EC) No 2012/2002 [2], Community assistance should complement the Member States' own efforts and, in line with the principle of subsidiarity, should be confined to major disasters. This is the background against which Community action should be viewed.

Existing funding mechanisms under the Structural Funds, the Cohesion Fund or the European Agriculture Guidance and Guarantee Fund (EAGGF) — Guarantee Section (in the latter case, under rural development in particular) may provide assistance to help prevent or dmitigate the effects of natural disasters.

One of the measures introduced by the Commission in response to the 2002 floods was the establishment of the European Union Solidarity Fund (EUSF). The EUSF was created to provide immediate financial assistance in the event of a major disaster that would help the people, regions and countries concerned to return as far as possible to normality. Intervention can take place only to help finance arrangements for making good public damage not covered by insurance. The EUSF cannot be utilised to fund long-term preventive measures.

In the context of disasters eligible for EUSF assistance, the funding of preventive measures is permissible only in the case of operations essential for the immediate securing of preventive infrastructures and measures providing immediate protection for the cultural heritage. The existence of the EUSF should not relieve of their responsibility third parties who, under the 'polluter pays' principle, are liable in the first instance for the damage caused by them; nor should it discourage preventive measures at both Member State and Community level. Payments from the Fund are, in principle, limited to financing measures remedying non-insurable damages and will be recovered if a third party subsequently meets the cost of repairing the damage.

[1] OJ C 11 E, 15.1.2004, p. 69.
[2] Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund, OJ L 311, 14.11.2002.

(2004/C 58 E/153) **WRITTEN QUESTION P-2136/03**

by Francesco Speroni (NI) to the Commission

(19 June 2003)

Subject: Improper use of a geographical term in a foodstuff's name

The Lazzaroni firm, the producers of Amaretti di Saronno biscuits, which bear the distinctive name of the Lombardy town where they were first made, is about to transfer production operations to the Isola del Gran Sasso plant, which is some six hundred kilometres away, in another region.

Is the sale of a product bearing an explicit geographical description that is in no way connected to the actual place of production permissible under EU law?

Answer given by Mr Fischler on behalf of the Commission

(31 July 2003)

Amaretti di Saronno biscuits are not protected under Council Regulation (EC) No 2081/92 of 14 July 1992 [1] on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. No certificate has been issued for them under Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs [2] nor is the name protected as a trade mark under Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark [3].

In consequence use of the name is not subject to specific constraints (production zone, production method) under any of these Regulations.

Nonetheless under the provisions of Parliament and Council Directive 2000/13/EC of 20 March 2000 on approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs [4] the labelling of Amaretti di Saronno biscuits must not be such as could mislead the purchaser as to their origin or provenance. Not only does Article 3(1)(8) of that Directive require the actual provenance of products to appear on their labelling but nothing in the labelling, presentation or advertising of them as indicated in Article 1 may give the impression that the products come from the Saronno area.

The expression Amaretti di Saronno may nevertheless be protected in some way in Italy. To find out if this is so reference would have to be made to Italian law.

(1) Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, OJ L 208, 24.7.1992.
(2) OJ L 208, 24.7.1992.
(3) OJ L 11, 14.1.1994.
(4) OJ L 109, 6.5.2000.

(2004/C 58 E/154) **WRITTEN QUESTION P-2159/03**

by Karin Riis-Jørgensen (ELDR) to the Commission

(25 June 2003)

Subject: Possibility of unfair competition by EU shipyard through forbidden use of shipbuilding subsidies

According to media reports the American cruise company, Carnival Corporation, announced on 29 July 2002 that it had reached an agreement with the Italian shipyard Fincantieri Cantieri Navali for the construction of a new 110 000-ton 'Conquest-class' vessel for its Carnival Cruise Lines unit. The vessel is scheduled for delivery in late fall 2005 at an approximate all-in cost of USD 450-460 million. According to media reports the attractive price offered by Fincantieri played a key role in the decision.

The price for similar vessels previously ordered from Fincantieri has been announced to be around USD 500 million. In comparison the price for the vessel currently under construction is therefore surprisingly low. The time difference between the deliveries of the current vessel and the previous ones is 1-2 years, so the cost development should have added a few percent more to the price of the new vessel. The previous vessels have received a 9 % subvention, and the vessel currently under construction should not — at least according to the rules — receive any subvention. So this means that Fincantieri gets a substantially lower income for the currently announced vessel than from the ones before.

The astonishingly low price of the new vessel raises the questions, how Fincantieri Cantieri Navali can afford to do so, and whether there is a possibility that subventions have been used, most likely indirectly by military orders. Can the European Commission verify that no subventions have been used in this case?

Answer given by Mr Monti on behalf of the Commission

(30 July 2003)

Many elements influence the price of a ship, and shipyards may take into account various aspects such as order situation, relations with important customers, raw material, productivity improvement etc. when setting the price. Moreover, price and financing conditions of individual orders are business secrets. Furthermore, it is difficult for the Commission to comment on a press article.

However, it can be noted that the ship referred to in the question by the Honourable Member appears to be very similar to a ship previously built by the same shipyard for the same owner, which would imply significantly reduced development costs.

Nevertheless, it needs also to be underlined that if a particularly low price of a ship is linked to illegal subsidies, this may create distortions in the internal market. While the elements provided in the referred article are not sufficient to conclude that any irregularities have taken place, the Commission takes careful note of the concerns raised by the Honourable Member. The Commission will continue to keep the Community shipbuilding market under close review.

(2004/C 58 E/155) **WRITTEN QUESTION E-2170/03**

by Monica Frassoni (Verts/ALE), Lucio Manisco (GUE/NGL) and Luigi Vinci (GUE/NGL) to the Commission

(30 June 2003)

Subject: Failure of the Italian government to implement Directive 89/618/Euratom (radiological

Council Directive 89/618/Euratom of 27 November 1989 [1] on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency states the following in its Article 5:

1. Member States shall ensure that the population likely to be affected in the event of a radiological emergency is given information about the health protection measures applicable to it and about the action it should take in the event of such an emergency.

2. The information supplied shall at least include the elements set out in Annex I.

3. This information shall be communicated to the population referred to in paragraph 1 without any request being made.

The Italian government incorporated the directive by means of Legislative Decree No 230 of 17 March 1995, but made its implementation partly conditional on the appearance of further legislation which has not materialised to date.

In practice, no preventive information has been supplied to those likely to be affected in the event of a radiological emergency. This has recently been confirmed by the local representatives of the Italian government in Vercelli.

This failure to provide preventive information is quite unjustifiably increasing the risks attached to such emergencies: the public is not properly prepared and is therefore not in a position to take the appropriate measures.

This failure to act on Italian territory runs counter to the spirit of the intervention plans for nuclear emergencies, as has been made clear following accidents at several nuclear power stations and others occurring with the transport of highly radioactive substances — as with the measures now under way to transfer part of the irradiated nuclear fuel from the Saluggia nuclear storage plant (Vicenza, Italy) to the Sellafield treatment plant in the UK.

The Commission:

1. Is it aware of this serious omission?

2. What action does it intend to take to ensure that Italy implements the legislation on preventive information of the population in good and due form, given that thirteen years have elapsed since the adoption of Directive 89/618?

3. Does it not consider it desirable to call on the Italian government to suspend all new nuclear activities until it has complied with its obligations regarding prevention?

(1) OJ L 357, 7.12.1989, p. 31.

Answer given by Mrs de Palacio on behalf of the Commission

(9 September 2003)

Council Directive 89/618/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency was transposed into Italian law by Chapter 10 ('nuclear emergency situation') of Legislative Decree No 230 of 17 March 1995.

Implementation of the general rules on preventive public information was made conditional upon two decrees being adopted by the Minister for Health (Articles 133 and 134 of the Legislative Decree). The first of these was to set up a standing committee to establish both the contents of the preventive information and how it is to be disseminated, while the second was to designate the authorities responsible inter alia for supplying the information. With more specific regard to the legal framework for emergency planning relating to operations to transport radioactive materials, Article 125 of the Legislative Decree stipulates that a decree is to specify how and when such planning is to operate.

The Commission can assure the Honourable Members that it intends to check with the Italian authorities that the implementing decrees referred to in Articles 125, 133 and 134 have indeed been adopted and what measures have been taken in the particular context of operations to transport radioactive materials.

(2004/C 58 E/156) **WRITTEN QUESTION P-2174/03**

by Françoise Grossetête (PPE-DE) to the Commission

(25 June 2003)

Subject: Measures to combat climate change

In view of the leading role played by the European Union in combating climate change, can the Commission explain the differential between the Community and US appropriations allocated to the programme concerning the use of hydrogen (cf. the Hydrogen Act)?

How does the Commission envisage its approach to this American policy and the problems which may affect competition in the more or less long term?

Answer given by Mr Busquin on behalf of the Commission

(25 July 2003)

The challenge of climate change has many facets, which are addressed through different Community instruments that are part of a common policy. Within the 6th Community Framework Programme for Research, Technology Development and Demonstration (RTD) (2002-2006), a budget of EUR 2 120 million is allocated to research on 'Sustainable development, global change and ecosystems', most of which will

contribute to combating climate change. Within this budget, EUR 810 million will be devoted to 'Sustainable Energy Systems' (SES). Hydrogen and Fuel Cells are two main priorities of SES but energy efficiency, renewable energy sources, alternative motor fuels, carbon dioxide (CO_2) capture and sequestration are other important components of research related to climate change.

In Europe, total public expenditure in the field of hydrogen and fuel cells is estimated at some EUR 150 million per year (Union and Member States). The United States (US) federal budget is about EUR 300 million per year over the next five years subject to Senate approval. A better co-ordination of the European and national programmes in a European Research Area would result in a better cost-benefit impact. The US programme on a Hydrogen Economy draws more on fossil fuels, while research and demonstration activities in the Union emphasise Renewable Energy Sources.

The Commission intends to set up a Technology Platform involving major Union stakeholders in order to maintain a shared long-term vision and to elaborate a Strategic Research Agenda and Deployment Strategy. This mechanism is expected to provide a consistent strategic framework for public/private partnerships and raise overall investments in Europe for both RTD funding and deployment initiatives. At the same time, the US and the Union are discussing the creation of International Partnerships to co-operate in order to accelerate the development of the hydrogen economy.

(2004/C 58 E/157) **WRITTEN QUESTION E-2189/03**

by Cristiana Muscardini (UEN) to the Commission

(2 July 2003)

Subject: Joint immigration management

The plans to set up a European border police force have to date not met with an adequate response. In the mean time illegal immigration, which is increasingly assuming the proportions of a biblical exodus, is continuing to take its tragic course, with the attendant toll of innocent victims and crimes. The hopes of those who flee their countries are being exploited in an ignoble and intolerable way.

1. Does the Commission believe that it should propose to the Council that provision be made for closer cooperation among the Member States, enabling them to lay down common rules to deal with illegal immigration?

2. Does it think that it would be useful for agreements to be negotiated between the Union and the countries from which populations are fleeing, the aim being to draw up economic and humanitarian measures and combat the criminal activities of people smugglers, who almost invariably use means of transport that cannot guarantee the passengers' safety?

3. Will it call on the governments to accelerate the procedures for defining political refugee status and adopting common standards?

4. Can it supply figures on the immigrants whose status has already been or is in the process of being put in order and specify the number of immigrants which each Member State intends to accept every year, on a permanent or temporary basis, to meet the demand for labour?

5. What study opportunities are being offered to young people from the less developed countries, bearing in mind not least Parliament's proposals on aid to help them re-enter the world of work in their countries of origin?

Answer given by Mr Vitorino on behalf of the Commission

(4 September 2003)

1. The Commission underlined in its first communication on a common policy on illegal immigration of November 2001 the importance of close cooperation between Member States, including concrete operational measures in various fields. This line was followed in the two communications dealing with the management of external borders and return of illegal residents that are essential elements of a comprehensive policy approach towards the prevention and fight against illegal immigration. Following these three communications, the Council adopted respective action plans that set out various legislative and operational measures to be taken by the Council and the Commission. A new communication of June 2003 took stock of the implementation of these three action plans and put forward some ideas for improving operational cooperation, complementing it with reinforced financial instruments and new IT systems for ensuring the exchange of information. Among the various measures proposed, the Commission underlined the need to create a Community operational structure for enhancing operational coordination and cooperation for the management of the external borders. The main tasks of this structure would be the planning, support, organisation and monitoring of the operational cooperation, the training of border guards, information gathering and processing, and risk analysis. Other tasks might be performed in the field of return. Moreover, in June 2002 the Council adopted a Community action programme (ARGO) for administrative cooperation in the fields of external borders, visa, asylum and immigration.

2. The Commission is actively working for the most extensive cooperation possible with third countries on migration, in particular in order to combat illegal immigration. As it stated in its communication of December 2002 on 'Integrating migration issues in the European Union's relations with third countries', the approach has to be comprehensive, coherent and integrated; it must address the root causes of migration flows and tackle them through economic, social and humanitarian measures while at the same time promote the development of specific cooperation with third countries in support of their efforts at better management of migratory flows, and in particular to combat illegal immigration. In its December 2002 communication, the Commission highlights a series of measures in favour of third countries that are directly related to the question of migration, are already programmed for 2000-2006 and are to be financed under geographical cooperation and assistance programmes (MEDA, CARDS, TACIS, etc.). It also proposes taking the opportunity offered by the mid-term review of national and regional aid programming strategy documents to examine the need to attach greater priority to migration questions, in particular illegal immigration. And it proposes that budget line B7-667, which has financed measures in preparation for cooperation with third countries on migration, and in particular the fight against illegal immigration since 2001, be substantially reinforced and converted into a financial and technical assistance programme for third countries on migration and asylum. In June 2003 the Commission presented a proposal for a Parliament and Council Regulation establishing the programme of assistance for third countries on migration and asylum. It proposes that the programme be given EUR 250 million for a five-year period (2004-2008) and converted into a specific complementary instrument that would, among other things, develop cooperation with third countries in the fight against illegal immigration.

3. The Commission deeply regrets that the deadline of June 2003, set at the Seville European Council in June 2002 for adoption of the proposal for a Council Directive on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection, has not been met. It has therefore noted with satisfaction that the Thessaloniki European Council has reiterated, in Conclusion 24, its determination to establish a Common European Asylum System, as called for at its October 1999 meeting in Tampere and clarified in June 2002 in Seville. In this context, the Thessaloniki European Council noted that 'it is vital that the Council ensures the adoption, before the end of 2003, of the outstanding basic legislation, that is the proposal for a Council Directive on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection and the proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status'. The Commission fully shares the urgency expressed by the Heads of State and Government for the Union to adopt the outstanding legislation in the field of asylum. Specifically with a view to the urgency of establishing the first phase of the Common European Asylum System, the

Commission has offered all its assistance to the Italian Presidency and the Council with a view to ensuring that the negotiations on the two outstanding legislative proposals can be finished as soon as possible, but in any case by the new deadline set by the European Council in Thessaloniki.

4. One response by a number of Member States to unauthorised migration is the regularisation of foreigners residing illegally on their territory. Different practices and procedures are used; some are carried out on a regular basis without any time limitation and others are one-off procedures or programmes which, however, may be repeated from time to time. While precise figures are not available, a study of such practices in eight Member States ([1]) (Belgium, Denmark, Greece, Spain, France, Italy, Netherlands, United Kingdom) carried out by researchers at the Université Libre de Bruxelles concluded that over the period 1973 to 1999 some 1 845 000 persons in total were regularised. Further programmes have since been carried out in Greece, Spain, Italy, Luxembourg and Portugal. The Commission does not have precise figures on the numbers of those regularised since 1999. Some Member States fix quotas for the admission of labour migrants. In some cases these are overall annual totals, in others quotas may be fixed within bilateral agreements with third countries, by sector or within the framework of 'green card' systems or other arrangements. Other Member States do not fix quotas but issue work permits following procedures related to demand in the national labour market. At present, the Commission does not have complete information on quota numbers where they exist.

5. The extent to which access to programmes organised by educational establishments in the Community are open to third-country nationals is a matter for the Member States and, in some cases, for the establishments themselves. But on 7 October 2002 the Commission adopted a proposal under the common immigration policy for a directive on the conditions of entry and residence of third-country nationals for the purposes of studies, vocational training or voluntary service with the aim of promoting the admission of the persons concerned by the authorities responsible for entry and residence of foreigners once they are admitted by an educational establishment.

([1]) De Bruycker, Ph. 'Regularisation of Illegal Aliens in the European Union', Brussels Bruylant, 2000.

(2004/C 58 E/158) **WRITTEN QUESTION E-2190/03**

by José Ribeiro e Castro (UEN) to the Commission

(2 July 2003)

Subject: Fisheries — Western waters — Public anxiety about the imminent incursion of Spanish fisheries into Portuguese coastal waters

Following on from my last question (E-2153/03 ([1])), I wish to draw attention to another article from an independent source on the matter at issue, published in the Portuguese quality press. To quote part of the article: The fishing episode has recurred at intervals since the early days of Portugal's membership of what was then the EEC. There is no stopping our partners. I clearly remember that when our country was still negotiating to join the European economic area (and receiving substantial 'pre-accession' financial aid), the most perceptive folk in Brussels were already saying that fisheries was to be Portugal's real quid pro quo for its Community partners. 'They don't mind sending money to Portugal or helping with this or that, because, thanks to fisheries — in other words, future access to Portuguese waters — they will be amply rewarded for the support that they are giving now', a Portuguese journalist working in Brussels told me in the early 1980s. So much for national wealth. The money of exchange which our Community partners will be demanding to the tune of half as much again. Because, of course, it is not all handouts, contrary to what others would so often have us believe. There comes a time when people have to pay. They pay with such assets as they might possess: in our case, that means the sea. An awful lot of sea. Spaniards, Dutchmen, and Danes are queuing up for their admission tickets. And they have a mighty fishing armada capable, with half the crew numbers, of catching twice or three times as much as the Portuguese. It is fortunate that we are still lagging behind because that enables us to land a little fresh fish to eat and sell and, at the same time, maintain reasonable stocks in the sea that can regenerate at their natural pace. That

is something which has already disappeared from seas in other parts of the world, which have been fished dry by fishing technology and the relentless business tactics of the 'big boys'. The same thing is in danger of happening in our 200-mile exclusive zone if and when it is invaded by all those European ships. By stopping them we would not just be looking after ourselves and our national wealth; we would be helping to preserve a heritage which belongs to the whole world and to which we — backward though we may be — pose little or no threat (Joaquim Fidalgo, Público, 18 June 2003).

Though perfectly understandable in view of the seriousness of the matter, the impassioned tone of the article is not the essential point.

— Is the Commission aware of the strong hostility to the Union which the unfair and inept handling of this matter could prompt among broad sections of the public in Member States, not least in Portugal?

— Does it realise that no one can simply stand by and accept a situation in which, in the name of 'equality' that exists only apparently and the concept of so-called 'non-discrimination', an attempt is to be made to subject both the Portuguese fisheries sector and Portuguese coastal seas up to the 200-mile limit to arrangements which, all things considered, given the policy that has been pursued for years at the instigation of the Union and the Communities, would in fact discriminate against the Portuguese?

— How does it respond to the complaints that free access to the seas in question will seriously jeopardise the Portuguese and Community fishery resources which have been conserved so carefully and in an exemplary fashion through the years, entailing high economic and social costs that have been borne solely by Portugal's fishermen and its fisheries sector?

(1) OJ C 51 E, 26.2.2004, p. 210.

Answer given by Mr Fischler on behalf of the Commission

(1 August 2003)

In the reply to the Honourable Member's Written Question E-2153/03, the Commission has already outlined the general and basic principle of the Common Fisheries Policy that Community fishing vessels have equal access to waters beyond 12 nautical miles off the baselines and why the transitional arrangements for Portuguese continental waters in International Council for the Exploration of the Sea (ICES) area IX cannot be upheld.

The Common Fisheries Policy adopted by the Community based on Article 37 of the EC Treaty aims at sustainable management of fisheries resources. According to the Common Fisheries Policy all waters under the sovereignty or jurisdiction of the Member States are regarded as Community waters, except for waters around the overseas countries and territories listed in Annex II to the EC Treaty. Given that Portugal is a Member State of the Community, Portuguese waters are therefore also Community waters, in exactly the same way as is the case for Danish, Spanish or Dutch waters. In Community waters, conservation and other measures regarding fisheries are taken in accordance with Community procedures, based — as in all Community policies — on the principle of non-discrimination.

The Commission can assure the Honourable Member that it is concerned to ensure the conservation of fisheries resources in Portuguese waters, as much as in any other area of the Community. If there are conservation problems in Portuguese waters, they should indeed be regulated through conservation measures adopted at Community level. The Common Fisheries Policy provides us with the adequate instruments to do so. The Commission is always prepared to examine claims of this kind and to take any necessary action. However the Commission does not believe that conservation purposes may be achieved simply by denying fishing access to vessels from other Member States.

Finally the removal of the previous division of ICES area IX, where the main bulk of the Portuguese continental waters is situated, does not mean that new quotas will be opened for other Member States in this area. It simply means that Member States which already have quotas in area IX will be able to take them anywhere in this area, except for the waters within 12 nautical miles from the coasts which continue to be reserved for local fisheries.

(2004/C 58 E/159) **WRITTEN QUESTION E-2209/03**

by Peter Skinner (PSE) to the Commission

(2 July 2003)

Subject: VAT on repairs to listed places of worship within the UK

As churches in Scotland are facing financial pressures, securing the VAT reduction is very important and it is of course of benefit to everyone that historic churches be well cared for. Scottish churches have always felt it inappropriate to levy admission charges and apart from grants from bodies such as Historic Scotland/Heritage Lottery (which are annually reducing) the cost of repairs have had to be met out of members' offerings. Could the Commission tell me what is the current situation with regard to this.

Answer given by Mr Bolkestein on behalf of the Commission

(4 September 2003)

The Commission would refer the Honourable Member to its answer to Written Question E-1676/03 by Mr MacCormick ([1]).

It would inform the Honourable Member that it recently adopted a proposal for a Directive as regards reduced rates of value added tax ([2]). The main objective of this proposal is to improve the operation of the internal market by rationalising Member States' use of reduced rates in order to avoid distortion of competition by giving all Member States the same opportunities to apply reduced rates.

Widening the scope of reduced rates was considered at the time the proposal was being drafted. It was decided to extend the option to apply reduced rates to categories of goods and services for which some Member States are already authorised to apply reduced rates under specific derogations where they do not impair the operation of the internal market. This measure concerns accommodation but not repairs to listed places of worship. As far as the Commission knows, most Member States do not apply reduced rates to this type of service but subsidise it in other ways.

([1]) OJ C 11 E, 15.1.2004, p. 214.
([2]) COM(2003) 397 final.

(2004/C 58 E/160) **WRITTEN QUESTION E-2233/03**

by Sebastiano Musumeci (UEN) to the Commission

(3 July 2003)

Subject: Euromediterranean Bank in Sicily

At the request of the Laeken European Council of December 2001, the Commission and the Council have examined the possibility of setting up a Euromediterranean Bank. The Barcelona European Council of 15/16 March 2002 approved the creation of a reinforced Euro-Mediterranean investment facility within the EIB, complemented by a Euro-Mediterranean partnership arrangement and an EIB representative office in the area.

Could the Commission therefore indicate:

1. what criteria will be adopted for selecting the country in which to base the Euro-Mediterranean branch of the EIB;

2. whether it does not consider that Sicily might be the most appropriate region in which to site that bank, given its geopolitical position in the Europe-Africa-Asia basin and its age-old historical, cultural and religious tradition?

Answer given by Mr Solbes Mira on behalf of the Commission

(23 July 2003)

On 14/15 March 2002 the Ecofin and European Council decided to establish an investment Facility with the aim of enhancing European Investment Bank (EIB) operations in Mediterranean Partner Countries, with the clear priority of private sector development. They also decided to examine one year after the creation of the Facility whether to incorporate it into an EIB majority-owned subsidiary.

The Facility was established in Autumn 2002 and the decision on whether to create an EIB majority-owned subsidiary is now expected to be taken in Autumn 2003 by the Council, in liaison with the Commission and the EIB and after consultations with Mediterranean Partner Countries. Should a decision to create a subsidiary be taken, its location will have to be chosen.

The Commission appreciates the Honourable Member's interest in this matter and in the location of such a bank in Sicily. While it is at this stage premature to enter into such considerations, the choice of the host country and region would obviously be carefully examined in due course, taking into account the respective advantages of each possible location.

(2004/C 58 E/161) **WRITTEN QUESTION E-2235/03**

by Wilhelm Piecyk (PSE) to the Commission

(7 July 2003)

Subject: Establishing responsibility within the EU for the issue of seaman's books

It is still necessary for seafarers to have what is known as a seaman's book, in order to provide a record of the time at sea and the holder's identity.

Freedom of movement within the European Union has made it possible for people to pursue a profession throughout the EU unhindered.

Difficulties arise when it comes to ascertaining which authority is responsible for issuing this document. The Member States of the European Union have no uniform approach regarding competence in this area. They have different criteria concerning the conditions for issuing the document.

According to the regulations applicable in Denmark, their authorities are only responsible when the applicant is a Danish citizen. In Germany, the law states that seafarers must sail under the German flag. This appears to create problems.

The IMO (International Maritime Organisation) is currently discussing how responsibility in this area should be determined. No conclusion has yet been reached.

In the light of this, can the Commission answer the following questions:

1. What stage have the IMO negotiations reached?

2. When can we expect an international regulation?

3. Does the Commission believe that the regulations in force in the EU Member States are compatible with the fundamental freedoms of the internal market?

4. Is the Commission considering introducing a standard European regulation until such time as an IMO regulation is enacted?

Answer given by Ms de Palacio on behalf of the Commission

(9 September 2003)

According to the information available to the Commission, the International Maritime Organisation has not dealt with the question of the seaman's book, the competence of the national authorities issuing the book or the conditions of issue.

However, the subject has to some extent been dealt with by the International Labour Organisation under Convention No 108 on seafarers' identity documents, adopted in 1958. This Convention gives the contracting parties a certain margin for manoeuvre, regarding both the content of the identity document and the persons eligible to hold it, and has served as the basis for a seaman's book in several countries. Apart from the information concerning the holder, it appears that, in practice, the content of the book varies depending on the applicable national provisions. It may or may not contain details of periods of service at sea or periods of training on board.

Convention No 108 was recently revised by Convention No 185, adopted by the International Labour Organisation on 19 June 2003. The new Convention specifies the content and form of the seafarers' identity document, and minimum requirements concerning the processes and procedures for issuing it. It introduces a more stringent system for identifying seamen, in order to facilitate their movements and with a view to preventing acts of terrorism. The Commission will assess to what extent the new Convention will remove any obstacles to the basic freedoms of the internal market.

As the seaman's book is not explicitly provided for in any international or Community regulations, practices and procedures regarding the content and use of the document, and provisions relating to its issue, may vary from one Member State to another. The Commission does not have any information on the applicable national rules.

At this stage the Commission is not planning to draw up a legislative proposal on the seaman's book. It will consider whether there is a need for Community legislation which incorporates the requirements of the ILO Convention into Community law.

(2004/C 58 E/162) **WRITTEN QUESTION E-2247/03**

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

(7 July 2003)

Subject: 'One-stop shop' for European Union aid and subsidies

The possibility of obtaining aid or subsidies from the European Union shimmers like a mirage which many Europeans, as private individuals or professionals, would like to see converted into reality to give a final boost to a budding project or a project recently embarked upon.

Very often, for want of the expertise and resolve needed to pinpoint the Community aid or subsidy most suited to their project needs, they fail to make their application, dumbstruck by a plethora of information.

Could the European Commission therefore indicate whether it would not consider it appropriate to introduce a Community 'one-stop shop', responsible for pointing to the aid or subsidy, the procedure and the channel best suited to the applicant's needs, to enable EU citizens — be they private individuals, professionals or enterprises — to apply for the aid or subsidy they need.

Answer given by Mr Prodi on behalf of the Commission

(12 August 2003)

The current financial rules on grants establish the principle that, before eligibility can be settled, a call for proposals must normally be published. This should set out the specific conditions on which grants may be made and the exact procedure for submitting applications. Applications are submitted to the individual Directorate-General, which will then have to check that all the conditions for making the grant are met.

Each Directorate-General provides information, on its own site on the Europa server, about the types of grant administered, grants made in previous years, its grants work programme for the current year, and open calls for proposals.

Nevertheless, a website containing information on funding implemented by the Union is made available to the public on the Europa server [1]. It is currently being completely reorganised and updated.

The site and its proposed reorganisation are evidence of the Commission's commitment to transparency and its desire to provide citizens with clear, complete and practical information about the project funding possibilities open to them through the Community budget and the conditions that have to be met.

[1] http://europa.eu.int/comm/secretariat_general/sgc/info_subv/index_en.htm

(2004/C 58 E/163) **WRITTEN QUESTION E-2253/03**

by Enrico Ferri (PPE-DE) to the Commission

(8 July 2003)

Subject: Competitions COM/B/2/01 and COM/A/6/01

Regarding the competitions COM/B/2/01, and COM/A/6/01 published in the Official Journal [1] and in the light of Article 255 of the Treaty establishing the EC, implemented by Regulation 1049/2001 [2] of 30 May 2001 concerning access to Commission documents, could the Commission provide the following information:

— Among the candidates admitted to the oral exam, how many were already or previously under contract and working for the European Commission (as auxiliaries, temporary staff, officials, etc.)?

— Why was the number of successful candidates in the oral exam lower than laid down in the OJ? (Can the jury explain the reasons for this choice especially in view of the fact that this is one of the last competitions before the enlargement of the EU)?

— Was a list of questions to be put to the candidates during the oral exam drawn up in advance, in order to guarantee non-discriminatory treatment?

[1] OJ C 167 A, 12.6.2001.
[2] OJ L 145, 31.5.2001, p. 43.

Answer given by Mr Kinnock on behalf of the Commission

(29 September 2003)

Concerning competition COM/B/2/01

Among the candidates admitted to the oral exam, 73 were already or previously under contract and working for the Commission as auxiliaries, temporary staff or officials.

The reason that the number of successful candidates was lower than that laid down in the Official Journal was that following correction of the written test only 125 candidates obtained the pass mark. The notice of competition stipulated that in order to be admitted to the oral test the candidates must have the 150 highest marks and at least the pass mark. At the earlier stage of the competition only 277 candidates completed the written tests out of a total of 300 who were invited.

Concerning competition COM/A/6/01

Among the candidates admitted to the oral examination, for field 1: 16 and for field 2: 86 were already or previously under contract and working for the Commission as auxiliaries, temporary staff or officials.

For this competition the number of successful candidates as laid down in the Official Journal was reached.

With regard to the 3rd question put to the Commission by the Honourable Member, it should first of all be noted that Selection Boards may exercise their discretion, not only in they way they organise interviews, but also in determining the number and nature of questions to be put to the candidates. As indicated by the Honourable Member, Selection Boards must ensure equality of treatment between candidates. However, they are not required to draw up a fixed list of questions. They must simply ensure commonality of standards by preparing their questions in advance to reflect the same level of difficulty. This requirement was met in full by the Selection Boards for the two competitions in questionCOM/B/2/01 and COM/A/6/01.

Clearly the use of a list of questions would not, in itself, guarantee equality of treatment, since orals are very often held over several days and communication between candidates cannot be prevented.

(2004/C 58 E/164) **WRITTEN QUESTION E-2264/03**

by Erik Meijer (GUE/NGL) to the Commission

(9 July 2003)

Subject: Contamination of frozen chicken intended for export by adding water and porcine and bovine protein and by handling the meat with bare hands

1. Is the Commission aware that the protein plant Prowico in Nordhorn, Germany, which is near the Dutch border, produces a powder called 'Surplus 601' which consists of relatively cheaply obtainable bovine or porcine proteins from which the DNA code has been removed so that it is no longer possible to ascertain from what animals the proteins have been derived?

2. Is the Commission aware that at least twelve businesses are using these special untraceable proteins, including the Dutch chickenmeat plant Slegtenhorst in the village of Zevenhuizen, which add these proteins to chickenmeat by injecting it or rinsing the meat for 90 minutes in tumblers (large metal containers), in order to make the meat retain more water, thus substantially increasing its weight and accordingly raising its price?

3. Is the Commission aware that this work is often performed by people who do not speak the language of the country concerned, are compelled to work extremely long days and are permitted to cut away bone, blood, fat and tendons from chicken breast without wearing plastic gloves, thereby maximising opportunities for contamination of the meat?

4. Are the practices described in the previous three paragraphs not yet illegal in the EU provided at least that a label inconspicuously indicates that water and some form of protein may have been added?

5. Is the Commission aware of other cases of such practices, including in other Member States?

6. Are such products mainly used in the form of deep-frozen products and for export to an EU Member State other than that of production, making it more difficult for consumers to ascertain their origin?

7. What will the Commission do to protect consumers adequately against such contamination of food in future?

Source: Nieuwe Revu (Dutch periodical), 4 June 2003.

Answer given by Mr Byrne on behalf of the Commission

(16 September 2003)

The Honourable Member will be aware that current Community legislation governing the production of fresh poultry meat and poultry meat preparations covers the production and marketing of these foodstuffs on the Community market. Legislation also covers foodstuffs of this nature imported from third countries into the Community. Exports of such foodstuffs to countries outside the Community, however, fall within the competence of the Member States. The Honourable Member will know that the legislation does not prescribe the use of gloves and that staff engaged in working or handling fresh poultry meat must, among other things, wash and disinfect their hands several times during the working day and each time work is resumed. The wearing of gloves by workers is not generally acceptable in slaughter rooms, cutting rooms and chillers except where it can be shown that they do not pose a hygiene risk to the meat. Where gloves are worn when handling exposed fresh poultry meat, they must be made of materials, which can be cleaned and disinfected during work, and must be cleaned and disinfected during the working day and each time work is resumed.

In addition to the foregoing, the answers to the sub-questions are as follows:

1. The Commission has been informed of the results of an investigation, published in 2002 and 2003 by the Food Safety Authority of Ireland, concerning poultry meat prepared in the Netherlands and marketed in Ireland to the catering trade. This followed a similar investigation by the United Kingdom Food Standards Agency, which had led to identical conclusions. The Commission is aware through its enquiries of the existence of the establishment 'Prowico'. In addition to the foregoing, they are also aware, through newspaper and television reports, such as the BBC 'Panorama' programme entitled 'The Chicken Run' broadcast on 22 May 2003, of the existence of 'Surplus 601'.

2. The Commission has no precise information on the number of establishments using the 'untraceable proteins' but are aware of the Dutch establishment 'Slegtenhorst', which is listed by the Dutch competent authorities as a cutting plant and meat preparations establishment, and of the method used.

3. Knowledge of the work conditions obtaining in individual establishments falls within the province of the competent authorities in the Member States. As explained above, the wearing of plastic gloves is not compulsory, or inherently any more hygienic than using bare hands, but where worn they are subject to certain constraints.

4. As regards labelling, the indication of all ingredients used in the manufacture of any foodstuff and still present in the finished product is compulsory according to Directive 2000/13/EC of the Parliament and of the Council of 20 March 2000 relating to the labelling, presentation and advertising of foodstuffs [1]. Moreover, the Commission is studying the way of emphasising the water content on the labelling of meat preparations.

5. Enquiries were made by the Commission, during the meeting in July 2002 of the Standing Committee on the Food Chain and Animal Health, and by mail in the same month, in relation to establishments in Germany and Spain producing hydrolysed proteins. The responses from the central competent authorities in August and September 2002 indicated that they were produced in accordance with current Community legislation on hygiene, transmissible spongiform encephalopathies and gelatine intended for human consumption. They do not, therefore, in themselves pose a threat to human health substantially different from the threat derived from the consumption of the fresh meat from which these hydrolysed proteins are obtained.

6. Poultry meat preparations produced in Community approved establishments may be placed anywhere on the Community market. These meat preparations must meet the relevant Community hygienic production, labelling and marketing standards and may be commercialised chilled or frozen.

7. The addition of water or of proteins does not, by itself or necessarily, contaminate the product, particularly if the prescriptions of the relevant Community legislation are adhered to.

Notwithstanding the foregoing, the Commission is concerned lest consumers in the European Union be misled or misinformed about the content of meat or meat products. The Commission has therefore ordered a review of the applicable legislation to see what improvements can be made in the interests of consumers.

([1]) OJ L 109, 6.5.2000.

(2004/C 58 E/165)

WRITTEN QUESTION E-2274/03

by Erik Meijer (GUE/NGL) to the Commission

(9 July 2003)

Subject: Global warming, freshwater shortages, flooding of tourist destinations on Southern European coastlines and impact of displacement of holiday-makers to different times and areas

1. Is the Commission aware that models for the prediction of climate change in the 21st century suggest that warming will be 40 % greater in Southern Europe than, on average, in the world as a whole, i.e. the temperature will rise by 5 °C as against 3,5 °C, which will be reflected, above all, in higher summer temperatures and reduced precipitation?

2. Is the Commission aware that the masses of tourists from further north in Europe who spend their summer holidays on the coast of the Mediterranean have been found to consider temperatures above 28 ° unpleasant, so that they might stay away if systematically higher temperatures are expected?

3. Is the Commission aware that the presence of holiday-makers in the Mediterranean region during the peak summer period results in the consumption of vast quantities of freshwater for purposes of swimming, showering, keeping golf courses green and extinguishing forest fires which break out partly on account of recreation, while less and less freshwater is available?

4. Does the Commission regard it as inevitable that coasts which are currently popular with holiday-makers will increasingly become unusable as the sea level rises and that the adjacent land will become drier, in view, inter alia, of the on-going warming (again exemplified by the hot June in 2003), the fact that EU Member States are not proving sufficiently capable of complying with their Kyoto obligations, the aloofness of the major oil consumer — the US — from attempts to combat the greenhouse effect, the on-going burning down of tropical rainforests and the melting of the ice-caps at the poles and in high mountain regions?

5. In view of these developments, is it likely that over the next few decades the annual summer exodus from north to south in Europe will either shift to different seasons of the year or divert to cooler and damper coasts such as those of the North Sea and the Baltic? Is the Commission already making plans for cushioning the resultant far-reaching impact on the environment, transport and regional economies? If so, how?

Source: Volkskrant, 26 June 2003.

Answer given by Mrs Wallström on behalf of the Commission

(19 September 2003)

1. The Third Assessment Report (TAR) of the Inter-Governmental Panel on Climate Change (IPCC) recognises that projected climate changes during the 21st century have the potential to lead to future large-scale and possible irreversible changes in Earth systems resulting in impacts at continental and global scale. If these changes were to occur, their impacts would be widespread and sustained.

Models show that vulnerability to climate change in Europe differs substantially between the various sub-regions and that southern Europe and the European Arctic are more vulnerable than other parts of Europe. The Commission is therefore aware that southern Europe may be more affected than other parts of Europe because of the possible changes in climate. However, this would happen only if no measures to fight climate change were taken.

While the Earth's climate changes naturally over thousands of years, the trend has been accelerated (the 1990s was the warmest decade since 1861) through the consumption of fossil fuel and other activities. The Commission is therefore actively working to contain and to revert this trend in order to ensure that the human-induced climate change is substantially reduced.

2. The Commission is indeed aware that the changes in climate may also have an effect on holiday destinations. The Third Assessment Report indicates that recreational preferences are likely to change with higher temperatures. Heat waves are likely to reduce the traditional peak summer demand at Mediterranean holiday destinations, thus increasing the number of tourists in the North Sea and Baltic Sea resorts.

3. The Commission is aware that the presence of holidaymakers in the Mediterranean region during the peak season in summer increases the consumption of freshwater for various reasons. The Commission is taking this issue into consideration while planning how to address climate change. However, it should be noted that also existing legislation as the Water Framework Directive [1] (which entered into force on 22 December 2000 and is currently being transposed into national legislation by Member States) includes the instruments and features to support future water quantity management needs, which may be used on the regional level as pre-adaptation tool.

4. and 5. While prevention measures to reduce climate change gases are essential and should be the core of Union's policy, Article 5.3 of the Sixth Environment Action Programme (EAP) [2] recognises that adaptation to the effects of climate change is a necessary complement. Indeed, there is now consensus in the scientific community that, despite efforts to cut greenhouse gases, some warming will occur and to such an extent that alongside prevention, also adaptation strategies will be necessary [3].

Adaptation has the potential to reduce adverse impacts of climate change and to enhance beneficial impacts, but will incur costs and will not prevent all damages. Extremes, variability and rates of changes are all key features in addressing vulnerability and adaptation to climate change, not simply changes in average climate conditions. Human and natural systems will to some degree adapt automatically and autonomously to climate change and planned adaptation can supplement this. The adaptation potential of socio-economic systems in Europe is relatively high because of economic conditions, a stable population (with the capacity to move within the region), and well-developed political, institutional and technological support systems.

To implement Article 5.3 of the Sixth EAP, the Commission envisages building on the work of the IPCC. However, strategic planning for this Commission's activity in terms of time and resource is under development. Nonetheless in addition to the research supported under the Sixth Research and Technological Development (RTD) Framework Programme, various demonstration and implementation projects are funded and, in specific areas, climate change impacts are taken into account.

The Parliament and Council Recommendation No 2002/413/EC of 30 May 2002 [4], concerning the implementation of Integrated Coastal Zone Management (ICZM), invites Member States to set up national strategies for their coasts. Guiding principles and strategic elements to base the strategies on including a holistic long-term perspective and recognition of the threats of climate change.

Whilst there is increasing scientific certainty that there is the need for some adaptation, at this point in time the existing lack of certainty about the extent of regional and local impacts of climate change is a challenge for concrete adaptation projects and the detailed design of measures. Therefore, much emphasis is laid on further exploration and quantification of possible impacts and the improvement of regional climate change impact modelling in order to lay the ground for targeted adaptation measures.

Various projects are currently ongoing in this area. In its pan-European analysis of coastal erosion, the EUrosion project includes the effects of sea level rise ([5]). Among LIFE projects, 'Living with the Sea' (LIFE99 − NAT/UK/006081) looked at climate change and bio-diversity in particular, whereas the project 'Coastal Change, climate and instability' (LIFE97 ENV/UK/000510) looked into the increased occurrence of landslides due to climate change ([6]). In the area of Structural Funds, the SIAM study is establishing the impacts of climate change in Portugal ([7]). The Interreg programme supports projects such as Espace, looking at integrated regional adaptation strategies, and Comrisk and Frame ([8]), focussing on flooding risk associated, inter alia, with climate change. The European Spatial Observatory Network Espon includes a project examining the spatial distribution and impacts of natural hazards taking account of climate change ([9]).

There are several on-going European projects in the context of the Fifth RTD Framework Programme dealing with the issues of seasonal and interannual variations of climate and their impacts on Europe. In fact, the Demeter project has developed a reliable capability for seasonal to interannual climate prediction and its impacts on European regions. Applications of these predictions within sectors of tourism, agriculture, energy and health with large economic benefits have been demonstrated. (www.ecmwf.int/research/demeter). Similarly, European research projects of climate change prediction have confirmed the modelling results that Mediterranean is a sensitive area to be affected by changing precipitation and temperature patterns resulting from increasing atmospheric concentrations of greenhouse gases leading to climate change. Several projects also deal with risk of flooding and forest fires in European regions due to expected climate change. In particular, the EFFS ([10]) project (http://effs.wldelft.nl/) has developed a European capability to forecast flood events from four to ten days in advance, providing valuable pre-warning information to water-authorities. The Spread project (http://www.algosystems.gr/spread/) is developing a framework for the development and implementation of an integrated forest fire management system for Europe. In addition, the Sixth Framework RTD Programme (2003-2006) offers new opportunities for research on these issues under its Priority theme Global Change and Ecosystems.

Moreover, in various Member States national projects or programmes examine the issue of climate change impacts (e.g. Italy: ENEA study; United Kingdom: Climate change impact programme).

One of the aims of all these projects is to collect data in order to identify possible streams of action.

([1]) Directive 2000/60/EC of the Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.10.2000.

([2]) Decision No 1600/2002/EC of the Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme; OJ L 242, 10.9.2002.

([3]) Intergovernmental Panel on Climate change, 'Climate Change 2001:Working Group II: Impacts, Adaptation and Vulnerability', United Nations Environment Programme/World Meteorological Organisation (UNEP/WMO) (http://www.grida.no/climate/ipcc_tar/wg2/index.htm).

([4]) OJ L 148, 6.6.2002.

([5]) Pilot action on budget line B4-3090B, following an amendment by the Parliament; (http://www.eurosion.org).

([6]) LIFE projects: (http://europa.eu.int/comm/environment/life/project/index.htm).

([7]) Climate change in Portugal: scenarios, impacts and adaptation measures, [SIAM II ref. to be added].

([8]) Projects of respectively the Northwest Europe programme (http://www.nweurope.org) and the North sea programme (http://www.interregnorthsea.org/index.asp?id=1).

([9]) http://www.espon.lu

([10]) European Flood Forecasting System.

(2004/C 58 E/166) **WRITTEN QUESTION E-2284/03**

by Elspeth Attwooll (ELDR) to the Commission

(9 July 2003)

Subject: Environmental standards in aquaculture

Does the Commission intend to propose minimum environmental standards for aquaculture in the EU? If so, will this be accompanied by measures to ensure that such requirements do not place EU fish farmers at a competitive disadvantage vis-à-vis fish farmers from third countries?

Answer given by Mrs Wallström on behalf of the Commission

(10 September 2003)

Aquaculture is already subject to a number of environmental standards derived from the application of general environmental law. For example, the Water Framework Directive [1] provides a general framework for the protection of inland surface waters, transitional waters, coastal waters which is also applicable to fish farms located in these waters.

Further to these conditions, and as indicated in the Commission's Communication regarding 'A strategy for the sustainable development of aquaculture' [2], the Commission will examine whether to include intensive fish farming into the scope of the IPPC Directive [3]. If so, this will require the setting of permit conditions for fish farms on the basis of best available techniques (BAT). A proposal to extend the scope of the IPPC Directive would be subject to an impact assessment addressing, inter alia, potential competitivity concerns.

In addition, and with a view to preventing accidental introductions of non-indigenous aquatic species, the Commission will propose management rules that are consistent with the 1995 International Council for the Exploration of the Sea (ICES) Code of Practice on the Introduction and Transfer of Maríne Organisms.

As far as accompanying measures are concerned, the Financial Instrument for Fisheries Guidance (FIFG) established by Regulation 2792/1999 [4] foresees (Annex III, 2.2(d)) a treatment of favour for investments that reduce environmental impact by reducing the required contribution of private beneficiaries to 30 % of eligible expenditure in Objective 1 regions and 50 % in other areas, instead of 40 % and 60 % respectively.

(1) Directive 2000/60/EC of the Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000.
(2) COM(2002) 511 final.
(3) Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, OJ L 257, 10.10.1996.
(4) Council Regulation (EC) No 2792/1999 of 17 December 1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector, OJ L 337, 30.12.1999.

(2004/C 58 E/167) **WRITTEN QUESTION P-2285/03**

by Carlos Bautista Ojeda (Verts/ALE) to the Commission

(7 July 2003)

Subject: Counterproductive campaign by the Málaga municipal authority

A campaign to raise public awareness as to the need to recycle household waste, unveiled in early March 2003 by the environmental services unit of the Málaga municipal authority, has provoked fierce criticism from environmental and conservationist groups. The slogan chosen for the campaign is: 'Re-use is a thing of the past. Recycling is the future'.

The campaign seeks to encourage Málaga's citizens not to re-use objects but to discard them for subsequent recycling. In doing so it contradicts basic environmental principles and Directive 91/156/EEC ([1]) (which requires institutions firstly to prevent waste production, secondly to encourage re-use, and thirdly to recycle waste, in that order).

Is the Commission aware of the aforementioned campaign? Will it say whether or not the campaign has been financed from the Cohesion Fund? If so, what measures does it intend to take in this regard?

Does it believe that this campaign may give rise to misleading information and undermine the environmentally friendly practices of the very citizens it is targeting?

([1]) OJ L 78, 26.3.1991, p. 32.

Answer given by Mrs Wallström on behalf of the Commission

(10 September 2003)

The top priority of Community waste policy is to prevent waste. Accordingly, re-use of products ought to be encouraged wherever possible. Where waste is nevertheless produced, preference should go to recovery, notably recycling.

Waste management and processing projects co-financed by the ERDF or the Cohesion Fund often include awareness campaigns, though this does not mean that the Commission is fully familiar with the contents thereof.

The awareness campaign at issue here was funded by the Cohesion Fund (ERDF).

At its request, the Spanish authorities sent the Commission a report on the campaign, which included the following information:

The general idea of the campaign was to move gradually towards the integrated management of solid waste by according priority to:

- trying to reduce the quantity of waste;
- re-utilising as much waste as possible where the quantity cannot be reduced;
- in addition to the previous two phases, recycling waste which cannot be re-used.

The campaign was intended to raise public awareness of the importance of recycling waste by separating it and using containers properly, and to inform and educate the population regarding separate waste collection, inter alia by explaining its impact on the environment.

Lastly, the campaign slogan was not intended to promote recycling at the expense of re-use, but simply to inform the public about the use of different containers for separate waste collection.

(2004/C 58 E/168)

WRITTEN QUESTION P-2299/03

by Mechtild Rothe (PSE) to the Commission

(7 July 2003)

Subject: Objectives for energy from renewable sources up to 2020

The European Union first committed itself in 1998 in a White Paper to a 'Community Strategy and Action Plan' to double the proportion of renewables in total energy consumption by 2010.

A significant legislative measure towards this end was taken by Directive 2001/77/EC [1]. This directive states as its target that the EU Member States should derive 22,1 % of total Community electricity consumption from renewable energy sources by 2010. No objectives are set beyond 2010.

What progress has been made in the Commission towards setting objectives after 2010?

Has the Commission already drawn up analyses and scenarios providing objectives for 2020?

If so, what are they?

If not, when does the Commission propose to set such objectives?

To what extent are such objectives incorporated into the strategy for reducing greenhouse gas emissions?

[1] OJ L 283, 27.10.2001, p. 33.

Answer given by Mrs de Palacio on behalf of the Commission

(9 September 2003)

First, it is necessary to ensure that the target already set for 2010 will be achieved.

This target requires an increase of more than six percentage points in renewable energy's share between 1997 and 2010. So far, the increase has been less than one percentage point. Therefore, growth in the use of renewable energy is too slow to give confidence that the 2010 target will be met. It is important for Member States to give priority to fulfilling the requirements laid down by the directives on renewable energy in electricity [1] and on biofuels [2].

As far as targets for 2020 are concerned, the Commission is analysing the matter, drawing on studies that it is co-financing, and intends to bring forward proposals in due course. The contribution of renewable energy to reducing greenhouse gas emissions will constitute an important parameter to be taken into account when considering prospects for 2020, in connection with the overall strategy to fight against climate change.

[1] Directive 2001/77/EC of the Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal market, OJ L 283, 27.10.2001.
[2] Directive 2003/30/EC of the Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport, OJ L 123, 17.5.2003.

(2004/C 58 E/169) **WRITTEN QUESTION P-2334/03**

by Norbert Glante (PSE) to the Commission

(11 July 2003)

Subject: Abolition of tax assessment on the basis of estimated earnings through the imposition of restrictions on the right to deduct pursuant to Article 17(6) of the sixth directive on turnover taxes

Are moves being made in the EU to impose comprehensive restrictions on the right to deduct pursuant to Article 17(6) of the directive on turnover taxes and so bring about a switch from tax assessment on the basis of estimated earnings to assessment on the basis of actual earnings in connection with the taxation of firms' turnover?

Which EU Member States restrict the right to deduct and thus assess actual earnings, and what successes have they achieved as regards improving the cash flow of, above all, small and medium-sized firms?

In the EU as a whole are freelance workers assessed, as in Germany, on the basis of their actual earnings with no turnover tax limit?

Answer given by Mr Bolkestein on behalf of the Commission

(12 August 2003)

According to the basic principle of the VAT system, VAT applies to all transactions in the production or distribution chain from which the VAT charged directly on upstream transactions has been deducted. The right to deduct provided for in Article 17 et seq of the Sixth Directive [1] forms an integral part of the VAT system and cannot be restricted.

Nevertheless the principle of the right to deduct VAT is subject to a derogation under Article 17(6) of the Sixth Directive allowing Member States to retain all the exclusions provided for under their national laws at the time the Sixth Directive came into force.

On the basis of this provision Member States may apply limitations to the right to deduct VAT on expenditure which is not strictly of a business nature, and in particular that on accommodation, food and drink and the use of passenger cars.

In June 1998 [2] the Commission presented a proposal for a Directive approximating the rules governing the right to deduct VAT on expenditure of both a business and private nature. This concerns expenditure on passenger cars, accommodation, food and drink, luxury goods, leisure and entertainment to which Member States apply very divergent rules as regards the deduction of VAT. However, unanimous agreement has not yet been reached on the proposal within the Council.

Article 17 of the Sixth Directive is a general provision applying to all taxable persons subject to the normal VAT arrangements. There is no link at Community level between deduction of VAT and taxation of earnings and there are no plans to create to such a link.

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[1] 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 valued added tax: uniform basis of assessment, OJ L 145, 13.6.1977.

[2] OJ C 219, 15.7.1998.

(2004/C 58 E/170) **WRITTEN QUESTION E-2338/03**

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

(16 July 2003)

Subject: Alcoholic consumption on flights

A number of constituents have raised concerns over how the English are portrayed in Europe. Their concerns arise mainly from experiences of young people using cheap flights to go abroad for stag and hen weekends.

Are any statistics or data being collected on violent incidents on flights between European capital cities arising from or connected with alcohol consumption?

Statistically or anecdotally, is there any apparent association between any increase in violent incidents and the increasing availability of cheap flights?

What are the statistics for the number of people denied boarding because of alcoholic consumption?

Answer given by Mrs de Palacio on behalf of the Commission

(11 September 2003)

The Commission is not collecting, at present, data on violent incidents during flights between European airports nor during flights departing from European airports to third countries. The International Civil Aviation Organisation (ICAO) states that no systematic study of the problem has been carried out so far, as airlines are mostly focussed on managing the occasional incident rather than on its prevention.

As the Commission is not gathering data on this kind of incidents, it cannot state any correlation between the increase in violent incidents and the increasing availability of flights at low prices. It is to note, however, that the International Air Transport Association (IATA) has confirmed that incidents of air rage have increased by almost 500 % in the last half of the 1990s. According to IATA, this increase is due to more people being able to travel as compared to the past where air journeys were for the privileged few.

The link to only cheap flights being used by youngsters seems not relevant, as air rage is the product of several factors, which unfortunately occasionally collide. Reasons may include excessive alcohol consumption combined with a feeling of helplessness, both within the cabin and through being exposed to long delays, as well as general psychological feelings of lost control due to the stress and anxiety certain people feel when flying. Surprisingly, alcohol is not the main cause of air rage, with drunkenness only accounting for 25 % of all incidents. Instead anxiety through delays, cramped conditions and restrictions such as banned smoking are the leading causes.

The European airline companies have not brought to the attention of the Commission any data on (general) denied boarding nor denied boarding because of over-consumption of alcohol. The only figures available to the Commission are those included in the proposal for a Regulation of the Parliament and of the Council establishing common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights [1].

[1] OJ C 103 E, 30.4.2002.

(2004/C 58 E/171) **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?

Supplementary answer
given by Mrs Diamantopoulou on behalf of the Commission

(8 October 2003)

Following communications between the Commission and the Portuguese authorities, the latter confirm that the company in question has never received assistance from the European Social Fund or from other Community sources.

(2004/C 58 E/172)

WRITTEN QUESTION E-2352/03

by Hiltrud Breyer (Verts/ALE) to the Commission

(16 July 2003)

Subject: Industrial reptile breeding

The EU is providing funding of EUR 1,2 million for the industrial reptile breeding project 'Cría industrial de reptiles' on the Spanish-Portuguese border. The project is being run by one Spanish and one Portuguese university and by two Spanish and two Portuguese firms. The aim is to supply the leather industry, zoos, the food industry and other branches of industry on a large scale. The end products include shoes, watch straps and lizard meat.

The reptiles involved are Nile crocodiles, turtles and jewelled lizards (Lacerta lepida), a species of lizard common throughout the Iberian peninsula.

How can the Commission justify the provision of funding for this project?

What guarantees are there that consumers and supervisory bodies will be able to distinguish between products (e.g. turtle soup) made from animals which are protected species, from animals caught in the wild and from animals bred for a specific purpose? Is not European taxpayers' money being used to support the creation of an artificial market in products for which, as a result of information campaigns and import bans, there is no longer any demand, with leather goods being the prime example? In particular in view of the enlargement of the EU, is an incentive not being created to smuggle products made from animals which are protected species?

Answer given by Mr Busquin on behalf of the Commission

(22 August 2003)

The project CRAFT-1999-70670 'Reptiles industrial culture of ocellated lizard (Lacerta lepida), European pond terrapin (Emys orbicularis) and Nile crocodile (Cocodrilus niloticus)' is currently funded by the Community in the framework of the Quality of Life Programme of the Fifth Framework Programme (FP5) for Research and Technological Development (RTD). This CRAFT project involves four small and medium-sized enterprises (SMEs) (two from Spain and two from Portugal) and two RTD performers, the University of Extremadura in Spain and the University of Evora in Portugal. The total Community contribution amounts to EUR 590 825 of which EUR 546 252 for the Universities and EUR 44 573 for the SMEs. The proposal was submitted to the open call for CRAFT proposals and was evaluated by a panel of external evaluators in accordance with the 'Manual for evaluation procedures'. The proposal passed the thresholds for all evaluation criteria. The panel of external evaluators judged the proposal innovative with potential for creating new business activities and adding value in some rural areas. The proposal was therefore selected for funding. This project has all necessary authorisations from the responsible authorities for ethical and environmental issues and is being subject to respecting all international conventions to which the Community is a party, including the Convention on Biological Diversity. As mentioned in the title, the project aims at developing farming of three species, namely the ocellated lizard, the European pond terrapin and the Nile crocodile.

The ocellated lizard is a protected species. The aim of commercial lizard farming as foreseen in the project is multiple. On one hand, the release in their natural habitat in order to restore the population and hence contribute to the trophic chain by providing food for also endangered bird species. Secondly, it would allow to provide meat and skins. The consumption of lizard meat has a long tradition in some regions of Spain and Portugal where it is highly appreciated. This species being protected, the consumption of lizard meat is only possible through illegally caught animals. The availability of legally produced lizards will contribute to reduce the illegal catches. Similar situation occurs with the skin for the leather industry.

The European pond terrapin is also a protected species. The populations are severely threatened due in particular to the state of the rivers, ponds and lakes, illegal catches and the competition with another terrapin species coming from the United States. The objective of commercial terrapin farming as foreseen in the project is for environmental release and exhibition.

With regard to the Nile crocodile, farming is focused on the production of leather and meat as well as for exhibition as is the case in other parts of the world.

For all three species it is also foreseen to cover demands for educational and research purposes. The project will increase current knowledge on the biology of these species, embryology, nutrition, reproduction, pathology in particular parasitic diseases etc. …

Overall, farming of these species can contribute to restore and maintain threatened species and to reduce the illegally caught animals either locally or in third countries.

In addition, if economical viable, it could be an alternative for rural development in particular in more deprived areas of the Union and developing countries as it has been the case for other species (ostriches, frogs, fish, crustaceans, molluscs, etc.).

The Commission understands the concerns of the Honourable Member with regard to trade. The trade of these species and their products is subject to national, Community and international legislation, in particular the Convention on International Trade in Endangered Species (CITES), which is implemented through Council Regulation (EC) No 338/97 of 9 December 1997 on the protection of species of wild fauna and flora by regulating trade therein [1] and Commission Regulation (EC) No 1808/2001 of 30 August 2001 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein [2]. This legislation includes detailed provisions regarding captive-bred specimens in order to prevent fraudulent trade in wild-collected animals.

More information on the project could be found on the website: (http://www.unex.es/biomed/ric).

[1] OJ L 61, 3.3.1997.
[2] OJ L 250, 19.9.2001.

(2004/C 58 E/173) **WRITTEN QUESTION E-2353/03**

by Hiltrud Breyer (Verts/ALE) to the Commission

(16 July 2003)

Subject: Paks Nuclear Power Plant in Hungary

The accident at the Paks Nuclear Power Plant (Hungary) occurred on 10 April 2003 and has been rated Level 3 — a serious incident — by the International Nuclear Event Scale (INES). The event caused the release of radioactivity into the environment. According to Hungarian sources, the situation is not better now — 7 weeks after the incident — since the position of the damaged fuel assemblies and the uranium pellets which have fallen to the bottom of the cleaning container is still not known. (There were 3,5 tonnes of fuel being cleaned at the time of the incident.) It seems that the validity of the inspections undertaken by the Paks NPP itself and followed by the Hungarian Atomic Energy Agency (HAEA) are doubtful.

On 22 May the International Atomic Energy Agency (IAEA) announced that an independent evaluation of the event would be undertaken. According to the communications of the IAEA and the Hungarian Government, the IAEA will only oversee the already existing — above mentioned — documents, and will base their findings on those instead of starting a new investigation of the whole problem.

In the light of this:

— Will representatives of the European Commission be part of the delegation reviewing the accident and its consequences?

— Will the Commission report back to the Parliament on the outcome of the IAEA's mission?

— Has the Commission assessed or will it assess what lessons can be learned from the accident on the role of the regulator and its relationship with the nuclear industry? Did the Commission make any recommendations for a clear division of tasks in terms of nuclear safety, civil protection and independence of the regulator during the nuclear part of the negotiations?

— The accident occurred during the cleaning of 30 uranium fuel assemblies using equipment supplied by Framatome ANP. Has the Commission requested information from Framatome as to what lessons it has learned from the accident and its impact on similar procedures in Member States?

— Has the Commission requested any independent monitoring of the environmental impact of the release of radioactive material during the accident?

Answer given by Mrs de Palacio on behalf of the Commission

(9 September 2003)

The International Atomic Energy Agency (AIEA) undertook an expert review mission to investigate the 10 April 2003 fuel-cleaning incident at the Paks nuclear power plant. The team was composed of nuclear and radiation safety experts from the IAEA, three Member States (Austria, Finland, United Kingdom), Canada, Slovakia and the United States of America. The mission started on 10 June 2003 and was completed by 25 June 2003. The Commission was not part of the mission.

The draft of the findings of the mission and their recommendations has been given to the Hungarian Atomic Energy Authority inviting factual comments. The final report by the mission was due to be handed to the Hungarian Government. The Hungarian Government intends to make the final report available to the public.

On the basis of the current acquis, the Commission is not formally called upon to assess lessons learned from such incidents in nuclear plants — either inside or outside the Union. However, once the report of the IAEA mission is available it will be carefully examined by the Commission to assess what lessons could be learned from the incident and the roles of the different parties involved. If it would be useful to hold bilateral discussions on the subject with any of the parties, the Commission will seek to do so.

Concerning release of radioactive material, in its report on nuclear safety to the Council, the Hungarian Government gave details of the airborne radioactivity on the day of the incident and for the following 16 days. In its Press Release on its mission, the IAEA noted that, concerning radiation protection, they agreed with the Paks and Hungarian regulatory authority's assessment that the annual dose limits for the general public had not been exceeded as a result of these releases.

(2004/C 58 E/174) **WRITTEN QUESTION E-2355/03**

by Proinsias De Rossa (PSE) to the Commission

(16 July 2003)

Subject: Public awareness of natural and man-made hazards

On 5 February 2003, the Commission issued a working document, 'Improvement of public awareness and safety in the face of natural and man-made hazards', for a meeting of interested stakeholders in this issue on 28 February 2003.

On 7 May 2003, the Commission issued a list of contributions it had received from Member States, regional and local authorities, accession countries, NGOs and other institutions by the end of April 2003 in response to its working document.

Could the Commission indicate what representatives the Irish Government sent to the 28 February meeting, indicate whether it has received a formal contribution from the Irish Government in response to its working document, and indicate when it intends coming forward with the Communication on this subject referred to in its working document?

Answer given by Mrs Wallström on behalf of the Commission

(10 September 2003)

Following the meeting of 28 February 2003, the Commission did indeed assemble the contributions it had received and compile a list of those who attended the meeting.

Both the list and the contributions have been posted on the website given over to the initiative (http://www.europa.eu.int/comm/environment/civil/prote/consultation_en.htm). As regards Ireland, Mr John Crimmins from the Office of Public Works was registered among the participants, and his details are available on the site. However, the Commission received no official contribution from Ireland.

In addition to the consultation process, the Directors-General for Civil Protection of the Member States, the accession countries and the countries in the European Economic Area were specifically consulted at a meeting held on Kos (Greece) at the beginning of May 2003.

Following that meeting, and having examined the contributions it received, the Commission will probably adopt the communication announced in the working document during September 2003.

(2004/C 58 E/175) **WRITTEN QUESTION E-2366/03**

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

(17 July 2003)

Subject: Existing scope of the Iberoeka business cooperation programme

In parallel to the Eureka programme, for joint projects with undertakings from Latin American countries, the Iberoeka programme has been set up as a support instrument for technological cooperation with the same group of countries.

Under this programme, a project meeting the requirements may obtain certification as an 'Iberoeka project'. This certification is a 'quality label' for the project, guaranteeing it preferential funding.

Can the Commission provide information on its evaluation thus far of the results of the Iberoeka programme? Can it also indicate how it sees the programme's future and identify the most salient aspects of its results?

Answer given by Mr Busquin on behalf of the Commission

(10 September 2003)

Iberoeka is a self-standing cooperation scheme with no structural links to Eureka.

Iberoeka is a ten-year old initiative from Spain and Portugal and their Latin American partners, in the context of the Ibero-American Programme of Science and Technology for Development (CYTED). Its main objective is to increase the productivity and competitiveness of national industries and economies in Ibero-American countries through close cooperation between companies and research centres in the field of scientific research, technological development and innovation.

The Commission is not informed of the activities carried out by Iberoeka and therefore is not in a position to provide any evaluation on these activities. However, the Commission is aware that an evaluation was commissioned by CYTED to the Fundacion General de la Universidad Politècnica de Madrid and may be available through them.

(2004/C 58 E/176) **WRITTEN QUESTION E-2367/03**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(17 July 2003)

Subject: Community survey of water treatment on the Costa del Sol

A good half of the most popular beaches of the Costa del Sol are this year, once again, suffering from the absence of treatment plants or other suitable facilities for handling waste water — infrastructures which should have been put in place decades ago.

The treatment issue is still 'unfinished business' in such tourist-oriented municipalities as Fuengirola, Mijas, Benalmádena and Nerja, whose beaches are, this summer, yet again visibly polluted.

Can the Commission state whether a Community survey exists of the state of water treatment on the Costa del Sol in Andalusia, pursuant to the mandatory and binding Community legislation on the matter?

Answer given by Mrs Wallström on behalf of the Commission

(10 September 2003)

In terms of Community law, Council Directive 91/271/EEC [1] of 21 May 1991 concerning urban waste water treatment requires Member States to ensure that all agglomerations with more than 2 000 population equivalents (e.g., the organic pollution measuring unit representing the average pollution produced per person per day) are provided with urban waste water collection and treatment systems. Smaller agglomerations shall be subject to appropriate treatment if the waste water is collected. The deadlines for providing those systems are 31 December 1998 (tertiary treatment), 31 December 2000 and 31 December 2005, depending upon the size of the agglomeration and the sensitivity of the recipient waters.

A Community survey of waste water treatment exists, as the Commission is verifying the implementation of the Urban Waste Water Treatment Directive very closely. The Commission follows the compliance with the deadlines and the provisions of the Directive in all Member States, therefore the Costa del Sol in Andalusia is covered by this process as well. Violations of the provisions of the Directive have legal actions as a consequence.

The Commission is aware of the particular unsatisfactory waste water treatment situation in Spain and has already launched several infringement procedures against Spain. Two of them are already before court (A-2000/4044 and C-2001/419 on which a court judgement was pronounced in May 2003).

Concerning Fuengirola and Nerja, a horizontal infringement procedure is in preparation, which will cover, besides Fuengirola and Nerja, all agglomerations which do not respect the provisions of the above deadline having expired at the end of 2000 and concerning agglomerations above 15 000 e.g., in non sensitive areas.

As regards Mijas and Benalmádena, the Commission has no information about the waste water treatment situation and no indication that these two agglomerations fall under one of the above-mentioned deadlines, which have already expired. For this reason there are currently no grounds to take any legal action.

[1] Council Directive 91/271/EEC concerning urban waste water treatment, OJ L 135, 30.5.1991, p. 40, as amended by Commission Directive 98/15/EC of 27 February 1998, OJ L 67, 3.7.1998, p. 29.

(2004/C 58 E/177) **WRITTEN QUESTION E-2368/03**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(17 July 2003)

Subject: EU accession to the repopulation programme for the Iberian lynx

The Iberian lynx is in serious danger of extinction: only 200 individuals remain in all of Andalusia, concentrated in the Doñana and the Sierra de Andújar. Breeding cubs in captivity will not solve the problem, but is at present the most practical option.

The Spanish central government and the Andalusian regional government have therefore, as promised, signed an agreement for the protection of the lynx. This agreement brings together all of the existing unilateral initiatives.

Can the Commission state in what ways it would be willing to promote this agreement for the protection of the Iberian lynx, and what form its aid could take?

Answer given by Mrs Wallström on behalf of the Commission

(10 September 2003)

The Agreement between the Spanish Ministry of Environment and the Regional Government of Andalucía for the conservation of the Iberian Lynx was published in the Spanish Official gazette on 11 July 2003 (Resolución de 23 de junio de 2003, de la Secretaría General de Medio Ambiente, por la que se dispone la publicación del Convenio de Colaboración suscrito entre el Ministerio de Medio Ambiente y la Junta de Andalucía para el desarrollo de un único programa coordinado de actuaciones para la aplicación de la Estrategia Nacional de Conservación del Lince en Andalucía).

The main objective of the Agreement is to maintain and to increase the efforts for the development of a programme for the conservation of the Iberian Lynx in Andalucía.

Article 3 of the Agreement identifies on-going initiatives. One of these initiatives is the LIFE Nature programme for the conservation of the Iberian Lynx in Andalucía. There is also another LIFE Nature programme for the conservation of the Iberian Lynx in Castilla-La Mancha. The Commission is following these two LIFE projects and participating in certain co-ordination meetings.

(2004/C 58 E/178) **WRITTEN QUESTION E-2398/03**

by Monica Frassoni (Verts/ALE) to the Commission

(21 July 2003)

Subject: Structural assistance for Valencia and the Ebro transfer

According to the Court of Auditors' Special Report No 7/2003, ten regions would not have been eligible for Objective 1 assistance under the Structural Funds 2000-2006 had more recent statistics (1996, 1997, 1998) been used, since their GDP was more than 75 % of the Community average. The Autonomous Community of Valencia is one of those regions.

This is a serious situation because:

(a) in the more developed areas of the Spain's eastern seaboard like Valencia, the high level of undeclared labour (the highest in Spain and even in Europe at percentages of over 30 %) tends to deflate the real income level [1], meaning that the actual level of development is even higher than is suggested by the statistics, regardless of whether or not they are up-to-date;

(b) the fact that the highest rates of undeclared labour are in developed areas such as Valencia testifies to a degree of misgovernment which is now also being reflected in the application for EU funding for the project to transfer water from the River Ebro to eastern seaboard areas. Valencia — which has already received funding to which it is not entitled and which has used this to promote activities that call for

an increasing and unsustainable supply of water and generate illegal employment — could soon receive fresh funding for the construction of the transfer infrastructures, while the areas in Aragon and Catalonia (Lower Ebro) that would provide the water for the transfer, and are poorer than those that would receive it, have not been granted the same assistance as the eastern seaboard areas.

1. What political justification can the Commission give for Valencia receiving this assistance simply as the result of statistical error?

2. Does it intend to request repayment of the funding allocated to Valencia for the period 2000-2006?

3. If not, how does it intend to restore equity in the distribution of funding?

4. Does it not feel that the advantageous and unjustified assistance enjoyed by Valencia should be borne in mind when it comes to authorising investment as controversial as the investment in the Ebro transfer, especially in circumstances where, instead of reducing regional imbalances, the transfers policy will exacerbate imbalances between the inland regions of Spain and those on its eastern seaboard?

(1) In a report prepared for the European Commission (S. Mateman and P.H. Renooy — 'Undeclared labour in Europe — Towards an integrated approach of combating undeclared labour', Regioplan Research, Advice and Information, Amsterdam, October 2001), the scale of the black economy in Spain is estimated at between 15 % and 20 % of the country's gross domestic product, which is well below the European average of 9 %. Spain's eastern seaboard has the highest rates of illegal employment: Murcia 32 %, Andalusia 29 %, Community of Valencia 24 % (Spanish Economic and Social Council — 'La economía sumergida en relación con la quinta recomendación del Pacto de Toledo', CES Reports, Madrid, 1999).

Answer given by Mr Barnier on behalf of the Commission

(3 October 2003)

The process for determining eligibility for Objective 1 for the 2000-2006 period is set out in Article 3, paragraph 1 of Council Regulation (EC) No 1260/1999 (1). The basic criterion is that a region's gross domestic product (GDP) per head in purchasing power parities should be below 75 % of the Community average, using 'Community figures for the last three years available on 26 March 1999'. The Regulation therefore identifies a fixed date for the examination of data relating to the decision on eligibility.

Once established, the list of eligible regions remains in force for the entire programming period and data available after that date cannot be taken into consideration. As of 26 March 1999, the last three years for which data were available were 1994, 1995 and 1996. On this basis, Valencia was below the 75 % threshold. The data were subsequently revised, and as a result the figure for Valencia moved marginally above the 75 % for the same three years.

Such retrospective revisions are an integral part of the statistical work carried out by Eurostat in partnership with the national statistical institutes. There is, however, no legal basis for reviewing eligibility for Objective 1 or for requesting repayment of disbursed funds.

The content of interventions is negotiated between the Commission and the Member State, and a programme of interventions is agreed. It is not legally possible nor practically feasible to establish a link between the content of programmes and potential retrospective revision of data on GDP per head. This would undermine the stability and long-term nature of the programming, which is a key element of European regional policy.

The Commission points out that all requests for Structural Fund assistance to projects are assessed in the context of the criteria laid down in the Operational Programme in question and with due regard to all applicable Community legislation.

(1) Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, OJ L 161, 26.6.1999.

(2004/C 58 E/179) **WRITTEN QUESTION E-2403/03**

by Pietro-Paolo Mennea (NI) to the Commission

(21 July 2003)

Subject: Pollution in Canosa di Puglia

According to press reports and concerns expressed by local inhabitants, there is still a serious environmental danger in the 'Tufarelle' district of Canosa di Puglia, for both the population and the ecosystem in the contaminated area.

Investigations at the location of the 'Bleu' waste disposal plant have shown that the water contains pollutants, including metals and coliform bacteria.

Furthermore, in the same district there are two category 2B special waste disposal sites and an effluent treatment plant.

The case is being investigated by the competent department of the judiciary, which has led to the management of the 'Bleu' dump being arrested by the operational environmental unit of the Carabinieri.

The situation is causing great concern and alarm, since the waste plant is located near the Locone dam, right next to the stream itself, and in the vicinity of a number of artesian wells used to irrigate agricultural produce sold for human consumption.

Can the Commission say whether it is aware of the serious case of pollution referred to above?

Whether it intends to launch an inquiry to obtain more information?

Whether it intends to inform the local, regional and national authorities of its concern?

What steps it will take regarding the case to ensure that current Community legislation is correctly applied?

Whether it has taken action in similar cases and suggested remedies for similar situations?

Answer given by Mrs Wallström on behalf of the Commission

(10 September 2003)

At Community level the treatment of waste is regulated by Council Directive 75/442/EEC of 15 July 1975 on waste [1]. Article 4 of this Directive obliges Member States to ensure that waste is recovered or disposed of without endangering human health or the environment. Special requirements for the landfilling of waste are set out in Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste [2].

The Commission has the task of ensuring the correct application of Community law, in the light of the powers conferred on it by the EC Treaty. As the guardian of the Treaty, it does not hesitate to take all necessary measures, including infringement procedures under Article 226 of the EC Treaty, in order to ensure the observance of Community law.

The Commission does not have any knowledge of the specific waste disposal plants referred to by the Honourable Member.

However, as regards the issue of the numerous uncontrolled waste disposal sites in Italy, the Commission has recently initiated an infringement procedure against Italy covering the whole of the Italian territory, for breach of the provisions of Directives 75/442/EEC and 1999/31/EC.

[1] OJ L 194, 25.7.1975, as amended by Council Directive 91/156/EEC of 18 March 1991, OJ L 78, 26.3.1991, and Commission Decision 96/350/EC of 24 May 1996, OJ L 135, 6.6.1996.

[2] OJ L 182, 16.7.1999.

(2004/C 58 E/180)

WRITTEN QUESTION P-2409/03

by Jean-Louis Bernié (EDD) to the Commission

(16 July 2003)

Subject: Natura 2000 — local opposition

Notification of numerous Natura 2000 sites took place without official prior consultation of the users and managers of the land concerned; furthermore, when consultation had taken place, as in France, with local authorities only, in most cases the latter expressed broad opposition to the classification (e.g. 84 % opposition in Loire-Atlantique).

However, none of the Member State government departments in charge of this procedure took any notice of this opposition.

Can the European Commission still take account of this opposition, in the light inter alia of the newly adopted Aarhus Convention, as part of the ongoing selection procedure for Natura 2000 sites, and if so, how?

Will the Commission include a site in the list of sites of Community importance despite clear opposition on the part of local actors?

If so, by what legal means can the latter contest the classification?

Answer given by Mrs Wallström on behalf of the Commission

(22 August 2003)

Directive 92/43/EC [1] clearly makes the Member States responsible not just for designating Natura 2000 sites, but for managing them, too. The Commission is working to encourage the development of management plans as tools for suitable protective site management, as a framework for assessing whether different types of use are compatible with conservation objectives and as a means of ensuring that the main interest groups affected by a site's designation participate actively in management decisions, as provided for by the Aarhus Convention. Considerable progress has been made in this respect during the implementation of the Natura 2000 network. There are many positive instances of the initial concerns of local communities, notably owners and users, being settled thanks to the formulation of management plans based on broad dialogue at local level.

Member States' proposals are examined in a transparent manner at scientific seminars organised by the Commission and supported by the European Environment Agency. Member States, experts representing the interests of owners and users, and environmental non-governmental organisations (NGOs) all take part in these seminars, thus providing input into the Commission's decision-making.

As the Commission sees it, the Aarhus Convention's obligations regarding public participation do not extend to the decisions taken in adopting site lists. Article 8 of the Convention, using non-binding language, recommends that the Parties strive 'to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment.'

The process described above helps prepare the ground for the Commission's decision in terms of factual analysis, but, by its very nature, the decision the Commission has to take regarding sites of Community importance has to be based on the selection criteria laid down in Annex III to the Habitats Directive and on relevant scientific information. No provision is made for public participation.

The Directive does not specify what form of consultation Member States are to adopt when selecting the sites they intend to propose. Accordingly, procedures have varied considerably from one Member State to another depending on their constitutional and administrative arrangements. In some cases, identification of

sites has gone hand in hand with a detailed discussion of management measures with owners and users, while in others there has been virtually no consultation of interested parties. This has caused much controversy in some Member States, prompting a series of administrative and legal difficulties which have delayed the submission of proposals.

It should nonetheless be noted that landowners and local representatives inevitably consider the local interests of a site, or even interests not directly related to the conservation of habitats. Community lists, on the other hand, are compiled with an eye to the European conservation interest, which may be different from the local interest. It falls primarily to the authorities of the Member States to strike a balance between what are sometimes divergent interests. The Commission, meanwhile, is obliged by Directive 92/43/EC to refer solely to the criteria specified in that Directive.

(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.

(2004/C 58 E/181) **WRITTEN QUESTION E-2417/03**

by Esko Seppänen (GUE/NGL) to the Commission

(21 July 2003)

Subject: Banning the use of tar

There has been a big debate in the Finnish media concerning a matter which as far as I know does not even fall within the Commission's competence. It has been alleged that the Commission is banning the use of tar. Tar is a natural product which at one time was an important source of prosperity and wellbeing for many people in Finland and which is prepared using long-standing traditional methods. On what grounds does the Commission propose to ban the use of tar for any purpose (including caulking boats, etc.) and what is the legal basis for the proposed ban?

Answer given by Mrs Wallström on behalf of the Commission

(11 September 2003)

The Commission would like to draw the attention of the Honourable Member to the fact that there are different types of tar including coal tar and wood tar, which are produced by distillation of coal and wood respectively. It is therefore, strictly speaking, not correct to refer to them as natural products. In addition, it is well known that tars contain a large number of very dangerous substances, in particular carcinogenic substances, such as polycyclic aromatic hydrocarbons (PAH).

In his question, the Honourable Member is probably referring to wood tar, and more specifically pine tar, which is produced by dry distillation of pine wood and is used for the purpose of wood preservation.

Wood preservatives are regulated by Directive 98/8/EC of the Parliament and the Council of 16 February 1998 on the placing of biocidal products on the market (1). Among other things, the Directive establishes that only authorised biocidal products may be placed on the market and used and that only products containing active substances listed in Annex I or IA of the Directive can be authorised. For an active substance to be listed, a comprehensive dossier has to be submitted that allows the evaluation of all risks to human health and the environment posed by the substance.

The Directive foresees that during a 10-year transition period, all existing active substances (i.e. those already on the market in biocides at the date of entry into force of the Directive) will have to be evaluated with regard to their safety for human health and the environment. According to Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC (2), existing active subtances had to be identified by 28 March 2002, and those which operators would like to have included in Annex I or IA of the Directive had to notify them by the same date. Altogether about 950 substances have been identified (among them also pine tar) and about 400 notified.

The Commission will soon adopt a Regulation that will contain the lists of identified and notified substances as well as the workplan for the submission of complete dossiers and their evaluation (for example, dossiers for wood preservatives will have to be submitted by 28 March 2004). The Standing Committee on Biocidal products gave a favourable opinion on the draft Regulation on 11 June 2003 and the Parliament has been duly informed of the draft text and the outcome of the vote.

Substances that have been notified can stay on the market until a decision on the acceptability of the risks to human health and the environment has been taken. For substances that have only been identified, no operator will submit a complete dossier and therefore their safety for human health or the environment cannot be evaluated. The Regulation will therefore lay down that such substances will have to be phased out within a period of grace of three years from adoption of the Regulation.

This will apply to all the 550 substances that have only been identified including pine tar. However, at any time a company or the authorities of Member States could produce a complete dossier that would allow the evaluation of the substance, which could lead to its inclusion into one of the Annexes of Directive 98/8/EC and its continued use, provided that all safety requirements of the Directive are fulfilled. The Finnish authorities have already raised the specific issue of pine tar in the framework of the implementation of the Directive and further information can be found on the Commission's website [3] and the website of the Finnish authorities [4].

[1] OJ L 123, 24.4.1998.
[2] OJ L 228, 8.9.2000.
[3] http://europa.eu.int/comm/environment/biocides/manualofdecisions030618.pdf (pages 27/28 of the document).
[4] http://www.ymparisto.fi/ympsuo/kemik/terva.htm

(2004/C 58 E/182) **WRITTEN QUESTION E-2435/03**

by Ilda Figueiredo (GUE/NGL) to the Commission

(22 July 2003)

Subject: Restrictions on the movement of heavy vehicles

More than 40 000 Portuguese professional drivers regularly cross various European Union countries in the course of their work for haulage companies transporting heavy goods.

There are a number of restrictions on the movement of heavy goods vehicles, as is the case in France, where vehicles weighing more than 3 500 kg are not permitted to travel on Sundays.

Without wishing to question the need to regulate the sector, particularly with regard to restrictions on movement, minimum rest periods and maximum working hours for drivers, there are exceptional situations which should be taken into account.

For example, a driver may be only a matter of minutes away from the border but is not able to cross it before the start of the ban, in which case he is obliged to remain there for 24 hours even though he is already on his way home.

Can the Commission say what measures it will take to regulate such situations, after hearing the social partners (business organisations and trade unions representing the sector) and the Member State legal authorities involved and taking account of the various interests in play?

Answer given by Mrs de Palacio on behalf of the Commission

(9 September 2003)

There are currently no Community rules regulating driving bans or restrictions within the Union. The Commission had made a proposal in 1998 [1] on measures to inform Union citizens of driving bans, to harmonise exempted vehicles and loads, and to align the national rules on the length of bans. Following strong opposition from those Member States implementing driving restrictions, the Commission adopted an amended proposal [2] to highlight that the scope of the proposal only concerned Trans European Road Networks, to list explicitly those national holidays on which driving restrictions apply and to recognise within a revised timeframe the vast majority of current driving restrictions. Following Parliament's first reading of the amended proposal on 2 July 2002, the Commission has decided to adopt a revised proposal [3] on 1 August 2003 which takes on board the majority of clarifying and amplifying amendments proposed by the Parliament.

(1) OJ C 198, 24.6.1998.
(2) OJ C 120, 24.4.2001.
(3) COM(2003) 473 final.

(2004/C 58 E/183) **WRITTEN QUESTION E-2456/03**

by Erik Meijer (GUE/NGL) to the Commission

(23 July 2003)

Subject: Eurostat: slow processing of material supplied two years ago relating, inter alia, to irregularities since acknowledged

1. Does the Commission recall that on 13 August 2001 Paul van Buitenen, who was then a Commission official, submitted to the Commission a 5000-page fraud file and that Commissioner Kinnock has confirmed that he received a copy of the accompanying 234-page memorandum at the beginning of September 2001? Why has the investigation into this file still not been completed within the various EU departments? When will a final result be available? Who will then be permitted to know about it?

2. Does the file referred to at 1 above include a chapter concerning the various irregularities which occurred at Eurostat over a period of years, and do these include numerous matters which go beyond what has so far come to public attention? Had many Commission officials already known about these matters for some time, in the light of the internal correspondence on the subject?

3. Does the Van Buitenen file mention any other matters on which it appears in retrospect that the Commission may not have taken the right action?

4. Why did Commissioner Kinnock make OLAF responsible for the chapter on Eurostat in the second report by Van Buitenen of 31 August 2001? Was this on the assumption that DG Admin would then no longer be involved in the case?

5. What are the Commission's present intentions as regards how this question should be dealt with and any recurrence permanently prevented?

Answer given by Mr Kinnock on behalf of the Commission

(7 October 2003)

1., 3. and 4. On 31 August 2001, Mr Van Buitenen submitted the file to which the Honourable Member refers both to the Director-General of the Antifraud Office (OLAF) and to the Director-General of the Commission's Directorate General (DG) Administration and Personnel (ADMIN). As has been reported to Parliament, on the basis of preliminary drafts submitted by Mr Van Buitenen OLAF and DG ADMIN had already held discussions at services level and identified those aspects of the dossier which appeared to be within OLAF's remit, as set out in Article 1(3) of Council Regulation 1073/1999, and were therefore for OLAF to investigate. Other aspects of the dossier were to be investigated by DG ADMIN. These

investigations were handled by the Commission's Investigation and Disciplinary Office (IDOC, part of DG ADMIN) which was being set up at the time.

A preliminary verification of their respective parts of material provided by Mr van Buitenen was completed by OLAF and IDOC in February 2002. As was reported to Parliament at the time, and in the Commission's press statements of 26 and 28 February 2002, as a result, 4 new investigations were launched by OLAF, further verification was required in 4 cases before a decision on appropriate action could be taken, and there was information of potential relevance to 31 on-going investigations which had commenced before 31 August 2001. This information was transferred to the appropriate files. Under the terms of the 1999 decision establishing OLAF, the Commission was neither informed about the nature of OLAF's work on Eurostat, nor was it briefed on which allegations this concerned.

Full investigation of all the matters raised by Mr van Buitenen and considered to give rise to concerns has inevitably been very time consuming due to the volume of the material supplied. Reports on all IDOC enquiries relating to that material have however been submitted to the appointing authority. On this basis, the AIPN [1] has opened a number of disciplinary proceedings and has reviewed the conduct of a former Commissioner to whom it has sent a draft statement of objections. In a limited number of cases, the AIPN is still reviewing the IDOC reports.

The Commission is informed that OLAF has not completed all the investigations to which the material provided by Mr Van Buitenen was considered to be potentially relevant. Until all investigations are complete, it is obviously impossible to determine whether correct action was taken in all cases.

Parliament will be informed of the outcome of any disciplinary procedures initiated on the basis of the enquiry reports.

2. The file submitted by Mr Van Buitenen contained a chapter on Eurostat. This chapter was considered to fall wholly within OLAF's remit, in particular since OLAF was already conducting investigations into some of the issues raised: thus it was for OLAF to investigate, and not to DG ADMIN. Further, since the whole report contained sensitive matters relating to possible disciplinary and criminal action, the only officials concerned with the disciplinary process who had access to it were those, on a need to know basis.

5. The Commission has recently taken a formal decision to request Directors General of the Commission to provide reports to their respective Commissioners which refers to cases of possible financial irregularity detected or suspected in their Directorates General. In addition, in order to reinforce co-operation and information flow between the Commission and OLAF, the parties have agreed the draft Memorandum of Understanding. This document, which was put forward to the Commission on 23 July 2003, is already applied provisionally, pending consultation with the Parliament and OLAF's Supervisory Committee.

[1] Authorité Investie du Pouvoir de Nomination (Appointing Authority).

(2004/C 58 E/184) **WRITTEN QUESTION P-2462/03**

by Rosa Miguélez Ramos (PSE) to the Commission

(16 July 2003)

Subject: European Investment Bank loans in Galicia

The European Investment Bank, whose task is to contribute to integration, balanced development and economic and social cohesion in the Member States, grants loans on extremely favourable terms for this purpose to Member State governments, regional governments and local councils, as well as to private individuals.

Demand for these loans is very uneven, despite the fact that they are vitally necessary for the EU regions lagging furthest behind to finance projects of all kinds and thus further their development. For example, the bank's most recent annual report, for 2002, reveals that, even though the EIB granted loans amounting to EUR 5426 million in that year, many of them for autonomous communities, the Galician Government is not listed for any of the 50 projects.

Can the Commission say what amounts were granted to Spain in EIB loans for each of the years 1998, 1999, 2000, 2001 and 2002?

Can the Commission further specify for which projects the Galician Government applied to the EIB for a loan in those years, whether the loan was granted and what amount was involved?

Answer given by Mr Solbes Mira on behalf of the Commission

(12 August 2003)

Galicia is an objective 1 region and as such is an European Investment Bank (EIB) priority. Regular meetings take place between the EIB and Xunta de Galicia to identify where the EIB could be of assistance. Since the Economic and Monetary Union (EMU), Galicia has been successful in the capital markets, i.e. Galicia has access to borrowing from sources other than EIB. Therefore, Galicia's borrowing from EIB has been rather modest.

From 1998 until 2002, the following amounts were granted by the EIB in Spain:

— 1998: ECU 3 127 million;

— 1999: EUR 4 020 million;

— 2000: EUR 4 243 million;

— 2001: EUR 4 559 million;

— 2002: EUR 5 426 million.

As far as the EIB is aware, all financing applications introduced by the Galician Government were accepted by the EIB and loans granted accordingly.

Annex 1 which is sent direct to the Honourable Member and to Parliament's Secretariat provides details of the direct loans granted in Galicia during this period. The EIB also granted global loans to financial intermediaries, which allocated sub-loans to beneficiaries (SMEs or small public infrastructures) located in Galicia. Those allocations are detailed in Annex 2, also sent direct to the Honourable Member and to Parliament's Secretariat.

(2004/C 58 E/185) **WRITTEN QUESTION E-2483/03**

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

(24 July 2003)

Subject: Prevention against the risk of forest fires: Regulation (EEC) No 2158/92

Regulation (EEC) No 2158/92 [1], which made provision for the funding of measures to prevent against the risk of forest fires, expired on 31 December 2002. The fact that Regulation (EEC) No 2158/92 acted as an incentive for regional and national fire prevention policies has been amply demonstrated over the past 10 years. During that period, the average area of forest damaged by each fire fell in the south of France, Spain and Portugal. Nevertheless, the fresh Commission proposal for a regulation (Forest Focus) and the new rural development regulation represent a renationalisation of policy on forest fires which entails the disappearance of a Community financial arrangement for prevention against the risks of forest fires such as that provided for in Regulation (EEC) No 2158/92. At the same time, this proposal does not accord with the arguments brought by the Court of Justice of the European Communities to the effect that policy on protection against forest fires is to be seen as a Community policy within the framework of environment policy which is to be financed by funds drawn from the EU budget.

Taking the above into consideration:

1. Is the Commission aware that its proposal for a Forest Focus regulation does not tally with the recent case-law of the Court of Justice of the European Communities, which opposes the renationalisation of policy on combating fires and argues that it should be dealt with under the codecision procedure with Parliament? What arguments justify upholding this proposal in its current form?

2. Is the Commission aware of the adverse consequences which its proposal for a Forest Focus regulation might have as regards combating forest fires at Community level?

3. Will the Commission amend its proposal to bring it into line with the previous Regulation (EEC) No 2158/92, particularly as regards restoring specific funding devoted solely to prevention and management activities to protect forests against the risk of fire?

(1) OJ L 217, 31.7.1992, p. 3.

Answer given by Mrs Wallström on behalf of the Commission

(11 September 2003)

The Community has helped its Member States in their efforts to prevent forest fires although the main responsibility for the co-ordination and implementation of any forest policy is at national level. The Honourable Member is aware of the fact that a scheme to protect and monitor forests against fire was established by Council Regulation (EEC) No 2158/92 of 23 July 1992 which expired at the end of 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'). This proposal aims to establish a new Community scheme for forest monitoring and environmental interactions in order to protect the Community's forests from events such as atmospheric pollution and forest fires. However, the scope of this proposal is broader than the previous regulations, as other issues will be covered (biodiversity, carbon sequestration, soils …).

This proposal is clearly focused on monitoring activities. It is still under political debate and will be discussed again in autumn 2003 within the Parliament, when it considers its second reading position under the co-decision procedure.

Various forest fire prevention measures have been already incorporated for the majority of the regions of the Southern Member States into their Rural Development Plans, drafted according Council Regulation (EC) No 1257/1999 of 17 May 1999 (1). So far, they have not been incorporated in 'Forest Focus' because Union legislation does not allow the same measures to be financed by different regulations.

Up to the year 2006 the Council Regulation (EC) No 1257/1999 and 'Forest Focus' together would cover all the forest fire measures, both prevention and monitoring ones, previously covered by Council Regulation (EEC) No 2158/92.

(1) Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations, OJ L 160, 26.6.1999.

(2004/C 58 E/186) **WRITTEN QUESTION E-2499/03**

by Christopher Huhne (ELDR) to the Commission

(25 July 2003)

Subject: Beach cleanliness

Is the Commission satisfied that the current standards of sea water and beach cleanliness as monitored in the beach flagging scheme are high enough to avoid any temporary health problems for sea bathers? Will it comment on recent reports that sea bathers are still likely to suffer stomach upsets and other health

problems even on approved beaches? If the Commission is not fully satisfied, what measures does it propose to introduce to improve sea and beach cleanliness?

Answer given by Mrs Wallström on behalf of the Commission

(11 September 2003)

The Commission is aware of the fact that current health standards, taken up by the Council Directive 1976/160/EC of 8 December 1975 on the quality of bathing water [1] are outdated, as they are based on scientific evidence of the nineteen sixties. This is one of the main reasons why, in October 2002, the Commission proposed a revision of the Directive [2]. Compared to the 1976 Directive, which is still in force, this proposed Directive reduces the risks for bathers of contracting gastro-enteritis (stomach upset) and AFRI (respiratory illnesses) almost by a factor 3 [3].

As its name states, the Directive deals with the (bacteriological) quality of bathing water, not with the cleanliness of the beach. The Commission is not in possession of scientific evidence, showing a dose-response relation between beach contamination and visitor health problems. Nevertheless, the new Directive foresees beach inspections on algae, tar, plastic and glass residues.

The proposed Directive is currently being negotiated by the Parliament and by the Council. Until entry into force of the new Directive, reporting will be carried out according to the 1976 Bathing Water Directive. Based upon measured bathing water quality, the Commission indicates annually whether bathing waters comply with Imperative or Guide values. Other organisations may use this indication for establishing a flagging scheme, but 'flags' are not awarded by the Commission.

(1) OJ L 31, 5.2.1976.
(2) OJ C 45 E, 25.2.2003.
(3) Based upon World Health Organisation (WHO) research, (Kay et al., 1994), published i.a. in Farnham report (2001).

(2004/C 58 E/187) **WRITTEN QUESTION E-2508/03**

by Paolo Bartolozzi (PPE-DE) to the Commission

(29 July 2003)

Subject: Proceedings for infringement of Community directives

In response to reports from a number of private shipping companies, the Commission instituted infringement proceedings concerning the companies making up the Tirrenia Group and, on 21 June 2001, issued Decision C(2001) 1684 concerning the Tirrenia di Navigazione company [1].

To sum up the decision, Tirrenia is required to:

— separate the cost accounting relating to public services from that relating to commercial services, specifying the cost of each route plied;

— de facto, terminate the six agreements concluded with the Italian state for the 20 years from 1989 to 2008;

— approve the 2000/2004 five-year plan and the corresponding economic aid on condition that it reduces its transport capacity in the summer season by 30 % on an annual basis.

No steps have apparently been taken to date to comply in full and at the right time with the decisions issued by the Commission.

Could the Commission make the appropriate representations to the Italian authorities to ensure that the necessary action is taken to enforce Decision C(2001) 1684 and hence that the criteria implied in fair competition are not undermined?

(1) OJ L 318, 4.12.2001, p. 9.

Answer given by Mrs de Palacio on behalf of the Commission

(11 September 2003)

As the Honourable Member notes, following a number of complaints the Commission launched an investigation procedure on 6 August 1999 [1] in respect of aid paid to the companies of the Tirrenia Group (Tirrenia di Navigazione, Adriatica, Siremar, Saremar, Toremar and Caremar) within the framework of six public service agreements between those companies and the Italian State.

In its final Decision of 21 June 2001 [2] concerning Tirrenia di Navigazione, the Commission authorised the aid paid to that company between 1990 and the end of 2000 and made any future aid which might be paid to Tirrenia di Navigazione, until the public service agreement expires, subject to the following conditions:

— over the period 2001-2004, aid paid to Tirrenia di Navigazione must be limited to covering the additional costs arising from the loss incurred during the provision of the public services;

— any change to the level of such services over the period 2001-2004 must be notified to the Commission in advance. The public service obligations imposed on Tirrenia di Navigazione for the period 2005-2008 must be notified to the Commission in advance;

— as of 2001, the additional costs deriving from the loss incurred during the provision of services imposed by Italy on Tirrenia di Navigazione must be the subject of separate accounts for each of the lines concerned.

The aid paid to the other companies in the Tirrenia Group is still being examined, though a final decision is due to be reached very shortly.

In accordance with Article 5 of the Decision of 21 June 2001, the Italian authorities communicated to the Commission the interdepartmental decree formalising the commitments they entered into in the context of the examination procedure for the 2001-2004 period.

Since then, the Commission has received several complaints from private operators alleging that the Italian authorities have failed to comply with the final Decision of 21 June 2001. Those complaints are being investigated and the Italian authorities have been contacted regarding the matter.

[1] Case C 64/99, ex NN 68/99.
[2] OJ L 318, 4.12.2001.

(2004/C 58 E/188) **WRITTEN QUESTION E-2509/03**

by Roberto Bigliardo (UEN) to the Commission

(29 July 2003)

Subject: Observance of multilingualism — EPSO website

No one language spoken in the Member States has ever been designated the official language of the Union. Furthermore, Parliament's and the Commission's information policy must conform to criteria guaranteeing a wide measure of transparency.

1. Could the Commission explain why the material presented on the EPSO (European Communities Personnel Selection Office) website can be read in English, French, and German only?

2. Given that every Union citizen has the right to be informed in his or her own language, does the Commission not think that the situation described above is tantamount to discrimination against millions of citizens?

3. What will the Commission do to put matters right?

Answer given by Mr Kinnock on behalf of the Commission

(22 September 2003)

As the Honourable Member will be aware, the European Personnel Selection Office (EPSO) was formally created, as part of the Reform process and by the agreement of all Institutions, on 26 July 2002. EPSO is an inter-institutional body whose remit is to select officials and other servants of the European Communities on behalf of all European institutions. As the matters raised by the Honourable Member fall within EPSO's area of responsibility, the following information reflects the advice provided by EPSO.

The official EPSO website was launched on 20 November 2002 and is a useful source of information for potential candidates for Union competitions. While the pre-cursor to the current website was presented in two languages, the covering pages of the new site are presented in English, French and German. It is a 'quick reference' facility which makes the latest information available to the widest possible audience with minimum delay. It would be technically impossible to preserve this speed and spontaneity in the current 11 (or the future 20) official languages of the EU languages. However, most standard information is provided through links to official documents and publications, such as the Union Staff Regulations and the Official Journal, and to other websites, including the main websites of the European institutions and bodies. The web version of the EPSO recruitment brochure was available on the site in 11 languages. This document has been temporarily withdrawn for updating but will be re-instated, as soon as possible, in 20 languages.

There is no evidence to suggest that the EPSO website is inaccessible to large groups of Union citizens. On the contrary, the site received some 2 000 000 hits in its first 10 days. Notwithstanding the very considerable number of visitors to the site each day, during the 10-month period that the site has been operational EPSO has received few, if any, complaints regarding the language coverage. Furthermore, there has been no observed shift in the balance between applications from different Member States.

It should be noted that the website represents only one strand of the EPSO communication strategy. Competitions continue to be advertised in the national press of Member States in the language of the country concerned, and notices of competition targeting all Member States are published in the Official Journal in 11 languages both in hard copy and on the web. Publicity is geared towards identifying the most able candidates, capable of integrating effectively into a multi-cultural, multi-lingual environment where English, French and German are the languages in most frequent use.

The Commission has taken note of the Honourable Member's concern and EPSO will continue to monitor competition statistics and feedback from web visitors, to identify any problems arising out of the current policy.

(2004/C 58 E/189) **WRITTEN QUESTION E-2513/03**

by Koenraad Dillen (NI) to the Commission

(29 July 2003)

Subject: VAT rates in the hotel, restaurant and catering sector

According to a number of reports in the media, the European Commission, following approval by the finance ministers, is prepared to authorise France to apply a VAT rate of 5,5 % in the hotel, restaurant and catering sector. Jacques Chirac made a pledge to introduce such a measure during his presidential campaign in 2002. However, when the Raffarin government moved to implement the proposal, the European Commission called it to order.

Is it the case that, on an exceptional basis, the Commission intends to authorise a VAT rate of 5,5 % for the hotel, restaurant and catering sector in France?

Why has the Commission changed its mind on this matter?

Will other Member States which make such a request also be authorised to introduce special VAT rates?

Answer given by Mr Bolkestein on behalf of the Commission

(4 September 2003)

On 23 July the Commission adopted a proposal for a Directive on reduced rates [1]. The main aim of the proposal is to improve the internal market, in particular by pursuing the simplification, and more uniform application, of value added tax (VAT).

In order to make substantial progress in that direction, the Commission has opted to focus on the inconsistencies in the existing system of rates. The point is to ensure that all Member States, including the new acceding countries, are treated more equally and to end the distortions created by the fact that some countries are allowed to apply reduced rates to certain sectors while others are forbidden to do so.

Under a transitional derogation, restaurant services are subject to a reduced rate in eight Member States whereas current Community legislation prevents the other seven from introducing such rates. This situation has led this sector and certain governments to approach the Commission in order to secure this option for all Member States. The reduced rate for restaurants was also the subject of arduous negotiations under the enlargement process culminating in authorisation for Cyprus, Hungary, Poland and Slovenia to apply reduced rates for restaurants until 31 December 2007.

The rationale for such situations is becoming increasingly tenuous, and there is no real justification for perpetuating this state of affairs. There would seem to be two options open: either abolish such derogations and apply the standard rate in all Member States or extend the option to apply reduced rates to all Member States. There have been no complaints providing any evidence of serious distortion of competition necessitating the abolition of the optional application of reduced rates in these sectors. Consequently, the Commission has opted to include restaurant services in the new list of goods and services to which reduced rates may be applied.

It is now for the Council to decide, unanimously, on the future scope of the reduced rates of VAT.

[1] COM(2003) 397 final.

(2004/C 58 E/190)

WRITTEN QUESTION E-2522/03

by Dorette Corbey (PSE)
and Margrietus van den Berg (PSE) to the Commission

(29 July 2003)

Subject: Mussel beds in the German part of the Wadden Sea

In its answer to our Written Question E-1755/01 [1] the Commission stated that it had 'already launched an investigation in order to assess the compatibility of the shellfish industries in the Wadden Sea and in the wide mouth of the river Ems with Council Directive 92/43/EEC [2] of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. The granting of a licence to harvest mussels close to Delfzijl in the Netherlands is one of the subjects of that investigation'.

Can the Commission state whether the investigation has now been completed and, if so, what its findings are?

Can the Commission state what action it intends to take on the basis of those findings, and when?

If the investigation has not yet been completed, can the Commission state when the findings will be available?

[1] OJ C 364 E, 20.12.2001, p. 197.
[2] OJ L 206, 22.7.1992, p. 7.

Answer given by Mrs Wallström on behalf of the Commission

(12 September 2003)

The Commission has examined the compatibility of mussel fishing activities in the Wadden Sea and in the estuary of the River Ems, Lower Saxony, with Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ('Habitats Directive') on various occasions.

Cases 2001/4472 and 2001/4582 concerned mussel fishing activities in the protected site of Community interest (pSCI) 'Hund und Paapsand' (DE 2507/301). Both cases were closed on 16 October 2002, since the Commission did not see a violation of the Habitats Directive or of any other Community law.

According to information from the German Government, there had only been a single permit for mussel fishing in the pSCI 'Hund und Paapsand' (DE 2507-301). Before the permit had been issued, an impact assessment according to Article 6(3) of the Habitats Directive had been carried out. The latter had concluded that significant negative effects of the fishing activities on the pSCI were not to be expected. This had also been the experience from past mussel fishing activities in the area.

The Commission shared the view of the German Government and consequently found that Article 6(3) of the Habitats Directive had not been violated. Since the Commission did not see a violation of other Community law, either, the cases were closed.

(2004/C 58 E/191) **WRITTEN QUESTION E-2550/03**

by Avril Doyle (PPE-DE) to the Commission

(4 August 2003)

Subject: Capital funding for community arts initiative

Can the Commission advise of any available sources of EU funding for a community arts group that promotes racial awareness, social inclusion and employment of the marginal or long-term unemployed and develops the skills of young people?

The funding required is for capital equipment to bring facilities up to basic health and safety standards.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(30 September 2003)

The Honourable Member will be aware that the Commission works closely with the Member States to eliminate discrimination and promote employment of all groups, particularly those at risk of exclusion.

In the context of the open method of coordination, the Community Action Programme to Combat Social Exclusion 2002-2006 is meant to support cooperation which enables the Community and the Member States to enhance the effectiveness and efficiency of policies to combat social exclusion by:

1. improving the understanding of social exclusion and poverty with the help in particular of comparable indicators;

2. organising exchanges on policies which are implemented and promoting mutual learning in the context of national action plans;

3. developing the capacity of actors to address social exclusion and poverty effectively, and to promote innovative approaches.

Further, under the EQUAL Community initiative, financial support is granted to Development Partnerships which bring together key actors committed to developing and testing new ways of delivering employment and social inclusion policies. Member States are responsible for providing funding according to European Social Fund rules and procedures. Funding of capital equipment is, exceptionally, eligible under EQUAL, provided it is directly linked and necessary for the success of a Development Partnership, and only constitutes a minor part of the total expenditure.

However, providing financial support mainly for upgrading capital equipment and facilities would not be possible either under the Community Action Programme to combat social exclusion or under EQUAL.

Further information on the operation of these, and other programmes, can be found on the web site (http://europa.eu.int/comm/employment_social/).

(2004/C 58 E/192)

WRITTEN QUESTION E-2561/03

by Maurizio Turco (NI) to the Commission

(4 August 2003)

Subject: Refurbishment of the Berlaymont building

On 28 April this year the judge Patrick Collignon of the Brussels public prosecutor's office started an investigation against unknown persons for financial irregularities involved in the refurbishment of the Berlaymont building, which was the headquarters of the European Commission until 1991.

The Brussels judiciary launched the inquiry after receiving a dossier from Olaf, the EU anti-fraud office, which has in turn opened an inquiry into two contracts which apparently did not comply with legislation governing public contracts. The restructuring of the historic building has gone on for years, with soaring costs and substantial delays in the project schedule.

Can the Commission say:

— whether it has any information about the inquiry by the Brussels public prosecutor's office;

— what steps it will take to safeguard the Union's financial interests;

— whether the contracts with the companies involved in the refurbishment envisaged a penalty in the event of delays in delivery and, if so, who was supposed to question any infringement and how many and what kind of disputes there have been and what the outcome was?

Answer given by Mr Kinnock on behalf of the Commission

(7 October 2003)

On 13 November 2002, after prolonged negotiations, the Commission signed an agreement with the Belgian Government and SA Berlaymont 2000 which set out the main points of the acquisition by the Community of the Berlaymont building and the land surrounding it.

That agreement has a price ceiling and specified completion dates. It therefore includes the single amount, including all costs, which the Community must pay to secure the long-term lease of the fully renovated building and the dates when the basic building will become available and for provisional acceptance of the works not included therein. It also specifies the penalties which the Community will apply if the Belgian Government and SA Berlaymont 2000 fail to meet these deadlines.

The agreement includes the specific guarantees provided by the Belgian Government and SA Berlaymont 2000 to protect the Community's financial interests in the event of suspected fraud in the award of contracts for works, supplies and services or during their implementation.

The Honourable Member will see from the above that signature of the agreement of 13 November 2002 means that the Commission has direct contractual links only with the Belgian Government and SA Berlaymont 2000. Likewise, it is SA Berlaymont 2000, the party responsible for the renovation project, which enters into contracts with the various companies doing the work.

Accordingly, as far as the Honourable Member's first question is concerned, since the Commission is not at this stage a party to the procedure being followed by the judge responsible for this case, it has no information about this enquiry, which is in any case subject to pre-trial confidentiality.

As far as the second question is concerned, the Commission considers that the fixed price and the penalties for late delivery set out in the agreement referred to above fully safeguard the Union's financial interest. In addition, as noted above, on fraud, Article 22 of the agreement includes a commitment by the Belgian Government and SA Berlaymont to do everything possible, in agreement with the Community, to secure compensation for any damage or harm caused by fraud by third parties with which the Commission has no contractual relationship and undertake to pay the Commission fifty per cent of any amount which they recover through such action. In the light of the inquiry in progress and in line with Article 22 of the agreement, the Commission will take the steps required to protect the financial interests of the Community.

The Honourable Member's final question concerning failure to comply with deadlines for deliveries and the penalties to be applied in such circumstances is covered by Articles 9 and 9a of the agreement, which set out the commitments given to the Commission by the Belgian Government and SA Berlaymont 2000 as regards the date of delivery of the renovated building and the penalties applicable if this is not respected. The clauses on the deadlines and penalties in the contracts between SA Berlaymont 2000 and the companies responsible for carrying out the work concern only the contractual relationships between those parties.

(2004/C 58 E/193) **WRITTEN QUESTION E-2567/03**

by David Bowe (PSE) to the Commission

(6 August 2003)

Subject: Methyl methacrylate (MMA): acrylic liquid monomer

Is the Commission aware that the acrylic liquid monomer, methyl methacrylate (MMA), is currently being used in the solution for acrylic nails and is causing numerous allergic and damaging reactions to the users of this product? Is the use of acrylic MMA banned in the Member States of the EU or is it being considered for banning? If it is not being considered for banning, why not?

Answer given by Mr Liikanen on behalf of the Commission

(12 September 2003)

Methyl methacrylate is not listed in the inventory used in cosmetic products [1] but the Commission is aware that it might be used in kits to sculpture nails on natural fingernails. Methyl methacrylate is not regulated in an Annex to Council Directive 76/768/EEC [2].

However, the Directive states as a general principle that only cosmetic products that do not cause damage to human health can be put on the market (Article 2 of the Directive). Therefore, cosmetic products can only contain safe ingredients. Regarding an adequate safety assessment of cosmetic products, there is an obligation for the manufacturer to keep information on its cosmetic products readily accessible for the control authorities of the Member States (Article 7a of the Directive). This information must contain the assessment of the safety for human health of the finished product, taking into consideration the general toxicological profile of its ingredients and its chemical structure. Therefore, the possible allergenicity of the ingredients needs to be taken into account in the safety assessment.

The overall issue of substances used in artificial fingernail systems was already discussed in a Working Group with Member States and stakeholders in February 2001. The Commission asked to send in scientific data for the safety evaluation of these substances. Based on data submitted by industry a safety evaluation of three substances was initiated. These substances (hydroquinone, benzoyl peroxide and hydroquinone methylether) are now subject to restrictions and conditions laid down in Annex III of the Directive.

Moreover, if a Member State notes, on the basis of a substantiated justification, that a cosmetic product, although complying with the Directive, represents a hazard to health, it may provisionally prohibit the marketing of that product and inform the other Member States and the Commission of this (Article 12 of the Directive). So far, the Commission has not received such an information from a Member State on a methyl methacrylate containing cosmetic product.

The Commission will ask industry to provide information and scientific data on a possible risk associated with the use of Methyl methacrylate in cosmetic products with a view to consulting the Scientific Committee on Cosmetic Products and Non-Food Products intended for the Consumer (SCCNFP) for a safety assessment if necessary. Based on this safety evaluation the Commission could then take appropriate measures.

(1) Commission decision 96/335/EC of 8 May 1996 establishing an inventory and a common nomenclature of ingredients employed in cosmetic products, OJ L 132, 1.6.1996.
(2) Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products, OJ L 262, 27.9.1976.

(2004/C 58 E/194)

WRITTEN QUESTION E-2568/03

by Christopher Huhne (ELDR) to the Commission

(6 August 2003)

Subject: EC Committee on Driving Licences

1. Further to the Commission answer given on 30 April 2003 (E-1231/03), will the Commission please address point four of the original question, namely does the Commission have a projected time frame within which it anticipates developments?

2. When will the vision medical working group be set up? What is its remit?

3. Is the Commission itself responsible for appointing this group and if not who is? Who are its members?

4. When will it be asked to report, particularly on the issue of bioptic driving?

Answer given by Mrs de Palacio on behalf of the Commission

(11 September 2003)

1. No calendar has been established yet, neither for the future working group on eyesight, nor for the specific subject of driving with bioptic lenses, since the Commission replied to Written Question E-1231/03 of the Honourable Member (1).

2. Through the regular procedures, the Parliament has been informed that the Committee on the driving licence met on 22 July 2003. The Committee discussed about the terms of reference for the future working group on eyesight and its composition. It is expected that both the terms of reference and the composition of the working group will be finalised at the next meeting of the Committee on the driving licence. This meeting is expected to take place in October 2003. The Parliament will be duly informed.

3. The members of the Committee on the driving licence propose the composition of the future working group on eyesight and its terms of reference.

4. No date has yet been set for a report to be delivered by the future working group on eyesight. As indicated before, the subject of driving with bioptic lenses is not a priority subject for this working group as it is in an experimental stage only. It will certainly require several years of research and of discussions before being allowed officially.

(1) See page 52.

(2004/C 58 E/195)

WRITTEN QUESTION E-2575/03

by Philip Claeys (NI) to the Commission

(6 August 2003)

Subject: Settlement of new officials in and around Brussels

In May 2004, ten new Member States will accede to the EU. That enlargement naturally goes hand-in-hand with the recruitment of new officials from the countries concerned. Experience shows that most of the EU officials currently employed in Brussels prefer to settle in one of Brussels City's 19 municipalities or on the outskirts of Brussels. However, a number of problems arise in the latter area, which lies in Flanders, i.e. in a Dutch-speaking area. There are social problems (the presence of large numbers of European officials in some municipalities has led to a surge in rents and house prices, with some young Flemish families being forced to move away from their own area) as well as language-based problems. Many Flemish peripheral areas are having to cope with the problem of French-speaking (Belgian) aliens who refuse to acknowledge that Dutch is the language of the area. The gradual Frenchification of Flemish Brabant is a considerable political problem. In several municipalities, known as 'municipalities with (linguistic) facilities', the original Flemish inhabitants are already being reduced to a minority. The presence of a large number of EU officials who cannot speak Dutch has frequently exacerbated this problem, not because they are unwilling but mainly for other reasons, such as a lack of information.

Ways exist of combating this problem. New (or even current) officials might be offered incentives to settle in nearby Walloon Brabant. They might also be made aware of the political situation on the outskirts of Brussels and be encouraged to learn Dutch at the courses organised by the local authorities, etc.

Is the Commission prepared to consider these and other measures — with due account being taken of the date of enlargement — in order to make it easier for new officials to settle in?

Answer given by Mr Kinnock on behalf of the Commission

(29 September 2003)

At the regularly organised welcome meetings for new colleagues, the Adminfo service (which is responsible for both the reception of and provision of information to new officials), explains both orally and in its brochure 'Welcome to the Commission' the different aspects related inter alia to settling in various locations around Brussels, the existence of three official languages in Belgium and of Dutch-speaking, French-speaking and bilingual areas.

Article 20 of the Commission's Staff Regulations provides that an 'official shall reside either in the place where he is employed or at no greater distance therefrom as is compatible with the proper performance of his duties'. Within the bounds of this Regulation, the selection of a place to live is of course a matter of individual choice. In any event, the Commission has neither the wish, the powers nor the budget to give officials incentives to settle in particular areas.

The Honourable Member will be aware that for most officials of the Commission choosing to live in the outskirts of Brussels, neither Dutch nor French is their first language.

(2004/C 58 E/196)

WRITTEN QUESTION E-2578/03

by Erik Meijer (GUE/NGL) to the Commission

(6 August 2003)

Subject: How motorists in a neighbouring EU country obtain a driving licence to replace one withdrawn as a result of a traffic violation

1. Is the Commission aware that advertisements are being aimed at drivers who have infringed traffic laws in Germany and had their licences withdrawn, offering them the opportunity to enrol for at least 185 days at an address in the Netherlands and, for an increased fee, to have driving lessons and take a driving test in any Netherlands municipality so that they may hold a legally valid driving licence in Germany again without having to take the psychological test required for any re-issue of a withdrawn driving licence?

2. Can this abuse be confirmed only if such drivers with their new driving licences are involved in a serious traffic violation or a major road accident?

3. How can the Commission explain this recent sharp increase in cross-border driving lessons and tests in the Netherlands Limburg province which borders Germany?

4. Is this state of affairs encouraged by the fact that exchange of data between the EU Member States is prohibited on the grounds of protection of privacy, with the result that the German authorities are prevented from informing their Dutch counterparts of the withdrawal of a driving licence and that the Dutch authorities may not seek such information?

5. How can it be guaranteed that traffic violators may no longer be able to benefit from the fact that the Member States apply systems which work in parallel and have no connection with each other? What is the Commission doing to change this situation?

Source:The 18 July 2003 edition of 'Rotterdams Dagblad', a Dutch newspaper

Answer given by Mrs de Palacio on behalf of the Commission

(22 September 2003)

The Commission has noted that the Dutch press this summer reported a sharp rise in the number of German nationals establishing themselves in the Netherlands to obtain a driving licence. The practices to which the Honourable Member refers have been known for many years as 'driving licence tourism' and are therefore not new. Driving licence tourism has been repeatedly discussed by the Committee on driving licensing and has led to the adoption by the Committee of a position which has been formalised by the Commission in a 'Commission interpretative document on Community driver licensing' ([1]).

Council Directive 91/439/EEC of 29 July 1991 on driver licensing ([2]) lays down the conditions for issuing driving licences. Apart from undergoing driving tests and a check of physical and mental fitness, each candidate must have their normal residence in the country issuing the licence. However, the above Directive also states that no person may hold a driving licence for more than one Member State ([3]) and that the Member States must assist one another in the implementation of the Directive ([4]). It is therefore the responsibility of the Dutch authorities to check whether the candidate in question has genuinely met the requirements for issuing a driving licence and in particular whether the person concerned has his or her normal residence in the Netherlands. The Court of Justice recently confirmed, as regards the interpretative document, that this is the case ([5]). It is also the responsibility of the Dutch authorities to contact the German authorities if they have good reason (age, driving test) to believe that the candidate might already hold a driving licence. The Commission therefore believes that the necessary means are in place to act even when a licence is being issued and that the Directive requires the Member States to establish the necessary means for this purpose.

The Commission does not have any figures on this subject. However, it wishes to inform the Honourable Member that the subject of driving licence tourism has been regularly reappearing for several years.

Data protection does not mean there cannot be a one-off exchange of information between two Member States on a specific person. It is simply a matter of asking whether the person concerned holds a driving licence (whether or not withdrawn) in the Member State concerned.

Individual Member States should not act in parallel with each other. The Commission wishes to emphasise that the means for which Directive 91/439/EEC provides should suffice for this purpose. However, at a meeting on 22 July 2003 with government experts on driving licences, the Commission proposed setting up a computer network to facilitate the exchange of information between Member States to combat driving licence tourism more effectively. Once a feasibility study has been carried out and such a network has been set up, it could be operational towards the end of 2004.

(1) Commission interpretative document on Community driver licensing, OJ C 77, 28.3.2002, p. 2.
(2) OJ L 237, 24.8.1991, Article 7(1).
(3) OJ L 237, 24.8.1991, Article 7(5).
(4) OJ L 237, 24.8.1991, Article 12(3).
(5) C-246/00, Commission v Kingdom of the Netherlands, 10 July 2003, paragraph 75.

(2004/C 58 E/197)

WRITTEN QUESTION E-2581/03

by Erik Meijer (GUE/NGL) to the Commission

(6 August 2003)

Subject: Course of events involving the whistleblower at the European Court of Auditors 1: opinion and composition of the disciplinary committee and the deafening silence of senior management

1. Can the Commission confirm that, on his birthday, 17 July 2003, Robert Dougal Watt, an official at the European Court of Auditors who, in April 2002, blew the whistle on wrongdoings at the Court and, shortly afterwards, received the support of 40 % of the Court of Auditors' staff, received notice of dismissal from his Secretary-General?

2. Does the Commission acknowledge that officials are driven to whistleblowing because of the lack of reaction to the initial warning reports that they submit to their superiors? Does it duly acknowledge that the lack of any reaction whatsoever from the superiors may lead to an escalation in feelings and use of language which culminates in an unwanted outcome for everybody but, ultimately, in many instances, simply for the whistleblower?

3. Is it true that the Commission regards it as the task of senior management to have a formal answer forwarded to any person who reveals cases of possible wrongdoing in every instance and within a reasonable time limit? Does the Commission deem it desirable for superiors to remain silent in some instances if they are asked to make disagreeable observations?

4. In the light of its encouragement of whistleblowing, is the Commission happy with the measure taken by the Secretary-General to dismiss the official in question, when the disciplinary committee repeatedly recommended that the action to be taken against the official should go no further than his downgrading from A 7 to B 5, itself a significant sanction?

5. Does the Commission deem it desirable that, in some cases, more than half the members of a disciplinary committee are members of the authority which is empowered to dismiss the official appearing before it?

6. How common is it, since the Commission took office, for a recommendation of a disciplinary committee which does not find favour with the competent authority to be sent back for a 'second round'?

7. How common is it for the competent authority to ignore the request from the disciplinary committee that it be allowed to appear in person before the committee as, it is claimed, happened in the case of the issue which resulted in the dismissal of the Court of Auditors official?

(2004/C 58 E/198)

WRITTEN QUESTION E-2582/03

by Erik Meijer (GUE/NGL) to the Commission

(6 August 2003)

Subject: Course of events involving the whistleblower at the European Court of Auditors 2: complications for assessment arising from simultaneous need to investigate superiors

1. Does the Commission regard it as a relevant or irrelevant fact that, according to his own testimony and to the recommendation of a disciplinary committee, a conscientious whistleblower acted in good faith and in the interests of a European institution?

2. Can the Commission indicate the number of occasions on which a legally empowered authority of a European institution has, on its own responsibility, ignored the recommendation of the disciplinary committee? Does the Commission deem the disregarding by the competent authority of a (repeated) recommendation of the disciplinary committee to constitute contempt of that committee?

3. Has the Commission subsequently asked the Secretary-General whether, when taking his decision to dismiss the official, he took account of the complaints lodged by the whistleblower against the former Member of the Court of Auditors, Mrs Nikolaou, which the European Anti-Fraud Office (OLAF) and the legal authorities have already investigated or are still investigating?

4. Has the Commission asked OLAF why, in that institution's Press Release No 18, no details were given of the services rendered by the whistleblower as the person whose information had resulted in the initiation of a legal investigation into the conduct of the former Member of the Court of Auditors, Mrs Nikolaou?

5. Given the recommendation of the disciplinary committee, does the Commission conclude that an honest whistleblower is required to infringe the provisions of the first paragraph of Article 21 of the Staff Regulations of Officials, pursuant to which he must assist his superiors, in instances where the contested illegal acts appear to have be committed by persons who are actually amongst those superiors?

6. Does the Commission feel that it is responsible for the future of officials employed by EU institutions who have honestly tried to terminate what they regard as wrongdoing by drawing attention thereto? How does it interpret its responsibility?

Joint answer
to Written Questions E-2581/03 and E-2582/03
given by Mr Kinnock on behalf of the Commission

(30 September 2003)

Each Institution of the European Union is an employer in its own right and each of the Institutions therefore manages disciplinary matters relating to its own staff, under the provisions of the Staff Regulations and subject to the judgements of the European Court of Justice. As the case referred to by the Honourable Member concerns a person who was employed by the Court of Auditors, the Commission is not able to answer questions about this specific case. The Honourable Member may wish to address his questions to the Court of Auditors.

(2004/C 58 E/199)

WRITTEN QUESTION E-2605/03

by Elizabeth Lynne (ELDR) to the Commission

(28 August 2003)

Subject: Recognition of qualifications for language teachers

Is the Commission aware that a British teacher of English having all adequate qualifications and teaching experience in the United Kingdom is required to pass the CAPES exam (Certificat d'aptitude pédagogique à l'enseignement du second degré, a very difficult exam, particularly for a foreigner) in order to be able to have a full-time teacher position in the French education system?

Would this not be in contravention of Council Directive 89/48/EEC [1] of 21 December 1988 on a general system for the recognition of higher education diplomas awarded on completion of professional education and training?

Is the proposed Directive on recognition of professional qualifications [2] going to eliminate this anomaly, particularly since French teachers are able to teach in the United Kingdom without such an additional examination?

[1] OJ L 19, 24.1.1989, p. 16.
[2] COM(2002) 119 final.

Answer given by Mr Bolkestein on behalf of the Commission

(10 October 2003)

The Court of Justice has just delivered a judgment in a case concerning a preliminary ruling (Case C-285/01 'Burbaud'), which may provide some clarification of Community rules governing the issue raised by the Honourable Member. The Commission is currently examining the judgment and will provide the Honourable Member with an answer as soon as this analysis has been completed.

(2004/C 58 E/200) **WRITTEN QUESTION E-2607/03**

by Olivier Dupuis (NI) to the Commission

(25 August 2003)

Subject: Thich Tri Luc, a monk kidnapped in Phnom Penh and rediscovered in a Vietnamese prison

Exactly a year ago I notified the Commission of the disappearance of the Buddhist monk Thich Tri Luc, a member of the Unified Buddhist Church of Vietnam (UBCV), a banned organisation, who had been kidnapped in Phnom Penh after seeking asylum in Cambodia. Aged 49, Thich Tri Luc (secular name Pham Van Tuong) had fled from Vietnam to escape religious persecution. The ten years that followed his first arrest in 1992 were a series of harassments, imprisonment and house arrest for supporting the UBCV. The status of refugee, granted by the Phnom Penh office of the UN High Commissioner for Refugees in June 2002, did not prevent his kidnapping in the night of 25 July by unidentified individuals. Both Vietnam and Cambodia had denied having any information on his abduction and disappearance and the HCR was unable to obtain any information as to his plight. Thich Tri Luc has now resurfaced, not as a free person protected by the United Nations, but as a prisoner awaiting trial behind bars in a Vietnamese jail. According to the Vietnamese Human Rights Committee, 'after a year without news his family has received a short message from the People's Court in Ho Chi Minh City inviting them to attend the trial of Pham Van Tuong'. Scheduled for 1 August, the trial has been postponed without setting a date. His family does not know where he is being held, or the charges against him, and has not been allowed to visit him. During this illegal and secret imprisonment, which has lasted 12 months, Thich Tri Luc has been subjected not only to serious psychological and physical pressure but has also been denied the right to a fair trial, as he has been unable to contact a lawyer and prepare his defence. As he is both a prisoner of conscience and a member of a Church that is still banned he is likely to receive a very long prison sentence.

Does the Commission know that Thich Tri Luc was kidnapped and forcibly repatriated in spite of his refugee status, and that he has been detained in secret in Vietnam for over a year? Is it aware of the charges against Thich Tri Luc, and has it asked for its representative in Hanoi to be allowed to visit him in prison and attend his trial? What representations will the Commission be making to prevent the continual violation by the Cambodian and Vietnamese authorities of international laws governing the status of refugees, particularly the principle of 'non-refoulement' of persons whose freedom is at threat in their own country because of their religion, race or political opinions? Should not these violations by the Hanoi and Phnom Penh authorities induce the Commission to adopt sanctions under the human rights clause in the EU's Cooperation Agreements with Vietnam and Cambodia?

Answer given by Mr Patten on behalf of the Commission

(18 September 2003)

The Commission reacted with concern to the disappearance from Cambodia of Thich Tri Luc, a Refugee under the protection of the United Nations High Commissioner for Refugees (UNHCR), in July 2002. The exact circumstances, under which he left Cambodia and came into police custody in Vietnam have not been clarified. The Commission has not yet received any reply to its request to the Vietnamese authorities for further information on Thich Tri Luc. Nor has the Commission confirmation yet of the exact charges that the Vietnamese authorities now lay against him. In the past, the Union Presidency has repeatedly requested that the authorities of Vietnam allow Union diplomats to attend trials of Persons of concern. So far the authorities of Vietnam have not allowed foreign diplomats to attend any of these trials. The Commission will continue to follow this case, via its Delegation in Hanoi and in close collaboration with the Member States.

The Commission would like to recall that it attaches great importance to the rights of freedom of religion, belief, expression and of a fair trial. The Union has repeatedly affirmed that human rights and democratisation must form an integral part of all political dialogues with third countries. Religious freedom, as one of the fundamental human rights, are addressed through the Union's bilateral political dialogues, and, when appropriate, through démarches and public declarations, as well as through Union action in fora such as the United Nations Commission on Human Rights or the Third Committee of the United Nations General Assembly. The reference to the respect for Human Rights and democratic principles in the Community-Co-operation Agreements with Vietnam and Cambodia enables the Commission to address human rights issues in its bilateral contacts with the Governments of these countries.

The Commission would like to reiterate that its overall 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, through its Delegation in Hanoi, works closely with the Member States to monitor human rights developments in the country, participates in all Union démarches to the Government of Vietnam on human rights issues.

(2004/C 58 E/201) **WRITTEN QUESTION E-2611/03**

by Proinsias De Rossa (PSE) to the Commission

(28 August 2003)

Subject: Working hours and the SIMAP case (Case C-303/98) of 3 October 2000

In its answer to Written Question E-3515/02 [1] given on 2 December 2002, the Commission said that it had decided to issue an invitation to tender for a study of the scope and consequences of the SIMAP case for Member States.

In its answer to Written Question E-0535/03 [2] given on 24 March 2003, the Commission said that the invitation to tender had been issued for this study and that a meeting with national experts had already taken place on the implications of the judgment.

Why did the Commission wait for almost 2½ years before issuing the invitation to tender for this study?

When does it envisage the results of this study being completed and made public? Does it believe that this should be done before it publishes its Communication on working time due by the end of 2003 which, it has already indicated, will address the implications of the SIMAP judgement?

Given that the Irish Government has already failed to meet the 1 August 2003 deadline for the transposition into Irish law of some elements of Directive 2000/34/EC [3], which extends the 1993 Working Time Directive to the excluded sectors, what views were presented by the Irish Government's representative at the meeting of national experts referred to by the Commission in its answer to Written Question E- 0535/03?

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[1] OJ C 110 E, 8.5.2003, p. 217.
[2] OJ C 192 E, 14.8.2003, p. 199.
[3] OJ L 195, 1.8.2000, p. 41.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(15 October 2003)

The Commission launched two invitations to tender for a study on the consequences of the judgment of the Court of Justice in the SIMAP case [1]. Unfortunately, the Commission did not receive any bids before the deadline in response to the first invitation to tender and the only bid received in response to the second invitation to tender was not acceptable.

The Commission plans to launch a new invitation to tender as soon as possible.

Finally, the transposal of Directive 2000/34/CE of the Parliament and of the Council of 22 June 2000 was not on the agenda of the meeting with the national experts on working time to which the Honourable Member refers.

[1] Judgment of the Court of 3 October 2000 in case C-303/98, Sindicato de Médicos de Asistencia Pública (SIMAP) and Conselleria de Sanidad y Consumo de la Generalidad Valenciana.

(2004/C 58 E/202) **WRITTEN QUESTION E-2619/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(2 September 2003)

Subject: Fulfilment by the firm Beiersdorf Hellas of commitments arising from the funding of its modernisation

In June 1996 the Ministries of the National Economy and of Development issued a joint ministerial decision approving the application of the provisions of law 1892/90 to Beiersdorf Hellas's three-year business plan, and as a result its funding from the second Community support framework. Beiersdorf Hellas ought to have used the investment to support production of its products and to maintain and increase the number of its permanent posts to 288. In fact, starting in 1998 — before it had finished implementing its business plan — it began to reduce staff numbers, which fell from 231 in 1998 to 192 in 2002, while its production decreased from 1900 tonnes in 1996 to 900 in 2002. Recently, the undertaking announced the definitive closure of its production unit. Since this business is evidently not fulfilling the commitments it made, does the Commission intend to investigate this case and, if the allegations prove to be true, what measures does it intend to take?

Answer given by Mr Barnier on behalf of the Commission

(10 October 2003)

Beiersdorf Hellas' project was part-financed by the Community under the 'Industry' Operational Programme 1994-99.

The Commission has been informed by the Greek authorities that official inspection showed a reduction in the firm's staff numbers and that this failure to satisfy the terms under which the investment project was part-financed led the Law 1892/90 Consultative Committee, meeting on 9 July this year, to impose a penalty of EUR 74 748,02 under that Law.

The authorities have informed the Commission that the relevant department will investigate the matter of a change in the firm's activities so that it can decide whether the subsidy ought to be recovered in part or in full and a penalty applied under Law 1892/90.

Pending notification of the detailed conclusions from the investigation the Commission will itself look carefully into the matter when the Industry Operational Programme is closed.

(2004/C 58 E/203)

WRITTEN QUESTION E-2623/03

by Gabriele Stauner (PPE-DE) to the Commission

(2 September 2003)

Subject: Eurostat taskforces

According to reports in the Luxembourg press, at least two of the main suspects in the Eurostat affair are members of a freemasons' lodge.

What information does the Commission have to suggest that leading officials in the taskforces set up by the Commission may also have connections with freemasons' lodges?

What steps has the Commission taken to prevent 'fraternisation' between its investigators and the suspects?

Answer given by Mr Solbes Mira on behalf of the Commission

(8 October 2003)

Under Article 10 of the Charter of fundamental rights of the European Union, everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.

Exercise of this fundamental right by its officials in a manner which does not conflict with their obligations under the Staff Regulations is not a matter for the Commission.

(2004/C 58 E/204)

WRITTEN QUESTION E-2657/03

by Manuel Pérez Álvarez (PPE-DE) to the Commission

(10 September 2003)

Subject: Health and safety in subcontracted companies

In recent months, the media have been reporting accidents at work involving serious injuries and even deaths amongst workers belonging to companies subcontracted by the main contractor, temporary workers and even workers supplied to the main contractor by a temporary job company.

The 2002-2006 Community health at work strategy covers new forms of productive work organisation on the basis of such things as out-sourcing, subcontracting, etc.

Given the situation referred to above, has the Commission made any provision for some kind of specific action to prevent or reduce accidents in work situations involving the presence and competition of various companies at a single workplace?

Answer given by Ms Diamantopoulou on behalf of the Commission

(14 October 2003)

Where several companies are working on the same premises, effective coordination is needed to ensure protection and prevent occupational risks. In this regard, the Council's Framework Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [1] requires the different employers to cooperate in implementing the safety, health and occupational hygiene provisions and, taking into account the nature of the activities, coordinate their actions in matters of the protection and prevention of occupational risks, and inform one another and their respective workers and/or workers' representatives of these risks (cf. Article 6(4)). Reference should

also be made in this context to Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed duration employment relationship or a temporary employment relationship [2], which aims to ensure that such workers benefit from the same degree of health and safety protection at work as those of the user undertaking and/or establishment.

These directives have to be transposed into the national legislation of the Member States, and the individual countries are responsible for ensuring adequate monitoring and supervision of the national provisions transposing them (cf. Article 4 of Directive 89/391/EEC).

It is therefore the responsibility of the Spanish authorities in charge of supervising the national provisions transposing the Community health and safety directives to see that they are effectively and correctly applied.

Cutting down the number of occupational accidents in general, and those occurring in the circumstances referred to by the Honourable Member, in which several companies and subcontractors are present on the same premises, in particular, is one of the objectives of the Community health and safety strategy 2002-2006, to be pursued jointly by all parties concerned.

To this end, the Council Resolution of 3 June 2002 on a new Community strategy on health and safety at work 2002-2006 [3] calls on the Member States to develop and implement coordinated, coherent prevention policies, geared to national conditions, with measurable targets for reducing accidents at work and occupational illnesses, especially in those sectors of activity in which rates are above average.

Finally, the Commission draws the Honourable Member's attention to Council Decision 2003/578/EC of 22 July 2003 on guidelines for the employment policies of the Member States [4], and in particular to specific guideline 3 which provides, inter alia, that Member States shall implement appropriate measures to promote better working conditions, including health and safety. A major objective of these policies will be to reduce substantially the rate of occupational accidents and diseases.

[1] OJ L 183, 29.6.1989.
[2] OJ L 206, 29.7.1991.
[3] OJ C 161, 5.7.2002.
[4] OJ L 297, 5.8.2003.

(2004/C 58 E/205)

WRITTEN QUESTION E-2659/03

by Elisabeth Jeggle (PPE-DE) to the Commission

(10 September 2003)

Subject: Regular issuing of veterinary certificates

Every week a farmer in a border area in Germany sells pigs to a butcher in Austria (distance from the German farm: roughly 25 km). In order to do that, the farmer requires a health certificate issued by the competent veterinary authority no more than 24 hours prior to the export of the animals. The examination costs roughly EUR 50 per animal.

In connection with the transport of animals within the EU, is there a cheaper and less bureaucratic export-authorisation procedure than the regular issuing of health certificates, with the related costs this generates for farmers?

Answer given by Mr Byrne on behalf of the Commission

(6 October 2003)

With reference to the question raised by the Honourable Member, the Commission wishes to point out that the animal health conditions for intra-Community trade in live pigs are laid down in Council

Directive 64/432/EEC of 26 June 1964 ([1]) and the welfare conditions for animals during transport are laid down in Council Directive 91/628/EEC of 19 November 1991 ([2]). Both Directives have been amended by the Council and the Parliament in order to take into account the evolution of the single market.

Compliance with the animal health and welfare requirements set down in these Directives must be ascertained and certified by an official veterinarian at the place of origin. The intended movement is subsequently recorded in the computerised network ANIMO to ensure traceability of the animals and to allow the official veterinarian at destination to carry out non-discriminatory checks, if considered necessary and/or required by legislation.

In its resolution of 12 December 2002 the Parliament emphasised the need to reinforce controls on the movement of and trade in live animals as essential prerequisites to prevent the transmission of major epidemic diseases, such as foot-and-mouth disease or classical swine fever, and to guarantee compliance with animal welfare requirements during transport.

In the aftermath of the 2001 foot-and-mouth disease crisis, the Commission has adopted provisions to reinforce the controls on trade in animals and has submitted proposals to the Council to further strengthen the controls on movements of animals in the Member States. It is therefore not foreseen to propose any fundamental change to the current system of veterinary certification for trade in live animals, although the Commission is continuously working on improvements to take into account evolving technical developments.

([1]) OJ P 121, 29.7.1964.
([2]) OJ L 340, 11.12.1991.

(2004/C 58 E/206)

WRITTEN QUESTION E-2668/03

by Brice Hortefeux (PPE-DE) to the Commission

(10 September 2003)

Subject: Prices of reimbursable medicines

As present, prices of reimbursable medicines vary greatly from one Member State to another.

Given the current budgetary austerity and massive sickness insurance deficits, new methods of regulating spending on pharmaceutical products are clearly required to reduce the growing impact of these price differences.

Since health is not a communitarised policy area, total harmonisation is clearly impossible, but the Commission could usefully launch a review of the main points at issue and thus help increase the transparency of the price situation in the different Member States.

Has the Commission already taken any steps in this direction? If so, what are they, and what is the planned timetable?

Answer given by Mr Liikanen on behalf of the Commission

(15 October 2003)

The prices and reimbursements of medicines are matters which generally remain the responsibility of the Member States. However, in view of the consequences arising from differences in the prices charged in the Member States, especially with regard to access to medicines, they are matters which are of concern to the Commission. The fact is that differences in the way of regulating prices in each Member State can result in significant variations in the time it takes for medicines actually to become available to patients. In addition, the parallel trade in medicines, linked to the price differential between Member States, together with the quota measures taken by the industry to combat this feature, could possibly interrupt supplies in countries with the lowest prices.

In its communication entitled 'A stronger European-based pharmaceutical industry for the benefit of the patient — a call for action' [1] of 1 July 2003, the Commission tackled the question of medicine prices in several chapters.

In its communication the Commission suggested a number of ways to introduce measures to make the market more vigorous and competitive with a view to encouraging market integration. On the one hand, the Member States were asked to examine their existing pricing and reimbursement systems to ensure that they operated fully in accordance with Directive 89/105/CEE (Transparency Directive) [2], to look into the possibility of reducing the time lag between the authorisation of medicines and their actual availability on the market and to see whether they could develop closer coordination of studies carried out in connection with procedures for regulating pricing and reimbursement. On the other hand, the Commission gave an undertaking in its communication that it would launch a reflection on finding alternative ways to control national expenditure on health care, primarily by allowing manufacturers to set the prices of new products, while at the same time negotiating with the Member States suitable safeguard mechanisms in line with Community rules on competition and with the principle of the free movement of goods.

With regard to the first point, an initiative has been launched by the Transparency Committee (committee on the transparency of measures regulating the pricing of medicinal products, set up by Directive 89/105/EEC).

As for the second point, the Commission is currently working on a timetable and an action plan to conclude the reflection on controlling national expenditure on health care and on a possible European price for certain medicines.

[1] COM(2003) 383 final.

[2] Council Directive 89/105/EEC of 21 December 1988 relating to the transparency of measures regulating the prices of medicinal products for human use and their inclusion in the scope of national health insurance systems, OJ L 40, 11.2.1989.

(2004/C 58 E/207) **WRITTEN QUESTION E-2671/03**

by Toine Manders (ELDR) to the Commission

(10 September 2003)

Subject: Action Plan for European Professional Football

The European Commission recently approved the UEFA's revised media policy. According to the rules, media rights may no longer be sold collectively and in packages, as was the case throughout Europe until last year. The aim of the revised policy is to prevent the development of monopolies and to create market forces. However, that does not seem to have happened in most countries. As a result of the sale of TV rights in England, for example, BSkyB has acquired all the available broadcasting rights. In the Netherlands, it has now become clear that the average income for football clubs will be considerably lower than it was. The upshot of this is that, this season, even more professional football clubs in Europe will be struggling to cope with deficits and will be able to survive only with aid from local authorities. And that encroaches on another European policy area: competition. This is just one example of conflicting Community policy areas adversely affecting professional football.

Pursuant to the case-law of the European Court of Justice, professional football clubs are held to be commercial undertakings to which — like undertakings in every other industry — European rules are applicable. In practice, the application of those rules seems to be having an adverse effect on the football sector as a result of the many uncertainties and grey areas involved. The result is that the people running professional football do not know whether they are coming or going, and that, too, contributes to the further decline of European football, with all its negative social and economic consequences.

It is time for the Commission to stop shilly-shallying and abandon its hand-to-mouth policy on professional football. It must act decisively so as to clear up the many uncertainties with which the sector is currently having to cope so that the clubs, players, spectators, national associations and local authorities may have some idea of what is going on and not, as is currently the case, because of the lack of clarity in the rules, be constantly worrying about whether or not they are complying with those rules.

1. Is the Commission aware of the harmful side-effects referred to above of UEFA's revised media policy, as a result of which clubs will, on average, receive less income from TV rights?

2. Does the Commission agree with me that professional football in Europe is being adversely affected by various conflicting Community policy areas? If not, why not?

3. In the short term, is the Commission planning to catalogue the issues concerning professional football in respect of which greater clarity is required? If not, why not?

4. Is the Commission planning to initiate a structural policy with a view to giving a positive boost to the ailing European football sector? If so, is it prepared to do that by devising an 'Action Plan for European Professional Football' which lays down clear, detailed conditions and requirements with regard to European rules such as state aid, media policy and transfer policy? If not, why not?

Answer given by Mrs Reding on behalf of the Commission

(17 October 2003)

The Honourable Parliamentarian refers to the final Commission Decision of July 2003 [1] which seeks to grant an exemption in the case of the new rules on joint selling introduced by the Union of European Football Associations (UEFA) concerning media rights to the Champions League.

On being notified about the rules on joint selling by UEFA in 1999, the Commission was initially opposed to them because all television rights to the Champions League were sold in a single lot to a single broadcaster on an exclusive basis for four years. UEFA's rules on joint selling thus had the effect of restricting competition between broadcasters. By restricting access to this key area of sport, they also hampered the development of sports services on the Internet and the new generation of mobile phones, which ran counter to the interests of broadcasters, clubs, supporters and consumers.

In July 2003, the Commission decided that the new rules were different. They enable UEFA to sell rights to the Champions League while giving a greater number of broadcasters, Internet service providers and telephone operators access to football and allowing clubs to market some of these rights individually. The action taken by the Commission will thus help to increase the number and variety of football programmes on television.

The Commission therefore does not share the Honourable Member's view that the effects of this decision are harmful. On the contrary, the Commission feels that this positive outcome to the situation shows that the marketing of rights to football competitions can be brought into line with Community rules on competition without upsetting the balance of the football sector. Moreover, there has been no sign of the adverse effects referred to by the Honourable Member in his question on UEFA's revised media policy, i.e. the policy has not reduced the income earned by clubs from television rights. On the contrary, in its press release of 18 September 2003, UEFA announced that revenue derived from the Champions league was higher than forecast and was likely to rise by 13 % between 2003 and 2006, with substantial increases expected in England, Scandinavia and the Netherlands.

The Commission feels that its relations with the world of football are coherent and does not know what the Honourable Member might be referring to when he speaks about conflicting Community policy areas.

The Commission seeks to act strictly within its remit. It therefore does not plan to initiate any special policy on European football or to adopt an 'action plan for European professional football'. In keeping with the spirit of the Nice Declaration [2], this matter is primarily the responsibility of sports organisations.

[1] C(2003) 2627 final — Commission Decision of 23 July 2003 relating to a proceeding under to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (COMP/C.2-37 398) — Joint selling of the commercial rights of the UEFA Champions League.

[2] Annex IV to the Conclusions of the Presidency, Nice European Council — 7, 8 and 9 December 2000, 'Declaration on the specific characteristics of sport and its social function in Europe, of which account should be taken in implementing common policies'.

(2004/C 58 E/208) **WRITTEN QUESTION E-2682/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(10 September 2003)

Subject: Supply teachers and Directive 1999/70/EC

Every year, in Greek primary and secondary schools, there are vacant posts for teachers. Every year, these perennially vacant posts are filled by supply teachers or teachers paid by the hour, so that the shortage of teachers does not create problems in schools. The result of this situation is that the same teachers very often work at the same school on fixed-term contracts of one school year, are released and then re-recruited at the beginning of the next year. This creates a gap of two months between two successive contracts, the same period as the holidays of 'comparable workers' within the meaning of Directive 1999/70/EC [1], i.e. regular teachers. This period is longer than that for which provision is made in Presidential Decree 81/2003, which transposes Directive 1999/70/EC into Greek law, and as a result these supply teachers are excluded from the directive's application.

In view of the Commission's reply to my question E-0360/02 [2], stating that the provisions of the above-mentioned directive may be applied to supply teachers on fixed-term contracts and in view of Article 3 of the directive, can the Commission say how the directive will be applied to supply teachers?

[1] OJ L 175, 10.7.1999, p. 43.
[2] OJ C 160 E, 4.7.2002, p. 213.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(9 October 2003)

According to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by the European Trade Union Confederation (ETUC), the Union of Industrial and Employers' Confederations of Europe (UNICE) and the Centre of Enterprises with Public Participation (CEEP), it is the Member States themselves who, after consultation with the social partners, determine under what conditions fixed-term contracts shall be regarded as 'successive' (clause 5.2).

However, it must be borne in mind that one of the purposes of the Directive is to prevent abuse arising from the use of successive fixed-term contracts. If a Member State determines a definition of successive fixed-term contracts which in practice undermines the protective purpose of the Directive, such a definition would not be compatible with Community law.

(2004/C 58 E/209) **WRITTEN QUESTION E-2683/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(10 September 2003)

Subject: Creation of new jobs in Greece

The Council's recommendation [1] on the implementation of Member States' employment policies for Greece includes the statement that 'Greece's overall employment rate is considerably below the targets set by the European Council, in particular for women … Unemployment fell for a third consecutive year in 2002 but is still above the EU average, with the unemployment rate for women attaining more than double the rates of men.'

1. How many jobs have been created in Greece since 1998, broken down by gender and category of employment?

2. How many of the jobs created are full-time? How many are part-time? How many are fixed-term contracts? How many are based on local employment agreements?

3. In which sectors have they been created?

(1) COM(2003) 177.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(2 October 2003)

With reference to the question raised by the Honourable Member, the Commission believes that Greece is progressively improving its economic and labour market position towards the Union's average but still suffers from relatively low employment and high unemployment. The latest labour market figures show some progress, mainly in the face of a continuing decline of the unemployment rate, combined for the first time in recent years with a raise of employment (due to increased entry of women and immigrants into employment).

Yet, it is evident that raising the employment rates towards meeting the Lisbon targets (overall employment rate to 70 %, more than 60 % for women and 50 % for older workers, by 2010) is a major challenge for Greece given the low employment growth rates. It would require far reaching labour market reforms to mobilise currently inactive persons (mostly women and working age older people).

Available data according to Labour Force Survey (LFS), the situation in Greece is the following:

— Employment growth has been very modest during the last few years. During the last five years, the employment rate in Greece increased from 55,3 % in 1999 to 56,7 % in 2002 comparing unfavourably with the European average of 64,3 %.

— Recent LFS data, reveal some encouraging signs. Measured on a year-to-year basis, total employment recorded a clear increase during the third quarter of 2002 in relation to the third quarter of 2001 (1,3 %). This is the highest increase in employment recorded since 1998. In absolute terms, this change corresponds to 114 000 persons. As concerns working groups, wage earners, self-employed and particularly family workers, have all contributed to this positive development.

— From the year 1998 to 2001, the overall employment balance is shifting slightly in favour of women, with their percentage in employment increasing by 0,7 %, compared with a decline of 0,8 % for men. The trend for women to enter the labour market more rapidly is also confirmed by another aspect of the LFS which shows that during the second quarter of 2001 some 49,592 women wanted to enter the labour market and one third of these found employment, while the other two thirds were registered as unemployed.

— In reply to the second question, the LFS data show also that most of the new jobs created were full-time jobs. The full time equivalent employment rate increased from 55,1 % in 1999 to 56,3 % in 2002. This applies not only in the manufacturing sector, but also in the services sector, where 91 % of the new jobs in 1999 were for full-time skilled workers.

— Although part-time employment remains at low levels, it has risen from 3,9 % in the third quarter of 2001 to 4,5 % in the third quarter of 2002. The Commission considers that promoting flexible forms of employment, mainly part-time work, constitutes an essential step for raising the employment rates and would welcome any actions encouraging part-time employment, whether they are directed to the public or private sector. Moreover, employment in fixed-term contracts to total employment has slightly decreased from 12,1 % in 1998 to 11,2 % in 2002.

— Finally, regarding the third question, the greatest source of new job creation has been the services sector, as is the case for all Member States. According to LFS, the employment growth in the service sector was 5,4 % in 1998, 0,5 % in 1999, 1,1 % in 2000, 0,5 % in 2001 and 1 % in 2002, explaining the increase of the share of employment from 57,7 % in 1998 to 60 % in 2002.

— A more detailed examination of sectoral employment developments, shows that the current employment gains are fuelled by a revival of agricultural employment, by strong gains in construction activity (associated with the preparation of the infrastructure of the 2004 Olympic Games) and by rapid growth in business services and real estate sector.

(2004/C 58 E/210) **WRITTEN QUESTION E-2686/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(10 September 2003)

Subject: Collection of statistical data

It has been established that the Greek administration does not forward on time to the European Statistical Service (Eurostat) the statistical data which it is obliged to send under several directives, for example those relating to tourism, the environment and employment. Can the Commission provide a list of the directives requiring specific data to be sent to the competent European Union departments for which Greece either does not send the data, does so after the deadline or does so using data collection methods which incompatible with the collection methods laid down by the European Union?

Answer given by Mr Solbes Mira on behalf of the Commission

(24 October 2003)

It should be stated that Greece meets the vast majority of its Community statistical obligations, and fails to comply with only a few provisions from among over 260 legal instruments.

It is nevertheless true that progress still has to be made in certain areas, particularly when it comes to meeting transmission deadlines. A summary table of areas in which the level of conformity with Community statistical obligations may be open to criticism has been sent directly to the Honourable Member and Parliament's Secretariat. The Commission is considering what action should be taken to remedy this situation in accordance with the established procedures, and is in contact with the Greek authorities.

(2004/C 58 E/211) **WRITTEN QUESTION P-2698/03**

by Ingo Schmitt (PPE-DE) to the Commission

(3 September 2003)

Subject: Policy on disabled persons — allocation of funding

1. What type and what amount of funding are available overall for the general area of policy on disabled persons?

2. What type and what amount of funding are available overall for the area of policy on disabled persons in connection with the European Year of People with Disabilities?

3. What amount of the funding provided under paragraphs 1 and 2 was available and/or is still available for the Federal Republic of Germany and/or its federal states, and subject to what conditions?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(29 September 2003)

1. The shift in disability policies in recent years from a compensation based approach to equal participation at all levels of society has led to a reorientation of the funding strategy from vertical, special programmes for specific target groups to a mainstreaming approach, a horizontal consideration of disability issues if possible in all Community-Programmes.

This means that people with disabilities and their needs are taken into account in many Community Programmes in almost all thematic fields for example education, research, information and communication technologies, public health, culture, sports, transport, telecommunications, the fight against discrimination, labour market and social policies etc. Therefore the total amount of funding available for the area of policies on disabled persons is difficult to identify.

In the framework of the Programme to combat discrimination, about EUR 1 million is allocated on a yearly basis for specific actions to combat discrimination against people with disabilities. Moreover the Commission funds part of the administrative costs of different disability non-governmental organisations (NGOs) at Union level to allow for a better presentation of the interests of people with disabilities.

As a part of the FP6 (Six Framework Research Programme) Directorate General (DG) Information Society is promoting research on assistive technology. The objective is to include also people with disabilities in the information society, 'eInclusion'. The budget for 2003 in this research domain will be about EUR 36 million.

Grants from the European Social Fund are directly managed by the Member States in accordance with their programming documents approved by the Commission. As it is a priority for the Commission to incorporate disability issues in every aspect of its employment and social policy, projects especially targeting people with disabilities have been included in all type of measures (training, re-conversion, elderly workers …) so that it is not possible, at Community level to identify the amount spent for this specific target group.

2. For the European Year of People with Disabilities a total amount of EUR 13 million has been allocated. This amount includes EUR 272 640 for a voluntary participation of European Free Trade Association (EFTA) States and an amount of EUR 780 000 which was additionally allocated by the European Parliament at a later stage.

3. As a general rule the participation in Commission Programmes has to be via calls for tender or calls for proposals for each thematic field. According to the specifications for each call for tender/proposals, organisations, NGOs or public institutions in all Member States have the possibility to apply. In relation to the Social Fund see reply to point 1 above.

For the European Year of People with Disabilities the Federal Republic of Germany has received a total amount of EUR 850 000 which was spent in line with national priorities via a national call for tender within a consistent European framework. Additionally EUR 90 000 was allocated for the national opening ceremony which took place in February 2003 in Magdeburg. All this funding has been taken up completely by the Federal Republic of Germany.

(2004/C 58 E/212) **WRITTEN QUESTION E-2704/03**

by Luigi Vinci (GUE/NGL) to the Commission

(11 September 2003)

Subject: Transposal of Directive 2000/78/EC of 27 November 2000 into Italian law

On 3 July 2003 the Italian Government adopted a draft legislative decree to meet the obligation to transpose into national law the provisions of Directive 2000/78/EC, which lays down criteria for equal

treatment in the field of employment and working conditions. Article 3(6) of that draft act extends, in vague terms, the notion of justification for indirect discriminatory acts where these are warranted 'by legitimate aims pursued through appropriate and proportionate means'.

The clause extending that justification, which does not refer to the specific religious beliefs earlier cited, does not precisely detail the various cases for which the Italian Government intends to establish a practice or national law as provided for in Article 4 of the European Directive, and therefore leaves employers substantial leeway for interpretation, particularly in the area of a person's sexual orientation. The only specific definition provided in the legislative decree concerns the legitimacy of excluding anyone who has received a definitive sentence for paedophilia or other sex crimes against minors from posts in the field of assistance, care and education for children. This specific definition and the lack of a clear and unequivocal definition of discriminatory differences of treatment has in practice been used by the RAI head office in Venice to exclude staff who had stated a particular sexual orientation from managing broadcasts of television programmes for children.

Does the Commission not consider that the vagueness of Article 3(6) of the Italian legislative decree could give rise to arbitrary interpretations and consequently to applications of that decree that conflict with Article 4 of Directive 2000/78/EC [1], under which the only discriminatory acts not to be deemed as such relate to manifest incompatibilities between personal religious beliefs and the tenets of religious organisations?

What steps will it take vis-à-vis the Italian Government to ensure that Directive 2000/78/EC of 27 November 2000 is transposed in a correct and consistent manner and that any unlawful discriminatory act conflicting with the actual derogations provided for in that directive is penalised?

[1] OJ L 303, 2.12.2000, p. 16.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(8 October 2003)

As the Commission just received official notification from Italy on 4 September 2003 of the transposal of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation [1], it is not in a position to comment at this stage on the text adopted.

In order to ensure that the Directive is transposed fully and coherently, the Commission has asked Member States to provide, in support of their notification, a table showing correlation between the provisions contained in the Directive and those contained in national legislation. The Commission will use this table to examine in detail the provisions to which it refers, and in particular the limited derogations permitted by the Directives.

[1] OJ L 303, 2.12.2000.

(2004/C 58 E/213) **WRITTEN QUESTION E-2707/03**

by Raffaele Costa (PPE-DE) to the Commission

(11 September 2003)

Subject: Electronic health card

In winter 2002, the Commission made a proposal for the introduction of a personal electronic health card carrying all the medical and administrative data on each citizen of a Member State. This card would replace the E111 form that is needed to obtain coverage for the expenses borne by citizens of a Member State in the event of their receiving health treatment in another Member State during a stay as a tourist, would fully respect privacy and could also be used in relation to patient mobility.

Could the Commission indicate what stage this proposal has reached, whether a timetable has been agreed for its implementation and whether a feasibility study has been conducted to gauge costs and the repercussions for patient mobility?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(14 October 2003)

The Commission would like to inform the Honourable Member that on 18 June 2003 the Administrative Commission on Social Security for Migrant Workers adopted three decisions which will allow the use of the European health insurance card as of 1 June 2004. The objective of this card is to facilitate access to health care across Europe, and therefore to promote mobility by avoiding the current form-based procedures.

The European card will be introduced initially in a format which will allow essential data for the provision of health care and reimbursement of the cost to be read by the human eye. However, countries which already use electronic media may continue to do so and incorporate the data which must be included on the European card. In general, Member States may choose to incorporate the European card into an existing national card — or cards issued by regional authorities — or to issue a special card.

The European card will initially replace only form E 111, which allows access to emergency health care during a visit to a Member State other than the state in which the individual is insured. Adoption of the proposal for a Regulation amending Regulations (EEC) Nos 1408/71 [1] and 574/72 [2] in relation to the alignment of rights [3] will allow the European card to be substituted for other forms used for access to health care during a trip to another country, namely the E 128 (used in the case of postings to or studies in another Member State), the E 110 (used for international road transport) and the E 119 (used for jobseekers in another Member State).

The idea behind the European card is to transfer ultimately to an electronic version of the forms. One of the factors on which this will depend is the evaluation of certain projects which are currently under way and are being supported by the Union, such as Netc@rds, in which several Member States are involved. At this stage of the project the Commission has not yet decided the arrangements for transferring to an electronic version in all Member States.

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[1] Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, OJ L 149, 5.7.1971. Updated by Council Regulation (EC) No 118/97, OJ L 28, 30.1.1997, and last amended by Regulation (EC) No 1386/2001 of the European Parliament and of the Council, OJ L 187, 10.7.2001.

[2] Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71, OJ L 74, 27.3.1971. Updated by Council Regulation (EC) No 1290/97, OJ L 176, 4.7.1997, and last amended by Regulation (EC) No 1386/2001 of the European Parliament and of the Council, OJ L 187, 10.7.2001.

[3] COM(2003) 378 final.

(2004/C 58 E/214) **WRITTEN QUESTION E-2714/03**

by Kathleen Van Brempt (PSE) to the Commission

(11 September 2003)

Subject: Claims for damages in the case of wrongful births

In Belgium in recent years there have been scores of legal actions brought by parents of disabled children. The parents are systematically claiming damages from doctors who fail to diagnose a defect in the foetus during pregnancy. The parents claim that if the disability had been detected, a termination could have been carried out. Belgian courts have ordered doctors to pay significant sums in damages. Very recently a judge in the Netherlands awarded damages to a seriously handicapped girl aged nine. In France there has been a similar judgment (Nicholas Perruche case). Insurers and obstetricians refer to these as wrongful birth or wrongful births. They also point out that gynaecological examinations never provide 100 per cent certainty.

Is the Commission aware of claims for damages in the case of wrongful births?

Can the Commission put a figure on the number of legal actions for wrongful birth in the EU?

Does the Commission intend to draft regulations on wrongful births? What is the Commission's view of the recent change in French law which now stipulates that no one can bring a claim for damages solely on the grounds of having been born?

Answer given by Mr Byrne on behalf of the Commission

(22 October 2003)

The issue of claims for damages in cases of wrongful births does not fall within the Community's sphere of competence.

The responsibility for health care lies with the Members States. The Commission is not able to intervene in this respect and therefore does not intend to present draft regulations on wrongful births given that the EC Treaty does not provide for the possibility for the Community to adopt harmonisation measures with regard to measures intended to protect and emporia human health.

For the same reason, the Commission is not in a position to react to the recent change of a French law on claims for damages.

(2004/C 58 E/215) **WRITTEN QUESTION E-2715/03**

by Kathleen Van Brempt (PSE) to the Commission

(11 September 2003)

Subject: Rohypnol

In Belgium there have recently been cases of the prescription drug Rohypnol being used in cases of assault and rape. A number of unsuspecting tourists were robbed after eating biscuits containing Rohypnol. They have also been instances of women being raped after their drinks were spiked with Rohypnol. Rohypnol is known to be a strong sedative and can induce blackouts and memory loss. This makes it difficult to track down offenders. In the United States the substance has now been banned and Rohypnol is equated with cocaine and heroin. In Belgium too, pharmacists are calling for a ban on Rohypnol.

Is the Commission aware of the misuse of Rohypnol by criminals?

Does the Commission intend to ban Rohypnol?

If not, what is the Commission doing to combat the misuse of Rohypnol?

Answer given by Mr Liikanen on behalf of the Commission

(15 October 2003)

Rohypnol (chemical name flunitrazepam) is a medicine of the benzodiazepine class. It is nationally authorised in various Member States for the treatment of severe insomnia.

The Commission is aware of reports of Rohypnol being misused by criminals. The Commission is aware of reports of other psychoactive medicines, including other members of the benzodiazipine class being misused. Rohypnol has been shown to be effective in the treatment of the severe insomnia and the Commission does not intend to ban its use. However, various actions have been taken or are planned at a

Member State level to reduce the potential for criminal misuse of Rohypnol. These include reformulating the medicine to make it more difficult to administer covertly and informing healthcare professionals and the public of the risk of misuse.

(2004/C 58 E/216) **WRITTEN QUESTION E-2716/03**

by Kathleen Van Brempt (PSE) to the Commission

(11 September 2003)

Subject: Radar detectors

A whole range of detector systems for speed checks are available on the European market. One of these is the British RoadPilot, a new high-tech GPS receiver which warns motorists when they are approaching an unmanned camera and tells them whether or not they need to reduce their speed. Unlike all other detectors, the RoadPilot is not banned in Belgium because it does not detect police radar which is illegal in Belgium. However, Belgians can acquire police radar detectors in the Netherlands where they are legal. As a result, many motorists are driving around with radar detection systems.

Road safety experts have drawn attention to the dangers of detection systems of this kind. They point out that there are drivers who brake suddenly when they receive a signal and then speed up again once they have passed the speed detection device.

What is the Commission's attitude to radar detectors?

Is the Commission aware of the commercial success of these speed camera detector systems?

Does it not agree that radar detectors are dangerous for road safety?

Does it intend to draw up European regulations on this matter?

Answer given by Mrs de Palacio on behalf of the Commission

(21 October 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2004/C 58 E/217) **WRITTEN QUESTION E-2719/03**

by Margrietus van den Berg (PSE) to the Commission

(11 September 2003)

Subject: Follow-up question on the problems of frontier students

From its answer of 27 August to Written Question E-2534/03 [1], it appears that the Commission does have the authority to encourage cooperation between Member States in the area of education and the organisation of education systems. What steps is it prepared to take in this sphere?

[1] OJ C 33 E, 6.2.2004.

Answer given by Mrs Reding on behalf of the Commission

(10 October 2003)

While Member States remain fully responsible for the content of teaching and the organisation of education systems, the Commission currently fulfils its role of encouraging and supporting European cooperation on school education by means of two main tools.

The first of these is the Socrates Programme, and specifically the Comenius actions for cooperation in the field of school education. These actions target all actors in the school education community, including not only pupils and teachers, but also education authorities, inspectors, parents' groups, community associations, and teacher training institutions, amongst others. The overall objectives of Comenius are to enhance the quality and reinforce the European dimension of school education, and to promote the learning of languages and intercultural awareness. Further information on the Comenius actions, including details of the type of mobility activities supported, can be found on the following Commission website: (http://europa.eu.int/comm/education/programmes/socrates/comenius/index_en.html).

The other principal framework in which cooperation on school education is taking place at European level is through the 'objectives process' on the concrete future objectives of education and training systems [1], in which the Commission plays a coordinating role. These objectives provide a basis for Member States to work together at European level to contribute to the goal defined at the Lisbon European Council meeting of March 2000, namely that of making Europe the most competitive and dynamic knowledge-based economy in the world. The Honourable Member will be interested to note that the goals of increasing mobility and exchange and strengthening European cooperation are amongst those being addressed in this process.

Through the Community Initiative Interreg III funding can be provided, in terms of projects and depending on the assessment of the regions concerned of the needs, to co-operation of the public authorities in the field of education as well as to cross-border learning of e.g. languages. Though targeted projects can provide only short-term funding, the outcomes of such projects may have a long-term impact providing solutions to problems encountered.

[1] See the 'Detailed work programme on the follow-up of the objectives of education and training systems in Europe' adopted by the Council on 20 February 2002, document 6365/02 EDUC27.

(2004/C 58 E/218) **WRITTEN QUESTION E-2747/03**

by Paul Rübig (PPE-DE) to the Commission

(15 September 2003)

Subject: Discrimination against Austrian building contractors in the provision of services on German building sites

Austrian firms and organisations representing the construction industry complain increasingly that, on the basis of the German law on the posting of workers, the German authorities are restricting competition and hindering the posting of workers for the provision of services on building sites in Germany by not recognising allowances, bonuses and extra payments for posted workers from other Member States as part of the minimum wage, as they do in the case of employees of German firms.

The situation will worsen after 1 September 2003, when a further and considerable increase in the minimum wage took effect under the above German law, bringing it far above the Austrian collectively agreed minimum wage (not taking into account additional allowances, bonuses and extra payments that are required by law or under contracts).

Will the Commission act to ensure that Germany puts an end to this even greater restriction of competition applying to building contractors from other Member States, in particular Austria, from 1 September 2003?

Is the Commission aiming for a rapid conclusion of Case C-341/02, which is of significance in establishing case law?

Will the Commission seek to ensure that, when calculating the minimum wage, Germany also recognises those payments that, owing to the provisions of the law or collective agreements in the Member State of origin, are not issued on the scheduled date of payment of the minimum wage in question, but only in December, for example (Christmas bonus)?

Answer given by Ms Diamantopoulou on behalf of the Commission

(14 October 2003)

The failure by the German authorities to recognise bonuses and supplements paid by employers based in another Member State to their employees in the building sector posted to Germany (e.g. the Christmas bonus or additional holiday allowance in Austria) when calculating such workers' pay is currently the subject of infringement proceedings brought by the Commission against Germany. The Commission has referred the matter to the Court of Justice (Case No C-341/02) on the grounds that it contravenes Article 3 of Directive 96/71/EC [1] and Article 49 of the EC Treaty.

As this point is crucial to interpreting Directive 96/71/EC, the Commission hopes to see an early ruling by the Court in case C-341/02. However, it is the Court of Justice itself and not the Commission that sets the date for opening the oral procedure.

[1] 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, OJ L 18, 21.1.1997.

(2004/C 58 E/219)

WRITTEN QUESTION E-2787/03

by Chris Davies (ELDR) to the Commission

(19 September 2003)

Subject: Foot and mouth disease

In an attempt to curb the spread of foot and mouth disease in 2001, the United Kingdom government ordered the culling of ten million animals, 90 % of which are thought not to have been infected.

Many of the killings took place without regard to welfare considerations or legislation, with reports of many maimed animals subsequently being buried or incinerated alive.

The widespread closure of footpaths and open countryside had a devastating effect upon the tourist industry in many parts of the UK.

The response of EU governments to the 2001 epidemic has since been the subject of much discussion.

Has the UK government provided the Commission with any information to indicate that it will adopt a radically different approach in the event of another outbreak, and, in particular, that it will endorse the use of ring-fence vaccination to curb the spread of the disease and permit animal welfare considerations to be respected?

Answer given by Mr Byrne on behalf of the Commission

(22 October 2003)

With reference to the question raised by the Honourable Member, the Commission would like to refer to its proposal for a Council Directive on Community measures for the control of foot-and-mouth disease, which was adopted on 13 December 2002 [1].

After intensive discussions on this document in Council working groups, taking into account the opinions of the Parliament, the Committee of the Regions and the European Economic and Social Committee and following the political agreement by the Agricultural Council of 12 June 2003 in Luxembourg, the Directive was formally adopted by the Council in September 2003 [2].

The new Directive confers more responsibility on Member States to choose the most efficient strategy for the control of an outbreak, including scenarios for emergency vaccination.

In March 2003 the United Kingdom published its revised contingency plan for foot-and-mouth disease. The plan, still based on Directive 85/511/EEC [3], is considered an operational document and provides a framework for an emergency response to a foot-and-mouth disease outbreak. It aims at a proportionate response to any future outbreak, including the use of emergency vaccination and better controls on compliance with animal welfare legislation.

[1] COM(2002) 736 final.
[2] http://register.consilium.eu.int/pdf/en/03/st12/st12430-ad01en03.pdf
[3] Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease, OJ L 315, 26.11.1985.

(2004/C 58 E/220) **WRITTEN QUESTION E-2806/03**

by Erik Meijer (GUE/NGL) to the Commission

(19 September 2003)

Subject: Elimination of obstacles to claiming pension entitlements where workers have in the past worked in another Member State

1. Does the Commission recall that in the 1950s, '60s and '70s, many residents of Spain, Portugal, Italy and Greece worked in Germany, the Netherlands, Belgium, Luxembourg and other north-western States which at the time were more affluent and were short of manpower for dirty, dangerous and unpleasant work, and that after a number of years many of them returned to their countries of origin?

2. Is the Commission aware that, while temporarily working abroad, many of these people accumulated entitlements to a universal State pension, e.g. 2 % per annum of a full pension in the Netherlands, and also entitlements to occupational pensions, and that in many cases they did not commute their entitlements for a lump-sum payment upon returning to their countries of origin, so that they are entitled to payment of these pensions upon reaching the age of 65 or whatever the applicable age may be?

3. How many people per Member State are now entitled to payment of a partial State pension or occupational pension but have not yet claimed it because they are not aware of their rights or of the formalities which have to be completed in order to obtain payment?

4. Does the Commission agree that it is unacceptable that in practice people in the EU cannot obtain payment of the pensions to which they are entitled because their entitlements accrued in a different Member State to that of their nationality and that where they currently reside and because they lack information about the extent of their entitlements and how they can claim them?

5. What will the Commission do to improve both information about accumulated pension entitlements and ways of claiming them quickly and easily, so that in future all pension entitlements can be claimed?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(21 October 2003)

The Commission would like to inform the Honourable Member that there are two regulations at Community level, Regulations (EEC) No 1408/71 [1] and 574/72 [2], which coordinate the Member States' various statutory social security systems and aim to provide social protection for those moving within the European Union.

Claims for retirement pensions must, in principle, be submitted in the state of residence (Articles 36 to 38 of Regulation (EEC) No 574/72). The institution of the place of residence will investigate the claim, unless the insured has not completed any insurance periods in the state of residence, in which case the institution of the place of residence forwards the claim to the institution of the Member State to whose legislation the claimant was last subject (Article 36, paragraphs 1 and 2, of Regulation (EEC) No 574/72). The institution which is to investigate the pension claim (referred to as the investigating institution) will use form E-202 to inform the relevant institutions in the other Member States concerned of the claim for a retirement pension (Article 41 of Regulation (EEC) No 574/72).

The Commission has published two guides to Community provisions on statutory social security schemes. The first explains European citizens' social security entitlements when they move within the European Union. The second guide gives a general description of the statutory social security schemes in all Member States and in Iceland, Norway and Liechtenstein, and also contains the addresses of these countries' social security institutions. Paper versions of these brochures are available from the Commission and electronic versions are available on the Web (http://europa.eu.int/comm/employment_social/soc-prot/schemes/index_en.htm).

In addition, on 11 December 2002 the Commission adopted a Communication [3] entitled 'Free movement of workers: achieving the full benefits and potential', which describes in practical terms the problems which migrant workers may encounter and how the Commission addresses these problems. This Communication is also available in electronic format on the Web (http://europa.eu.int/comm/employment_social/news/2002/dec/com2002_694_en.html).

As the coordination system provided for in the above Regulations relates only to statutory pension schemes, the Council adopted a directive [4] on 29 June 1998 which is intended to safeguard the rights of members of supplementary pension schemes who move from one Member State to another. This Directive obliges Member States to take the necessary measures to ensure that employers, trustees or others responsible for the management of supplementary pension schemes provide adequate information to scheme members, when they move to another Member State, as to their pension rights and the choices which are available to them under the scheme (Article 7). The Commission will submit a report evaluating the application of this Directive to the European Parliament, the Council and the Economic and Social Committee in 2004 (Article 10(3)).

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(1) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, OJ L 149, 5.7.1971.

(2) Regulation (EEC) No 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community, OJ L 74, 27.3.1971.

(3) COM(2002) 694 final.

(4) Council Directive 98/49/EC on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community, OJ L 209, 25.7.1998.

(2004/C 58 E/221) **WRITTEN QUESTION E-2821/03**

by Geoffrey Van Orden (PPE-DE) to the Commission

(19 September 2003)

Subject: Electric powered bicycles

Does the Commission have any plans to initiate regulations on electric powered bicycles, specifically with regard to whether such bicycles can continue to use twist grip controls to operate the power or whether they must be pedalled at all times?

Answer given by Mr Liikanen on behalf of the Commission

(21 October 2003)

Framework Directive 2002/24/EC [1] lays down the procedure for Community type-approval of two or three-wheel motor vehicles which are intended to travel on the road. Exempted from the scope of this directive are bicycles with pedal assistence which are equipped with an auxiliary electric motor having a maximum continuous rated power of 0,25 kW of which the output is progressively reduced and finally cut off as the bicycle reaches a speed of 25 km/h, or sooner if the cyclist stops pedalling. Electric vehicles with a continuous rated power or a maximum speed above those limits fall within the scope of the directive and would need to fulfill the requirements for moped or motorbikes, depending on their characteristics.

The Commission has for the moment no intention to modify the Framework Directive nor has any Member State proposed an amendment to the directive concerning electric bicycles.

[1] Directive 2002/24/EC of the Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC, OJ L 124, 9.5.2002.

(2004/C 58 E/222) **WRITTEN QUESTION E-2837/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(25 September 2003)

Subject: Creation of a new airline from Olympic Airways

The Hellenic Parliament recently adopted a law regulating the form and operation of a new airline, Olympic Airlines, derived from Olympic Airways.

Article 11 of the new law annuls the collective labour agreements and procedures for reaching agreement concluded with the trade unions, following their termination by the Board of Olympic Airways and Olympic Aviation, while paragraphs 4 and 5 of Article 9 of Law 1876/1990, which govern the period of validity of collective labour agreements, have ceased to apply.

Given that these developments constitute a change in industrial relations to the detriment of the workforce during the transfer to the new company, will the Commission say:

1. whether the annulment of articles of Law 1876/1990 governing compliance with collective agreements and procedures for reaching agreement (an article of the new law) is consistent with Articles 3 and 4 of Directive 98/50/EC [1] relating to the safeguarding of employees' rights in the event of transfers of undertakings, and

2. whether, in the event of non-compliance with the articles of Directive 98/50/EC, the Commission will intervene, and in what manner, to safeguard the rights of the workers who are being transferred to the new company and the rights of those remaining with the old company?

[1] OJ L 201, 17.7.1998, p. 88.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(23 October 2003)

The Commission has asked the Member State concerned for information regarding the facts raised to by the Honourable Member. It will inform him of its findings.

(2004/C 58 E/223)

WRITTEN QUESTION P-2863/03

by Ole Sørensen (ELDR) to the Commission

(22 September 2003)

Subject: Urgent alert notification from the Commission concerning salmonella in Danish pigmeat

On 16 September, I received an answer from the Commission concerning the issuing of a warning to the Danish slaughterhouse Tican about salmonella (answer to Written Question P-2618/03 [1]).

I thank the Commission for its review of the rules but I am still without answers to my questions.

My questions are largely concerned with how the Commission interprets and applies the rules in force and I would therefore reiterate them:

1. What checks did the Commission carry out to verify the facts of the matter before issuing an urgent alert concerning products from TiCan?

2. What measures did the Commission take to investigate the possibility that the salmonella in the infected kebab derived from other sources than TiCan products? Were isolated samples taken from products from TiCan or is the whole affair based on samples from the prepared kebab? Had the unprocessed products from TiCan undergone further processing which could have been the cause of the salmonella outbreak? Has it been shown that the meat products were kept in the restaurants — and had been repackaged and sent on by the wholesalers — under proper hygienic conditions?

3. What is the Commission's view on the extent to which the Swedish authorities' actions were based on health rather than on competitive considerations?

4. The Commission's answer of 16 September raises another question — how is it possible that at the very time the Commission issued the urgent alert, a number of articles appeared in the Danish press concerning the accusations of salmonella against Tican when 'the public does not have access to information concerning companies or brand names'?

[1] OJ C 51 E, 26.2.2004, p. 260.

Answer given by Mr Byrne on behalf of the Commission

(20 October 2003)

Further to its answer to Written Question P-2618/03 and taking into account the additional information supplied by the Swedish authorities, the Commission is now able to provide the following details.

As explained in the answer to Written Question P-2618/03, in line with its obligations the Commission issued the original notification, followed by additional notifications, on the basis of its review of the initial elements and of the additional information supplied by the Swedish authorities. The Commission cannot cast doubt on the accuracy of elements supplied by a competent authority which is best placed to carry out such checks. In any event, and in accordance with the principle of subsidiarity, the applicable food safety legislation does not provide for such a role for the Commission.

According to the results of the investigations carried out in Sweden, salmonella was detected not only in kebabs prepared with meat from the TiCan slaughterhouse, but also in a pack of meat from this slaughterhouse which was used by a restaurant in the preparation of kebabs. In the light of these results and of the conditions of preparation in the restaurants concerned, the Swedish authorities concluded that 'There was reasonable ground for the assumption that the source of the infection (human outbreak) was the pork collar meat produced in the TiCan slaughterhouse, not properly prepared in a number of Swedish restaurants'.

As for the detection of two strains of salmonella (DT 108 and DT 170), the competent laboratory services agree that these strains are virtually identical and hence extremely difficult to differentiate.

The Commission would like to reiterate that the sole purpose of the Rapid Alert System is to protect the health of consumers. The Commission publishes a weekly overview of alert and information notifications at (http://europa.eu.int/comm/food/fs/sfp/ras_index_en.html). Companies and brand names do not figure on these lists but are supplied to the competent authorities of the Member States so as to enable them, where necessary, to take the appropriate protective measures.

(2004/C 58 E/224) **WRITTEN QUESTION P-2949/03**

by Gian Gobbo (NI) to the Commission

(2 October 2003)

Subject: Indication of frozen products

Does the Commission consider that it would be appropriate to adopt rules requiring public commercial establishments in the Union to indicate clearly, for the purpose of consumer protection, any use of frozen products in the preparation of food offered to customers?

Answer given by Mr Byrne on behalf of the Commission

(22 October 2003)

The Commission does not consider that it would be appropriate to oblige restaurants, canteens, etc. to indicate the use of frozen products in the preparation of the food they serve, as a measure of this kind is not justified from a food safety perspective in particular. In any case, the adoption of such measures would come under the competence of the Member States.

However, the Commission plans to make it compulsory for foods sold frozen or defrosted to bear a label to this effect, together with a warning that the food in question should not be refrozen.

(2004/C 58 E/225) **WRITTEN QUESTION P-2951/03**

by Brice Hortefeux (PPE-DE) to the Commission

(2 October 2003)

Subject: Draft REACH regulation

The recent Internet consultation on the Commission's draft regulation concerning the registration, evaluation and authorisation of chemicals (REACH) elicited over 6 300 contributions.

The vast majority of contributors expressed concern about the financial and bureaucratic implications of these measures for the European chemical industry, and also about the damaging impact on competitiveness, employment and European know-how. SMEs in the chemical industry will be particularly affected. The knock-on effect will mean that the economic impact on sectors downstream from the chemical industry will be strongly felt across the board. The cessation or relocation of certain production activities, combined with the desire to avoid excessive red tape in Europe will lead some operators to downsize and/or relocate some of their R & D expertise in the long term. Lastly, the registration of polymers on the basis of the options laid down by the regulation could stifle innovation in a field whose vibrancy is almost unrivalled.

Two independent studies have found that, if implemented in its current form, the proposal would jeopardise 1,7 million jobs in Germany and 670 000 jobs in France (between now and 2012).

Given that the expected health and environmental benefits do not appear sufficient to justify the threats to the competitiveness of Europe's chemical industry, would the Commission be prepared to ask an impartial body to assess the impact of this new legislation before it is formally presented?

Answer given by Mr Liikanen on behalf of the Commission

(24 October 2003)

The Commission proposals for the implementation of the new strategy on chemicals will be accompanied by an impact assessment which will address the estimated costs and benefits of the system. The estimates will be underpinned mainly by the results of a comprehensive study carried out by an external consultant focusing on the direct costs of the system.

In relation to the studies mentioned by the Honourable Member, the Commission would point out that their findings are based on texts posted for consultation on the internet in May 2003 and/or the Commission's White Paper on a Strategy for a Future Chemicals Policy [1].

It is expected that significant modifications will be made to the internet texts, resulting in substantial reductions in costs to industry. The changes envisaged will address in particular potential problems for downstream users, whose obligations under the new proposals, will be substantially alleviated.

[1] COM(2001) 88 final.

(2004/C 58 E/226) **WRITTEN QUESTION E-2957/03**

by Mogens Camre (UEN) to the Commission

(8 October 2003)

Subject: Commission's proposed amendment of Directive 94/35/EC

A report in the scientific journal 'Headache' (May 2003, p. 555) indicates that people with a predisposition to migraine may suffer an attack if they take a substance known as sucralose.

This substance is being considered for possible inclusion on the EU's list of approved additives. The Commission has accordingly submitted, in a document of 16 May 2003, a revised amendment to Directive 94/35/EC [1] of 30 June 1994 on sweeteners for use in foodstuffs. The amendment proposes that the active substance 'Splenda' (sucralose) be approved in the EU as E955.

The amendment also relates to substance E962 (aspartame-acesulphame salt). Aspartame is a well-known migraine-inducing substance, but there are no studies on aspartame-acesulphame salt.

Will the Commission take the initiative of having both these substances (together with other food additives) thoroughly investigated for possible migraine-inducing effect before they are included on the list of approved additives?

[1] OJ L 237, 10.9.1994, p. 3.

Answer given by Mr Byrne on behalf of the Commission

(24 October 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.

(2004/C 58 E/227) **WRITTEN QUESTION E-2994/03**

by Bernhard Rapkay (PSE) to the Commission

(14 October 2003)

Subject: EU funding for Nordrhein-Westfalen for the years 2001 and 2002

1. What amounts of European Union funding were paid to Nordrhein-Westfalen in 2001 and 2002 from:

— the European Regional Development Fund (ERDF),

— the European Agricultural Guidance and Guarantee Fund (EAGGF) — Guidance Section,

— the European Agricultural Guidance and Guarantee Fund (EAGGF) — Guarantee Section,

— the European Social Fund (ESF),

— European Community research programmes,

— European Community programmes for the environment,

— other European Community programmes?

2. Who were the beneficiaries?

3. What amounts were made available by way of co-financing either with the Land of Nordrhein-Westfalen or with the Federal Republic of Germany?

Answer given by Mr Prodi on behalf of the Commission

(21 October 2003)

The Commission is collecting the information it needs to answer the question. It will communicate its findings as soon as possible.
