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EUROPEAN PARLIAMENT

WRITTEN QUESTIONS WITH ANSWER

(2004/C 65 E/001) **WRITTEN QUESTION E-0547/02**
by Alexandros Alavanos (GUE/NGL) to the Commission

(27 February 2002)

Subject: Abolition of access fees at airports

A large part of the aviation industry considers that paying airports further fees in addition to rent and other airport charges, as agents and self-handling users must do to obtain a concession to provide ground handling services, is unfair and excessive.

Lufthansa has succeeded in having the access fee abolished by judgment of a German court. Air France is reportedly moving in the same direction.

Can the Commission comment on the German court judgment?

Does it intend to take a legislative initiative in this respect?

Answer given by Mrs de Palacio on behalf of the Commission

(17 April 2002)

The Honourable Member seems to refer to the Order of the Oberlandesgericht (Higher Regional Court) of Frankfurt am Main which was issued in 2001 in the legal proceedings between Hannover-Langenhagen Airport and Lufthansa.

The issue between the two parties in this case is whether Hannover airport is entitled to require Lufthansa to pay an access fee in respect of its check-in services on a self-handling basis for its passengers, and as a supplier of such services for passengers of other airlines.

The Order does not contain a decision on the issue but it stays the proceedings and puts a number of questions before the Court of Justice of the European Communities for a preliminary ruling under Article 234 of the EC Treaty. These questions refer to the interpretation of Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports [1], and essentially ask the Court of Justice to clarify whether and to what extent the access fee can be levied from self handlers and third party handlers which were already present at an airport before the entry into force of the Directive.

The case was registered by the Court of Justice on 24 September 2001 and the Commission submitted its observations on the case to the Court on 14 January 2002.

Regarding this particular issue no legislative initiative is envisaged, but the Commission will undertake a comprehensive review of the Directive in 2003 which may lead to proposals for modifications of parts of the Directive.

[1] OJ L 272, 25.10.1996.

(2004/C 65 E/002) **WRITTEN QUESTION E-0761/02**

by Stavros Xarchakos (PPE-DE) to the Commission

(18 March 2002)

Subject: Compensation for farmers

The Greek press reports that a farmer in the village of Theopetra in the Kalambaka district of Trikkala province in Greece was astonished to discover that the compensation approved by ELGA (the Greek farmers' insurance organisation) for the destruction of her crops by hailstone amounted to the astronomical sum of EUR 1,16.

Does the Commission provide Greece with funds for use as compensation in the event of natural disasters? Is provision made in the EU budget reserve for natural disasters and in the annual expenditure on agriculture? If so, how much do those appropriations amount to? Does the Commission have any information concerning the manner in which Greece administers those appropriations? What is the Commission's view of the paltry amount of compensation received by the Greek farmer above? Are there minimum amounts of compensation in such cases? Have there been similar cases in other Member States?

Answer given by Mr Fischler on behalf of the Commission

(18 April 2002)

Following the question of the Honourable Member, the Commission took note and considered the question of the particularly low compensation approved by ELGA (Greek Farmer's Insurance Organisation) in one specific case in the village Theopetra, Kalambaka District-Trikallon.

ELGA is not a final beneficiary of the relevant Community measure for compensation in the case of natural disasters, which is a possible action foreseen under the 'National Operational Programme — Rural Development (2000-2006)'. ELGA is financed by its members who are individual farmers. National legislation, procedures and thresholds apply. On the basis of the existing Community regulatory framework, national aid schemes are only notified to the Commission for approval in order to avoid market distortions. Therefore, the Commission is not entitled to comment on the amount and the procedures applied in this particular case.

The relevant Community contribution is provided through the 'National Operational Programme — Rural Development (2000-2006)' which includes a specific measure for the compensation of farmers after natural disasters. However, the financial compensation for the affected rural population can only cover the reconstitution of the production potential lost and not the income losses as is the case in the specific case in Theopetra, Kalambaka District-Trikallon. The final beneficiary for this measure is the Directorate PSEA (Policy Planning in Case of Urgent Needs) of the Greek Ministry of agriculture. The Community regulatory framework applies for the programming, implementation and controls of the specific measure.

If the scheduled amounts cannot be sufficient to overcome major problems of the Greek rural areas, additional Community financial grants can be taken from the total appropriations of the 3rd Community Support Framework for Greece (2000-2006) including its programming reserve. No other special Community funds or Community compensations can be provided. Similar regulatory framework applies for all Member States.

(2004/C 65 E/003) **WRITTEN QUESTION E-2725/02**

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

(30 September 2002)

Subject: The A-9 Motorway between Spain and Portugal and infringement of Community environmental legislation

The building work on the A-9 motorway between the Rebullón (Tui, Spain) interchange and the Portuguese frontier is having an enormous environmental impact on the area, causing a whole range of damage, particularly to the existing watercourses. When designing the motorway section which affects the

area's inhabitants, the environmental damage caused was not assessed: a particular glaring absence from the studies made were the underground watercourses, which are required for human consumption and the irrigation of surrounding agricultural land. The resulting defective drainage in conjunction with meteorological conditions, has irreversible consequences for the area. The public administrations responsible for the construction work (Ministry of Development, the Xunta de Galicia and the local authorities) are dodging the problem and ignoring the numerous and frequent organised protests by local people. Although there have even been two deaths: a lorry driver was killed by the fall of a girder, and a local person died during a protest. Both these incidents are sub judice.

What Community funding is going into the completion of the roadworks in question? Could the Commission investigate whether these roadworks involve infringement of environmental legislation on the dumping of waste on the part of the Spanish Government?

Supplementary answer
given by Mrs Wallström on behalf of the Commission

(3 April 2003)

The Commission learned of the situation reported by the Honourable Member through Written Question E-1924/02 by Mrs Rosa Miguélez Ramos and Mrs María Sornosa Martínez [1]. It subsequently opened an own-initiative case (reference No 2002/2199).

To check that the relevant Community legislation was being properly enforced, the Commission asked the Spanish authorities for information on the reported situation.

In response, the Spanish authorities sent the impact statement regarding the route of the motorway, along with the consent for the project granted on 30 August 2000.

The Spanish authorities also sent a copy of the hydrology chapter of the project impact study. This is currently being examined by the Commission.

As for Community funding of these roadworks, from the information the Spanish authorities supplied to the Commission it appears that construction of the stretch of the A-9 motorway running from the Rebullón interchange to the Portuguese border is being financed entirely by a concession-holding company and that no Community funding is involved.

[1] OJ C 301 E, 5.12.2002.

(2004/C 65 E/004) **WRITTEN QUESTION E-2820/02**

by Marco Pannella (NI) to the Commission

(8 October 2002)

Subject: The case of Dr Nguyen Dan Que

Vietnam has ratified the International Covenant on Civil and Political Rights and in May 1990 Dr Nguyen Dan Que, a physician and a representative of the Non-violent Movement for Human Rights, published a manifesto calling on the Hanoi regime to respect fundamental human rights, to accept the adoption of a multi-party political system and to re-establish the right of the Vietnamese people to choose their own form of government via free elections.

Dr Que was imprisoned twice, from February 1978 to February 1988 and then from June 1990 to August 1998, making a total of 18 years, most of the time in solitary confinement. He is now under house arrest.

On 19 September on the eve of the World Day of Non-violent Struggle for Freedom and Democracy also in Vietnam, promoted by the trans-national Radical Party and backed in the United States by Dr Que's brother, Dr Quan, about 20 policemen entered Dr Que's house without a search warrant and, led by the deputy head of the Saigon security forces, searched it for Articles and publications considered as being against the State. The Lieutenant-Colonel tried to take Dr Que, who is in a critical state of health, to Saigon by force. Dr Que resisted, throwing himself to the floor, in non-violent protest against this decision. After approximately four hours the police left the house, leaving ten people to keep it under surveillance.

Is the Commission aware of this violation of the principle of habeas corpus vis-à-vis Dr Que, who is guilty only of wanting to stay in Vietnam in order to try to promote democracy and freedom in that country and not be sent into exile as the authorities in Hanoi would like. Does the Commission not consider that the serious and continual violations of human, civil and political rights in Vietnam, such as those suffered by Dr Que, are a blatant infringement of Article 2 of the Cooperation Agreement signed by the Commission and the Vietnamese Government, and does it not consider that it should say what body is responsible for monitoring compliance with this clause and what parameters are to be respected?

Answer given by Mr Patten on behalf of the Commission

(8 November 2002)

The Commission, together with the Member States represented in Vietnam, 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 progress in the field of human rights. The Commission also participates with the Member States in regular dialogue with and in all Union démarches to the Government of Vietnam on human rights issues.

The Commission is indeed aware of Dr Nguyen Dan Que's commitment to promoting democratic multi-party elections in Vietnam by non-violent means and of press reports of the incident described in the question. The Delegation of the Commission in Hanoi has not yet been able to obtain reliable confirmation of these reports, but is continuing its enquiries.

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. There is no specific reference to human rights in Article 2 of the Agreement. Questions related to the respect for and the promotion of human rights are addressed in meetings of the Community-Vietnam Joint Commission established under the Co-operation Agreement.

Taking account of the overall situation in Vietnam since the signature of the Agreement in 1995 and of the Government's continued commitment to further progress, the Commission does not consider that it would be appropriate to conclude at this stage that there has been a breach of the Agreement. The Delegation of the Commission, together with the Member States represented in Vietnam, will continue to monitor human rights developments in the country and to raise particular issues and individual cases of concern through the appropriate diplomatic channels.

(2004/C 65 E/005) **WRITTEN QUESTION E-3067/02**

by Roberta Angelilli (UEN) to the Commission

(25 October 2002)

Subject: Excise duty on wine

It was reported in the Italian press in September 2002 that the European Commission is debating whether to introduce a minimum rate of excise duty greater than 0 % on wine in all EU countries including Italy, which are currently exempt from this duty. More specifically, the initial rates of duty, which would not apply to anyone producing under 1 000 hectolitres per year, would be EUR 0,13 per litre from 1 January 2003 and EUR 0,15 per litre as from 1 January 2007.

The Italian Farmers' Confederation has calculated that the levying of this excise duty would add EUR 500 million per annum to the prices paid by the consumer, which could well trigger a drop in consumption. Furthermore, the introduction of a minimum rate of excise duty for wine would not only adversely affect companies' sales and profitability but also increase bureaucracy. All this would be contrary to the Common Agricultural Policy, which aims to promote rural development and safeguard the countryside.

In view of this, does the Commission not consider that:

1. tax harmonisation at European level should tend towards the reduction of existing excise duties rather than the introduction of new ones;

2. all the agricultural products listed in Annex 1 to the EC Treaty should be exempt from excise duty;

3. the harmonisation of Italian legislation already constitutes full compliance with Article 7 of Directive 92/83/EEC [1] and Article 5 of Directive 92/84/EEC [2]?

[1] OJ L 316, 31.10.1992, p. 21.
[2] OJ L 316, 31.10.1992, p. 29.

(2004/C 65 E/006) **WRITTEN QUESTION P-3393/02**

by Luciana Sbarbati (ELDR) to the Commission

(22 November 2002)

Subject: Excise duty on wine

The Commission's proposal to tax alcoholic beverages (which would hit wine in particular) with the aim of 'upward harmonisation' is likely to increase inflation and reduce consumption. It may definitely make fraud more widespread by reducing the competitiveness of the market and would have an unpredictable impact in the context of enlargement. The proposal does not take account of the standard of living in the candidate countries and would make market penetration more difficult for EU producers and have adverse effects on local production.

Organisations representing wine producers consider the proposal to be a dangerous mistake, since it would place a burden on the whole sector in Italy, where there are 314 DOC wines (controlled designations of origin), 24 DO CG wines (DOC with additional guarantees), 729 000 hectares of vineyards and a national production of more than 50 million hectolitres.

The proposal does not make allowance for the division of the sector into small units — micro-enterprises with an average of 4-5 hectares — which play an important socio-economic and environmental role.

Unlike VAT, excise duty should tackle the external costs of product consumption, rather than being an additional tax, and manufacturing levies should be imposed on industrial rather than natural products.

Can the Commission explain whether:

— the proposal meets the legal and financial requirements of conformity;

— the proposal is in conflict with the new COM in wine, which emphasises the need to convert vineyards in order to promote production with market outlets rather than the abandonment of vineyards;

— the adverse impact which the application of excise duty (a fixed amount) would have on average products and hence on consumers has been assessed?

Joint answer
to Written Questions E-3067/02 and P-3393/02
given by Mr Bolkestein on behalf of the Commission

(6 January 2003)

Council Directive 92/84/EEC, of 19 October 1992, deals with the approximation of rates of excise duty on alcohol and alcoholic beverages. Under its provisions it is necessary for the excise duty rates laid down in that Directive to be reviewed periodically by Council. This review shall be based upon a Commission report.

The Commission services are at present preparing such a review. On 11 September 2002 the Commission held a comprehensive orientation debate on the EU alcohol taxation regime. A final decision on the Commission's approach in this area has not yet been taken. As provided by Article 8 of Directive 92/84/EEC, the wider objectives of the Treaty will be taken into account.

As regards tax harmonisation at European level, the Commission believes that such harmonisation requires the enhanced commitments of both high taxing and low taxing Member States.

On the other hand, there is no link between Annex 1 of the EC Treaty (referred to in Article 32, defining the products subject to Articles 33 to 38 of the Treaty) and the question whether or not a product is subject to excise duty.

Italy applies a zero rate of excise duty to both still and sparkling wines. This legislation is in line with the present 'acquis communautaire'.

(2004/C 65 E/007) **WRITTEN QUESTION E-3350/02**

by Ilda Figueiredo (GUE/NGL) to the Commission

(26 November 2002)

Subject: Trade agreements and the liberalisation of the textile and clothing sector

On 6 November the Commission announced the signing of the EU-Brazil Memorandum of Understanding on the liberalisation of the textile trade, in which the EU undertakes to remove all textile quotas applicable to Brazil. The Commissioner Pascal Lamy said that the agreement constituted a clear signal that the EU is ready to open up its textile market earlier than the deadline of 2005 envisaged by the WTO. This means that it is willing to call into question compliance with the Agreement on Textiles and Clothing (ATC), whilst the Commission, in its answer to Written Question E-3079/01 [1], did not consider that such bilateral agreements would jeopardise the timetable for the ATC. On the same day, in the context of aid to developing countries and as a follow-up to the WTO Doha Round, it submitted a proposal to reduce customs tariffs by 70 % for all non-agricultural products, proposing drastic cuts in quotas and tariffs covering textile products and footwear, without mentioning any compensatory measures for the sectors affected.

These proposals follow other recent agreements aimed at anticipating the strategy of liberalising the trade in textiles and clothing, so that this sector (like the agricultural sector) may become a bargaining counter for openings in other sectors covered by the negotiations, for example services, public contracts or investment. The reason for the timetable laid down in the ATC was to delay opening up the market to more sensitive products, in order to give the industry time to restructure and adapt to a situation of liberalisation. At the time it was considered in some quarters that the deadline of 10 years for the ATC was too short, in view of the socio-economic impact of liberalisation, especially in regions dependent on the sector and countries such as Portugal, where textiles, clothing and footwear play an important role in production, export and employment.

In this context can the Commission answer the following questions:

— What is the socio-economic impact expected to be in the textile, clothing and footwear sector in the EU, and particularly in Portugal, of the Memorandum of Understanding concluded with Brazil and of the proposal to reduce tariffs by 70 % in the WTO Doha Round negotiations? Has the Commission carried out or commissioned a study on the socio-economic impact? Has it consulted the social partners representing the sector?

— What is expected to be gained by the de facto anticipation of the ATC and what will the socio-economic impact be? On what research or premises is this strategy based?

— What compensatory measures are expected to be taken to minimise the socio-economic impact on the textile, clothing and footwear sectors?

(1) OJ C 172 E, 18.7.2002, p. 25.

Answer given by Mr Lamy on behalf of the Commission

(15 January 2003)

The quota increase proposed for Brazil in the Memorandum of Understanding, initialled on 8 August 2002 and signed on 7 November 2002, will give new export opportunities to Brazil. However, the Union imports from Brazil amount to 0,9 % in quantity and 0,3 % in value of the total Union imports of textiles and clothing (around EUR 72,5 billion in 2001). Any increase from the Memorandum is thus unlikely to have a major overall impact. Moreover, given that the textiles and clothing industry is distributed throughout the Community, the Commission does not anticipate particular difficulties for Portugal with 4,4 % of Community production, and 10,9 % of employment in the sector in 2001. These concessions were not for free, as in exchange, Brazil commits not to exceed certain maximum levels of tariffs for the whole textile and clothing sector (these levels are maximum 14 % for yarns, 16-18 % for fabrics, and 20 % for clothing). An additional tax of 1,5 % should be eliminated upon its expiry planned for the end of 2002. Furthermore, both parties agree to refrain from adopting any non-tariff measures, which could hinder trade in textile and clothing products. This will address in particular a problem concerning customs valuations in Brazil raised by the Union industry. In the context of the on-going Union-Mercosur negotiations, both parties agree to seek an early elimination of the customs duties applied to textile and clothing products, either upon entry into force or at the latest in the first stage of the industrial tariff dismantling schedule.

In reaching bilateral agreements concerning market access in the sector — to date there are three, with Sri Lanka, Pakistan and now Brazil — the Commission is working to fulfil the negotiating directives given by the Council on 9 November 2000, by obtaining market access concessions in the textiles and clothing sector from our trading partners (e.g. tariff reductions, binding in the World Trade Organisation (WTO) and commitments on non-tariff barriers) in return for which the Community can offer improvements in their quota regimes. During the whole negotiation process, the Commission is keeping the Member States informed via the 133 (Textiles) Committee and thus any Member State's position is carefully considered. Furthermore, Euratex as the European representative of the sector is normally closely involved in the preparation of the Commission's negotiating position in the case of bilateral agreements; this was the case for the Union-Brazil Memorandum, which counted on the support of Union industry and actually of all the Member States.

The Commission does not consider that these agreements are jeopardising the original timetable for full liberalisation and the removal of all quotas: what they do is either increase quotas or suspend them vis-à-vis third countries on a case by case basis on a bilateral basis and in exchange of balanced market access commitments by those countries which are of export importance to Union industry. Indeed, the schedule remains in place and maintains 1 January 2005 as the date of full liberalisation pursuant to the WTO agreement on Textiles and Clothing. Certainly, the Commission considers that further agreements pursuant to the above mandate would benefit the European textiles and clothing industry — for the improved access to the third markets included in such agreements — and therefore contribute positively to full liberalisation in 25 months time. And as this last agreement demonstrates, the Commission does negotiate on a case-by-case basis.

Regarding the Community submission to the WTO on market access for non-agricultural products, there seems to be some misunderstanding as to its content. In fact, the initiative is aimed at meaningful liberalisation through elimination of tariff peaks and high tariffs as well as reduction of tariff escalation in all sectors and by all countries, but does not put forward any specific percentage for tariff reduction As regards the specific case of textiles, the Community proposal aims at full reciprocity as tariffs for textiles and clothing should be brought within a same narrow common range by all WTO Members. For the Union such move does also require that non-tariff barriers are substantially reduced by all Members in order not to frustrate the increase in market access gained through tariff reduction. By removing peaks and high tariffs, the proposal is intended to achieve improved effective access on markets of interest to the Union industry, and to stimulate South-South trade through greater access to developing countries markets, whose increasing importance for developing countries' exporters cannot be underestimated.

Since the Commission is not envisaging any de facto anticipation of the elimination of the Agreement on Textiles and Clothing (ATC) quotas, the question of assessment of its impact is not relevant. As regards the impact of the final elimination of quotas in 2005 as foreseen in the ATC, the Commission has commissioned a study, not yet completed, as to the possible impact of the elimination of quotas in 2005. Moreover, in May 2003, the Commission is organising a major conference with all interested parties (of which importers, exporters, industry, trade unions, consumers, government representatives) to assess the consequences of such elimination and the future of the textile and clothing industry globally.

Since the Commission is not envisaging anticipating any wholesale elimination of quotas before they are due to expire in 2005, there should be no question of providing any compensation in favour of Union industry, all the more since the agreements such as the one with Brazil are based on a balance of market access between the two parties.

Finally, the Commission would like to remind the Honourable Member that the ATC constitutes a delicate outcome of multilateral trade negotiations putting an end to a policy of more than thirty years of trade protection, during which period the industry hopefully had the opportunity to benefit and to restructure in order to prepare for the liberalisation at hand. At this juncture, it is not conceivable to go back on this important achievement of the Uruguay Round. In the specific case of Portugal — as the question has been raised — it is essential to recall that, an exceptional measure via a ECU 400 million grant of financial assistance to Portugal for a specific programme for the modernization of the Portuguese textile and clothing industry for the period 1995 to 1999, has been taken by the Council in 1995 ([1]). This Community assistance was meant to enable the Portuguese textile industry to adapt to the new requirements of the international situation and increasing international competition following the ATC. The Commission trusts that such initiative has borne its fruits.

([1]) Council Regulation (EC) No 852/95 of 10 April 1995 on the grant of financial assistance to Portugal for a specific programme for the modernisation of the Portuguese textile and clothing industry, OJ L 86, 20.4.1995.

(2004/C 65 E/008) **WRITTEN QUESTION E-3416/02**

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

(2 December 2002)

Subject: Religious freedom

Act 1990/IV entitled 'Religious Institutions and Freedom of Conscience and Religion' is a cornerstone in the 1989 regime change in Hungary. Based upon the Declaration of Human and Civil Rights, and the separation of Church and State as guaranteed by the Hungarian constitution, law 1990/IV emphasises the equality of all Hungarians, regardless of their world-views. It sets forth equal rights and equal obligations for all religious organisations and directs that the disbursement of government funds to religious institutions must be objective.

Last year, the previous Hungarian Government introduced law 2001/LXXIV (PA 153). The law proposed a new way to disburse funds to religious organisations — one that replaced the annual voluntary declaration by taxpayers, with ambiguous statistics derived from a recent and controversial census.

This law is allegedly unconstitutional, it discriminates against 98 % of religious organisations and it contravenes the spirit of Act 1990/IV.

1. Does the Commission believe Act 1990/IV reflects the EU's concern for human rights and religious freedom?

2. Does the Commission consider law 2001/LXXIV (PA 153) to be in conformity with the EU's concern for human rights and religious freedom?

3. Would the Commission urge the Hungarian Government to repeal law 2001/LXXIV (PA 153) before it takes effect on 1 January 2003? Would the Commission encourage the Hungarian Government to remain faithful to the ideals of Act 1990/IV, which could serve as model legislation for other Member States?

(2004/C 65 E/009) **WRITTEN QUESTION E-3459/02**

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

(6 December 2002)

Subject: Religious freedom in Hungary

Hungary, on the threshold of admission into the EU, still maintains a 15-year old tradition of religious apartheid and violation of human rights.

The previous Hungarian Government introduced law LXXIV, 2001 (PA 153). This law radically alters how taxpayers' support for religious institutions is determined. It replaces the explicit annual declaration of taxpayers by ambiguous statistics derived from a recent census relating to citizens' natal faith.

This law is inequitable and unconstitutional, designed to favour a few well-established religions at the expense of other faiths.

In view of the European Union's principles of respect and tolerance, will the Commission urge the Hungarian Government to repeal this law as a condition of accession?

Joint answer
to Written Questions E-3416/02 and E-3459/02
given by Mr Verheugen on behalf of the Commission

(21 January 2003)

The freedom of religion and the separation of State and church are guaranteed in the Hungarian Constitution [1]. Today, there are altogether 104 officially recognised religions in Hungary.

The 1997 Law on the financial conditions of the religious and public activities of the churches regulates the State financial support to churches. Under this law, the Hungarian State allocates at least 0,8 % of the income tax revenues to churches. Taxpayers may indicate in their income declaration the church of their choice as a recipient of 1 % of their income tax. If necessary, the State makes available supplementary resources to reach the target of at least 0,8 % of the income tax revenues, using as key of repartition between the beneficiary churches, the relative percentages arising from the taxpayers declarations.

In addition to State subsidies, churches may, from 1 January 2001, benefit from tax deductible gifts from natural and legal persons under strict conditions set out in a law passed in 2000 [2]. The list of the churches meeting these conditions is published every year in the Hungarian Official Journal.

In November 2001, the previous Government had decided to change the arrangements of support for churches. It had therefore proposed for adoption by Parliament Article 153 of a general law on finances modifying as of January 2003 the system of repartition between churches. The new financing arrangements were based on the results of the 2001 census, which for the first time included a non mandatory question on church affiliation following a joint recommendation by the United Nations Economic and Social Committee and Eurostat in the context of the forthcoming census world campaign.

The question on religion included in the 2001 census appears to have been an open one, i.e. it did not contain any list of churches from which to choose from and it was up to the respondent to name the religion, but a response was not compulsory.

Nevertheless some 9 million persons responded to the question on religion, out of which 7,6 million claimed to belong to some 260 various churches/religions. These figures basically confirmed the previously estimated numbers.

To avoid any possible ambiguity, the Government has decided to maintain the church financing regime of 1997, through an amendment annulling Article 153 adopted in 2001. The Commission welcomes this modification that will enter into force in January 2003, following the Hungarian Parliament's vote in December 2002.

([1]) See Article 60 of the constitution:
1. In the Republic of Hungary everyone has the right to freedom of thought, freedom of conscience and freedom of religion;
2. This right shall include the free choice or acceptance of a religion or belief, and the freedom to publicly or privately express or decline to express, exercise and teach such religion and beliefs by way of religious actions, rites or in any other way, either individually or in a group;
3. The church and the state shall operate in separation in the Republic of Hungary;
4. A majority of two-thirds of the votes of the Members of Parliament present required to pass the law on the freedom of belief and religion.

([2]) Act CXXXIII of 2000. There are three alternative conditions: the Church must either:
(i) have benefited in the 2 last years of at least 1 % of the revenues of the taxpayers 1 % support scheme, or
(ii) have been present in Hungary for at least 100 years, or
(iii) have been officially registered in Hungary for 30 years.

(2004/C 65 E/010) **WRITTEN QUESTION E-3443/02**

by Roger Helmer (PPE-DE) to the Commission

(3 December 2002)

Subject: Persecution of Falun Gong practitioners

Would the Commission confirm that it is aware of the human rights abuses of peaceful Falun Gong practitioners in China where this peaceful lifestyle choice has been denounced as a dangerous and subversive cult?

Can the Commission confirm it is aware of the controversial 'Article 23' legislation soon to be introduced in Hong Kong? The Commission may be aware that the 'anti-subversion' legislation would force Hong Kong to ban any organisation determined by China as a national security risk and would affect all dissident groups including Catholics and democracy activists. Would the Commission agree that this would be a huge violation of Hong Kong's autonomy and widen the field of persecution to yet more innocent Falun Gong practitioners?

How will the Commission oppose China's introduction of Article 23 which will tend to limit the right to free speech and freedom of the press in Hong Kong?

Answer given by Mr Patten on behalf of the Commission

(19 December 2002)

Respect for human rights represents a central issue in the Union's relations with China. In the context of the bilateral dialogue on human rights, established between the Union and China in 1996, the Union regularly raises individual cases of concern, including cases involving Falun Gong practitioners. In addition, the Union has on several occasions undertaken formal démarches to express concern about reports of torture and ill treatment of arrested followers of the Falun Gong movement, and has urged China to review harsh sentences imposed on them. In particular, the Union has requested China to ensure that safeguards for a fair trial, including adequate legal representation, are fully respected with respect to all individuals. Concern about the violations of the human rights of the followers of Falun Fong was also expressed in the March 2002 conclusions of the General Affairs Council on Human Rights in China.

The Commission appreciates the major importance and political sensitiveness in the global Chinese context of the initiative taken by the Hong Kong Government to start up a consultative process in view of enacting on Article 23 of the Basic Law. However, as the consultation document was drafted in general terms, it will only be possible to make an accurate judgement or assessment of its effects on human rights and fundamental freedoms, including the freedom of religion, once the draft bill has been submitted to the Legislative Council. This should happen in February 2003.

So far, the Commission is of the opinion, as expressed in its fifth annual report on Hong Kong adopted on 5 August 2002 ([1]) that, four and a half years after the hand-over, the 'One Country, Two Systems' principle continues to work reasonably well, and that Hong Kong, in general, has preserved its rule of law, human rights, civil liberties and free and open society.

However, the report also acknowledges that the actual implementation of these principles has given rise to some debate and uncertainty. Therefore, the Commission will continue to follow the developments in Hong Kong very closely, in particular with regard to further evolutions concerning Article 23.

([1]) COM(2002) 450 final.

(2004/C 65 E/011) **WRITTEN QUESTION E-3458/02**

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

(6 December 2002)

Subject: Tax treatment of biodiesel in Germany and France

What is the tax treatment of biodiesel made from rapeseed methyl ester (RME) compared to normal mineral diesel in Germany and France?

Total-Fina-Elf sells diesel containing a percentage of RME. Could the Commission confirm whether this is because of taxation encouragement from the French Government or due to a French Governmental decree?

Answer given by Mr Bolkestein on behalf of the Commission

(16 January 2003)

1. The normal rates of excise duties applicable to diesel used as a propellant are currently EUR 389 and EUR 440 for thousand litres in France and Germany respectively.

Germany, according to § 1 Abs. 2 Mineralölsteuergesetz i.V.m. § 1 Abs. 2 Nr 1 Mineralölsteuerdurchführungsverordnung, grants a full tax exemption to 97 % pure biodiesel sold in Germany. In practise, this tax exemption applies mostly to methyl esters having a vegetable origin (including rapeseed).

The German legislation is based on Article 8(2)(d) of Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils [1]. The Commission has not yet examined in depth whether this article is appropriate; however, the Commission's proposal for a special regime for the taxation of biofuels, which is likely to be adopted in the coming months, has taken this specific situation by a so-called 'grand-fathering' clause (Article 8c paragraph 3) into account. This clause would allow Member States, which on 1 January 2001 totally exempted products solely made up of biofuels, continue to totally exempt these until 31 December 2003.

France has been authorised by the Council to grant permits for the application of a differentiated rate of excise duty to the fuel mixture 'diesel/vegetable oil esters'. The reductions in excise duties cannot exceed EUR 35,06/hl or EUR 396,64/t for vegetable oil esters.

The French legal arrangement is based on Article 25 of the amending finance law of 1997, on Decree No 98-309 of 22 April 1998 laying down the requirements for participation in the invitation to tender for the release for home use in France of biofuels giving rise to a reduction in domestic consumption tax, and on the decision of 22 April 1998 setting up the Committee for the examination of authorisation requests by biofuel production units.

2. The Commission does not know why Total-Elf-Fina has decided to sell diesel containing a percentage of rapeseed methyl ester.

[1] OJ L 316, 31.10.1992.

(2004/C 65 E/012) **WRITTEN QUESTION E-3472/02**

by Hanja Maij-Weggen (PPE-DE) to the Commission

(6 December 2002)

Subject: Extra checks on goods shipped to the United States via European ports

Can the Commission confirm that it has objected to contracts between the American customs and a number of European Union port authorities for extra checks on goods being shipped to the United States via European ports?

Does the Commission not find it justified for the American customs to want to cooperate with the European Union port authorities, when the aim is to prevent terrorist attacks via containers on shipping on the transatlantic route?

Would it not be more constructive for the Commission to set up an agreement between the American customs and all the relevant European Union port authorities for a uniform system of checks to prevent terrorist activities?

Answer given by Mr Bolkestein on behalf of the Commission

(10 February 2003)

Regarding the concerns expressed by the Honourable Member on the Commission's response to the strengthening of security controls in European Ports by American Customs with a view to combat terrorism, the Commission has been actively working to find a Community response to this question.

The Community shares the objective of improving maritime transport security and protecting trade against any threat of terrorist attack. Concerning the United States initiative the Commission is concerned as to the impact of this initiative, particularly with regard to Community policies in transport, trade and customs. For this reason the Commission is opposed to the conclusion of bilateral agreements in areas where a common Community approach is needed and negotiations between the Community and the United States should be privileged. In December 2002 the Commission therefore sent letters of formal notice to four Member States that had concluded bilateral agreements on this matter.

On the other hand, the Commission fully shares the security concerns that have motivated the United States initiative and recognises the importance of taking concrete steps to ensure, as quickly as possible, a common level of security control on both sides of the Atlantic. This can best be done through a formal Community/United States agreement offering mutually agreed standards for controls of all cargo exports and ensuring strengthened customs co-operation in respect of transport security. It has been suggested to American Customs to expand Container Security Initiative (CSI) as quickly as possible to all Community ports which meet mutually agreed minimum standards of interest, as a pilot phase, together with those ports covered so far by bilateral declarations between American Customs and Member States. These pilot ports shall then serve as experiments to allow the establishment of a longer-term comprehensive Community/United States co-operation framework on security.

The Commission has pursued this objective with the United States' authorities in various meetings between the Commission and American Customs officials. Both sides recognise the importance of co-operation to ensure both better security and facilitation of legitimate trade. In the discussion a number of major principles for future co-operation were stressed, most particularly reciprocity, common standards for the selection and performance of controls to increase security and at the same time facilitation for legitimate trade.

It is hoped that these discussions will, in the near future, lead to a commonly agreed response to these security concerns.

(2004/C 65 E/013)

WRITTEN QUESTION P-3497/02

by Claude Moraes (PSE) to the Commission

(2 December 2002)

Subject: Human rights violations in Iran

There is at present worldwide concern at the increasing violations of human rights in Iran, in particular cases of torture and cruelty and inhuman or degrading treatment or punishment, including stoning, amputation and public executions. There is also evidence of increasing discrimination against religious minorities, in particular the ongoing persecution of the Bahai community. The undertaking of 'constructive dialogue' with Iran could be complemented by a transparent and independent tool for monitoring and evaluating the human rights situation in the form of a 'Special Rapporteur' to objectively evaluate progress.

What specific steps are being taken to ensure Iran's progress in moving towards a more tolerant and peaceful society with a more open debate on human rights, and what plans are envisaged to effectively measure such advance?

The EU has recently revived relations with Iran despite the US line undermining EU policy. It is commented that troops deployed by the US in the Persian Gulf and the use of economic sanctions puts Iran under perceived immediate threat and that under such circumstances it is not difficult for the radicals to find an audience. It could prove very difficult for the EU to reach out to reformers in Iran if the US is isolating and characterising Iran as being part of an 'axis of evil'.

What pressure is the EU putting on the US to reconsider its positions on a policy of isolation and sanctions towards Iran and engage in a more 'constructive dialogue' with Iran as is the current policy of the EU?

Answer given by Mr Patten on behalf of the Commission

(20 December 2002)

In relation to Iran the Union conducts a policy of engagement through semestrial Comprehensive Dialogue Meetings, bilateral talks at Ministerial level, through demarches, and via the United Nations (UN). On 21 October 2002, the General Affairs and External Relations Council endorsed the strategy to start a Human Rights dialogue with Iran on the basis of the recommendations of the exploratory Troika mission

dispatched to Tehran 30 September-1 October 2002. The Iranian government has demonstrated a political will to enter into a Human Rights dialogue, which would be regularly assessed with the help of benchmarks. In this context, it can be noted that Iran has signalled its readiness to receive UN thematic rapporteurs.

The opening of negotiations with Iran on a Trade and Cooperation Agreement (TCA) linked to instruments on political dialogue and counter-terrorism, will — inter alia — be linked to parallel progress in the human rights field. This is the approach of the political package defined at the European Council in Sevilla (21/22 June 2002) and formally adopted on 12 July 2002 (an 'indissociable whole' composed of the TCA and the separate but inter-related instruments on political dialogue and counter-terrorism).

Naturally, the Commission remains concerned about the Human Rights situation in Iran. The repressive measures against democratic institutions, civil society and the media, are disturbing. The lack of rule of law, arbitrary arrests and discrimination against minorities, are cause for concern. Recourse to cruel, inhuman, and degrading punishments is unacceptable.

The Union, including the Commission, continues to act through the instruments at its disposal, within the framework of the Comprehensive Dialogue and its global Iran policy. The Union regularly discusses its Iran policy with the United States, including its disagreement of the American sanctions towards Iran, in particular those under the Iran-Libya Sanctions Act.

(2004/C 65 E/014) **WRITTEN QUESTION E-3502/02**

by Robert Evans (PSE) to the Commission

(10 December 2002)

Subject: Bear bile farming in China

Would the Commission inform me as to what influence and assistance the Commission is offering the Chinese Government in order to stop the cruel practice of farming bears for their bile?

Answer given by Mr Patten on behalf of the Commission

(16 January 2003)

China has traditionally used bear bile for medical purposes. Since the 1980's commercial 'bear farming' has been used to obtain bile for traditional Chinese medicines.

The Commission is aware that this practice arose because of increasing conservation concerns about the killing of wild bears for this purpose. Nevertheless, the Commission also shares the Honourable Member's concern over the possible implications of such a practice for animal welfare. The Union has one of the highest animal welfare standards in the world and public awareness regarding animal welfare is high. Furthermore, a comprehensive set of legislation has been adopted that covers a wide range of issues relating to animal well being.

The Commission's policies promote the improved protection and respect for the welfare of animals as sentient beings, both internally and internationally, since it is of the opinion that high animal welfare standards must be ensured globally.

The Community will continue to actively pursue substantive negotiations on animal welfare and is co-operating at the international level in order to improve animal welfare policies world-wide. To do so, it seeks to develop high multilateral standards within the framework of specific international conventions, mainly within the framework of the Council of Europe and the World Organisation for Animal Health.

(2004/C 65 E/015) **WRITTEN QUESTION E-3525/02**

by Concepció Ferrer (PPE-DE) to the Commission

(10 December 2002)

Subject: Obstacles to trade in the applicant countries

In July 2002, the Spanish Secretary of State for Trade processed some 20 complaints from exporters concerning trade obstacles caused by administrative and fiscal problems in the applicant countries. 48 % of the complaints related to Poland and 28 % to the Czech Republic.

The sectors most affected were agri-foods, chemicals, pharmaceuticals, textiles, plastics, wood and furniture, footwear, building materials, capital equipment and automobile parts.

What action is the Commission taking or going to take with a view to preventing such obstacles to trade from proliferating once enlargement has actually taken place?

Answer given by Mr Verheugen on behalf of the Commission

(30 January 2003)

The Commission considers the smooth functioning of the internal market from the first day of accession of the new Member States as being of primary importance. In order to ensure that this will be the case, intensive monitoring of commitments made under the relevant chapters of the acquis is already being undertaken and will continue until the date of accession. In the event that major disruptions are deemed likely, the Commission reserves the right to invoke the 'safeguard clause' announced by the Commission on 9 October 2002 and now accepted by all parties. The safeguard clause in the accession treaty will allow the Commission for a period of three years following accession, if it is considered necessary, to take appropriate action to ensure the orderly implementation of Community law, particularly in areas such as the Internal Market (including food safety) and Justice and Home Affairs. Decisions can be taken already prior to accession.

Upon accession the administrative and informational architecture ensuring the free movement of goods in the current Member States will become operational automatically. No transition periods have been negotiated as regards the principles of mutual recognition and Articles 28-30 of the EC Treaty. The obligations of new Member States to ensure the removal of all obstacles to the free movement of goods will therefore be the same as those currently in place amongst the fifteen existing Members. These obligations apply regardless of whether the goods concerned are covered by harmonised product legislation or not. In the event of non-respect of these obligations, the Commission will examine the possibility of infringement proceedings on the same basis as is currently the case in the Member States.

(2004/C 65 E/016) **WRITTEN QUESTION E-3539/02**

by Chris Davies (ELDR) to the Commission

(11 December 2002)

Subject: Preferential-priced medicines illegally reimported into the EU

Is the Commission aware that significant quantities of not-for-profit medicines destined for African countries are being illegally reimported back to the EU for sale at a higher price? If so, what measures are in place to ensure that current customs controls at EU borders are being effectively implemented, and does the Commission intend to introduce further additional measures to address this growing problem?

Answer given by Mr Lamy on behalf of the Commission

(17 January 2003)

The Commission is indeed aware of the problem of low priced medicines destined for developing country markets that are being imported into the Community.

Importation of medicines coming from third countries into a Member State is subject to the holding of an authorisation as laid down in Directive 2001/83/EC of the Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use [1].

Action against unauthorised importation of low priced medicines is currently only possible for products protected by intellectual property rights. If goods covered by either trademark or patent protection on a Community market are appearing without permission of the right holder, he/she may take action in the national courts against the importer and ensure that the goods are removed from circulation.

The Commission has in the context of the Community Programme for action on communicable diseases and poverty reduction proposed a Council Regulation [2], adopted by the Commission on 30 October 2002, to prevent tiered priced medicines sold to developing countries from entering the Community market. This Regulation, once in force, will enable the customs authorities to detain goods suspected to be tiered priced medicines (whether covered by intellectual property protection or not) at the Community borders until the national authorities issue a decision on the character of the merchandise and the use that can be given to these goods.

The Commission firmly believes that improved means to prevent import of low priced pharmaceuticals to be traded on Community markets, as outlined above, will encourage the pharmaceutical industry and exporters to supply sufficient volumes of essential medicines to poor countries at affordable prices.

[1] OJ L 311, 28.11.2001.
[2] COM(2002) 592 final.

(2004/C 65 E/017)

WRITTEN QUESTION E-3551/02

by Charles Tannock (PPE-DE) to the Commission

(12 December 2002)

Subject: Article 23 legislation in Hong Kong and the rights of Falun Gong practitioners throughout China

What is the opinion of the Commission on the introduction of the controversial Article 23 legislation or anti-subversion law, and is the Commission concerned about the threat to the ability of those who wish to peacefully practise Falun Gong activities either in Hong Kong or in the rest of China to practise their beliefs unimpeded or without threat of arbitrary arrest? Has the Commission raised the issue of Falun Gong with the Chinese government, and does the Commission believe that the increase in the numbers of Falun Gong followers should be seen primarily as a desire on the part of many people to return to older, spiritual Chinese codes of behaviour rather than as a threat to the political dominance of the Communist Party itself?

Has the Commission also expressed concern over threats to religious freedom in China, and is the Commission hopeful that the new leadership under Hu Jintao will address this issue more readily in the future?

Answer given by Mr Patten on behalf of the Commission

(9 January 2003)

The Commission is aware of the initiative taken by the Hong Kong Government to start a consultative process in view of enacting Article 23 of the Basic Law. In addition the Commission appreciates the importance and political sensitivity of the issue in the global Chinese context. However, as the consultation

document was drafted in general terms, it will only be possible to make an accurate assessment of its likely effects on human rights and fundamental freedoms, including the freedom of religion, once the draft bill is submitted to the Legislative Council. This should take place in February 2003. In the meantime, the Union is monitoring the issue and will strongly urge the Hong Kong Government to take the views of the Hong Kong population into account. A possible démarche to the Hong Kong SAR Government is under consideration.

Respect for human rights represents a central issue in the Union's relations with China. In the context of the bilateral dialogue on human rights, established between the Union and China in 1996, the Union regularly raises individual cases of concern, including cases involving Falun Gong practitioners. Religious freedom is high on our agenda with China. It has been regularly -and will continue to be − raised in this framework.

In addition, the Union has on several occasions undertaken formal démarches to express concern about reports of torture and ill treatment of followers of the Falun Gong movement who have been arrested, and has urged China to review harsh sentences imposed on them. In particular, the Union has asked China to ensure that safeguards of a fair trial, including adequate legal representation, are fully respected for all individuals. Concern about the violations of the human rights of the followers of Falun Fong was also expressed in the conclusions of the General Affairs Council on Human Rights in China in March 2002.

Regarding the question of the possible impact of Falun Gong on the Chinese Communist Party, the Commission invites the Honourable Member to refer to the reply given to Written Question E-1969/02 by Mr Davies [1].

[1] OJ C 137 E, 12.6.2003, p. 38.

(2004/C 65 E/018) **WRITTEN QUESTION E-3573/02**

by Ilda Figueiredo (GUE/NGL) to the Commission

(13 December 2002)

Subject: Article 299(2) and social and economic cohesion in the Azores

The outermost regions face particular problems on account of their distance from the EU's centre, their high degree of economic specialisation, their natural disadvantages, the smallness of their market and their high production costs. All of these factors hamper their sustainable development and restrict their competitiveness. A further consideration is geographical dispersion, which applies in the case of the Azores. Special regional-policy and CAP programmes have therefore been drawn up for those regions, whilst the Amsterdam Treaty contains provision for measures designed to remedy their specific problems, in particular agriculture-related ones.

One of the cornerstones of the Azores economy is milk and its related products. Its socio-economic significance and the number of direct and indirect jobs and services it generates make an essential contribution to social and economic cohesion, for which reason EU regional policy must be called upon to underpin the region's economic sustainability and to further the development of the dairy industry. The latter has been affected by the size of the regional milk quota, which is likely to be exceeded, in which case fines will have to be paid under the rules governing the common organisation of the market in dairy products. Such fines, if imposed, would jeopardise the regional economy, which is dependent upon the dairy industry.

In view of the above, and with due regard to Article 299(2) of the Treaty, would the Commission answer the following questions:

− What action is it planning to take in order to remedy this state of affairs?

− With a view to promoting the region's development, would it consider exempting the dairy sector from the constraints of the CAP and drawing up a special dairy-sector development programme?

Answer given by Mr Fischler on behalf of the Commission

(5 February 2003)

The Community has implemented rural development measures to assist the Azores region for the 2000-2006 period under Regulation (EC) No 1257/1999 [1]. They include a multi-fund operational programme part-financed from the Structural Funds, inter alia by the EAGGF Guidance Section (EUR 133 554 million) and a rural development plan part-funded by the EAGGF Guarantee Section (EUR 122 206 millions).

The rural development support granted under those programmes is intended inter alia for improving productive structures, conversion and reorientation of agricultural production, improvement of product quality, sustainable development, diversification of activity, etc. Some of the programmes' measures have already been the subject of specific derogations of a structural nature provided for in Regulation (EC) No 1453/2001 [2].

Rural development measures must in any case be coordinated with other common agricultural policy measures, including measures taken under the common organisation of markets.

More specifically as regards dairy production Article 26 of Regulation (EC) No 1453/2001 provides for the Azores to receive aid for implementing, during the period 2002-2006, a comprehensive programme to support the production and marketing of local produce in the livestock and milk products sector. The authorities responsible are to present draft programmes for approval by the Commission, but to date they have not presented any under this provision.

Milk production in the Azores currently exceeds 500 000 tonnes a year, an increase of almost 60 % in 10 years; such a percentage increase has not been achieved in any other region of Europe. The almost inevitable consequence of this growth, however, is that the price paid to milk producers in the Azores is among the lowest in Europe. Cheese — the main derivative — also sells with difficulty and at prices well below those of comparable continental products, for lack of a sufficient market outside the islands and concerted efforts to develop one, for example under Article 26 of Regulation (EC) No 1453/2001.

The Portuguese authorities have sent the Commission a request to extend Article 23 of Regulation (EC) No 1453/2001, which concerns the setting of milk quotas in the context of determining additional levies. The request is substantiated by reference to the specific characteristics of production in the most remote regions, and in particular of milk production in the Azores.

The Commission is examining the request in the light of the Azores' special situation as a most remote region, while ensuring consistency and respect for the integrity of Community law in the context of the rules applicable, in particular Regulation (EC) No 1453/2001.

[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.

[2] Council Regulation (EC) No 1453/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (Poseima), OJ L 198, 21.7.2001.

(2004/C 65 E/019) **WRITTEN QUESTION E-3608/02**

by Cristiana Muscardini (UEN) to the Commission

(16 December 2002)

Subject: NATO enlargement and EU defence policy

The summit of the 19 NATO heads of state and government, held in Prague on 21/22 November in the presence of the leaders of the 27 associate countries of the Atlantic Alliance and meeting in the

Euro-Atlantic Partnership Council, tackled two fundamental issues among others: the updating of NATO's strategic capacity and its enlargement, three years before the entry of the first three former Soviet bloc countries.

The Alliance's political and strategic profile had to be redefined as a result of the diversification of the sources of instability and insecurity (rather than the previous predominant Soviet threat) and the extension of the tasks entrusted to NATO by the 1991 and 1999 Strategic Concept, which envisaged opposition to the proliferation of weapons of mass destruction and the fight against international terrorism and organised crime. The results achieved in Prague seem to suggest that the Alliance is still the political and military lynchpin of the new European security framework, even though the summit did not manage to resolve all the Alliance's political and institutional problems.

Can the Commission say:

1. whether it still considers NATO to be an alliance in the traditional sense of the word, or as the beginning of a new and more efficient collective security system;

2. in what sense relations between the European Union and the United States are established and developed within it;

3. in the military context, what the position of the Union's Rapid Reaction Force will be vis-à-vis the NATO Reaction Force, since 17 of the 19 NATO countries are European;

4. what role is played by the WEU in this context;

5. whether it is conceivable that the 'enhanced cooperation' formula may provide the required effectiveness for the member countries and ensure an autonomous defence policy?

Answer given by Mr Patten on behalf of the Commission

(17 January 2003)

The questions asked by the Honourable Member fall outside the Commission's competence and it would therefore be inappropriate for the Commission to reply.

(2004/C 65 E/020) **WRITTEN QUESTION P-0025/03**

by Dirk Sterckx (ELDR) to the Commission

(13 January 2003)

Subject: List of products for which countermeasures can be taken in the context of the American Foreign Sales Corporation

On 13 September 2003 the Commission published a draft list of products for which countermeasures could be taken as a reaction against fiscal treatment by the United States under the Foreign Sales Corporation law. A number of importers of American products who are on the list are dissatisfied with this measure. Is there not a risk that this measure could do serious damage to certain European companies? Does the Commission already have an idea of the reaction of those concerned? Will the Commission change the list to take account of the reactions of those concerned? When will the Commission reach a final decision?

Answer given by Mr Lamy on behalf of the Commission

(7 February 2003)

The Honourable Member raises the concern of Community importers on the negative effect that any eventual imposition of sanctions on American products would have on their business.

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 by selecting only products for which imports from the United States represent a maximum 20 % of total imports into the Community. The Commission is, therefore, now in the process of evaluating comments received from interested parties during the public consultation period. In carrying out this analysis, the Commission will be particularly vigilant to ensure that no harm is caused 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. At this stage, however, no comments can be made with respect to the inclusion or exclusion from an eventual list of sanctions of particular products.

(2004/C 65 E/021) **WRITTEN QUESTION E-0180/03**

by Glyn Ford (PSE) to the Commission

(30 January 2003)

Subject: GM crop trials

Can the Commission confirm whether, during and after GM crop trials, Member State citizens will have access to the details of the environmental monitoring procedure and its results?

Answer given by Mrs Wallström on behalf of the Commission

(14 March 2003)

Experimental releases of genetically modified organisms (GMOs), including GM crops, are now regulated under Part B of Directive 2001/18/EC of the Parliament and of the Council of 12 March 2001, on the deliberate release into the environment of genetically modified organisms [1], which was applicable on 17 October 2002. To date (20 February 2003), 22 experimental releases have been conducted under this Directive. Summary details of these releases are publicly available via the web site of the Joint Research Centre of the Commission at: (http://gmosnif.jrc.i).

Directive 2001/18/EC replaced Council Directive 90/220/EEC of 23 April 1990 [2], which similarly provided for regulation of experimental releases of GMOs, including GM crops, under its Part B. Approximately 1 700 experimental releases were conducted under Directive 90/220/EEC from its application in October 1991 until it was replaced on 17 October 2002. Summary details of these releases are publicly available via the web site of the Joint Research Centre of the Commission at: (http://biotech.jrc.it).

Under Directive 90/220/EEC, the examination of applications and granting of consent for experimental releases were carried out by the authorities of the Member State in which the release was to take place. This procedure will continue under Directive 2001/18/EC.

Article 4 of Directive 90/220/EEC required Member States to ensure that their competent authority organised inspection and other control measures, as appropriate, to ensure compliance with the Directive. This is again, similarly reflected in Directive 2001/18/EC.

Consequently, it is the competent authorities of Member States who control site inspections, including any monitoring, of GM crop trials and hold the relevant information.

In this context, Directive 2001/18/EC now requires, under Article 9(2) that 'Member States shall make available to the public information on all Part B releases of GMOs in their territory'.

(1) OJ L 106, 17.4.2001.
(2) OJ L 117, 8.5.1990.

(2004/C 65 E/022) **WRITTEN QUESTION E-0204/03**

by Bert Doorn (PPE-DE) to the Commission

(3 February 2003)

Subject: State aid for the banking sector in the Czech Republic

I have studied the European Commission report entitled 'State Aid Scoreboard — autumn 2002 update — Special edition on the candidate countries' — with great interest. In that connection, I welcome the European Commission's initiative in drawing up a report on state aid in the future EU Member States. It represents a necessary step along the road to complete transparency, one which is of great significance as regards accession.

However, the European Commission report makes in clear in various instances that the information which it possesses consists solely of data supplied by the applicant countries themselves and is not, therefore, the result of research carried out by the European Commission itself.

I should therefore be grateful if the Commission would supply me with additional information about the following issues:

1. Does the Commission intend to verify the accuracy of the information supplied to it? If so, how will this be done? For example, it came to my attention that the figures given in the 'State Aid Scoreboard' relating to the aid granted to Czech banks in 2000 (EUR 144 million) were considerably lower than those given in publicly available sources in Prague. Such sources allege that state aid amounting to several hundred million euros was granted to a small number of banks in 2000.

2. The Commission has not indicated whether, in its view, that aid was granted in compliance with the EU legislation governing the granting of state aid currently in force. Is it, nevertheless, possible for the state aid granted after 10 December 1994 to be deemed to constitute existing aid and to be included in a list attached to the Accession Treaty ('State Aid Scoreboard', Section 1.2.5)?

3. What conclusions will the Commission draw if it is proved that the figures set out in the 'State Aid Scoreboard' relating to the state aid granted to Czech banks are fundamentally inaccurate?

Answer given by Mr Monti on behalf of the Commission

(19 March 2003)

State Aid Scoreboard

1. The Commission compiled the State Aid Scoreboard data on the basis of the figures provided by the Czech authorities. It does not verify this information, as it does not verify the information from the current Member States either. As far as possible the Commission tried to apply the same methodology as that used for the existing Member States. However, as this was the first exercise of its kind, there were naturally

difficulties in obtaining all the necessary information to do this in a strictly comparable way for all countries. As a result, there may be some areas where the level of State aid was under-valued.

Existing Aid List

2. No Czech State aid measure with regard to banking was included in the list attached to the Accession Treaty. The inclusion of aid measures granted by the Czech authorities to the existing aid list consists of two phases: The first phase consisted of the establishment of a list of aid measures to be attached to the Accession Treaty. A few banking measures had been notified for this list, however they did not qualify and were therefore not included. The second phase covers measures submitted to the Commission between 1 January 2003 and the actual date of accession (the so-called 'interim procedure'). This procedure covers aid measures which, prior to the date of accession, have been assessed by the State aid monitoring authority of the new Member State and found to be compatible with the acquis, and to which the Commission does not raise an objection on the ground of serious doubts as to the compatibility of the measure with the common market. Several aid measures to banking are currently under scrutiny of the Czech competition authorities (OPEC). Once the OPEC will have assessed the measures, and if it raises no objections, the Czech authorities may notify the granted aid to the Commission for inclusion in the existing aid list. The Commission will consequently assess the aid, and only if the Commission does not object to it on the grounds of serious doubts as to its compatibility with the common market, it will be regarded as existing aid.

The existing aid list exercise should be distinguished from the State Aid Scoreboard. The State Aid Scoreboard is not intended as an assessment of compatibility with the acquis, but an information tool.

3. Currently, the Commission cannot draw the conclusion that the figures are fundamentally inaccurate, since certain measures are still under scrutiny by the OPEC. However, in case figures prove to be inaccurate, they will need to be updated in the next score board.

(2004/C 65 E/023) **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 65 E/024) **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?

— 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.

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

(14 April 2003)

Article 30 of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, sets out the conditions for eligibility of expenditure related to an operational programme.

The Community Support Framework for Italian Objective 1 regions states that during the 'first phase of implementation' (1) and in the interest of continuity programmes can finance ongoing actions, provided they are consistent with the objectives, strategies and procedures of the programmes themselves (at the measure level) as well as with Community legislation and the rules of the Structural Funds. It is assumed that the Honourable Member refers to this 'first phase of implementation' period when he makes reference to so-called 'support' projects in his question.

Evidence of the outcome of this 'first phase of implementation' procedure must be included in the programme annual implementation reports for the year 2002, which have to be approved and forwarded to the Commission by programme monitoring committees concerned before June 2003.

Under the subsidiarity principle of the Structural Funds, expenditure incurred under the Objective 1 programmes is declared at the level of measures; thus it is not possible for the Commission to make a distinction among projects financed under the 'first phase of implementation' procedure and the selection procedures/criteria agreed under the Programme Complements.

As this 'first phase of implementation' procedure is limited to the take-off phase of the Objective 1 programmes approved, and as it does not allow the financing of projects which are in contrast with programme objectives and implementation rules, the Commission has no evidence that it will jeopardise the development objectives and strategies agreed under the Community Support Framework and the operational programmes.

So far as additionnality is concerned, Council Regulation (EC) No 1260/1999 of 21 June 1999 states that its respect must be verified at the mid-term review. This is expected to take place at the end of 2003. Within that framework, the Commission will ensure that the concept of additionnality is respected for the whole Community Support Framework relating to Objective 1 in Italy.

(1) During this period, which ended in June 2002, programme monitoring committees had to approve project selection criteria within the framework of the Programme Complements. These criteria are used thereafter for the selection of projects under the different measures in the programmes.

(2004/C 65 E/025) **WRITTEN QUESTION P-0387/03**

by Mario Mantovani (PPE-DE) to the Commission

(7 February 2003)

Subject: Construction of the 'Fenice' special/toxic waste incinerator

The problem of the 'Fenice' special/toxic waste incinerator, a project called for by the Fiat Group, dates back to 1994.

The Fenice spa company decided to set up a plant in the commune of Verrone, Biella province, to incinerate waste classed in the 'special and hazardous' category, under the terms of Decree/VIA 11/08/1995.

The environmental impact study submitted by Fenice SPA dates back to 1993, and the anemometric data on which it was based were compiled by the Cameri Airport weather station in Novara province. However, recent studies in the possession of the Biella provincial authorities, supplied by the Italian regional environmental protection agency ARPA, and the checks that can now be carried out at an observation post in the commune of Verrone have produced entirely different findings from those originally submitted by Fenice SPA. In the light of this information, completion of the project appears even more ill suited to the surroundings, bearing in mind the distinctive form of the land in the Biella area and the precipitation that occurs there, which prevent noxious substances being dispersed. In addition, the area has a substantial concentration of industry and a high death rate from tumours. Moreover, as far as the disposal of solid urban waste is concerned, Biella province already has a technology park. The 'Fenice' facility would thus be not only a foreign body extraneous to the surroundings, but also the biggest plant to have been built in Italy.

Waste originating from Fiat factories in Piedmont and Lombardy was mentioned in connection with the project covered by the environmental impact assessment, but the new regional waste plan which has since been approved does not refer to any agreements on that subject between Piedmont and Lombardy regions along the lines recommended in the VIA decree.

Does the Commission know about the project and is it aware that Community funding has been requested to enable it to be implemented?

Can it say whether the following apply in this case:

— Directive 85/337/EEC [1] on the assessment of the effects of certain public and private projects on the environment;

— Directive 91/156/EEC [2] amending Directive 75/442/EEC [3] on waste, which requires Member States to ensure that waste is recovered or disposed of without endangering human health or using processes or methods that could harm the environment;

— Directive 84/360/EEC [4] on the combating of air pollution from industrial plants?

Furthermore, given the huge discrepancies in the studies conducted and the potential health risk to the citizens of all 82 communes in Biella province, as well as the risk to the environment itself and the future of the area concerned, can the Commission say what steps it will take regarding the case in question to ensure that the Community legislation in force is properly implemented and prevent the incinerator being built?

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[1] OJ L 175, 5.7.1985, p. 40.
[2] OJ L 78, 26.3.1991, p. 32.
[3] OJ L 194, 25.7.1975, p. 39.
[4] OJ L 188, 16.7.1984, p. 20.

Answer given by Mrs Wallström on behalf of the Commission

(10 March 2003)

According to the informations at the disposal of the Commission, this is a private project which does not fulfill the eligibility criteria foreseen in the Piemonte operational programme to qualify for a Community co-financing through the Structural Funds.

Under Council Directive 85/337/EEC of 27 June 1985, on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997 [1], Member States shall ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. Projects covered by the Directive are identified in the annexes. Projects listed in Annex I are made subject to an environmental impact assessment procedure (EIA).

The project mentioned by the Honourable Member is covered by Annex I of Directive 85/337/EEC, as amended. Therefore, it is to be made subject to an EIA procedure.

Based on the information given by the Honourable Member, it seems that an EIA procedure was carried out on the project in 1995 (concluded by Decree/VIA 11/08/1995) in the light of an impact study submitted by the developer in 1993. In addition, it appears that recent studies by the local authorities produced entirely different findings from those originally submitted by the developer, that in the meantime no development consent has been granted for this installation and that, at present, the developer has decided to set up the installation under the terms of the Decree/VIA 11/08/1995.

In light of the above, the Commission would stress that, in general, in case where the EIA has been concluded but no development consent has been granted and if the state of the environment changes or there are different findings regarding the impact of the project on the environment between the time the assessment was undertaken and the time consent was granted, it follows that the assessment may need to be updated or extended accordingly. Hence, new information relating to likely significant environmental effects of the project must be taken into account during the development consent procedure. In particular, as regards this specific case, the situation seems to be at too early a stage: on the basis of the information given by the Honourable Member, it can be deduced that no administrative procedure of request for development consent of the project, based on the Decree/VIA 11/08/1995, is under way. In the light of the above, given the lack of specific grounds for the complaint on the application of the EIA Directive, no breach of the Directive can be identified at present. Should the Honourable Member provide additional information enabling the Commission to identify potential breach of Directive 85/337/EEC, as modified, the Commission would be able to investigate this matter.

Council Directive 75/442/EEC of 15 July 1975 on waste, as amended by Council Directive 91/156/EEC of 18 March 1991, applies to disposal and recovery operations, including incineration of waste. However, this Directive does not contain any requirements applicable to the planning stage of a disposal or recovery installation.

Regarding the applicability of Council Directive 84/360/EEC of 28 June 1984 on the combating of air pollution from industrial plants, if the planned hazardous waste incinerator has a capacity exceeding 10 tonnes per day, then Directive 84/360/EEC does not apply, because it is superseded by Council Directive 96/61/EC of 24 September 1996, on integrated pollution prevention and control [2]. However, if the capacity is smaller, Council Directive 84/360/EEC applies. More importantly, Directive 2000/76/EC of the Parliament and of the Council of 4 December 2000 on the incineration of waste [3], applies. Directive 2000/76/EC will apply to existing plants, as defined in the Directive, from 28 December 2005, while as regards new plants its provisions apply as from 28 December 2002. Finally, the incineration of hazardous waste is regulated by Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste [4], which will be repealed by Council Directive 2000/76/EC.

[1] OJ L 73, 14.3.1997.
[2] OJ L 257, 10.10.1996.
[3] OJ L 332, 28.12.2000.
[4] OJ L 365, 31.12.1994.

(2004/C 65 E/026) **WRITTEN QUESTION E-0411/03**

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

(17 February 2003)

Subject: Carriage of oil in sensitive sea areas

In the Baltic there are several areas such as the Gulf of Finland, the Danish sounds, or the Åland Islands where the natural environment is particularly vulnerable to the risks posed by shipping. It is presumably the case that in the North Sea, on the Atlantic coasts, and in the Mediterranean there are also easily identifiable areas of a similar kind, where it might be necessary to restrict the carriage of dangerous substances by sea in order to avert risks.

Is the Commission willing to consider designating Particularly Sensitive Sea Areas in EU territorial waters so as to ensure that the carriage of dangerous substances by sea through those areas can be restricted where necessary (for instance as dictated by weather and other conditions)?

(2004/C 65 E/027)

WRITTEN QUESTION E-0536/03

by Samuli Pohjamo (ELDR) to the Commission

(26 February 2003)

Subject: Classification of the Baltic sea as a Particularly Sensitive Sea Area (PSSA)

Especially severe ice conditions have prevailed this winter in the Baltic Sea, and in the Gulf of Finland in particular. Pack-ice has put a strain on vessels, which have been moving with extreme difficulty and generally unaided by ice-breakers.

There are also some vessels using the Gulf of Finland which have very inadequate ice protection. There is particular cause for concern about oil tankers from the Russian port of Primorsk (Koivisto), some of which do not have sufficient reinforcement against ice (some, for example, are reinforced only on the bows but not on the sides).

The transport of oil from Primorsk is predicted to double in the next few years. The Russians are also planning two new oil-loading sites at the far end of the Gulf of Finland.

If a disastrous oil spill were to occur in the Gulf of Finland, it would be even harder to remedy — in view of the area's island geography and the sensitive nature of its environment — than for example in Spain. Moreover the equipment for combating oil spills in many coastal countries is very inadequate. Apart from Finland, the countries bordering the Baltic do not have equipment which could operate in ice conditions.

Would it be possible for the Commission to propose the Baltic Sea for classification as a Particularly Sensitive Sea Area (PSSA) and thereby to promote the safety of marine transport in the region?

Joint answer
to Written Questions E-0411/03 and E-0536/03
given by Mrs de Palacio on behalf of the Commission

(3 April 2003)

The Commission would draw the Honourable Member's attention to the fact that the International Maritime Organization (IMO) is the only body authorised to designate particularly vulnerable zones.

Under Article 211 of the Convention on the Law of the Sea, coastal States may, where international rules are inadequate, adopt special mandatory measures to prevent pollution from vessels crossing maritime zones the IMO recognizes as being special.

The adoption of such measures is subject to conditions and any request to do so must be addressed to the IMO. Coastal States submitting a request, which must be in the form of a communication, must quote the references of the zones in question, and submit scientific and technical evidence in support of the request.

The IMO must decide within 12 months whether to approve the request, and the new laws and regulations become applicable after 15 months.

Coordinated action by the Union will be necessary to support the requests made by France, inter alia, so as to bring about a speedy referral to the IMO for the identification and protection of zones which are particularly sensitive, mainly on account of their resources and the particular nature of the traffic.

In accordance with the conclusions of the Transport Council of 6 December 2002, the Union must also initiate a proposal to amend the United Nations Convention on the Law of the Sea, to enable coastal States to protect themselves more effectively against the risks of pollution associated with the passage of 'vessels at risk', including inside the 200-mile exclusive zone. The Commission will be asking the Council for a negotiation mandate with a view to amending the abovementioned Convention.

(2004/C 65 E/028)

WRITTEN QUESTION E-0461/03

by Stavros Xarchakos (PPE-DE) to the Commission

(19 February 2003)

Subject: Animals for sale

It is possible to buy in certain pet shops iguanas, snakes, spiders and baby crocodiles, i.e. animals which have absolutely no connection with the term 'pet', whose habits, physique and needs make it prohibitive to keep them in houses or flats because they would suffer.

Is there any specific directive or other Community legal instrument which determines which animals may be sold as pets? What action will the Commission take to put an end to this blatant exploitation of animals for the sole purpose of profit?

Answer given by Mrs Wallström on behalf of the Commission

(19 March 2003)

The Commission is aware that exotic animals, in particular reptiles, are increasingly being sold in pet shops. There is no specific Community legislation determining which animals may be sold as pets. However, Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein [1] contains a number of animal welfare provisions which are relevant in this context. The Regulation covers more than 30 000 different animal and plant species, which are listed in four annexes according to their threat status. Annex A includes species threatened with extinction whereas Annex B species are not necessarily now threatened with extinction but may become so unless trade is strictly regulated.

Provided the species are included in the annexes, the following Regulations apply: Article 4 of the Regulation provides that an import permit for a live specimen may only be issued if the intended accommodation at the place of destination is adequately equipped to conserve and care for it properly. It is up to the competent authorities in the Member States to ensure that this provision is respected;

With some exceptions the Regulation prohibits all commercial activities regarding specimens of species listed in Annex A and provides that Member States may prohibit the holding of specimens, in particular live animals. This also applies to specimens of species listed in Annex B for which it cannot be proved that they were acquired in or introduced into the Community in accordance with the legislation in force for the conservation of wild fauna and flora;

The Regulation also regulates the movement of live specimens within the Community. With regard to Annex B species, the holder of the specimens may only relinquish a specimen after ensuring that the intended recipient is adequately informed of the accommodation, equipment and practices required to ensure the specimen will be properly cared for. This provision applies to wildlife traders and pet shop owners who should not sell live animals and plants without giving the buyer the necessary information regarding proper care. In order to make commercial stakeholders aware of their obligations the Commission is financing an information campaign in the Member States which is due to start later on in 2003;

Finally, the Regulation gives the Commission the possibility to establish restrictions on the introduction into the Community of live specimens of Annex B species for which it has been established that they are unlikely to survive in captivity for a considerable proportion of their potential life span. At the moment import restrictions on these grounds exist for about 15 species. In the context of recent discussions about the private husbandry of reptiles, the Union's Scientific Review Group — a body consisting of representatives of Scientific Authorities in the Member States — has agreed to review those species already listed and other ones that might be eligible for listing, possibly in the course of 2004.

[1] OJ L 61, 3.3.1997.

(2004/C 65 E/029)

WRITTEN QUESTION E-0464/03

by Antonio Di Pietro (ELDR) to the Commission

(19 February 2003)

Subject: Graduates in information science and their right to exercise their profession

Four-year degree courses in 'information science' were introduced in science faculties in Italy in 1969 and degree courses in 'computer science' were introduced in 1992.

Degree courses in information science and computer science are absolutely equivalent and equally valid, as acknowledged by the CUN (National Council of Universities) in 1999, and graduates in these subjects have always been qualified to carry out all activities involved in the transmission and processing of data. However, Presidential Decree No 328/2001 of June 2001 (reform of the Italian professional associations) states that those enrolled in the information section of the Register of Engineers are the only professionals recognised as qualified to exercise the profession of 'transmitting and processing information' and the profession of computer scientist.

The Explanatory Circular of 28 May 2002 issued by the Ministry of Education, Universities and Research rules out the possibility of those who graduated in information science and computer science under the old system taking the State examination, being enrolled on the professional Register or exercising the profession which they had always practised with total reliability until these provisions were brought in. They are even prevented from taking part in tendering procedures or consultancy work, which require inclusion on the Register or authorisation by a qualified professional. This constitutes total discrimination.

What steps will the Commission take, in accordance with the right of establishment, the principles of freedom of movement and trust and, more generally, the principles underlying the EU Treaty, to avoid any further discrimination against those who graduated in information science and computer science under the old system and do their work in a professional and reliable manner, and in order to enable national and Community clients to benefit, in a single market, from services and/or advice provided by those with identical and/or comparable qualifications?

Answer given by Mr Bolkestein on behalf of the Commission

(25 March 2003)

Directive 89/48/EEC [1], which is applicable to a wide range of professions, including that of engineer, has the objective of facilitating the freedom of establishment, the free movement of workers and the free provision of services. This Directive has not harmonised the education and training leading to the different professions in the Member States. It has only set up a 'general system' for the mutual recognition of professional qualifications which allows European nationals who possess a professional qualification in their Member State of origin to exercise their profession in another Member State, even if they do not have the qualification required under the law of that State.

Under the Directive, Member States are only obliged to recognise, if certain conditions are met, professional qualifications awarded in other Member States. Member States remain otherwise free to regulate professions within their territories and to establish the level and type of qualification required for a given profession (e.g. training duration, accomplishment of a probation period, possession of a diploma, access through competitive examinations, etc.), as well as the range of activities included in each profession. The matter raised by the Honourable Member is therefore under the sole responsibility of the Italian authorities.

[1] Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years duration, OJ L 19, 24.1.1989.

(2004/C 65 E/030)

WRITTEN QUESTION E-0466/03

by Christa Randzio-Plath (PSE) to the Commission

(20 February 2003)

Subject: Working conditions of employees in the flower industry

Europe is still the largest market for cut flowers, in particular from Latin America and Africa. Employees in the flower sector work for extremely low wages with insecure employment contracts, frequently without appropriate protective clothing as a precaution against poisoning by pesticides and other serious health hazards. The first successes of the campaign for better working conditions — e.g. the use of appropriate protective clothing for women — are being seen in Ecuador, while in other countries paid maternity leave exists. However, these remain the exception.

1. In the light of this situation, does the Commission consider that adequate progress has been made, with the application of the revised EU Generalised System of Preferences as an incentive to the protection of social rights, towards respect for fundamental working standards and/or is it planning further measures in the context of trade and cooperation agreements with a view to improving working conditions for employees in the flower industry?

2. What other instruments is the Union using to help achieve better working and health conditions?

3. To what extent is the Commission making use of the grant of development cooperation appropriations, not only in general to improve working conditions, but in particular to eliminate the poor conditions for flower workers?

Answer given by Mr Lamy on behalf of the Commission

(1 April 2003)

1. Central American and Andean countries have become highly specialised in exporting products of Sector V (trees, plants and cut flowers) under the Community's Generalised System of Preferences (GSP) and particularly under its 'special arrangements to combat drug production and trafficking (drugs regime)'. As a result of this and in line with agreed EU rules related to GSP, it is proposed to graduate countries such as Costa Rica and Colombia out of the GSP scheme for this sector.

The 'drugs regime' is meant to assist the beneficiary countries in their struggle to combat illicit productions by providing them with export opportunities for substitution crops. This may also improve their sustainable development by fostering environmental protection and the respect of fundamental social rights.

The Commission monitors each beneficiary country's efforts in combating drug production and trafficking. In addition, it is also called upon to evaluate each country's social development, in particular the respect and promotion of core labour standards, as well as its environmental policy. The Commission informs each beneficiary country of its evaluation and invites it to comment. It will also take into account the results of this evaluation when establishing guidelines for a scheme of generalised tariff preferences for the decade 2005-2014. Thus, the drug regime establishes a dialogue with the beneficiary countries, providing the Union with the possibility to stress the importance of sustainable development and the need to respect its principles.

In this context, it is only at the end of the current GSP Regulation (i.e. 31 December 2004), that it will be possible to fully assess the progress made by these countries in the protection of labour standards, particularly in sectors such as the flower industry.

As regards bilateral agreements, the Commission communication 'Promoting Core Labour Standards and Improving Social Governance in the Context of Globalisation' [1], suggested inclusion of core labour standards as an integral element, thus following the approach taken in the EC-ACP Partnership Agreement with the African, Caribbean and Pacific States (the Cotonou Agreement). Specifically, the agreement between the European Union and Chile signed in November 2002 includes a special section (Title V) on

cooperation in social matters. The latter spells out commitments to promoting fundamental labour rights, taking into account the rules of the International Labour Organisation (ILO). It sets out among priority measures for cooperation in particular (Article 44): promoting human development, the reduction of poverty and the fight against social exclusion; developing and modernising labour relations, working conditions, social welfare and employment security; giving priority to education and training programmes aimed at vulnerable social groups. The agreement with Chile will in this respect serve as a model in current negotiations with Mercosur.

Moreover core labour standards are part of the human rights clause, which forms part of bilateral co-operation agreements. In its Communication on The European Union's Role in Promoting Human Rights and Democratisation [2], the Commission proposed as part of the political dialogue discussing with partner countries how ratification of the fundamental human rights instruments and other rights-based international agreements (in particular ILO conventions) and their effective implementation could be pursued. The Commission believes that respect for social rights and core labour standards contribute to durable and equitable social and economic development.

2. In its communication, the Commission presented a comprehensive strategy, suggesting action at European and international levels, by public and private actors alike, and in all relevant policies: social, external relations, development and trade. The Community strategy aims to create incentives and build capacity for countries to implement and respect core labour standards globally and in all sectors of the economy, including the flower trade in Latin America and Africa.

A concrete step has been the adoption by the Council of a revised generalised system of preferences (GSP) scheme. The social incentive scheme — which grants additional preferences to countries that respect the core labour standards — was improved and the basis for temporary withdrawal of the general preferences was extended to cover grave and serious infringement of all ILO core conventions, including those related to child labour.

3. No specific initiatives are in place in the development and co-operation framework to improve working conditions for flower workers.

However in general terms, the Commission communication on core labour standards suggested increased funding from bilateral sources and ILO technical assistance programmes for the promotion of core labour standards. Funding has been allocated under the European initiative for Democracy and Human Rights (Chapter B7-7 of the EU budget) for projects tackling the issue of trafficking, child labour and slavery. Such support complements the assistance channelled through country-specific programmes, in which social development and labour standards are integral elements.

[1] COM(2001) 416 final.
[2] COM(2001) 252 final.

(2004/C 65 E/031)

WRITTEN QUESTION E-0475/03

by Erik Meijer (GUE/NGL) to the Commission

(20 February 2003)

Subject: Fraud-sensitive electronic payments as a result of the possibility of criminals to emptying bank accounts

1. Is the Commission aware that criminals are constantly finding new ways of obtaining access to the secret PIN codes of bank account holders, for instance by:

(a) stealing bank cards and threatening the victims with further violence if they do not disclose their PIN codes;

(b) keeping permanent watch on ATMs to find out the codes being used before people take their banknotes and then seizing the bank cards and using them to obtain cash;

(c) copying of PIN codes and account numbers by staff at automatic petrol pumps or in shops and restaurants where customers' card payments are registered, after which cash can be withdrawn using a counterfeit card.

2. Is the Commission aware that a new stratagem has recently been seen in the Netherlands where letters are stolen from private letter boxes, existing accounts are transferred from one name to two names, after which the second person applies for a PIN code and bankcard and access to the account by phone or computer, money is then transferred from savings accounts to current accounts and finally the current accounts are emptied using the bank cards obtained?

3. Are these problems greater in some Member States than in others? How can this be explained?

4. Has the stratagem described in paragraph 2 now spread to other EU Member States? Have the Member States concerned developed effective safeguards?

5. Is the Commission leaving it up to individual banks, national banking advisory bodies and national legislators to find solutions and compensation arrangements for account holders affected or is it contributing, by pooling experience in this area at EU level, to the development and introduction of security measures that are uniform and effective for all EU Member States?

Source: De Volkskrant newspaper, 7 February 2003.

Answer given by Mr Bolkestein on behalf of the Commission

(1 April 2003)

1. Yes, the Commission is fully aware of the stratagems mentioned by the Honourable Member, as well as of other ways in which cards, PIN codes and bank accounts are compromised. The modus operandi described are well known by payment industry investigators and law enforcement officers.

2. In general, techniques of identity theft (which consists in the misuse of personal data to impersonate somebody else and abuse of his/her bank facilities) are well known by payment industry investigators and law enforcement officers. The technique used in this specific case (stealing letters from mailboxes to obtain personal data and then asking for a second card and PIN code, phone-banking code or e-banking password in order to empty the bank account) is one way of committing identity theft. The Commission is aware that identity theft is the fastest growing type of payment fraud in some Member States. It was not yet aware that the modus operandi described is particularly used in the Netherlands.

3. The problem of payment card fraud is particularly relevant in the United Kingdom, and in countries like Germany, Spain, France, Italy and the Netherlands (i.e. the Member States where the largest card issuing banks are located or where foreign counterfeit cards are more often used in shops). The problem of identity theft is particularly relevant in the United Kingdom.

4. The specific technique used in the Netherlands has been used also in the United Kingdom. The Commission has no information on the use of this specific technique in other countries. In the United Kingdom, the Credit Industry Fraud Avoidance System (CIFAS) [1] is combating identity theft. The British Cabinet office issued in July 2002 a report on identity theft.

5. The Commission agrees with the Honourable Member that, notwithstanding the considerable efforts of the national private and public sectors, there is a need for a more co-ordinated approach to the problem. Also as a result of Resolution no. C4 0455/98 of the Parliament, the Commission is taking action to increase the security of payment transactions. To prevent fraud and counterfeiting of non-cash payments, the Commission adopted in February 2001 a three-year Fraud Prevention Action Plan [2] based

on a partnership among all stakeholders. It provides for five main areas and 11 main actions that the Commission and other parties should undertake. Security improvements are the main priority of the Action Plan, which supports the introduction of the highest economically viable level of security.

Discussions on identity theft and security issues, including on the progress in the migration to chip cards in the Union, 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.

The Commission will organise 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.

After the end of 2003, the Commission will report to the Parliament and the Council on the progress achieved with the Fraud Prevention Action Plan and propose, if necessary, further action.

The Commission also proposed a Council Framework Decision combating fraud and counterfeiting of non-cash means of payment, that has been adopted on 28 May 2001 [3]. This text aims at ensuring that fraud and counterfeiting of non-cash means of payment, including credit cards and other cards issued by financial institutions, are criminal offences in all Member States, punished by effective, proportionate and dissuasive sanctions. Member States shall bring into force the measures necessary to comply with this Framework Decision by 2 June 2003.

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[1] www.cifas.org.uk
[2] COM(2001) 254 final.
[3] OJ L 149, 2.6.2001.

(2004/C 65 E/032)

WRITTEN QUESTION E-0516/03

by Miet Smet (PPE-DE) to the Council

(24 February 2003)

Subject: Women's rights in Nigeria

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

In spite of the fact that Nigeria subscribes to these principles, the rights of women in Nigeria are not always respected. According to AFP, there are instances of women being stoned to death in some provinces of Nigeria. These stonings are decreed by Islamic courts which apply the Sharia. Reuters also mentions the fact that Nigeria is one of the countries where female circumcision still frequently occurs, particularly among the Muslim population in the North.

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

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

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

Reply

(17 November 2003)

The EU remains concerned about the sentences of stoning to death continuing to be applied by the Sharia Courts. The Presidency, on behalf of the European Union, has reacted to those infringements referred to by the Honourable Member. The EU welcomed in its declaration of 27 March 2002 the acquittal of Safiya Hussaini after being sentenced to death by stoning. The EU then followed closely the case of Amina Lawal, also sentenced to death by stoning and expressed, in the declaration of 21 August 2002, its deep concern about the decision of the court of appeal dismissing the appeal lodged by Amina Lawal. It will continue to monitor developments in this case in the future.

In both these cases and in the political dialogue at HoMs level the EU continues to reiterate its position on the death penalty and encourages the Government of Nigeria to continue to work towards the abolition of the death penalty and the prevention of all forms of cruel, inhuman or degrading treatment or punishment.

The European Union will continue to use its political dialogue with Nigeria to press for further progress in this matter. It urges the Nigerian authorities to fully respect their international obligations and, in particular, human rights and human dignity with particular reference to women [1].

In addition, the EU attaches great importance to the role of civil society and supports in particular human rights and other non-governmental organisations active in this area.

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

[1] Barcelona European Council, 15/16 March 2002.

(2004/C 65 E/033) **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?

Supplementary answer
given by Mr Barnier on behalf of the Commission

(15 May 2003)

1. The Honourable Member is referred to the table which is sent directly to the Honourable Member and to Parliament's Secretariat, submitted by the Greek authorities, and containing a list of the projects in the monastery region of Mount Athos that have been co-funded by the Structural Funds.

2. The Honourable Member is referred to the reply given by the Commission to Written Question No E-1055/01 by Mr Glyn Ford [1].

3. The Honourable Member is referred to the second table which is sent directly to the Honourable Member and to Parliament's Secretariat, submitted by the secretariat of the European Economic Area and containing a list of the projects in the monastery region of Mount Athos that have been funded by its Financial Mechanism.

4. Under the 2000-2006 Community Support Framework for Greece, projects being proposed for inclusion in Community programmes and for co-funding by the European Structural Funds, are selected by the Greek authorities in accordance with the procedures laid down in the Community Support Framework for Greece and the individual operational programmes (agreed with the Member State and adopted by the Commission), as well as those set out in the Programming Complement document and in the criteria for the selection of projects (adopted solely by the Member State).

[1] OJ C 318 E, 13.11.2001.

(2004/C 65 E/034) **WRITTEN QUESTION E-0576/03**

by Mihail Papayannakis (GUE/NGL) to the Commission

(28 February 2003)

Subject: Declassification of woodlands in Greece

The Greek Parliament's legislation drafting committee recently finished drafting a Ministry of Agriculture bill on the protection of forest ecosystems, the establishment of a forestry register, the regulation of real rights in respect of forests and woodlands in general and other provisions.

According to forestry experts, if this bill is adopted, the classification of 5 000 hectares per prefecture as forests and woodlands will be called into question, which may lead to the declassification of a total of 170 000 hectares throughout Greece, given that the country's 34 prefectures contain woodlands. Environmental bodies have complained that the bill means that hundreds of thousands of hectares will fall victim to arbitrary development and landgrabbing.

In parallel with the Ministry of Agriculture's bill, the Ministry of the Environment, Regional Planning and Public Works and the Ministry of Finance are drawing up a joint ministerial decision which provides that, following declassification under the bill in question, areas of land that have been illegally developed may be ceded to the illegal developers at a price and may be built on as unplanned building projects, since, according to statements by the Secretary of State for the Ministry for the Environment, Regional Planning and Public Works, the concept of unplanned building project will be abandoned by 2004.

Given the fact that Greek woodlands are increasingly scarce and given also the chaotic state of town planning and housing in Greece and the Commission's previous statement that 'Member States must avoid any action that may lead to a further deterioration of the forestry situation on their territory', does the Commission consider that the bill in question is compatible with Community policy on the protection of forests and the environment generally? Does it also intend to make any recommendations to the competent Greek authorities to prevail upon them to honour the commitments they have assumed both in the European Union and at international meetings?

Answer given by Mrs Wallström on behalf of the Commission

(3 April 2003)

The Commission is not (and ought not to be) informed about the draft Greek bill in question, since a generally binding agreement on the definition of forests does not exist at Community level. The Treaty on the European Union makes no provision for a comprehensive common forestry policy. Therefore, matters regarding national forest legislation and national definitions related to forests are the competence of Member States and a change in the national forest legislation in Greece falls under the responsibility of the Member State.

The management, conservation and sustainable development of forests are nevertheless vital concerns of existing Union policies.

The Community is supporting Member States in the management and protection of forests: Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations [1], supports measures for the management and protection of forests. Furthermore, the Commission has proposed a Regulation called Forest Focus [2] in order to contribute to the protection of the Community forests by means of monitoring.

Therefore, the Greek Government must ensure that such a modification of national law is in accordance with those existing Union policies and legislation.

[1] OJ L 160, 26.6.1999.
[2] OJ C 20 E, 28.1.2003.

(2004/C 65 E/035) **WRITTEN QUESTION E-0592/03**
by Bernd Lange (PSE) to the Commission

(28 February 2003)

Subject: European Union funding for Niedersachsen 2002

1. What amounts of European Union funding were paid to Niedersachsen in 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 Niedersachsen or with the Federal Republic of Germany?

Supplementary answer
given by Mr Prodi on behalf of the Commission

(11 November 2003)

In view of the length of its answer, the Commission is sending it direct to the Honourable Member and to Parliament's Secretariat.

(2004/C 65 E/036) **WRITTEN QUESTION E-0596/03**

by Jonas Sjöstedt (GUE/NGL) to the Commission

(28 February 2003)

Subject: Follow-up of new situations in terms of economic development in EU regions

The Swedish Institute for Growth Policy Studies recently published a report on the state of the regions in 2002. This report shows that central Norrland in Sweden had the worst employment trend in the entire Union between 1996 and 2001. The trend in GRP does not look much better. Central Norrland is in 198th place of the EU's 204 regions.

These are interesting figures in that they illustrate what has happened in Sweden since the country's accession to the EU.

Does the Commission take due account of such information when future structural aid is discussed? What lessons can be learned from the case of central Norrland since EU accession?

Answer given by Mr Barnier on behalf of the Commission

(10 April 2003)

The performance of the regions in Sweden has varied considerably over recent years, although the evidence suggests that the region of Mellersta Norrland has performed less well than many other regions of the Union.

The second progress report on economic and social cohesion [1], adopted by the Commission on 30 January 2003, presents the most recent statistical information for all regions in the 15 Member States and in the new Member States.

The report shows that between 1995 and 2000, gross domestic product (GDP) per head adjusted the differences in purchasing in Mellersta Norrland fell relative to the rest of the Union from 108,6 % to 97,1 % of the Union average. For Sweden as a whole, the figure increased slightly over this period from 106,1 % to 106,6 % of the Union average.

This trend seems to be confirmed in the Swedish report 'Regionernas tillstånd 2002' prepared by the Swedish Institute for Growth Policy Studies.

On the other hand, unemployment in the region is declining, falling from 11½ % in 1996 to 7 % in 2001. This represents a reversal compared to the years preceding accession, when the rate increased markedly — from just under 4 % to 10 % between 1991 to 1995.

For the period after 2006 the Commission will make a proposal to the Parliament and Council for the reform of European cohesion policy in the framework of the third report on economic and social cohesion which will be published before the end of 2003.

[1] COM(2003) 34 final.

(2004/C 65 E/037) **WRITTEN QUESTION P-0616/03**

by Lord Inglewood (PPE-DE) to the Commission

(25 February 2003)

Subject: Directive on Tobacco Sponsorship and Advertising

Will the Commission confirm that, in making the proposal for the Directive on Tobacco Sponsorship and Advertising, it was not its intention to prevent the continued use of brand names originally used for non-tobacco products, and still used in good faith for advertising or sponsoring non-tobacco products, provided it is in a manner distinct from that used for tobacco products of the same names?

Answer given by Mr Byrne on behalf of the Commission

(13 March 2003)

The Commission can confirm that in making the proposal for the Directive of the Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products [1], it was not its intention to prevent the continued use of brand names originally used for non-tobacco products, and still used in good faith for advertising and sponsoring non-tobacco products, provided it is in a manner distinct from that used for tobacco products of the same names.

[1] OJ C 270 E, 25.9.2001.

(2004/C 65 E/038) **WRITTEN QUESTION E-0637/03**

by Baroness Sarah Ludford (ELDR) to the Commission

(4 March 2003)

Subject: Reception conditions for asylum-seekers

The English High Court ruled on 19 February 2002 that the application of section 55(1) of the UK Nationality, Immigration and Asylum Act 2002 is in breach of the European Convention of Human Rights. This provision allows the UK Government automatically to refuse food and shelter to an asylum-seeker who has not made their asylum claim 'as soon as reasonably practical'. The court ruled that refusing food and shelter is a breach of the applicant's human rights and the ban on inhumane and degrading treatment if it poses a real risk of destitution and injury to the asylum- seeker's health.

Since the wording in the UK Act is the same as in Article 16(2) of Council Directive 2003/9/EC [1] laying down minimum standards for the reception of asylum-seekers, the risk may be that other Member States might fall foul of the ECHR if they also impose an automatic denial of benefit on delayed claims. Given the interest in a uniform application of EU law, will the Commission ensure that all Member States follow the guidance that this English judgment offers so that asylum-seekers are not left destitute?

[1] OJ L 31, 6.2.2003, p. 18.

Answer given by Mr Vitorino on behalf of the Commission

(3 Avril 2003)

Following a ruling by the English High Court, the Honourable Member has requested clarification from the Commission about the implementation of Article 16(2) of Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers [1].

The Commission has no competence to intervene in matters for which Community legislation has not yet entered into force. The provisions of this Directive still need to be transposed by the Member States. The deadline for transposition is 6 February 2005.

The Honourable Member is undoubtedly aware of the fact that the Home Secretary appealed the decision of the High Court and that the Court of Appeals has rendered its judgement.

A preliminary reading would suggest that this ruling follows the same lines as the principles laid down in the Directive.

The Directive provides for the possibility to refuse conditions in cases where an asylum seeker has failed to demonstrate that the asylum claim was made as soon as reasonably practicable after arrival in a Member State. It also requires that decisions to refuse conditions shall be taken individually, objectively and impartially and reasons shall be given. Moreover, the Directive provides that such decisions shall be based on the particular situation of the person concerned, especially with regard to certain categories of vulnerable persons and it ensures that such decisions may be the subject of an appeal.

([1]) OJ L 31, 6.2.2003, p. 18.

(2004/C 65 E/039) **WRITTEN QUESTION E-0649/03**

by Erik Meijer (GUE/NGL) to the Commission

(5 March 2003)

Subject: Criticism by the Netherlands National Audit Office of the lack of transparency in the management of EU funds by fund flow and by Member State

1. Is the Commission aware that the Netherlands National Audit Office published its first annual 'EU trends report' on 18 February 2003, the aim of which is to chart developments in the management of Community funds and oversight and monitoring of their allocation, as well as legality and effectiveness in the Netherlands and throughout the European Union?

2. Is the Commission aware that the 2003 report points out that, while the Commission exercises checks, their results are not published, so that the public is unable to establish any link between shortcomings in financial management and certain countries or flows of funds, and that the report also criticises the fact that since 1994 the European Court of Auditors, in its reports on the reliability of income and expenditure, has made no specific reference by country or fund flow, and hence can make no positive statements on the accounts of the European Union?

3. Is there a law in all the Member States comparable to the Dutch law on supervision of European subsidies, which was adopted following the discovery of errors in the management of the ESF in the period from 1994-1999, and which requires ministers to exercise central oversight over decentralised spending?

4. Is oversight at national level limited in practice to the Member States Austria, the United Kingdom and the Netherlands, and the candidate countries Estonia, Latvia, Hungary and Romania?

5. Why are results broken down by fund flow not published, particularly as regards the Structural and Cohesion Funds and agricultural subsidies?

6. Why are results broken down by Member State, including Member States which themselves practise no or little oversight, not published?

7. What is the Commission doing, particularly in the light of the report in question, to present these financial data to the public in a better form, thus reinforcing the possibility of public oversight of movements of EU funds?

Supplementary answer
given by Mrs Schreyer on behalf of the Commission

(10 July 2003)

1. The Commission has taken note of the first annual 'EU-trendrapport 2003' by the Dutch 'Algemene Rekenkamer'. Like similar reports produced by other national audit bodies, this is a good example of a national audit institution supporting improvement in the management of Community funds by the Member States.

The Commission will take account of the recommendations made by the 'Rekenkamer' where they can improve such management and draw them to the Member States' attention.

2. In line with recognised auditing standards, the Commission does not validate audit findings until they have been confirmed in discussion with the auditees. If, after completion of this procedure, the Commission considers that money has been improperly spent in the field of the structural funds, it can recover this money by imposing so-called 'financial corrections'. These decisions are publicised. However, in many cases the Member State will take the necessary corrective action in response to the audit findings before the final stage is completed. Furthermore, the Commission publishes an annual report on the protection of the Community financial interests and the fight against fraud which contains, inter alia, statistics and analyses on irregularities concerning the Cohesion and structural funds and agricultural subsidies, as communicated by the Member States.

The annual reports of the European Court of Auditors since 1994 have concluded that, except for certain observations largely on accrual matters, the accounts faithfully reflect the Communities' revenue and expenditure for the year and their financial position at the year end. The Court has, however, not given full assurance as to the legality and regularity of the underlying transactions, inter alia on the basis of findings concerning payments for the Structural Funds. Upon receipt of the Court of Auditor's annual report, the Commission informs the Member States immediately of the details of theat report which relate to managament of the funds for which they are responsible. They, in turn, are obliged to present their observations within 60 days. The Commission transmits then a synthesis of Member States's replies to the other institutions (Article 143 paragraph 6 of the Financial Regulation).

The Commission is attempting to improve this situation within the limits imposed by the system of shared management whereby the Structural Fund monies are administered in the Member States while the Commission remains responsible for the overall implementation of the Community's budget. The Commission has markedly tightened up the requirements on Member States for sound financial management.

3. Member States' systems for supervising the management of Community funds vary according to their constitutional arrangements and distribution of competences among the different levels of the administration. In some Member States, national ministers may be responsible; in others national ministers have no, or very limited, legal rights of supervision over Community spending at a regional level. In any case the applicable regulation provides for a wide range of measures that Member States are required to take for the financial control of assistance [see, in particular, Article 38 of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [1] and Commission Regulation (EC) No 438/2001 of 2 March 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds [2]].

4. All Member States have, as already outlined under point 3, systems for supervising the management of Structural Funds. The Community Regulations (in particular Council Regulation (EC) No 1260/1999 and Commission Regulation (EC) No 438/2001) require it. The level of government at which this supervision is exercised, varies according to the Member States' constitutional arrangements.

5. The Commission would refer the Honourable member to the Annual Report of the Commission mentioned in point 2 above and also to the annual activity report of the European Anti-Fraud Office (OLAF).

6. All Member States are required to supervise the management of Structural Funds and agricultural subsidies and the Commission ensures they do so.

7. The Commission's audits focus on specific priorities which vary from year to year, except for agricultural subsidies where there is an annual clearance of accounts, and, for reasons of efficiency, increasingly relate to the systems used rather than individual transactions. For its annual reports the Court of Auditors covers a larger number of transactions but not sufficient to establish annual country-by-country comparisons. In addition, data on protection of the Communities' financial interests can be found, as already indicated, in the annual reports of OLAF and the Commission.

[1] OJ L 161, 26.6.1999.
[2] OJ L 63, 3.3.2001.

(2004/C 65 E/040) **WRITTEN QUESTION E-0686/03**

by Marie Isler Béguin (Verts/ALE), José Mendiluce Pereiro (PSE) and Alexander de Roo (Verts/ALE) to the Commission

(7 March 2003)

Subject: Spanish National Hydrological Plan, Structural Funds and territorial imbalances

The Commission is currently examining the Spanish Government's request for EU monies to co-fund planned building schemes under the National Hydrological Plan (NHP), and particularly, those for transferring water from the Ebro to the Barcelona metropolitan area and South-eastern Spain.

A group of scientists claims that the areas which would surrender the water and suffer the heaviest impact (Aragonese and Catalan districts of the Bajo Ebro) are poorer than those which would be in receipt of this water (Barcelona metropolitan area, coastal districts of the Valencian community, Murcia and Almeria, and the Murcian-Alicantine Altiplano). Using the criterion of disposable per capita family income, the prosperous Murcian coastal districts, for example, enjoy lower incomes than those of less prosperous Pyrenean districts.

This distortion of the indicator is caused by two factors:

— on the one hand, the passive income of the elderly in the depressed areas is inflating the claimed income levels ([1]);

— on the other hand, in the more developed areas of South-eastern Spain, the high levels of undeclared labour (the highest in Spain and indeed Europe, at over 30 %) tend to deflate the real income level ([2]).

The fact that these highly developed districts have the highest levels of undeclared labour is not accidental, and reveals a certain level of 'misgovernment' (and not only in connection with water management) which goes hand in hand with the development model which prevails in these areas.

1. Does the Commission not believe that the NHP Water Transfer Policy, far from reducing territorial imbalances between Spain's inland regions and those of its Mediterranean coast, is going to increase those imbalances?

Under Article 9 of Regulation (EC) No 1260/1999 ([3]), the ERDF shall co-fund operations designed to promote economic and social cohesion, by correcting major regional imbalances.

2. Does the Commission not believe that the NHP's Water Transfer Policy, by exacerbating territorial imbalances, should not be co-funded by the Structural Funds and, in particular, the ERDF?

([1]) Furthermore, the population continues a pace in the most heavily affected Araganese districts, and the higher ageing population rates in the Bajo Ebro, compared with those of other Mediterranean coastal districts, reflect a far lower social economic level than that of the Barcelona metropolitan area and other coastal districts to benefit from the water transfer (Arrojo Agudo P. y otros, Análisis y valoración socioeconómica de los trasvases del Ebro, WWF European Office, September 2002.

([2]) A Commission report ((Mateman S.; Rencoy, P.H.; Undeclared labour in Europe — Towards an integrated approach of combating undeclared labour, Regioplan Research Advice and Information, Amsterdam, October 2001), undeclared work in Spain accounts for between 15 and 20 % of the GDP, far higher than the European 9 % average. The Spanish south-east has the highest rates of undeclared work: Murcia 32 %, Andalucía 29 %, Comunidad Valenciana 24 % (Consejo económico y social, La economía sumergida en relación a la quinta recomendación del Pacto de Toledo, Colección Informes-CES, Madrid, 1999).

([3]) OJ L 161, 26.6.1999, p. 1.

Answer given by Mr Barnier on behalf of the Commission

(9 April 2003)

The Union has two instruments that can be used to support investment in infrastructures, including that relating to water management: the European Regional Development Fund (ERDF) and the Cohesion Fund.

The ERDF intervenes in support of economic development programmes in the areas eligible under Objectives 1 and 2 of the Structural Funds as well as under the Community Initiatives URBAN and Interreg.

With the exception of major projects, the selection of individual projects is the responsibility of the authorities in the Member States once the broad strategic objectives of the programmes have been agreed by the Commission. The projects selected by the authorities must, however, conform with Community law in all respects, including that relating to the environment.

Major projects, as well as projects supported by the Cohesion Fund, are subject to individual approval by the Commission. The environmental impact of such projects must be assessed.

The social and economic impact of the current generation of programmes will be assessed in the course of 2003 in the framework of the mid-term evaluation of the programmes, the results of which will provide the Member States with an opportunity to adjust their development strategy as appropriate.

An ex-post evaluation of the programmes is also foreseen by the regulation once the programmes have come to an end. This will provide a more definitive assessment of their impact on the eligible regions in social and economic terms.

(2004/C 65 E/041) **WRITTEN QUESTION E-0687/03**

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

(7 March 2003)

Subject: Measures to safeguard EU-grown walnuts

Catalan annual whole walnut production averages between 20 000 and 25 000 tonnes, which, if compared with the annual 600 000 tonnes produced in Turkey, is a relatively small figure.

The EU Association Agreement signed with Turkey in 1998 committed Turkey to refraining from putting the total quantity of walnuts available after each harvest on the EU market forthwith. This guaranteed a price of between ESP 500 and ESP 600 per kilogram of whole walnuts between 1998 and 2001.

The devaluation of the Turkish lira in 2001 induced Turkey not to hold back part of its walnut production, but to increase exports. Increased exports to the EU have caused prices to fall.

We are aware that the Spanish Government has requested the Commission to apply safeguard measures for walnuts, as provided for by Article 7 of Council Regulation (EC) No 2200/96 [1] establishing the common organisation of the market in fruit and vegetables. Various months have now elapsed.

Does the Commission intend to introduce safeguard measures for EU-produced walnuts, which are suffering from extreme prejudice thanks to the increased imports of walnuts from Turkey?

When will these measures be introduced?

[1] OJ L 297, 21.11.1996, p. 1.

Answer given by Mr Fischler on behalf of the Commission

(15 April 2003)

The examination and evaluation of the Spanish official request for implementation of safeguard measures on hazelnuts originating in Turkey, as well as the analysis of the supporting statistical dossier, are in progress.

Due to the complexity of the dossier and the need to respect the obligations that stem from the international agreements signed by the Union (Article 37,4 of Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables), the Commission has carried out consultations with the Turkish authorities, and a series of contacts with different Community operators in the hazelnut sector.

On the basis of the information provided until now by the Spanish authorities, the statistical data currently available, and taking into account the results of the consultations previously mentioned, the Commission has elaborated an exhaustive file on the subject. Nevertheless, it cannot be excluded that, following the examination of this file, it may be deemed necessary to request additional information from the Spanish authorities.

Following the completion of this assessment, the Commission will decide whether measures need to be taken on the matter at issue to avoid the objectives of Article 33 of the EC Treaty being put at risk.

(2004/C 65 E/042)

WRITTEN QUESTION E-0726/03

by Rosa Miguélez Ramos (PSE) to the Commission

(11 March 2003)

Subject: 'Prestige' Solidarity Fund

On 21 November 2002, the European Parliament adopted a resolution on the 'Prestige' disaster off the coast of Galicia. Paragraph 8 reads:

> Calls for fisheries workers and other local and regional businesses affected by the disaster to be fully and swiftly compensated for the economic losses they will suffer; calls, further, for assistance to be provided under other appropriate instruments (Solidarity Fund, Structural Funds) with a view to assisting the people and economic sectors affected by the oil pollution and restoring the environment of the regions concerned.

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 12 reads:

> Calls for the immediate adoption of measures to alleviate the damage occasioned to those affected, through the use of the Solidarity Fund.

What sums from the Solidarity Fund have been allocated to alleviating the effects of the 'Prestige' disaster?

What percentage of the total estimated damage and prejudice does this sum represent?

Answer given by Mr Barnier on behalf of the Commission

(9 April 2003)

In January 2003, the Commission received an application from the Spanish authorities to mobilise the European Union Solidarity Fund (EUSF) with respect to the disaster resulting from the 'Prestige' tanker accident and subsequent oil spill affecting the Galician coast.

The Commission has examined the request on the basis of the requirements imposed by Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund [1], hereafter the EUSF-Regulation. The Commission has established that the disaster, based on the information provided by the Spanish authorities, does not qualify as a 'major disaster' within the meaning of the Regulation, because the damage caused does not meet the threshold of EUR 3 billion or 0,6 % of gross national income (GNI).

The EUSF-Regulation, however, provides that under exceptional circumstances a region could benefit from assistance from the Fund, where that region has been affected by an extraordinary disaster affecting the major part of the population with serious and lasting repercussions on living conditions and the economic stability of the region. The EUSF may intervene only exceptionally if it is demonstrated that the criteria of Article 2(2) of the EUSF-Regulation are complied with, and furthermore, it obliges the Commission to examine with utmost rigour any requests, which are submitted under this subparagraph.

The Commission can confirm that it is now examining the Spanish request and in order to carry out a proper assessment, it has requested supplementary information from the Spanish authorities, in accordance with the requirements of the EUSF-Regulation.

It is only after this assessment that the Commission may decide to propose the mobilisation of the Solidarity Fund to the Budgetary Authority.

([1]) OJ L 311, 14.11.2002.

(2004/C 65 E/043) **WRITTEN QUESTION E-0756/03**

by Joan Vallvé (ELDR) to the Commission

(12 March 2003)

Subject: Liberalising the electricity sector in the Illes Balears

In Question E-2260/00 ([1]) raised a problem facing liberalising electricity prices in the Illes Balears, namely that such liberalisation might not have the desired effects in terms of cutting prices, since isolated regions — due to their geographical situation — mean that a fully liberalised market is unfeasible. Full liberalisation of isolated systems may even produce negative effects, such as price increases stemming from monopolistic or oligopolistic behaviour on the part of the naturally limited number of market players operating in such supply systems.

The Commission's solution was that, should the Spanish Government consider inappropriate to liberalise such small isolated systems, 'it has the possibility to refer to Article 24(3) of the Directive 96/92 EC of the Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity' ([2]) and apply for a derogation from the main provisions of the Directive whilst at the same time ensuring appropriate price levels for final consumers through effective regulation of the market.

The Commission further stated that it was fully aware of the specific situation of islands in connection with energy supply, and was currently analysing the situation and considering possible solutions and measures, in particular with regard to the promotion of renewable sources of energy, which usually have a particularly large potential for expansion on islands which are not connected to national networks.

Has the Commission concluded its examination of the case in question? Has it decided to take any steps to deal with these specific situations?

Does the Commission know whether the Spanish Government or the government of any other Member State has made use of Article 24(3) of Directive 96/92 EC to apply for a derogation from the main provisions of the directive?

Now that this directive is being amended under the co-decision procedure, and Parliament is calling for Article 24 to be deleted in its entirety, does the Commission have plans for any measure which will encourage full liberalisation of small, isolated supply networks, as in the Balearic Islands, which would continue to be subject to derogation, although without the possibility of referring to the Directive?

([1]) OJ C 89 E, 20.3.2001, p. 170.
([2]) OJ L 27, 30.1.1997, p. 20.

Answer given by Mrs de Palacio on behalf of the Commission

(12 May 2003)

The Commission is active in promoting the use of renewable energies in islands, including the Balearic Islands, by way of the Community's Research and Technological Development (RTD) Framework Programmes and the Altener programme. The latter programme is specifically devoted to the promotion of renewable energies and will continue as part of the Intelligent Energy for Europe Programme once adopted.

In addition, a Renewable Energy Partnership has been concluded in Mallorca to promote the use of wind power as part of the Commission's Campaign for Take Off to promote the effective take up of renewable energies in the Community.

The Commission is not aware of any request by Member States for derogations under Article 24.3 of Directive 96/92/EC of the Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity.

The new draft Directive on common rules for the internal market in electricity [1] maintains (Article 26.1) the possibility for Member States to ask for a derogation such as that foreseen in Article 24.3 of Directive 96/92/EC. This possibility is present in the text of the Common Position (EC) No 5/2003 adopted by the Council on 3 February 2003 [2]. Article 24 of the Common Position in fact concerns safeguards measures to be adopted in emergency situations.

Clearly however a definitive response to this point must await final adoption of the draft Directive expected shortly.

[1] OJ C 240 E, 28.8.2001.
[2] OJ C 50 E, 4.3.2003.

(2004/C 65 E/044) **WRITTEN QUESTION E-0797/03**

by Paulo Casaca (PSE) to the Commission

(14 March 2003)

Subject: Objective information from the Commission on the environmental damage of industrial farming of carnivorous fish

In his reply to my Written Question E-0009/2003 [1] the Commission repeated its asseveration (see the reply to question E-2675/02 [2]) that I had expressed the view that 'fish farming is a principal threat to the sustainable development of fisheries', which is simply untrue, as I explained in question E-0009/2003 and reiterate here.

In Portugal, the production of clams, for example, has traditionally been far more important than the farming of carnivorous fish, employing a very large number of — generally low-paid — workers, and making a major contribution to their incomes; it is now threatened by tourism-related pollution (e.g. at Ria Formosa), but this is an issue on which the Commission and its 'fish farming strategy' are completely silent.

Reports from the academic community, the major environmental organisations and the press flatly contradict the Commission's defence of the farming of carnivorous fish both in its Parliamentary replies and in its 'strategy'.

This being so, when does the Commission intend to provide objective, independent data on the damage to sustainable fisheries caused by the farming of carnivorous fish?

[1] OJ C 161 E, 10.7.2003, p. 167.
[2] OJ C 155 E, 3.7.2003, p. 40.

Answer given by Mr Fischler on behalf of the Commission

(22 April 2003)

As already pointed out in reply to the two previous written questions on the same subject from the Honourable Member (E-2675/02 and E-0009/03) the Commission's opinion on aquaculture, be it intensive fish farming, or extensive bivalve cultivation, is expressed by its Community strategy for sustainable development of European aquaculture [1]. The strategy has been welcomed by both the Parliament and the Council, respectively on 16 and 28 January 2003.

The concerns expressed by the Honourable Member on the impact that aquaculture may have on the aquatic ecosystem are addressed in the strategy, together with the measures that, in the opinion of the Commission, are needed to allow for the establishment of an environmentally sound industry.

Concerning the specific case of the pollution generated by tourism on the shellfish waters, these are tackled in the framework of Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters [2]. The Directive asks the Member States to designate shellfish waters, and to establish programmes in order to reduce pollution in these waters.

[1] COM(2002) 511 final.
[2] OJ L 281, 10.11.1979.

(2004/C 65 E/045) **WRITTEN QUESTION E-0802/03**

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

(17 March 2003)

Subject: Persecution by the Vietnamese authorities of Dr Que Nguyen and compliance with the UN Human Rights Commission's concluding observations of 27 July 2002

Dr Que Nguyen is one of the most prestigious internationally recognised figures in democratic, non-violent Vietnamese circles.

Some facts about Dr Que Nguyen: he was first detained (and also held in isolation and tortured) from 1978-1988, on account of his ceaseless activities.

In 1990, after founding the 'Non-violent Movement for Human Rights' and publishing, on 11 May of that year, the Movement's manifesto, which called for the upholding of human rights and for political pluralism and free elections, he was arrested and held in isolation; in 1991, following a half-hour sham trial, he was sentenced to 20 years in prison plus five years' house arrest for having 'sought to overthrow the government'.

In 1995 he was awarded the Robert Kennedy Human Rights Award by the Robert F. Kennedy Memorial; he has on a number of occasions been nominated for the Nobel Peace Prize and included on Amnesty International's prisoners-of-conscience list.

In 1998, following a government amnesty, he was placed under house arrest (where he remains to this day) for reasons including his adamant refusal to be expelled from Vietnam, but he still suffers intimidation and he is constantly prevented by the Vietnamese security forces from freely expressing his thoughts, being denied the use of the telephone and the Internet.

On 20 September 2002, on the eve of the 'World Day for Freedom and Democracy in Vietnam too', which had been organised by the Transnational Radical Party (of which Dr Que's brother, Dr Quan Nguyen, had become a member), Dr Que was assaulted in his own home by the Vietnamese security forces, who searched for his papers and articles, including the one in which he had condemned the treatment inflicted on the Montagnard refugees in Cambodia (whom the Cambodian Government had handed over to the Vietnamese authorities and of whom nothing more has been heard) and then sought to arrest him for having insisted upon his rights.

He suffers from high blood pressure and serious health problems affecting his kidneys, and any further persecution by the Vietnamese Government may damage his health for good.

In view of the above facts, will the Commission say whether:

— it considers Dr Que's treatment by the Vietnamese Government to be tolerable and compatible with observance of the UN 's Universal Declaration on Human Rights and the UN's International Pact on Civil Rights, which Vietnam has ratified?

— it intends to call formally on Vietnam to abide by the UN Human Rights Commission's concluding observations of 27 July 2002 and to make further implementation of the Cooperation Agreement concluded with Vietnam formally conditional upon compliance with the requests put forward by the UN Commission?

Answer given by Mr Patten on behalf of the Commission

(24 April 2003)

The Commission understands that Dr Nguyen Dan Que is no longer under house arrest but has been re-arrested on 17 March 2003 and that the Ministry of Foreign Affairs confirmed Mr Que's arrest.

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

Whereas the Commission shares the concerns expressed by the United Nations (UN) Human Rights Committee in July 2002 concerning the implementation of the International Covenant on Civil and Political Rights in Vietnam, it also notes the efforts which are being made by Vietnam to reform its domestic legal order, to comply with its international, in particular, human rights, commitments. In this context the Commission welcomes the decision of the Government of Vietnam to elaborate an action plan for legal reform, based on the Legal Means Assessment, which has been established with the support of the international donor community.

The Commission and the Member states have repeatedly urged the Government of Vietnam to strengthen its respect for political and religious freedoms, as well as to further strengthen economic and social freedoms. The EU has expressed this request in its declaration at the Consultative Group meeting in Hanoi in December 2002. Moreover, the Commission and the Member States have declared that they will welcome any possibility to support the Vietnamese Government in measures to strengthen the governance and public administrative reforms, to improve human rights, to prepare for the signing and implementation of additional international conventions in human rights and in other areas where assistance could be helpful.

The reference to the respect for Human Rights and democratic principles of Article 1 of the Community-Vietnam Co-operation Agreement constitutes the enabling framework for the Human Rights dialogue of the Commission with the Government of Vietnam. The Commission, together with the Member States, will continue to follow closely the human rights situation in Vietnam and take appropriate action.

(2004/C 65 E/046)

WRITTEN QUESTION E-0811/03

by Alexander de Roo (Verts/ALE) and Bernd Lange (PSE) to the Commission

(17 March 2003)

Subject: Review of Directive 2000/14/EC on noise emission by outdoor equipment

Directive 2000/14/EC [1] harmonises the laws of the Member States relating to noise emission standards and further data for equipment for use outdoors and was adopted on 8 May 2000. The scope of this directive includes noisy equipment, like building machines, compressors, cooling equipment, hydraulic hammers or lawn mowers (see Annex I).

Article 20(3) of this directive asks the Commission to submit to the European Parliament and to the Council, not later than 3 July 2002, a report on technical progress to reduce limit values for lawn mowers and lawn trimmers. This report should be accompanied, if appropriate, by a proposal to amend this directive in order to replace the indicative figures in Article 12. The Commission has until now not delivered a report (February 2003).

Will the Commission explain the reasons for the delay in putting forward a report and a proposal for a revision, in accordance with Article 20(3) of Directive 2000/14/EC? By when does the Commission expect to come out with these two documents?

Will it give an overview of the activities currently carried out by the Commission to make sure that the report on the implementation of the Directive, in accordance with Article 20(1) of the Directive, will be ready by 3 January 2005?

(1) OJ L 162, 3.7.2000, p. 1.

Answer given by Mrs Wallström on behalf of the Commission

(2 May 2003)

Directive 2000/14/EC of the Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors (1) harmonises the law of the Member States relating to noise emission standards for equipment for use outdoors. For lawnmowers it sets limit values to be applied from 2003 as well as a set of indicative values which could be applied from 2006.

Article 20(3) of this Directive requires the Commission to submit to the Parliament and to the Council a report on technical progress to reduce limit values for lawn mowers and lawn trimmers/lawn edge trimmers and, if appropriate, a proposal to amend the Directive. A technical report was commissioned from a research establishment on the technical progress of noise reduction in lawnmowers. In 2002 the Commission received the report and subsequently a position paper from a working group charged with reviewing the report. Further work was initiated to assess the economic implications of the findings. When completed, the Commission will prepare the report to the Parliament and the Council. It is included in the Commission's work programme for 2003 and expected to be submitted accordingly to the Parliament and the Council.

With a view to the review of the Directive as set out in its Article 20, the Commission has started the review of the experience from its implementation with the Committee set up under its Article 18, is collecting noise data as required under its Article 16, and is setting up a working group of stakeholders and Member State experts to assist the Commission in assessing the technical issues linked to the review.

(1) OJ L 162, 3.7.2000.

(2004/C 65 E/047) **WRITTEN QUESTION E-0846/03**

by María Herranz García (PPE-DE) to the Commission

(18 March 2003)

Subject: Quality promotion

The Commission's proposal over the reform of the CAP provides for Regulation (EC) 2826/2000 (1) on internal promotion of agricultural products to be abolished in 2005, although the projects funded under this regulation have hardly got underway. The Commission wishes to replace the regulation, which is geared to generic campaigns, with a new measure within the Rural Development chapter, aimed at promoting quality labels, arguing the need to avoid double funding.

Independently of the fact that the reason adduced by the Commission is completely unfounded, since the two initiatives have totally different objectives, and indeed could be said to be in opposition to each other, can the Commission explain why the decision to be taken by the Fifteen on the reform is being pre-empted by cutting the budget for Regulation EC 2826/2000 now, in 2003? The reasons advance reasons adduced by the Commission service claim that the cutback is due to the poor quality of many of the projects submitted for 2002. Does the Commission believe that this is the most appropriate way of motivating and educating those concerned?

([1]) OJ L 328, 23.12.2000, p. 2.

Answer given by Mr Fischler on behalf of the Commission

(15 April 2003)

It is right that the first series of promotion and information programmes for agricultural products under Council Regulation (EC) No 2826/2000 of 19 December 2000 on information and promotion actions for agricultural products on the internal market, were decided in August 2002. That is also the reason why budget credits for Community internal market promotion measures amounting to EUR 50,3 million were utilised only up to EUR 15 448 million (Budget year 2002). For 2003, Budget credits are foreseen for EUR 46,5 million (Budget lines B1-3800 and B1-3810) and the preview of utilisation shows better results for this year.

The Commission can confirm that one of the reasons for the low consumption of budget credits is due to the quality of the submitted promotion proposals. Out of 120 proposals received, only 40 proposals, from professional organisations from 14 Member States, could be accepted as conform to the discipline of the Regulation and the guidelines for promotion programmes.

Concerning the replacement of Regulation (EC) No 2826/2000 by a new measure under the Rural Development Proposal within the Common agricultural policy (CAP) Reform proposal, it is worth mentioning, that following the actual state of the debate of this proposal in the Parliament and in the Council, the Commission is analysing the possibility of coexistence of both regimes, taking care to exclude any overlapping.

(2004/C 65 E/048) **WRITTEN QUESTION E-0854/03**

by Christopher Huhne (ELDR) to the Commission

(20 March 2003)

Subject: Prudential supervision

1. Is the Commission satisfied that the current arrangements for the prudential supervision of Lloyd's insurance market are compliant with EU directives?

2. Is the Commission satisfied that the arrangements over the last 20 years for the United Kingdom's prudential supervision of the Lloyd's insurance market have been compliant with EU directives at all stages?

3. If not, would the UK Government bear some responsibility to investors in that market?

4. What avenues of redress might they have under EU law?

Answer given by Mr Bolkestein on behalf of the Commission

(2 May 2003)

1. The Commission has been carefully examining the compatibility of the framework for the regulation and supervision of the Lloyd's insurance market and has issued two press releases in connection with its enquiries [1]. The Commission has not yet completed its enquiries and is now examining the response of the United Kingdom authorities to the supplementary letter of formal notice sent in January 2003.

2. The objective of infringement proceedings under Community law is to establish or to restore the compatibility of national law with Community law. The task of the Commission is now, therefore, to examine the compatibility of the new regulatory and supervisory regime established for Lloyd's under the Financial Services and Markets Act 2000, not to rule on the compatibility or incompatibility of the previous regime. Furthermore, the general case law of the European Court of Justice confirms that infringement procedures under Article 226 of the EC Treaty aim solely to put an end to the failure to comply with the Community law by a Member State, and not to record in abstracto that a failure existed in the past.

3 and 4. According to the rule established by the Court of Justice in the Francovich case law [2], in the absence of Community legislation concerning reparation, it is for the internal legal order of each Member State to designate the competent courts and lay down the detailed procedural rules for legal proceedings intended fully to safeguard the rights which individuals derive from Community law. Three conditions have to be met: the result prescribed by the Directive should entail the grant of rights to individuals; it should be possible to identify the content of those rights on the basis of the provisions of the Directive; and there should be a casual link between the breach — which must be sufficiently serious [3] — of the State's obligation and the loss and damage suffered by the injured parties. The notion of a sufficiently serious breach is to be determined, together with all the other remaining conditions of the Francovich test, solely by the national court deciding on the issue of damages.

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(1) Commission Press Releases IP/01/1880 and IP/03/97.

(2) See judgement of the Court of 19 December 1991, Francovich and Bonifaci, joined cases C-6/90 and C-9/90, ECR(1991) p. I-5357.

(3) See judgement of the Court of 5 March 1996, Brasserie du Pêcheur and The Queen v. Secretary of State for transport, ex parte: Factortame Ltd and others, joined cases C-46/93 and C-48/93, ECR(1996) p. I-1029.

(2004/C 65 E/049) **WRITTEN QUESTION E-0876/03**

by Ioannis Marínos (PPE-DE) to the Commission

(21 March 2003)

Subject: Rise in interest rates on loans in Greece

Rumours of a general increase of 2 % on variable interest rates on loans have given rise to deep concern in Greece. The Greek press reports that this situation is the exact opposite of what is happening in the other countries in the euro zone (where falling interest rates is the trend) and that whereas the banks in Greece offer between 1 % and 2 % interest on deposits, their lending rate for credit-card holders is 16 %, giving Greece the highest interest-rate spread in the euro zone. The rise in interest rates on loans has caused despair among consumers who have borrowed to buy a home, believing the government's assurances that 'interest rates will continue to fall', something to which the New Democracy has drawn particular attention as well as highlighting the lack of real competition between banks in Greece. As New Democracy's Coordinator of Economic Affairs, Mr Alogoskoufis, has pointed out 'in the Greek banking system, over half the governors of banks are appointed by the government'. The concern in Greece is that the economy will lead to a general rise in interest rates having a palpable impact on consumers and the pace of economic development. In a public statement on the matter, the Association of Consumers and Borrowers of Greece stated that, according to figures released by the European Central Bank (ECB), average interest rates on consumer credit in Greece are three percentage points higher than in the other countries in the euro zone. The Governor of the Bank of Greece, Mr Garganas, has pointed out that the recently adopted law on additional interest rate charges contains numerous ambiguities and the banks are therefore failing to implement it.

What are the Commission's views on the rise in interest rates on loans in Greece? Why are interest rates in Greece on the increase when at the same time the exact opposite trend can be observed in the other countries in the euro zone? Has the Commission received any information from the Greek authorities concerning the additional interest rate charges, which have spelled financial ruin for so many in Greek business and professional circles?

Answer given by Mr Solbes Mira on behalf of the Commission

(7 May 2003)

Within a context of largely integrated financial markets in the Community, a single currency and single monetary policy, conditions in these markets are increasingly competitive ones. However, individual institutions, whilst being influenced by common factors such as a change in the market borrowing/lending rate, may still decide the conditions applied to their customers according to their own individual strategy, balance sheet and other considerations. In particular, in times of weak economic growth, financial institutions may decide to give more weight to risk considerations than otherwise. Interest rate spreads in some other countries have also gone up recently.

Although there have been from time to time ad-hoc investigations into alleged collusion or co-ordination between institutions concerning conditions applied to customers, no evidence has so far been found of collusion or of an abuse of a dominant position in Greece. The Greek competition authority, the Hellenic Competition Commission, is well placed to monitor competition in the Greek banking market and we will forward the concern expressed to that authority.

(2004/C 65 E/050) **WRITTEN QUESTION E-0881/03**

by Roberta Angelilli (UEN) to the Commission

(21 March 2003)

Subject: Measures to support the family — proposal by Lazio Regional Council to build and restructure buildings for children

Following the extraordinary meeting of Lazio Regional Council, chaired by the Chairman Francesco Storace and held in Brussels on 21 November 2002 in the presence of the President of the Commission Romano Prodi, it was decided to ask the Commission to promote Community measures to funds projects aimed at building new facilities for young children.

The rise in the rate of unemployment among women and marriage breakdown are causing rapid changes in family structure and the situation of minors. Offering families efficient social and educational facilities is a way of safeguarding jobs and equal employment opportunities for women, who are still the family members most involved in looking after children and bringing them up. Furthermore, the rising cost of living is preventing young couples from settling down and starting a family, thereby causing the fall in the population which has been a subject of debate in Europe for years. For this reason a systematic policy needs to be launched, not least in view of the serious shortage of services for young children in Italy and the other Member States. A comparative study, commissioned by the British Government and carried out by the University of York in 2002, of measures for the benefit of children in the 15 countries of the Union and in Norway, the United States, Australia, Canada, Israel, Japan and New Zealand, showed that in some Member States the standards of assistance are unsatisfactory as regards both the granting of benefits and the provision of facilities.

In its answer of 15 July 2002 to Written Question E-1551/02 [1] of 3 June 2002 the Commission said it was interested in family issues, although there was no legal basis conferring any specific competence on the European Union in this sphere. Article 308 of the Treaty assigns power to adopt Community measures

which may prove necessary for the operation of the common market even where the Treaty has not provided such powers.

In view of the many initiatives aimed at securing Union intervention in the area of family policy and the importance which the Charter of Fundamental Rights (Article 9) attributes to the family, can the Commission say:

1. whether it intends to take action to fill gaps of this kind;

2. whether there are any programmes which, whilst not targeting policies for the benefit of families, may in some way meet Lazio Regional Council's request for the funding of projects to build facilities for young children or convert existing ones?

([1]) OJ C 301 E, 5.12.2002, p. 177.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(7 May 2003)

On the question on whether the Commission intend to take action on the family policy sphere, the Commission reiterates the fact that there is no legal basis to develop and implement measures at Union level in the area of family policy. These come under national remit and are defined and implemented exclusively by the Member States. This approach is in line with the 1998 Court Case decision on legal basis (United Kingdom vs Community actions to combat social exclusion − Case C-106/96 from 12/05/1998). In this context, and considering the principle of subsidiary, the Commission does not envisage to promote or financially support initiatives in the family policy area.

As far as childcare facilities are related, and in the context of the European Employment Strategy, the Commission has actively promoted (proposing guidelines for Member States employment policies) the adequate provision of affordable, accessible and good quality care for children in order to support female participation in the labour market. Furthermore, the Commission monitors the implementation by the Member States of the targets for the provision of childcare facilities set by the European Councils of Stockholm and Barcelona. In the framework of the Social Inclusion Process and the fight against poverty, the reconciliation of work and family life, the provision of care and the elimination of social exclusion among children are also addressed and monitored.

This means that, as recalled by the Honourable Member, the issue of the provision of childcare facilities is high in the political agenda. However, the concrete actions to implement the policy orientations, although monitored by the Commission, remain a Member States responsibility.

More specifically on the request for programmes to fund the building of facilities for young children in the Lazio Region, the programmes managed directly by the Commission (and governed by the rules of public procurement), do not include any possibility for funding the building of child care infrastructure. However, this type of infrastructure is eligible under the Structural Funds provided that it is foreseen in a regional programme. Nevertheless, as these Funds are mainly managed at regional level, any funding possibility has to be checked with the relevant regional body.

(2004/C 65 E/051) **WRITTEN QUESTION E-0888/03**

by Roberta Angelilli (UEN) to the Commission

(21 March 2003)

Subject: Use of funds from the FIFG by the municipality of Fiumicino

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

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

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

Bearing in mind that some local authorities, such as the municipality of Fiumicino, urgently need to use European funds to support structural measures in the sector of fisheries, acquaculture and the processing and marketing of the relevant products, can the Commission state:

1. whether the municipality of Fiumicino has submitted projects for the FIFG?

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

3. whether this funding has been used?

(2004/C 65 E/052)

WRITTEN QUESTION E-1186/03

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the FIFG by the municipality of Ancona

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

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

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

Bearing in mind that some local authorities, such as the municipality of Ancona, urgently need to use European funds to support structural measures in the sector of fisheries, acquaculture and the processing and marketing of the relevant products,

can the Commission state:

1. whether the municipality of Ancona has submitted projects for the FIFG?

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

3. whether this funding has been used?

(2004/C 65 E/053)

WRITTEN QUESTION E-1187/03

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the FIFG 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 structural measures in the sector of fisheries, acquaculture and the processing and marketing of the relevant products,

can the Commission state:

1. whether the municipality of Carrara has submitted projects for the FIFG?
2. whether the municipality of Carrara has secured funding for these projects?
3. whether this funding has been used?

(2004/C 65 E/054)

WRITTEN QUESTION E-1188/03

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the FIFG 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 structural measures in the sector of fisheries, acquaculture and the processing and marketing of the relevant products,

can the Commission state:

1. whether the municipality of Livorno has submitted projects for the FIFG?
2. whether the municipality of Livorno has secured funding for these projects?
3. whether this funding has been used?

(2004/C 65 E/055)

WRITTEN QUESTION E-1189/03

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the FIFG 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 structural measures in the sector of fisheries, acquaculture and the processing and marketing of the relevant products,

can the Commission state:

1. whether the municipality of Massa has submitted projects for the FIFG?
2. whether the municipality of Massa has secured funding for these projects?
3. whether this funding has been used?

(2004/C 65 E/056)

WRITTEN QUESTION E-1190/03

by Roberta Angelilli (UEN) to the Commission

(1 April 2003)

Subject: Use of funds from the FIFG by the municipality of Pesaro

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

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

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

Bearing in mind that some local authorities, such as the municipality of Pesaro, urgently need to use European funds to support structural measures in the sector of fisheries, acquaculture and the processing and marketing of the relevant products,

can the Commission state:

1. whether the municipality of Pesaro has submitted projects for the FIFG?

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

3. whether this funding has been used?

Joint answer
to Written Questions E-0888/03, E-1186/03,
E-1187/03, E-1188/03, E-1189/03 and E-1190/03
given by Mr Fischler on behalf of the Commission

(15 May 2003)

The municipalities of Fiumicino, Livorno, Massa, Carrara, Ancona and Pesaro may present projects for funding from the financial instrument for fisheries guidance (FIFG) under the fisheries single programming document (SPD), which covers all areas in Italy outside Objective 1 for the period 2000-2006.

Initiatives eligible for part-financing under the programme concern not only assistance for the fishing fleet, but also projects relating inter alia to installing artificial reefs to protect aquatic resources, constructing or converting aquaculture installations, equipping fishing ports, constructing and converting installations for processing and marketing fishery products, improving fishing in inshore waters and small-scale coastal fishing, as well as socio-economic measures.

Responsibility for managing the SPD rests with the Directorate-General for Fisheries and Aquaculture of the Italian Ministry of Agriculture and Forestry Policy which, in turn, has delegated management of measures not concerning the fishing fleet to the fishery departments of the various regional authorities. As the SPD managing authority, the Ministry sends the Commission an annual progress report by 30 April each year in accordance with Regulation (EC) No 366/2001 [1].

According to the information obtained via the Ministry and the regions concerned, at 31 December 2002 none of the above municipalities had presented projects as final beneficiaries but, in each of those same municipalities, projects had been presented by other beneficiaries (fishermen, fishing cooperatives and businesses).

Further information can be obtained from the following authorities:

— Ministero delle Politiche Agricole e Forestali
Direzione genrale Pesca e Acquacoltura
Viale dell'Arte, 16
00144 — Roma
Tel. +39 06 59084203
Fax +39 06 59084818
e-mail: pesca-dr@politicheagricole.it
Contatto: Giovanni Granato

— Regione Lazio
Direzione generale Sviluppo Agricolo e Mondo Rurale — Area Pesca
Via Rosa Raimondi Garibaldi, 7
00147 — Roma
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— Regione Marche
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e-mail: g.guarneri@mail.regione.toscana.it
Contatto: Giovanni Guarneri

([1]) Commission Regulation (EC) No 366/2001 of 22 February 2001 laying down detailed rules for implementing the measures provided for in Council Regulation (EC) No 2792/1999, OJ L 55, 24.2.2001.

(2004/C 65 E/057) **WRITTEN QUESTION P-0901/03**

by James Fitzsimons (UEN) to the Commission

(17 March 2003)

Subject: Devices for filtering radon gas from groundwater sources

As the Commission is aware, naturally occurring radioactive gas can be found in groundwater. However, it is not clear how to filter out radon from the water. Is the Commission aware of this problem and does it know of ways or devices to filter out such gas?

Answer given by Mr Busquin on behalf of the Commission

(10 April 2003)

The Commission is aware of the problem of naturally occurring radon in groundwater sources, in particular when this water is used for drinking water. Commission Recommendation 2001/928/Euratom recommends that above a concentration of 100 Bq/l for public water supplies consideration be given to remedial action.

A research project, Tenawa, on this particular problem was executed under the Nuclear Fission Safety (Euratom) programme. The overall objective of this project, which ended in 1999, was to study various removal methods and commercially available equipment and study their ability to remove natural nuclides from drinking water. The project studied a number of techniques such as aeration, granular activated carbon, ion exchange, and membrane technology. Some of these techniques achieved an efficiency above 99 % for the removal of radon. Further details on this project may be found at the projects web site: (http://iwga-sig.boku.ac.at/project/tenawa/tenawa1_e.htm)

Under the Fifth Framework Programme, a currently running research project, Radwat, funded by the sub-programme Environment and Sustainable Development under the CRAFT scheme, is focused on developing an innovative radon measuring and monitoring system for use in groundwater. This two-year project will end in February 2004.

(2004/C 65 E/058) **WRITTEN QUESTION E-0920/03**

by Antonio Tajani (PPE-DE)
and Gerardo Galeote Quecedo (PPE-DE) to the Commission

(24 March 2003)

Subject: Release by the Netherlands authorities of Mullah Krekar

Is the Commission aware that the Netherlands authorities have released Mullah Krekar, leader of the international Islamic organisation Ansar al-Islam?

Is the Commission aware that Mullah Krekar, who was arrested at Amsterdam airport after being expelled from Iran is currently in Norway where he has refugee status?

Is the Commission aware that the terrorist organisation headed by Mullah Krekar is said to have produced and tested chemical and biological weapons, including ricin, a lethal toxin for which there is currently no vaccine?

What action will the Commission take to counteract Mullah Krekar's activities and prevent him from ever entering the European Union, thereby ensuring that in future he is unable to move around within the EU as he did in the years leading up to his arrest?

What action will the Commission take to ensure that Norway keeps a watchful eye on the activities of Mullah Krekar's and his organisation, which seems to be recruiting many of the Al-Qa'ida members who escaped from Afghanistan?

Answer given by Mr Vitorino on behalf of the Commission

(28 May 2003)

The Commission is aware of Mr Krekar's case.

Following an amendment by the United Nations' Sanctions Committee on 24 February 2003, Commission Regulation (EC) No 350/2003 of 25 February 2003 amending Council Regulation (EC) No 881/2002 [1], has included Ansar al-Islam in the list of 'Legal persons, groups and entities' to whom the freezing of funds and economic resources shall apply.

Article 96 of Schengen Convention [2] provides for the possibility to prevent third country nationals from entering the territory of the Member States by issuing an alert on them in the Schengen Information System (SIS). This type of alerts to be introduced by a Member State must in principle be enforced by all 13 Member States which have fully implemented the Schengen acquis, or by States that have been associated with it, as Norway and Iceland have. The decision to issue an alert based on Article 96 of the Schengen Convention may be based on the fact that the third country national poses a threat to public policy or public security.

In order to cope with potential contradictions that may arise from decisions made successively by different Member States, Article 25 of Schengen Convention provides for consultation procedures between Member States. These procedures are used when a Member State considers issuing, or has already issued a residence permit to a third country national on whom an Article 96 alert exists in the SIS. These consultation procedures are also used when it emerges that a Member State envisages to issue an Article 96 alert for the purposes of refusing entry on a third country national holding a valid residence permit issued by another Member State.

The outcome of the consultation foreseen by Article 25 of the Schengen Convention may be:

— either the withdrawal of alert from SIS with the possibility for individual Member State to keep that person on their national list of alert;

— or the withdrawal of the residence permit with the confirmation of the alert in the SIS.

If Member States issued an alert on Mr Krekar based on Article 96 of the Schengen Convention, similar consultations could take place and open the two options mentioned above.

Finally, as regards possible action by the Commission to ensure that Norway keeps a watchful eye on the activities of Mr Krekar and his organisation, the Commission informs the Honourable Members that this matter falls entirely within the competencies of the Norwegian authorities. The Commission may neither issue alerts nor have knowledge of the alerts that have been issued; the SIS is run by the Member States and national alerts are under the responsibility of Member States' authorities. Nevertheless, in the hypothesis that no alert based on Article 96 has been issued on Mr Krekar, an alert for the purpose of 'discreet surveillance and specific checks' based on Article 99 of the Schengen Convention could be issued by other Member States.

(1) Commission Regulation (EC) No 350/2003 of 25 February 2003 amending for the 13th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001, OJ L 51, 26.2.2003.

(2) Convention Implementing the Schengen Agreement of 14 June 1985, signed on 19 June 1990, OJ L 239, 22.9.2000.

(2004/C 65 E/059) **WRITTEN QUESTION E-0946/03**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(26 March 2003)

Subject: EU contribution to building the Málaga Picasso Museum

The Málaga authorities are hoping to emulate the Guggenheim Museum's contribution to Bilbao's modernisation and economic revitalisation, with the future Picasso Museum acting as a flagship for development and modernisation.

The fact that Málaga is hoping to repeat Bilbao's Guggenheim success means that all administrative levels should be making the maximum possible contribution to ensure that the new museum becomes a genuine flagship for Málaga as a modern city with more to offer than just sunshine and beaches.

What contribution is the Commission making to the building of the Málaga Picasso Museum, and how does it assess this project in terms of its contribution to the cultural wealth of the EU as a whole?

Answer given by Mrs Reding on behalf of the Commission

(25 April 2003)

The Commission would like to draw the Honourable Member's attention to the fact that it did not contribute to the building of the Malaga Picasso Museum.

(2004/C 65 E/060)

WRITTEN QUESTION E-1034/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

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

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

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

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

Bearing in mind that some local authorities, such as the municipality of Ancona, urgently need to use European funds to 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 Ancona has submitted projects for the Leader+ programme?

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

3. whether this funding has been used?

(2004/C 65 E/061)

WRITTEN QUESTION E-1038/03

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

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

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

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

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

Bearing in mind that some local authorities, such as the municipality of Macerata, urgently need to use European funds to 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 Macerata has submitted projects for the Leader+ programme?

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

3. whether this funding has been used?

(2004/C 65 E/062) **WRITTEN QUESTION E-1041/03**

by Roberta Angelilli (UEN) to the Commission

(28 March 2003)

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

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

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

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

Bearing in mind that some local authorities, such as the municipality of Pesaro, urgently need to use European funds to 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 Pesaro has submitted projects for the Leader+ programme?

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

3. whether this funding has been used?

(2004/C 65 E/063) **WRITTEN QUESTION E-1156/03**

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 Ancona

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

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

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

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

can the Commission state:

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

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

3. whether this funding has been used?

Joint answer
to Written Questions E-1034/03, E-1038/03, E-1041/03 and E-1156/03
given by Mr Fischler on behalf of the Commission

(24 April 2003)

The questions relate to the use of appropriations from the European Agricultural Guidance and Guarantee Fund (EAGGF) by the municipalities of Ancona, Macerata and Pesaro. In particular, the Honourable Member asks the Commission to state whether the said municipalities have presented projects to the EAGGF, whether they have obtained funding for those projects, and whether that funding has been used.

In the Marche Region, the EAGGF Guarantee Section is contributing towards part-financing the 2000-2006 rural development plan approved by Commission decision C(2000)2726 of 26 September 2000. The rural development plan covers the whole region, with the exception of two measures implemented only in areas not eligible for Objective 2 support. The measures in question concern renovating and developing villages and improving infrastructure related to agricultural development; the municipalities of Macerata and Pesaro may present projects under those measures because they are not Objective 2 areas. The municipalities of Ancona, Macerata and Pesaro may present projects under all the other measures of the rural development plan, which include public bodies among support recipients.

The EAGGF Guidance Section is contributing towards part-financing the 2000-2006 Leader+ Community Initiative programme approved by Commission decision C(2001)4144 of 13 December 2001. The Marche region has delimited application of that programme based on a number of criteria for selecting rural areas, in accordance with the Commission notice to the Member States of 14 April 2000 [1]: based on those criteria, the municipalities of Ancona, Macerata and Pesaro, whose population density exceeds that admissible under the notice, are not eligible for the Leader+ Community Initiative.

The Commission approved the above programmes after checking their compliance with the relevant Community provisions; management on the ground is the responsibility of Member States, at the most appropriate geographical level. It is up to the national and/or regional authorities responsible to implement the programmes, while ensuring selection of projects proposed by potential recipients who satisfy the eligibility conditions and present an application for support. The Commission is informed of the procedures for using the Fund under the partnership, through the implementation reports on the programmes concerned, and by the Monitoring Committees in which it is involved. The information supplied in the form of financial and physical monitoring indicators as well as evaluation data does not however relate to individual instances of granting assistance, on which — in accordance with the subsidiarity principle — the Commission is not qualified to comment.

The Commission would therefore request the Honourable Member to ask the Marche Region's Agriculture Inspectorate for information on individual recipients of support under the above programmes and more specifically on the municipalities of Ancona, Macerata and Pesaro.

[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 65 E/064) **WRITTEN QUESTION E-1176/03**

by María Sornosa Martínez (PSE) to the Commission

(1 April 2003)

Subject: Community funding for Spain

Can the Commission forward, to the author of this question, a full list of all hydrological infrastructure schemes for which funding has been requested by the Spanish central government under the Structural Funds or the Cohesion Fund (for 2000-2006), in the context of major projects, whether planned on an individual basis or included in measures under the operative programmes?

Answer given by Mr Barnier on behalf of the Commission

(12 May 2003)

As established in Article 14.3: 'Information and publicity' of Council Regulation (EC) No 1164/94 of 16 May 1994 establishing a Cohesion Fund [1], amended by Council Regulation (EC) No 1264/1999 of 21 June 1999 [2] and by Council Regulation (EC) No 1265/1999 of 21 June 1999 [2], the Commission publishes yearly in the Official Journal of the European Union the main points of Decisions granting financial assistance under the above mentioned Regulation.

The information is classified by country and by field of assistance. The fields dealing with 'water supply and water quality' and with 'waste-water disposal and treatment' include the information regarding the hydrological infrastructure schemes financed by the Cohesion Fund.

The information for Spain is published in the following Official Journals of the European Union:

— Year 2000: OJ C 361, 17.12.2001;

— Year 2001: OJ C 126, 28.5.2002.

The information corresponding to the year 2002, already sent for publication, is enclosed in the Annex I of this reply, which is sent direct to the Honourable Member and to Parliament's Secretariat.

Projects for which financing has been requested but which are still under consideration or have been approved in 2003 are set out in Annex II of this reply, which is sent direct to the Honourable Member and to Parliament's Secretariat.

Regarding projects financed by the European Regional Development Fund under Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds [2], the Member State is only obliged to communicate to the Commission its requests for the co-financing of major projects. Information on such projects is enclosed in Annex III of this reply, which is sent direct to the Honourable Member and to Parliament's Secretariat.

[1] OJ L 130, 25.5.1994.
[2] OJ L 161, 26.6.1999.

(2004/C 65 E/065) **WRITTEN QUESTION E-1206/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(2 April 2003)

Subject: European educational programmes including Turkey

Turkey is participating in the Socrates, Leonardo da Vinci and Youth Programmes. For 2004, numerous programmes have been agreed by the Turkish Government and the European Union involving universities, educational institutions and young people in general. Do they include programmes in Kurdish? Can programmes in Kurdish be organised in European Union Member States with Kurdish immigrant communities?

Answer given by Mrs Reding on behalf of the Commission

(5 May 2003)

Turkey is not yet participating in the Socrates, Leonardo da Vinci and Youth Programmes. Preparatory measures are now being implemented with a view to its full participation in these programmes in 2004. The terms and conditions for its participation will be the same as those applied to the other Candidate Countries, and will follow the programmes' rules.

Decision No 451/2003/EC of the Parliament and of the Council of 27 February 2003 establishing the second phase of the Socrates programme [1] provides that the eligible languages for the actions targeting foreign languages learning within Lingua and Comenius are the official languages of the Community, together with Irish and Lëtzeburgesch, and with priority given to the less widely used or less widely taught of these languages. Minority or regional languages are not eligible under these actions.

By extension, the same principle shall apply to Turkey's participation in the said programmes.

Outside the framework of Lingua or Comenius language projects, it is important to notice, however, that regional and minority languages may constitute the subject and collaboration theme of other Socrates or Leonardo da Vinci projects.

[1] OJ L 69, 13.3.2003.

(2004/C 65 E/066) **WRITTEN QUESTION E-1210/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Ancona has submitted projects for the Framework for action on sustainable urban development in the European Union?
2. whether the municipality of Ancona has secured funding for these projects?
3. whether this funding has been used?

(2004/C 65 E/067) **WRITTEN QUESTION E-1211/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Carrara has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/068)

WRITTEN QUESTION E-1212/03

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Florence has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/069)

WRITTEN QUESTION E-1213/03

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Livorno has submitted projects for the Framework for action on sustainable urban development in the European Union?
2. whether the municipality of Livorno has secured funding for these projects?
3. whether this funding has been used?

(2004/C 65 E/070)

WRITTEN QUESTION E-1214/03

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Macerata has submitted projects for the Framework for action on sustainable urban development in the European Union?
2. whether the municipality of Macerata has secured funding for these projects?
3. whether this funding has been used?

(2004/C 65 E/071)

WRITTEN QUESTION E-1215/03

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Massa has submitted projects for the Framework for action on sustainable urban development in the European Union?
2. whether the municipality of Massa has secured funding for these projects?
3. whether this funding has been used?

(2004/C 65 E/072) **WRITTEN QUESTION E-1216/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Perugia has submitted projects for the Framework for action on sustainable urban development in the European Union?
2. whether the municipality of Perugia has secured funding for these projects?
3. whether this funding has been used?

(2004/C 65 E/073) **WRITTEN QUESTION E-1217/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Pesaro has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/074) **WRITTEN QUESTION E-1218/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Pisa has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/075) **WRITTEN QUESTION E-1219/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Pistoia has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/076) **WRITTEN QUESTION E-1220/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Prato has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/077) **WRITTEN QUESTION E-1221/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Siena has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/078)

WRITTEN QUESTION E-1222/03

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Terni has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/079)

WRITTEN QUESTION E-1223/03

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union 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 sustainable urban development,

can the Commission state:

1. whether the municipality of Fiumicino has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/080) **WRITTEN QUESTION E-1224/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Use of funds under the Framework for action on sustainable urban development in the European Union by the municipality of Frosinone

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

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

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

Bearing in mind that some local authorities, such as the municipality of Frosinone, urgently need to use European funds to promote sustainable urban development,

can the Commission state:

1. whether the municipality of Frosinone has submitted projects for the Framework for action on sustainable urban development in the European Union?

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

3. whether this funding has been used?

(2004/C 65 E/081) **WRITTEN QUESTION E-1235/03**

by Roberta Angelilli (UEN) to the Commission

(2 April 2003)

Subject: Rome city authorities: use of funds available under the Action Framework for sustainable urban development in the EU

In September 2002 the Italian Economic Affairs Ministry's monitoring committee submitted a statement of expenditure in respect of funding provided by the EU.

The statement worryingly reveals — amongst other things — that some local and regional bodies are very slow and inefficient when it comes to authorising projects.

Similar concern regarding the underuse of EU funding by such bodies has been expressed on a number of occasions — not least by the Commission itself.

With particular regard to the fact that certain local and regional bodies (such as the Rome city authorities) are greatly in need of EU funding in order to promote sustainable urban development,

would the Commission answer the following questions:

1. Have the Rome city authorities submitted projects under the Action Framework for sustainable urban development?

2. Has funding for such projects been obtained?

3. Has that funding been used?

Joint answer
to Written Questions E-1210/03, E-1211/03, E-1212/03, E-1213/03, E-1214/03, E-1215/03, E-1216/03, E-1217/03, E-1218/03, E-1219/03, E-1220/03, E-1221/03, E-1222/03, E-1223/03, E-1224/03 and E-1235/03
given by Mr Barnier on behalf of the Commission

(21 May 2003)

The Commission would ask the Honourable Member to refer to its communication Sustainable urban development in the European Union: a framework for action [1]. This is a policy discussion paper on coordination of the various approaches the Commission has taken in the numerous sectoral policies affecting the urban environment.

On use of Community funds by towns and cities, the paper recommends particular attention to urban problems when the Operational Programmes for Structural Fund Objectives 1, 2 and 3 are presented by the Member States' authorities.

Thus no Community funds have been directly awarded in implementation of the framework to the sixteen Italian towns and cities mentioned by the Honourable Member or to any other town or city in Europe.

[1] COM(98) 605 final.

(2004/C 65 E/082) **WRITTEN QUESTION E-1254/03**

by Bernard Poignant (PSE) to the Commission

(3 April 2003)

Subject: Statistics on the trading of goods between Community Member States

Under Regulation (EEC) No 3330/91 [1] the Community compiles statistics relating to the trading of goods between Member States. The declarations concerned do not restrict the movement of goods in any way but small businesses see them as obstacles to good management because failure to make a declaration leads to financial penalties of almost EUR 1500.

The rules suggest that it is possible for operators to claim exemption from making declarations concerning trading in goods under Articles 24 and 25 of Directive 77/388/EEC [2]. These articles state that small businesses can obtain tax relief and make simplified tax returns.

In France, under the regulation on statistics on the trading of goods within the Community, declarations on the trading of goods are compulsory for all operators who acquire goods of a value exceeding EUR 100 000. In addition to this declaration, operators also have to fill in VAT forms that require the same information.

To simplify business management, some operators are asking for the threshold for compulsory declarations to be increased to EUR 150 000 or even EUR 200 000.

What does the Commission think of this proposal? What solutions can be envisaged to ensure the continuing availability of statistical information on trading in goods within the Community while simplifying business management?

(1) OJ L 316, 16.11.1991, p. 1.
(2) OJ L 145, 13.6.1977, p. 1.

Answer given by Mr Solbes Mira on behalf of the Commission

(15 May 2003)

Statistical information on trade in goods between Member States is collected on the basis of Council Regulation (EEC) No 3330/91 of 7 November 1991 on the statistics relating to the trading of goods between Member States (Intrastat Regulation).

The scope of this Regulation is strictly limited to statistics and in most countries the statistical data are collected separately from the information which those liable to VAT are required to provide to the national tax authorities with regard to intra-Community dispatches and arrivals of goods. As the French authority responsible for Intrastat is the Direction Générale des Douanes et Droits Indirects (customs and indirect taxes department), France has nevertheless opted for a statistical declaration that is also used for tax purposes.

The exemption threshold of EUR 100 000, below which firms in France are not required to supply statistical information, stems from application of the Intrastat Regulation with its system of thresholds designed to ensure that the burden of response on firms, especially those which are small or medium-sized, is not disproportionate to the statistical objectives. In applying this Intrastat Regulation, France also uses other thresholds which allow the amount of information to be supplied to be adjusted according to the extent of firms' trade (simplified information).

France had already raised the exemption threshold on 1 January 2001; before that date it had been EUR 38 000. According to the information provided by the Direction Générale des Douanes in France, the result of this increase was likely to exempt about 50 000 firms whose annual trade in 2000 was below the new threshold. In addition, among the firms required to submit a declaration, one in three is required to submit only a simplified declaration.

The statistical thresholds, which are based on quality requirements fixed by the Intrastat Regulation, differ from the thresholds which may be applied by the Member States in accordance with Directive 77/388/EEC (1), which are for tax purposes and which can be of special benefit to specific professional sectors.

The Commission should shortly submit to Parliament and to the Council a proposal for a new Intrastat regulation. The aim of providing a satisfactory response to the needs of users while limiting the response burden on firms will be maintained. New adjustments to the thresholds applicable in France would seem likely in connection with this new regulation which should enter into force in 2005.

(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.

(2004/C 65 E/083) **WRITTEN QUESTION E-1267/03**

by Ioannis Marínos (PPE-DE) to the Commission

(3 April 2003)

Subject: Odysseus Community Programme

According to the report in the authoritative briefing sheet 'Agence Europe' (12 March 2003), the first phase of the Odysseus programme for controlling illegal immigration failed because of the lack of a common working language and technical compatibility problems which complicated the work which

ought to have been carried out jointly by the five Spanish, Italian, French, British and Portuguese ships, as reported in a document sent by the Spanish authorities to the Greek Presidency of the EU.

The report also states that not a single illegal immigrant has been detected throughout the programme's period of application.

Meanwhile, according to the same report, Commissioner Vitorino has suggested that the Mediterranean should be divided into three illegal immigration monitoring areas, which will be controlled, respectively, by Italy, Greece and Spain.

What makes the Commission more optimistic about the success of the Community initiatives for the prevention of illegal immigration, after the failure referred to above? What special steps will be taken in the sensitive region of the Aegean, which is an entry-point for thousands of illegal immigrants coming into Greece and the other countries of the European Union?

Answer given by Mr Vitorino on behalf of the Commission

(15 May 2003)

It is not the Commission's custom to react to press articles.

However, the Commission would point out that Operation Ulysses, conducted under the responsibility of the Spanish authorities, is a joint operation on the EU's external borders as provided for in the plan for the management of the external borders adopted by the Council (Justice and Home Affairs) on 13 June 2002. The Seville European Council (21/22 June 2002) regarded such joint operations as a priority.

The relevant body in the Council (SCIFA+ Working Party) approved, among other things, the Ulysses project referred to by the Honourable Member, a joint operation carried out by Spain with the participation of France, Italy, Portugal and the United Kingdom, and the involvement as observers of other Member States (such as Greece and the Netherlands) and candidate countries (such as Poland and Latvia). According to the description of the operation provided by Spain, its aim was the joint surveillance by the ship patrols of several Member States of the external borders of the Schengen area with a view to deterring illegal immigration.

One of the aims of the pilot projects and joint operations is to identify the legal and operational problems encountered by the Member States in conducting such operations. Problems with language or the compatibility of equipment are real difficulties which must be solved by way of joint training and the interoperability of equipment. These difficulties were highlighted in the Commission's Communication on integrated management of the external borders [1].

As for the solutions envisaged by the Commission, the Thessaloníki European Council (20/21 June 2003) will be an opportunity to establish whether the decisions taken at the Seville European Council in June 2002 have been correctly applied. More generally, it will also be then that the results of the first year of application of the plan for the management of the external borders will be assessed.

The Greek Presidency is preparing a report for the European Council covering, among other things, the conclusions to be drawn from the joint operations and pilot projects carried out during this period. The Commission will contribute to this report by proposing a rationalisation of the initiatives planned.

As regards the reference made by the Honourable Member to a proposal by the Member of the Commission responsible for Justice and Home Affairs that cooperation in the Mediterranean be divided into three areas, the Commission must inform the Honourable Member that this suggestion was made by the consultant commissioned by the Commission, at the Council's request, to carry out a feasibility study with a view to improving monitoring and surveillance of the European Union's maritime borders. The Member of the Commission responsible reported to the Council (Justice and Home Affairs) on 27/28 February 2003 on the consultant's progress. The final report on the feasibility study will be available in June 2003.

Depending on the conclusions drawn from the various initiatives and from the above-mentioned feasibility study, the Commission or the Member States, in accordance with their respective powers, will decide whether to propose legislative and/or operational initiatives in order to meet the objectives of the above-mentioned action plan.

(1) COM(2002) 703 final.

(2004/C 65 E/084) **WRITTEN QUESTION E-1351/03**

by Christopher Huhne (ELDR) to the Commission

(10 April 2003)

Subject: Price convergence

Does the Commission believe that the euro has so far encouraged price convergence within the euro-area, thereby aiding the single market and improving the efficiency with which economic resources are allocated? Will the Commission summarise the evidence available?

Answer given by Mr Solbes Mira on behalf of the Commission

(26 May 2003)

The euro should encourage price convergence through a number of channels. First, the euro eliminates exchange rate fluctuations and differences in monetary policy within the euro area and thus removes these sources of price dispersion. Second, the elimination of exchange rate fluctuations reduces the transaction costs and risks attached to cross-border trade and investment. This should stimulate cross-border trade (1) and investment, increase competitive pressures in the euro area and hence push prices to convergence downwards. Third, the introduction of euro notes and coins should increase price transparency between products in different participating countries which should increase competitive pressures and push prices to convergence downwards. In theory this increased price transparency effect could also enable firms to co-ordinate prices more easily and could lead to upward price convergence, but such behaviour is against Community and national competition policy rules.

The euro will not eliminate all price dispersion in the euro area. Price dispersion will remain due to factors, such as differing indirect tax rates and barriers to trade, which Community policies are addressing. Moreover, even with fully integrated euro area markets price dispersion would remain due to factors such as differences in taste and transport costs.

The main data the Commission uses to monitor economy-wide price level convergence are Eurostat's price level index data. These data show that price level convergence in the euro area has continued since the euro was introduced in 1999. In 1998 price level dispersion (2) in the euro area was 12,9 % but in 2001 (latest data) it was 12,3 %. In the Community as a whole price level dispersion rose slightly between 1998 and 2001 and was more variable. The difference in the evolution of euro area and Community price dispersion since 1998 may have been caused by the introduction of the euro although other factors affect price levels as well.

Table 1 — Price level dispersion among the EU and euro area countries (1)

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
EU15	18,9	15,5	16,4	18,0	15,8	14,9	14,5	14,7	15,3	14,6
Euro area	13,7	13	15	16,9	13,8	12,7	12,9	12,8	12,4	12,3

Source: Eurostat.

(1) Price level dispersion is measured here as the coefficient of variation of Member States' price levels.

The data on price level indices before 2000 are affected by the gradual introduction of the new system of National Accounts (ESA95) since 1995 [3]. The 2001 data are provisional.

The second main feature of the price level dispersion data is that there has been a slowdown in the Community and euro area price convergence in recent years [4] despite the introduction of the euro. The slowdown in price convergence may reflect that the initial impact of the Internal Market on price dispersion has worked through. In addition, the introduction of the euro was preceded by several years of increasing exchange rate stability amongst many of the euro members which means some of the impact of stable exchange rates on price convergence had taken effect before the introduction of the euro. In this context it is worth noting that price dispersion between Belgium, Germany, France, Luxembourg, the Netherlands and Austria which have enjoyed a long period of exchange rate stability with each other was only 1,3 % in 2001. Moreover, it is too early to tell whether the introduction of euro notes and coins in January 2002 will give a new impetus to price convergence given that the latest data are currently for 2001.

The most recent evidence on price convergence for individual products is contained in the following Commission publications:

— 'Car price differentials within the European Union on 1 November 2002', European Commission, Directorate General for Competition;

— 'Economic Reform: report on the functioning of community product and capital markets' (the 'Cardiff Report') [5] December 2002, European Commission, Directorate General for the Internal Market;

— 'Grocery Prices across the EU', part 3B of the Internal Market Scoreboard No 10 May 2002, European Commission, Directorate General for the Internal Market;

— 'Results from a Europe-wide price study', part 3A of the Internal Market Scoreboard No 8 May 2001, European Commission, Directorate General for the Internal Market;

— 'Price levels and price dispersion in the EU', Supplement A No 7 July 2001, European Economy, European Commission, Directorate General for Economic and Financial Affairs.

These publications present a picture of considerable price differentials for individual products but with some tendency to convergence. For example, the latest report on car prices (data for November 2002) shows that price differentials for new cars are still substantial, although some convergence is taking place, particularly within the euro area. The Cardiff Report showed that between 1992 and 2001 prices for different products followed a variety of trends although the most common trend was convergence towards lower prices. The Internal Market Scoreboards showed considerable price differences between Member States for grocery and household items, fresh food and consumer electronics (data collected in 1999-2000) although countries were not found to be consistently high or low price countries for all products. The Supplement A found that price dispersion in the Community for all product categories investigated was higher than in the United States (data for 1998).

To summarise there appears to have been continuing price convergence in the euro area since the introduction of the euro in 1999 even if it has been at a slower pace than in the 1990s. However, there have not been many studies on this specific issue to date because it takes time for data to become available and it will take several years for the full effects of the euro to work through. The Commission will continue to monitor closely the impact of the euro on price convergence in the future.

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(1) Both Bun and Klaasen (2002) and Micco, Stein and Ordoñez (2002) found a positive effect of EMU on trade between euro participants since the beginning of 1999 based on empirical data.

(2) Price level dispersion is measured here as the coefficient of variation of participating Member States' price levels.

(3) More details are given in Eurostat's Statistics in Focus 32/2002, 'Purchasing Power Parities and related economic indicators for EU, EFTA and Candidate Countries: Preliminary results for 2000' published on 30 July 2002.

(4) This finding is supported by J. H. Rogers (2002) using a different price level dataset.

(5) COM(2002) 743 final.

(2004/C 65 E/085)

WRITTEN QUESTION P-1361/03

by Roger Helmer (PPE-DE) to the Commission

(4 April 2003)

Subject: Member States' net contributions and/or receipts to the EU

Will the Commission please tell me what are the net contributions and/or receipts to the EU for the 15 Member States for 1998, 1999, 2000, 2001 and 2002? Will the Commission further tell me what are the projected net contributions and/or receipts for the 15 Member States in 2003 and 2004, and the projected net contributions and/or receipts for the enlarged EU in 2005, 2006, 2007 and 2008?

I am seeking information only about direct fund transfers and not the intangible assumed benefits.

Answer given by Mrs Schreyer on behalf of the Commission

(5 May 2003)

In response to his request, the Honourable Member is informed of the following:

— Net budgetary balance of the 15 Member States for the period 1998-2002

Every year, the Commission publishes an 'Allocated Expenditure Report'. The bulk of this report consists of a detailed analysis of Union expenditure in each Member State. Furthermore, the report contains a statistical annex which contains an overview of budgetary expenditure and revenue for each Member State, including the net budgetary balance. These reports are to be found on the Commission's website at the following address: http://europa.eu.int/comm/budget/agenda2000/reports_en.htm

For easier reference, the table showing the net budgetary balances for each Member State for the period 1995-2001 is sent direct to the Honourable Member and to Parliament's Secretariat.

The net budgetary balance for the year 2002 will become available in September 2003.

— Projected net budgetary balance for the 15 Member States for the period 2003-2008

The Commission does not publish any forecasts in respect of net budgetary balances of the Member States.

Nevertheless, the Commission has calculated the additional financial burden for the 15 Member States related to the accession of the ten new Member States for the period 2004-2006. Taking into account the estimated payments which could flow towards the new Member States as well as their own resources contributions to the Union budget, the additional financing burden for the current 15 Member States is estimated at:

	Cost expressed in millions of euros, in 1999 prices	Cost expressed as a percentage of 15 Member States Gross national income
2004	1,404	0,016
2005	3,791	0,042
2006	5,139	0,055
2004-2006	10,333	0,038

This financing burden is shouldered proportionally by all existing Member States, except for the United Kingdom, which pays significantly less because of the United Kingdom rebate mechanism.

— Projected net budgetary balances for the new Member States 2004-2006

These data were calculated for the purpose of the accession negotiations. The table with the estimated net budgetary balances for each of the ten new Member States is sent direct to the Honourable Member and to Parliament's Secretariat.

(2004/C 65 E/086)

WRITTEN QUESTION E-1394/03

by Caroline Lucas (Verts/ALE) to the Commission

(16 April 2003)

Subject: The European Commission's Food and Veterinary Office in Ireland

Would the Commission please indicate which companies were responsible for the design and the construction of the European Commission's Food and Veterinary Offices in Ireland?

Please could the Commission also provide:

1. A list of all hardwood species which were used in the European Commission's Food and Veterinary Offices in Ireland together with details of (a) what quantity of each was used (b) which country they were sourced from and (c) which companies supplied the timber?

2. Copies of all contractual references to the legality and sustainability of timber that was used in the building of the European Commission's Food and Veterinary Offices in Ireland?

3. Copies of evidence provided by the suppliers of all timber to the new European Commission's Food and Veterinary Offices in Ireland to ensure that all timber came from legal and sustainable sources?

Answer given by Mr Kinnock on behalf of the Commission

(19 June 2003)

The European Commission's Food and Veterinary Office in Grange, Ireland was procured through the Office of Public Works (OPW) in Dublin. The building was designed by the Architectural Services Division of OPW and the contract for construction, following tender procedures, was awarded to Michael Mc Namara & Co.

1. Details of the hardwood species used in the development at Grange are as follows:

Species	Source	Quantity (in m^3)
Oak	USA and Europe	500
Beech	Europe	8,83
Ash	USA and Europe	28,45
White Deal	Scandinavia/Canada	72,92
Cherry	USA	9,62

All the above timbers were scheduled in the contract bill of quantities and supplied through 'Smee' of Liverpool.

In addition to the above, a technical variation that arose during the contract required the use of a small amount of Iroko. This was acquired also through Smee from a sustainable source and amounted to 2,72 m^3.

2. The development at Grange was executed in accordance with the contract specifications issued by the Architectural Services Division of OPW who have had a sustainable timber specification requirement since 1987. They also refer to the Convention on International Trade in Endangered Species for products that should not be specified.

3. The company, Smee of Liverpool, is a registered certified importer of American and European hardwoods.

In 2002, the Food and Veterinary Office at Grange won the 2002 An Taisce sustainability award. An Taisce is a non-governmental organisation and is a national institution specialising in heritage and conservation.

(2004/C 65 E/087)

WRITTEN QUESTION E-1405/03

by Herbert Bösch (PSE) to the Commission

(23 April 2003)

Subject: The Commission's staff policy

About two years ago the Commission Representation in Vienna attracted attention as a result of its employment methods. People were appointed on the basis of employment contracts, without the knowledge of the Commission, to fill a number of different posts. When the Commission carried out checks these employees had to 'keep out of the way' (they were instructed not to come to the representation on these days, but to continue their work at home). Since then the Commission has already been convicted in one case by the Austrian Employment and Social Court, and OLAF investigations are pending.

Recently the former head of the Commission's Vienna Representation, Hatto Käfer, began working as press officer of the Court of Justice of the European Communities, having been promoted from an A5 to an A3 post in the process. It was Mr Käfer who on the occasion of Commission checks issued written instructions to all holders of employment contracts to stay at home and carry on working there and not to be seen at the Commission Representation.

Alberto Hasson, who was responsible at that time for the representations in the Member States, is now director ad interim of the entire administration of the Press DG, and is to be appointed as its permanent director shortly. Mr Hasson was one of the people with most responsibility for the Vienna representation and it was due to him that, among other things, the head of its staff representation being dismissed without notice.

Is it the Commission's practice to promote officials who are currently under legal investigation?

If so, in what other cases has the Commission acted in this way?

If not, what measures does the Commission take in such cases?

Answer given by Mr Prodi on behalf of the Commission

(15 July 2003)

The question makes certain allegations about Commission officials referred to by name. This is an attack on their reputation and breaches the right enjoyed by every individual to be considered innocent until proven guilty. It could also harm the administrative and legal situation of the officials concerned.

The Commission wishes to correct the following points in the statements made by the Honourable Member:

- the recruitment procedure for filling the post of director in the Directorate-General (DG) PRESS is under way;
- the second official referred to in the question was responsible for personnel and administration in DG PRESS (Headquarters and Representations), and not specifically for the Commission Representations in the Member States;
- the decision to dismiss a member of the local staff without notice was taken by the authority empowered to conclude contracts of employment in full compliance with the relevant rules. The local staff member concerned did not have the status of 'head of its staff representation' (Betriebsrätin) as claimed;
- regarding the former deputy head of the Commission's Representation in Austria, the Commission would point out that it is not appropriate for it to say anything concerning an appointment made by another institution.

(2004/C 65 E/088) **WRITTEN QUESTION E-1411/03**

**by Ioannis Marínos (PPE-DE)
and Stavros Xarchakos (PPE-DE) to the Council**

(23 April 2003)

Subject: Implementation of Interreg programme in Albania

Representatives of the Greek ethnic minority in southern Albania and Mr Karamelos, a Member of the Albanian Parliament, claimed in a recent press conference at the European Parliament (2 April 2003), that only 30 % of the funding under the Community's Interreg II programme for measures on both sides of the Greek-Albanian border has been utilised, while Interreg III (which was set up for the period 2000-2006) has not yet begun. Consequently, no support has been received from Community sources for projects and initiatives to improve the position of the internationally recognised Greek minority in southern Albania. The Greek minority suffered persecution at the hands of the tyrannical totalitarian regime of Enver Hoxha for decades and still does not enjoy the fundamental democratic rights that are its due, as the EU institutions have repeatedly pointed out. During their visit to Parliament, these same representatives stressed that, twelve years after the collapse of the above regime, no census has been taken of the Greek population of Albania as a whole in accordance with practices in all well-governed European countries.

Are these claims concerning the implementation of Interreg II and III correct? If so, what is the reason for this delay, which is having an impact on the quality of life of thousands of Greeks and Albanians living in southern Albania? How does the Council intend to exert pressure on Albania to carry out a credible census of the Albanian population, along European lines, in order to determine the size of the Greek and other minorities (gypsies, Roma, Slavs, etc.) living in that country?

Reply

(17 November 2003)

1. The Council is not in a position to confirm the information reported by the Honourable Members. According to Chapter III 'Community Initiatives' of Title II of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, the Commission is to lay down guidelines describing, for each initiative, the aims, scope and the appropriate method of implementation. In compliance with these rules, the Commission approved a communication on 28 April 2000 laying down guidelines for Interreg III. In accordance with that communication, it is the responsibility of the Commission to monitor, implement and evaluate the interventions covered by this Community initiative.

2. The Council welcomed the commitment undertaken by Albania within the Joint Consultative Task force context to try to provide accurate data on the size of its minorities by the end of 2003 at the latest.

(2004/C 65 E/089) **WRITTEN QUESTION P-1421/03**

by Pernille Frahm (GUE/NGL) to the Commission

(15 April 2003)

Subject: Agricultural policy

How much does the Commission assess the producer support estimate to be as a result of the EU's agricultural policy, how much of this is market price support and what proportion

of these amounts can be attributed to various products such as sugar, beef, dairy products, wheat and vegetables?

Supplementary answer
given by Mr Fischler on behalf of the Commission

(2 June 2003)

The Organisation for Economic Cooperation and Development (OECD) Total Support Estimate, of which the Producer Support Estimate (PSE) measures the share of economic transfers from consumers and taxpayers to farmers in the Gross Agricultural Income resulting from goods produced, was developed to assess the support an OECD economy is providing to the agricultural sector as a result of policy measures i.e. financial budgetary payments constitute only part of it.

The methodology used has, however, a number of shortcomings since it bases the calculation of these economic transfers (expressed in theoretical EUR or $ or other national currencies) on the price gap between domestic and world market prices established under imperfect market conditions. It further introduces market price fluctuations amplified through the application of currency exchange rates that are an expression of the overall economic behaviour and monetary speculation. I.e. even if a policy does not change the PSE may rise or fall due to these parameters.

In recent years OECD has stressed the production, market and trade distorting character of some support measures (Market Price Support, Input and Output related payments) and put them into reference with much less or non-distorting policies of de-coupled support such as area payments, direct farm income support, payments on historical entitlements etc.

While the Commission has consistently pointed out the deficiencies and misinterpretations of the current methodology i.e. the over-estimation of economic transfers, it has been vigilant as to the harmful effects of certain policies on the domestic and world markets and the amount of this support that reaches the farm enterprise directly (income transfer efficiency).

In 'the Common Agricultural Policy (CAP) reform- a long term perspective for sustainable agriculture' the Commission proposes policies to minimise the distorting character of support while assuring sustainability and entrepreneurship for the agricultural producer through de-coupled measures in exchange for an elevated level of Good Agricultural Practice including improved environmental care. Through de-coupling the share of income the farmer receives from the support measure will substantially increase while distorting measures, such as Market Price Support, will drastically be reduced.

OECD calculates the amount of Total Producer Support Estimate at EUR 100 266 billion for the average of 2000-2002, of which 57 % or EUR 56 820 billion are calculated to be Market Price Support (MPS) and 40 % directly attributable to specific Commodity Price Support. This figure is over-estimated due to a number of factors, such as reference prices, currency exchange rates etc. and does not record 29 % of the agricultural production where support levels are very low or non-existent (such as fruits and vegetables, wine, flowers and ornamental plants etc.) i.e. the policy of the 71 % recorded commodities is extrapolated for the remaining crops.

With regard to the specific commodities mentioned, amounts of MPS of the requested commodities are: for sugar is calculated by OECD as EUR 1 131 billion, for beef and veal EUR 15 364 billion (mainly due to the bovine spongiform encephalopathy (BSE) related measures), for milk EUR 7,71 billion and for wheat EUR 4 488 billion. As explained earlier vegetables, except for potatoes, are not covered by the 71 % PSE coverage. However all other included commodities together account for only EUR 5 674 billion.

(2004/C 65 E/090) **WRITTEN QUESTION P-1425/03**

by Dorette Corbey (PSE) to the Commission

(15 April 2003)

Subject: Directive on packaging and packaging waste

The Directive on packaging and packaging waste (94/62/EC [1]) is currently undergoing revision. Article 6 of the Directive sets quantitative targets for the recovery and recycling of packaging waste. The beginning of Article 6 reads as follows:

> In order to comply with the objectives of this Directive, Member States shall take the necessary measures to attain the following targets covering the whole of their territory …

Can the Commission confirm that there is a firm obligation on the Member States to attain the targets for recovery and recycling?

Can the Commission confirm that, as the guardian of the legal framework responsible for ensuring that EC legislation is properly transposed, complied with and implemented, it will initiate proceedings against any Member State which does not attain the targets contained in Article 6?

Does the Commission agree that the measures to be taken by the Member States are only a means of fulfilling the obligation laid down in Article 6 and are not the objective per se?

[1] OJ L 365, 31.12.1994, p. 10.

Answer given by Mrs Wallström on behalf of the Commission

(3 June 2003)

The achievement of the recovery and recycling targets are legal obligations for the Member States, required under Article 6 of Parliament and Council Directive 94/62/EC of 20 December 1994, on packaging and packaging waste. The Commission can confirm that it will fulfil its role as guardian of the EC Treaty and follow-up cases of non-compliance with the targets of the Directive. This will, if necessary, include the initiation of infringement proceedings under Article 226 of the EC Treaty.

Article 6 of Directive 94/62/EEC stipulates that the Member States shall take the necessary measures to attain the targets set out by that provision. The Member States have the possibility to choose the means they use to achieve these targets provided that Community legislation is complied with.

(2004/C 65 E/091) **WRITTEN QUESTION E-1448/03**

by Chris Davies (ELDR) to the Commission

(28 April 2003)

Subject: Radioactive fuel and waste

What requirements does the Commission make to ensure the safety and security of shipments by sea in European waters of radioactive fuel and radioactive waste?

Has the Commission expressed any particular concerns with regard to the movement of MOX shipments to and from the Sellafield nuclear reprocessing facility in Cumbria, United Kingdom?

Answer given by Mrs de Palacio on behalf of the Commission

(26 May 2003)

The attention of the Honourable Member is drawn to previous answers made by the Commission on similar or related issues where additional information can be found (H-0398/01 by Mr Fitzsimons during question time at Parliament's May 2001 session [1], E-3277/01 by Mrs Breyer [2], H-0501/02 by Mr Fitzsimons during question time at Parliament's July 2002 session [3] and P-1904/02 by Mrs Doyle [4]).

International transport of radioactive material is governed by international legislation, such as the 'International Maritime Organisation (IMO)' rules in the case of transport by sea, Community legislation and by the legislation and procedures of the sender, receiver and transit countries concerned.

In addition, Council Directive 93/75 EEC of 13 September 1993, concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluting goods [5], imposes an obligation on the operator of such vessel to notify before departure the competent authority of the Member State about the destination, the intended route and the nature of the dangerous goods transported.

While in the United Kingdom, the mixed oxide (MOX) fuel will be subject to regulatory control under the safeguards regime. The Commission must ensure through Euratom Safeguards the implementation of the safeguards regime.

Safety and security arrangements for this type of shipment must respect international and national regulations concerning the transport of radioactive material. It is up to the National Authorities to ensure compliance with these regulations.

The Office of Civil Nuclear Security (OCNS) in the United Kingdom is responsible for the regulation by civil nuclear operators for the secure transport of 'sensitive categories' of nuclear material. In this context, the Office is the United Kingdom's designated national authority under the Convention on the Physical Protection of Nuclear Material, for shipments to and from overseas destinations.

The security arrangements for shipments of MOX between Japan and the United Kingdom were also reviewed by the United States and Japanese regulatory authorities. All the security authorities were satisfied that the security arrangements were 'amply robust to deal with any potential threat'.

In the light of the above, it appears that adequate security and safety measures are in place or shipments of MOX fuel to and from the United Kingdom.

(1) Written reply of 15.5.2001.
(2) OJ C 172 E, 18.7.2002.
(3) Written reply of 2.7.2002.
(4) OJ C 277, 14.11.2002.
(5) OJ L 247, 5.10.1993.

(2004/C 65 E/092) **WRITTEN QUESTION E-1463/03**

by Paulo Casaca (PSE) to the Commission

(29 April 2003)

Subject: Cotton growing in the Alqueva irrigation area

In the same way as in other Member States (Spain and Greece), the new Alqueva irrigation area will enable cotton to be grown in Portugal. (Cotton is one of the target crops already identified and the subject of major investment plans).

Will the Commission's proposals be such as to enable Portugal to develop cotton growing on a similar basis to the other two Member States mentioned above? Could the Commission give details in support of its answer?

Answer given by Mr Fischler on behalf of the Commission

(5 June 2003)

The Commission is aware of progress with this basin and the potential for crop development.

However, given the cotton aid reform put in place by Regulation 1051/2001 [1] — aimed mainly at discouraging any increase in cotton production that damaged the environment — and the budgetary implications of aid per hectare, it is hard for the Commission to envisage new legislation at this stage aimed at expanding cotton production.

That said, it is the Commission's intention nevertheless to undertake a review of the future of cotton aid.

[1] Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton, OJ L 148, 1.6.2001.

(2004/C 65 E/093) **WRITTEN QUESTION P-1508/03**

by Gabriele Stauner (PPE-DE) to the Commission

(28 April 2003)

Subject: Budget item A-1090 — extra income for Commissioners

Members of the Commission have for years been receiving extra income by having part of their salary transferred not to bank accounts in their place of employment, Brussels, but to accounts in other EU countries, with weightings being applied to the amounts transferred. One of the points which the Commission has made in justification of this (see reply to Written Question P-1805/02 [1]) is that the Council and Parliament have made the requisite appropriations for such transfers available in the budget each year and have expressly provided for them in the relevant budget remarks.

Until the 2002 financial year, the budget item concerned (A-1090 — Adjustments to emoluments/ Weightings) contained the following remark: 'This appropriation … covers the cost of weightings applied to the part of emoluments transferred to a country other than the country of employment'. The Commission again proposed this remark in its Preliminary Draft Budget for 2003. The Council deleted it at first reading. Parliament upheld this deletion.

What conclusion does the Commission draw from the decision of the budgetary authority to delete this remark?

Does the Commission consider that its Members can nonetheless still continue to take advantage of weightings if they have part of their salary transferred to a country other than that where they are employed?

In this context, what conclusion does the Commission draw from the fact that the relevant regulation concerning the salaries of Members of the Commission also does not provide for the possibility of such transfers of salary with the application of a weighting and indeed makes no mention whatsoever of the subject?

[1] OJ C 309 E, 12.12.2002, p. 164.

Answer given by Mr Kinnock on behalf of the Commission

(23 June 2003)

As the Honourable Member will know from previous answers, the weighted transfer arrangements to which she refers have always applied to Members of the Court of Justice and the Court of Auditors as well as Members of the Commission. The legality of the system has, as the Honourable Member knows, been

reaffirmed by the Court of Justice in an administrative decision. As the Honourable Member is aware, Members of the Court of Justice and the Court of Auditors consequently resumed use of the system. The Commission's decision of June 2002 to suspend the use of the weighted transfer system is still in force.

When the Council decided to delete the remark referred to in the Honourable Member's question, the facts that the Commission had not been consulted or informed, and no explanation had been provided in the Explanatory Memorandum, prompted the Director General for Budget to indicate to the President of the Council's Budget Committee on 7 May 2002 that, the Commission considered the procedure to be 'not normal'. It is clear, however, that the remark on the budget item in question had no effect on the legality of the matter, and the deletion of the remark had no effect on it either, as is evident from the fact that the credit (similar to that for previous years) was maintained.

(2004/C 65 E/094) **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)?

Supplementary answer
given by Mrs Wallström on behalf of the Commission

(18 September 2003)

The Honourable Member is aware that under Article 6 (3) and (4) of Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [1] any plan or project likely to have a significant effect on a Site of Community Importance shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. Where there is a negative assessment, a project may only be authorised if there are imperative reasons of overriding public interest and no alternative solutions exist. In such a case the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected.

In the present case the Commission has not been informed of the developments described by the Honourable Member. However, based on the documents received from the Honourable Member the Commission has gathered additional information on these developments.

According to this information the situation appears to be as follows:

— The clearing of trees and bushes described by the Honourable Member was authorised by the competent German authorities (Kreisverwaltung). These authorisations were based on an assessment of the implications of the treecutting on the conservation objectives of the sites. The assessment arrived at the conclusion that there would be significant impacts on the sites and that therefore compensatory measures were necessary. In spite of the significant impacts the measures were authorised for reasons of public security, namely flood prevention. However, it is not clear whether compensatory measures have been defined or implemented.

— To determine whether the requirements of Article 6 (3) and (4) of Directive 92/43/EEC have been complied with, in particular with regard to compensation measures, the Commission, therefore, will open an own initiative investigation into this case and contact the German authorities.

[1] OJ L 206, 22.7.1992.

(2004/C 65 E/095)

WRITTEN QUESTION E-1585/03
by Joan Vallvé (ELDR) to the Commission

(8 May 2003)

Subject: Linguistic diversity

I welcome Commissioner Viviane Reding's words (Agence Europe, April 12) advocating language diversity and considering that English is not necessarily the topmost priority. Ms Reding cited her own country, Luxembourg, where the 'mother tongue is Luxembourgish, where the languages of our German-speaking and French-speaking neighbours are to be heard everywhere, and where you also hear the languages of the large Italian and Portuguese communities. English is also learnt. And we are well-armed for life in a multilingual society (…). Do you really think it is better for the people of Luxembourg to begin by learning English rather than the languages of their neighbours? And for those who speak a minority language, is the top priority really that of learning English?', she asked, noting that the 'linguistic situation is so different in the different regions of Europe that it is not possible to make the same choice for all'.

The Comenius Language Projects' aim is to encourage participation of all linguistic groups, as we can read in the Guidelines for applicants 2000 under 'Promotion of linguistic diversity': Comenius Language Projects seek to promote linguistic diversity in Europe by encouraging the use of all the official languages of the European Union (plus Irish and Luxembourgish), in particular the less widely used and less taught languages of the European Union. The national languages of the EFTA/EEA countries and of the accession candidate countries participating in Socrates are also eligible.

In Comenius Language Projects at least one of the two partners will normally represent one of the less widely used and less taught languages. Many pupils will thus have an opportunity to get to know a language which is not on their curriculum. Indeed, this is seen as one of the main aspects of the European

added value of these projects. At the same time, in Annex 3 of the same guidelines, under the chapter 'Implementing the principle of equal opportunities in the second phase of Socrates' it states that 'Measures to stimulate the full and active participation in the programme by persons from all ethnic and linguistic groups will also be encouraged'.

Taking into account all these good intentions mentioned above as well as the European Parliament resolution on the information and communication strategy for the EU (P5_TA-PROV(2003)0187, Strasbourg, 10.4.2003) which underlines that all official languages recognised within the Member States must be taken into consideration, what does the European Commission think about the possibility of including in the new edition of the Socrates Candidate Guidelines a reference to all official languages within the neighbouring territories?

Answer given by Mrs Reding on behalf of the Commission

(19 June 2003)

Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' [1] defines the languages eligible for projects aimed specifically at teaching and learning languages as the official languages of the Community, together with Irish and Lëtzeburgesch (Annex to Decision No 253/2000/EC: Action 1, Comenius: school education, Action 1.1, 2b).

With regard to the Comenius language projects, therefore, it would not be possible to include in the new Candidate Guidelines a reference to all official languages within the neighbouring territories.

However, the Comenius school projects, which encourage cooperation between schools (Annex to Decision No 253/2000/EC: Action 1, Comenius: school education, Action 1.1, 2a), may choose these languages as a topic of common interest to the participating schools.

[1] OJ L 28, 3.2.2000.

(2004/C 65 E/096) **WRITTEN QUESTION E-1622/03**

by Patricia McKenna (Verts/ALE) to the Commission

(13 May 2003)

Subject: Derogation from the Nitrates Directive

The Irish Government has recently promised Irish farming organisations that it will seek a derogation on the limits imposed on the spreading of slurry by the Nitrates Directive 91/676/EEC [1].

How will the Commission respond to this promise, made during negotiations for a new National Agreement (Sustaining Progress)?

If a wealthy, long-standing EU member such as Ireland is still looking for ways out of implementing EU legislation, does the Commission agree that this move sends a bad signal to the accession countries?

[1] OJ L 375, 31.12.1991, p. 1.

(2004/C 65 E/097) **WRITTEN QUESTION E-1623/03**

by Patricia McKenna (Verts/ALE) to the Commission

(13 May 2003)

Subject: Implementation of EU Directives by Ireland

Ireland has yet to implement EU Directive 91/676/EEC [1] and has not set limits on the spreading of slurry and fertilisers on farmland in order to protect water quality. Ireland is the only Member State not to have done so.

What steps is the Commission taking to ensure that Ireland complies with this directive? Does the Commission agree that Ireland has a history of non-implementation of EU environmental legislation and that strong action is now needed to ensure that such legislation is quickly and properly enforced?

[1] OJ L 375, 31.12.1991, p. 1.

(2004/C 65 E/098) **WRITTEN QUESTION E-1624/03**

by Patricia McKenna (Verts/ALE) to the Commission

(13 May 2003)

Subject: Designatiin of nitrate-vulnerable zones in Ireland

Ireland has yet to designate nitrate-vulnerable zones as required by the Nitrates Directive 91/676/EEC [1]. Two years ago the then Minister for the Environment promised to do so, but nothing has happened. What steps is the Commission taking to ensure that Ireland meets its obligations under the Nitrates Directive? Is the Commission threatening to withhold farm support payments unless Ireland complies? Has the Irish Government provided details of remedial measures proposed and a timescale for their implementation?

[1] OJ L 375, 31.12.1991, p. 1.

Joint answer
to Written Questions E-1622/03, E-1623/03 and E-1624/03
given by Mrs Wallström on behalf of the Commission

(26 June 2003)

The Commission is committed to ensuring that all Member States, including Ireland, comply with the requirements of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources. On 10 October 2001, it referred Ireland to the Court of Justice for failure to comply with these requirements [1]. More specifically, the Commission drew attention to the lack of designation of nitrate vulnerable zones and the failure to establish action programmes for these. A decision of the Court is awaited.

With reference to Community funds and in particular rural development (Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) [2], Commission guidelines in relation to the implementation of Directive 91/676/EEC were sent to Member States in May 2000. These guidelines required that for relevant countries, the rural development programming documents must contain clear and irrevocable commitments to guarantee consistency of their programmes with the protection of vulnerable zones as provided for under Directive 91/676/EEC.

Rural development programming documents were required to include:

— a commitment to make substantial progress in completing the designation of nitrate vulnerable zones as soon as possible;

— a commitment to make sufficient progress in defining and implementing the binding measures of the nitrates code of good farming practice (GFP) and/or the action programme and adapting and/or completing the general GFP as defined in Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 [3] accordingly.

In the guidelines, the Commission indicated that it would be formally notifying Member States when it was about to take immediate and appropriate action in the event of irregularities concerning the conditions of implementation, in accordance with Council Regulation (EC) No 1257/1999 and Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy [2], i.e. in this case specifically a failure to comply with the commitment to designate nitrate vulnerable zones.

Ireland undertook these commitments in its Rural Development Plan approved by the Commission by the end of 2001.

On 23 February 2003, the Irish authorities communicated their intention to apply an action programme throughout the territory of Ireland, as permitted under Article 3(5) of Directive 91/676/EEC. It was indicated that an action programme would be developed by June 2003.

With reference to derogations, it is premature to comment, since the action programme from which any derogation would seek to depart is still lacking.

As regards the Acceding States, all have committed themselves, in the context of accession negotiations, to fully transpose and implement the Directive at the latest by accession, including the establishment of action programmes. The Commission is closely monitoring these preparations.

[1] Case C-2001/396, Commission v. Ireland.
[2] OJ L 160, 26.6.1999.
[3] OJ L 214, 13.8.1999.

(2004/C 65 E/099) **WRITTEN QUESTION E-1684/03**

by Jens-Peter Bonde (EDD) to the Commission

(20 May 2003)

Subject: Definition of 'contracts with the Commission'

Further to the Commission's answer of 11 February to my question, E-2968/02 [1], concerning the recruitment competition, I should like a more detailed definition of the term 'contracts with the Commission'.

The answer reads as follows: 'x candidates were called to the oral test exam. Of these, x had or have had contracts with the Commission'.

Will the Commission say whether the term 'young national expert' falls within the definition of 'contracts with the Commission'?

[1] OJ C 192 E, 14.8.2003, p. 88.

Answer given by Mr Kinnock on behalf of the Commission

(20 June 2003)

In the Commission's response of 11 February 2003, the reference to candidates having or having had 'contracts with the Commission' meant that those candidates had or have had 'permanent', 'temporary' or 'auxiliary' contracts with the Commission, under the provisions of Article 1 (18) and Article 2 (18) of Title I — General provisions of the Conditions of Employment of Other Servants of the Communities.

'Seconded national expert' contracts are not encoded in the Commission's database, nor is this information requested from those taking part in competitions.

(2004/C 65 E/100) **WRITTEN QUESTION E-1713/03**

**by Ioannis Marínos (PPE-DE)
and Stavros Xarchakos (PPE-DE) to the Commission**

(23 May 2003)

Subject: Operation of the capital market in Greece

Between 1999 and 2001, a redistribution of income estimated at EUR 100 billion took place in Greece via the stock market. The sharp fall in the General Price Index on the Greek stock market (which began in 2000 and accelerated through 2001 and 2002) created social tension and bleak prospects for hundreds of thousands of Greek citizens who had invested their savings (or borrowed to invest) on the stock market. The entire situation has raised legitimate questions concerning the way in which the capital market in Greece is operated and supervised and the possibility of avoiding a similar situation in the future.

What is the Commission's view of the structure and operation of the capital market in Greece, with particular reference to the period 1999-2001? Did a similar redistribution of income via the stock market occur in other Member States of the EU?

Answer given by Mr Solbes Mira on behalf of the Commission

(26 June 2003)

The Commission cannot confirm the figure mentioned by the Honourable Members regarding the losses made by investors on the Greek stock markets, but it certainly shares their concerns regarding the consequences of the fall of share prices on the Greek stock market.

However, it should also be considered that the sharp fall in the General Price Index of the Greek stock market followed a very sharp increase between 1996 and 2000. The modernisation of the stock exchange and the prospect of joining the Economic and Monetary Union (EMU) raised investors' expectations of returns on equity holdings in the late 1990's. The General Price Index on the Athens stock exchange increased by some 600 percent between 1996 and 1999. It has fallen subsequently by some 65 percent. This is undoubtedly a sharp fall, but is in line with trends on the majority of stock markets. Since January 2000, the main French index has fallen by some 50 percent, the German index by some 55 percent, the British index by some 40 percent.

Beginning with the deflation of the bubble in technology, media and telecommunications stocks, the fall in prices has spread to all sectors, reflecting investor concern about the prospects for corporate earnings amid a weak global economy and geo-political uncertainty, as well as a loss of confidence in corporate governance and market integrity. The Commission would like to stress that the rapid and complete implementation of all the measures in the Financial Services Action Plan, the initiatives in the area of corporate governance, as well as the rationalisation of the framework for Union-level regulation and supervision, will go a long way in raising the level of investor protection, strengthening the stability of the financial system, and increasing its efficiency, to the benefit of investor and companies alike.

(2004/C 65 E/101) **WRITTEN QUESTION P-1758/03**

by María Sornosa Martínez (PSE) to the Commission

(20 May 2003)

Subject: Need for epidemiological studies on the health impact of the spillage from the 'Prestige'

It is now some months since the onset of the environmental disaster triggered by the sinking of the 'Prestige', and yet from a public health standpoint no information has been made public on the levels of internal contamination of the people affected. No measurements have been taken of blood or urine concentrations of the toxic compounds contained in or released by the spilled fuel oil, which means that vital time is being lost with regard to obtaining information on the effects of the spillage on the local population.

However, although it has already been possible to assess at a glance the wide range of immediate health impacts (e.g. numerous cases of conjunctivitis, headaches, nausea and respiratory problems) on people who have come into direct or indirect contact with fuel oil from the 'Prestige', nothing is known about the effects that may appear in the future owing to chronic exposure to these potentially toxic compounds.

Greenpeace Spain has published a report entitled 'The impact of the spillage from the "Prestige" on human health and public health' in association with the Instituto Municipal de Investigación Médica and the Autonomous University of Barcelona, which proposes that a two-stage investigation be conducted to establish the short-term and long-term effects of this pollution incident on the population.

Under the Treaties it is within the Community's powers to promote health by means of Community action programmes and by encouraging studies aimed at obtaining data for health indicators and epidemiological monitoring and control.

Has the Commission in the past promoted any type of study relating to the short-term and long-term effects of oil pollution incidents on human health?

Will it heed the calls made in the report by Greenpeace Spain and promote studies into the consequences of the 'Prestige' incident?

Answer given by Mr Byrne on behalf of the Commission

(19 June 2003)

Referring to the question of the Honourable Member on the existence of Community Action Programmes to study health effects of environmental factors, the Commission is pleased to inform her that the Parliament and the Council adopted, under Decision 1296/1999/EC [1], a programme of Community action on pollution-related diseases in the context of the action in the field of public health (1999-2001).

None of the projects funded under this programme refers to studies on health effects due to fuel contamination as these effects are well documented scientifically and have already been used as a scientific basis for the development of the environmental and safety at work legislation in the domain.

If the Committee members of the new public health action programme adopted on 23 September 2002 [2] (Decision No 1786/2002/EC) consider long-term health effects of fuel contamination as a priority area, the Commission would include it under the priority actions of the work programme 2004.

[1] Decision No 1296/1999/EC of the Parliament and of the Council of 29 April 1999 adopting a programme of Community action on pollution-related diseases in the context of the framework for action in the field of public health, OJ L 155, 22.6.1999.

[2] Decision No 1786/2002/EC of the Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health, OJ L 271, 9.10.2002.

(2004/C 65 E/102) **WRITTEN QUESTION E-1760/03**

by Mario Borghezio (NI) to the Commission

(27 May 2003)

Subject: Turin to Lyons high-speed rail link: a priority for Europe

The French Government has announced that work on the Turin to Lyons high-speed rail line section cannot begin before 2015.

It is essential to build this line not just for Piedmont, an important geo-economic area, but also in order to create an interconnected Europe-wide system of links between the northern and southern halves of the continent and to link northern Italy to eastern Europe.

Will not the Union stress again, in particular for the benefit of the French Government, that the Turin to Lyons section constitutes a priority where completion of Corridor V is concerned, as the Member of the Commission responsible for transport has repeatedly stated?

Answer given by Mrs de Palacio on behalf of the Commission

(17 July 2003)

The French Government has not yet officially adopted a position on the Lyon-Turin project. The Ministry of Economic Affairs and Finance and the Ministry of Transport have carried out an audit at its request. This was followed by a debate in the National Assembly and the French Senate in May 2003. On the basis of the conclusions of the audit and the debate, the French Government will take a decision in the autumn on the priority it intends to give the project. Against this background, the Commission has emphasised on several occasions, in Parliament as well as to the French authorities, the major importance of the Lyon-Turin project in restoring the modal balance of traffic on a strategic route which will enable western and eastern Europe to be linked across the Alps and Italy. The support given takes the form of a significant financial contribution amounting to EUR 100 million for the period 2001-2006 — under the budget for the trans-European networks — for the studies programme.

In addition, the Lyon-Turin project is one of the projects covered by the scope of the Commission proposal to increase to 20 % the rate of co-funding for which cross-border rail projects crossing natural barriers could be eligible under the budget for the trans-European networks (TEN). The proposal — which was amended [1] following the vote on first reading in Parliament in July 2002 — is still languishing before the Council, and it is not possible to anticipate when the 20 % rate will become effective.

[1] COM(2003) 38 final.

(2004/C 65 E/103) **WRITTEN QUESTION E-1792/03**

by Claude Moraes (PSE) to the Commission

(28 May 2003)

Subject: The Convention and the principle of non-discrimination

What is the view of the Commission on the inclusion of the principle of non-discrimination in the future constitution of the EU in the framework of the work of the Convention?

Answer given by Mr Prodi on behalf of the Commission

(18 July 2003)

The Commission feels that, in general terms, the principle of non-discrimination has been satisfactorily incorporated in the draft EU constitution drawn up by the Convention.

It would draw the Honourable Member's attention to the following points in particular:

— Article I-2 (Union's values) includes equality as one of the Union's fundamental values;

— Article I-3 (Union's objectives), which states that the Union's aim is to promote its values, combat social exclusion and discrimination, promote social justice and protection, equality between women and men, and solidarity between generations;

— Article I-4 (Fundamental freedoms and non-discrimination), which prohibits any discrimination on grounds of nationality;

— The inclusion of the Charter of Fundamental Rights in the draft constitution, which contains a title on equality;

— Articles III-1, III-4 and III-5, which reproduce Articles 3(2), 12 and 13 of the EC Treaty;

— Article III-1a, which provides that, in defining and implementing its policies, the Union shall aim to combat all forms of discrimination.

However, the Commission regrets that the Convention did not subject Article III-5 in its entirety to qualified-majority voting. Maintaining the unanimity requirement in paragraph 1 of this article will create a significant obstacle in future to the adoption of the measures needed to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Moreover, the Commission is disappointed that racism and xenophobia are not included in the areas of crime listed in Article III-167 of Section 4 on judicial cooperation in criminal matters (Part III) of the draft constitution. It is a pity that this vital aspect of Union activity is becoming less visible and suffers from having no clear legal basis when these deplorable phenomena are still rife in both the present and the future Member States.

(2004/C 65 E/104) **WRITTEN QUESTION E-1794/03**

by Claude Moraes (PSE) to the Commission

(28 May 2003)

Subject: Software patents

In recent research undertaken on the subject [1], it has been argued that a patent system may interfere with competition and innovation. This argument relies on the notion that innovation is both 'sequential' (i.e. each invention builds upon its predecessor) and 'complementary' (i.e. a diversity of innovators raises the chances of discovery). This argument therefore goes against the traditional reasoning for a patent system.

Does the Commission in any way agree with the argument? How does the Commission respond to it in relation to the Community patent?

[1] Sequential Innovation, Patents, and Imitation, by James Bessen and Eric Maskin, July 2002, Harvard University and MIT.

Answer given by Mr Bolkestein on behalf of the Commission

(19 June 2003)

The Commission is aware of the research referred to by James Bessen and Eric Maskin. The authors of the paper argue that sequentiality and complementarity are characteristics of industries such as those for computer software and hardware. This may indeed be the case, but in no way does it go 'against the traditional reasoning' behind patent systems. In fact, sequentiality and complementarity are, to a greater or lesser extent, characteristics of all innovation, although the degree of interdependence between inventions varies considerably between sectors.

The Commission welcomes all research which contributes to the debate on the scope and utility of patent protection, particularly in high technology sectors. The work by Bessen and Maskin in this field is indeed highly interesting and the model that the authors develop in their paper is undoubtedly elegant and sophisticated. However, like all models of this kind, there are simplifications involved, and caution has to be exercised in applying the results of such work to the real world.

Following an extended period of consultation and reflection, the Commission came to the conclusion that in the field of software inventions, insufficient grounds had been shown to justify either a significant extension, or restriction, of the scope of what should be regarded as patentable. In particular, there was little hard evidence of the interfering effect which patents are alleged by some to have on innovation. This is why the proposal for a directive on computer-implemented inventions involves harmonisation and

clarification of certain aspects of the law, but is based substantially on current practice. The proposed directive does, however, include a provision for the Commission to report on any effects the directive may have on innovation, competition and business.

As regards the Community Patent, the objective of this initiative is to create a Community-wide unitary right granted by the European Patent Office and enforced within a single Community jurisdiction. It is however not the intention in this context to modify the substantive conditions for patentability as they are currently expressed in the European Patent Convention and the national patent laws of the Member States.

(2004/C 65 E/105) **WRITTEN QUESTION E-1809/03**

by Anna Karamanou (PSE) to the Council

(2 June 2003)

Subject: Iraq — serious danger to civilians from unexploded landmines and looting activities

According to Human Rights Watch, following the end of the recent war in Iraq, civilian casualty figures have shot up compared with the number of casualties during the war itself, principally because of the large quantities of unexploded ordnance — landmines, grenades and other explosive devices — left behind in residential areas following the sudden collapse of the Iraqi military command and control structure and the resulting flight of military personnel who abandoned their equipment. Many of the victims are children who suffer serious injury from playing with explosive devices. At the same time looting is continuing, while snipers, conjectured to be Baath Party members, seeking to destabilise the country, are injuring and killing many innocent civilians. In addition, countless documents are being destroyed in Iraq. According to Amnesty International, British troops were involved in the mass destruction of electricity supply company documents in Basra.

At the same time, American armed monitoring forces in Iraq are ignoring appeals for mine clearance and more patrols. Appeals by international human rights organisations for at least some level of policing have also been disregarded.

What measures will the Council take in an effort to ensure that the occupying and monitoring forces in Iraq comply with international agreements and effectively protect the Iraqi civil populace from the above dangers which are threatening not only their individual lives and welfare but also the very structure of the State?

Reply

(17 November 2003)

The Council agrees with the Honourable Parliamentarian that the issue of unexploded landmines and other ammunition is a serious danger to the population. It is well aware of the security situation in Iraq, which causes severe difficulties to both the population of Iraq and to the occupying forces in the country, who have the responsibility at this point of time of securing the country and protecting the population. The European Council in Thessaloniki welcomed the improving humanitarian situation but expressed concerns by the continuing challenge to provide security to the civilian population.

The Council has, however, no reason to doubt that the occupying forces comply with international agreements and obligations relating to the protection of the Iraqi people.

(2004/C 65 E/106)

WRITTEN QUESTION E-1828/03

by Stavros Xarchakos (PPE-DE) to the Commission

(2 June 2003)

Subject: Unpaid fines and proceedings against Greece pending before the European Court of Justice

Can the Commission say in how many and which cases Greece has been fined by the European Court of Justice (ECJ) since 1994 to date? What is the total amount of the fines imposed on Greece? Which of these fines have not yet been paid by Greece? In how many and which cases are proceedings against Greece pending before the ECJ and what is the schedule for these proceedings?

Answer given by Mr Prodi on behalf of the Commission

(16 July 2003)

The Court of Justice has found against Greece under Article 228 of the EC Treaty only once — in Case C-387/97, which involved the unsupervised disposal of waste in the Chania region (Crete) and the lack of management plans for the disposal of waste and dangerous waste. By judgment of 4 July 2000, Greece was ordered to pay a penalty of EUR 20 000 for each day's delay in implementing the requisite measures for complying with the Court's decision in Case C-45/91 Commission v Greece (delivered pursuant to Article 226 of the EC Treaty). Thus, it had to pay EUR 20 000 a day from 4 July 2000 until 26 February 2001, when it effectively complied with the judgment; this resulted in a total of EUR 5 400 000, which was paid by the Greek authorities on time.

The Commission filed another suit against Greece in the Court of Justice under Article 228 of the EC Treaty for failure to comply with the Court's judgment of 23 March 1995 [1]. The application was lodged on 27 May 1998 under case number C-197/98. As the directive in question was transposed by presidential decree of 23 June 2000, the Commission withdrew its suit on 3 August and the case was removed from the register.

The Commission had decided to apply to the Court under Article 228 in three other matters but, since Greece complied with the Court's judgments, the files were closed before the applications were lodged.

The grounds for the applications — failure to comply with the appropriate judgments — were the same in each case:

— C-328/90 (nationality requirement for opening a private school),

— C-290/94 (access to employment in the public sector, discrimination on grounds of nationality),

— C-311/95 (failure to notify national measures implementing Directive 92/50/EEC relating to the coordination of procedures for the award of public service contracts).

There are therefore no other proceedings pending at this time against Greece under Article 228 of the EC Treaty.

As regards proceedings under Article 226, there are at present 22 applications pending. In six of these, the Commission has withdrawn its suit and removal from the register is awaited. A summary table of the remaining 16 applications, giving the case number, a brief title and the stage reached in the proceedings is being sent direct to the Honourable Member and Parliament's Secretariat.

[1] Case C-365/93, which concerned the failure to notify national measures implementing Directive 89/48/EEC on a general system for the recognition of higher-education diplomas.

(2004/C 65 E/107) **WRITTEN QUESTION E-1847/03**

by Luigi Vinci (GUE/NGL) to the Commission

(3 June 2003)

Subject: Compliance with the SEIA directive in connection with the Milan-Bergamo-Brescia super-highway construction project

Pursuant to the Commission's recent directive on strategic environmental impact assessment (SEIA [1]), any plans for the construction of major new items of transport infrastructure must be accompanied by an assessment of all practicable alternatives (so that the one which will have least impact on the environment can be chosen) and the involvement of the local people affected, their associations and the local authorities, so that the necessary information can be provided and local people's opinions sought.

However, this right to access information and to express views has been (and is still being) denied in the case of the plans (promoted by the Italian Government) for a Milan-Bergamo-Brescia super-highway (known as the Mibebre highway), since the local people, associations and authorities know only what has appeared in the press.

Furthermore, what has so far been revealed through the press is particularly worrying: the super-highway will apparently damage or destroy cultural artefacts and natural features, including four regional parks. These include the valuable Naviglio Martesana, which is in the process of being recognised as a Unesco world heritage site.

In view of the above, does the Commission not think that it should take action vis-à-vis the Italian Government with a view to ensuring that, in the case of the Mibebre project, the SEIA directive and EU environmental laws in general are observed and enforced?

[1] Directive 2001/42/EC, OJ L 197, 21.7.2001, p. 30.

Answer given by Mrs Wallström on behalf of the Commission

(17 July 2003)

Directive 2001/42/EC of the Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment establishes, in its Article 13, that Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 21 July 2004.

At this stage, therefore, this Directive is not applicable, nor has Italy yet communicated to the Commission the measures adopted in order to comply with it.

Apart from the above-mentioned Directive, the information given by the Honourable Member has not revealed any specific grounds of complaint on the application of other Community environmental provisions to the specific case. Therefore, in the light of the above, no breach of Community environmental legislation can be identified at present.

(2004/C 65 E/108) **WRITTEN QUESTION E-1866/03**

by Christopher Huhne (ELDR) to the Commission

(6 June 2003)

Subject: Price dispersion

Is the Commission able to give figures for price dispersion within the United States monetary union for comparison with the price dispersion in the EU as a whole (as detailed in single market reports), in the euro-area, and in the Member States that do not participate in the euro?

Answer given by Mr Solbes Mira on behalf of the Commission

(14 July 2003)

A Commission paper published in 2001 (European Economy, Supplement A, No 7, July 2001) compared price dispersion in the Union and the United States (US) per product group for the year 1998. Overall price dispersion in the US was found to be about three percentage points lower than in the Union in 1998, i.e. before the introduction of the euro. The paper concluded that there was scope for Union price dispersion to fall further towards the level of price dispersion in the US. According to the Commission's calculations overall price dispersion in the euro area was only marginally lower than in the Union in 1998.

Looking at sectors, the price levels for housing were more dispersed in the euro area than in the Union as a whole, however for all the other product groups price dispersion was lower in the euro area than in the Union.

The table below presents the data from this paper whilst adding data on price dispersion in the euro area. The European and American price dispersion data are based on different sources and are not fully comparable (please refer to the notes below the table). The Commission plans to update this analysis and to look more closely at the euro area data.

Price dispersion in the Union, euro area and in the United Sates in 1998 ([1])

	Overall	Grocery	Housing	Utilities	Trans-port	Health-care	Miscellaneous
EU	14,6	10,5	31,2	24,4	17,9	35,5	9,1
Euro area	14,5	9,4	34,1	20,7	13,8	30,3	8,2
USA	11,8	5,6	26,5	19,3	9,3	14,3	5,6

Source: Eurostat and ACCRA data with Commission calculations.
([1]) Price dispersion calculated as the coefficient of variation of price levels.

USA data for price dispersion across 14 cities. EU data for price dispersion across the 15 Member States. Euro area data for the 12 euro area members.

USA data are collected excluding indirect taxes. EU data have been adjusted to exclude VAT and excise taxes.

USA data are for individual products. EU data use the nearest comparable product group from Eurostat's PPP data.

In addition to the Commission's work, two recent studies have compared price dispersion in the euro area and the US using a different data source (the Economist Intelligence Unit):

— J. H. Rogers, G. Hufbauer and E. Wada (2001) 'Price level convergence and inflation in Europe', working paper 01-1, Institute for International Economics, Washington DC;

— J. H. Rogers (2002) 'Monetary union, price level convergence, and inflation: How close is Europe to the United States?', Board of Governors of the Federal Reserve System, International Finance Discussion Papers No 740, October 2002.

The first of these studies found that price dispersion for tradable products was higher in the euro area (excluding Greece) than in the US in 1999. The second study, carried out one year later, found that by 2001 price dispersion for tradable products in the euro area (excluding Greece) was close to the level in the US. Both studies found that price dispersion for non-tradable products was lower in the euro area (excluding Greece) than in the US. The data for both studies pre-date the introduction of euro notes and coins.

(2004/C 65 E/109) **WRITTEN QUESTION E-1874/03**

by Christopher Huhne (ELDR) to the Commission

(6 June 2003)

Subject: Prospectus approval

Will the Commission estimate the current time period from submission to approval of a prospectus typically necessary both for debt and for equity prospectuses in each Member State?

Answer given by Mr Bolkestein on behalf of the Commission

(30 June 2003)

The Commission has not sought to estimate the current time period from submission to approval of a prospectus typically necessary for debt and for equity prospectuses in each Member State. The Commission position does not consider that such average figure, even at Member State level, would lead to any useful conclusions.

Such figures would not be comparable, because the approval process is different in each Member State (In practice, scrutiny practices will range from a simple verification that a document has been sent to the competent authority, without reading the document, to an extensive verification of the clearness, objectivity, accuracy and consistency of the prospectus on all items of information, including the financial statements). These differences arise most notably from differences in the level of civil and regulatory liability between Member States.

At national level, the time period necessary for scrutiny in order to obtain an approval will also differ on a case by case basis depending notably on the quality of the submitted draft document, on its size, on its content, on the ability of the issuer to draft such a document, on its knowledge of the necessary procedure, on the existence of a previously approved prospectus, on the type of offers (for example Initial Primary Offer or frequent issue), on the resources of the competent authority, etc.

Therefore, the Commission did not propose legislation with a one-size-fits-all approach. The Commission has favoured different maximum time limits for this scrutiny and approval process. It intends to prevent competent authorities from imposing excessive delays on issuers but it should also allow competent authorities enough time in all possible circumstances to correctly perform their tasks.

The Commission has checked the different maximum time limits for a prospectus approval before the adoption of its amended proposal and has taken into consideration the various maximum time limits existing in several Member States. The Commission has also taken into account the fact that the envisaged maximum time limits were shorter compared to the existing ones in the United States which is the world biggest capital market. The proposed time limits are also shorter compared to the existing ones in Belgium, Greece, Spain, France, Italy, Luxembourg, Austria and the United Kingdom. However, the maximum time limits are more currently stringent in Germany, the Netherlands and Finland. In some Member States (notably Denmark, Ireland, Portugal and Sweden), the law does not provide for a defined maximum time limit.

(2004/C 65 E/110) **WRITTEN QUESTION E-1876/03**

by Christopher Huhne (ELDR) to the Commission

(6 June 2003)

Subject: Prospectus- denomination of issues

Will the Commission estimate the number of bond issues, and the total volume of issuance, in denominations of EUR 5 000 or less, EUR 1 000 or less, EUR 500 or less and EUR 100 or less?

Answer given by Mr Bolkestein on behalf of the Commission

(14 July 2003)

The Commission has not sought to estimate the number of bond issues nor the total volume of issuance, in denominations of EUR 5 000 or less, EUR 1 000 or less, EUR 500 or less, and EUR 100 or less, because it does not believe this number will allow it to draw conclusions on the usefulness of a given threshold on individual denomination.

First, as background, it is important to note that the concept of high individual denominations for securities was introduced with the aim of making a clear separation between securities aimed at wholesale investors and those aimed at the retail market.

The Commission has knowledge of figures related to existing bonds' individual denominations (from the International Primary Market Association (IPMA) and also used by the European Banking Federation).

However, the Commission believes there is no added value in such figures for two main reasons:

— Existing individual denominations are today defined at a low level for practical reasons. For example, it is common practice to have individual denominations of one euro because bonds are quoted in percentages.

— Current statistics will not assist in estimating how bond issuers will define in the future the individual denomination of their issues, in the context of the envisaged legislation notably for debt securities aimed at wholesale investors. The Commission believes the choice between securities aimed at wholesale investors will be predominant compared to the option of determining the competent authority for each issue. In fact, it believes that issuers of bonds targeting retail investors (with individual denomination of less than 50 000 euro) will rarely make use of the flexibility of the determination of the home competent authority, because these offers of securities are mostly done by credit institutions only to their customers and generally not listed.

(2004/C 65 E/111) **WRITTEN QUESTION E-1877/03**

by Christopher Huhne (ELDR) to the Commission

(6 June 2003)

Subject: Prospectus-delegation

Will the Commission estimate the proportion of prospectuses approved in Member States in the last calendar year that were approved directly by a competent authority, and the proportion that were approved by authorities such as exchanges or intermediaries to which the task was delegated? Will the Commission estimate the number of complaints of incompleteness or inaccuracy of the prospectus in each case?

Answer given by Mr Bolkestein on behalf of the Commission

(30 June 2003)

The Commission has not sought to estimate the proportion of prospectuses approved directly by a competent authority, nor the proportion that was approved by authorities such as exchanges or intermediaries to which the task was delegated. Under the current situation, this question is not applicable or relevant for the time being in most Member States. In fact, to the Commission's knowledge, there is only one specific regulation on this matter in Austria (auditors and banks are in charge of the review of the prospectus under a delegation from the stock exchange).

However, the Commission has carefully studied the nature of the different competent authorities for the tasks of scrutinizing and approving prospectuses in all Member States. Exchanges are in charge of the review of prospectuses in Denmark, Germany, Greece, Ireland, Luxembourg, Austria and Sweden. However, it should be noted that, in those Member States prospectuses for offer of securities without listing are generally reviewed by a different competent authority, generally a public body.

It is important to note that in the Netherlands, the tasks of reviewing prospectuses was recently transferred from Euronext NV to the new Financial Market Authority and Ireland envisages doing a similar change.

The Commission has not estimated the number of complaints of incompleteness or inaccuracy depending on which kind of entity is in charge of the review of the prospectus. First, it does not consider that the number of complaints received by competent authorities on missing or misleading information in the context of prospectuses would permit the Commission to draw interesting conclusions. Secondly, the Commission considers that the quality of the review is not necessarily linked to the nature of the entity in charge of the review.

(2004/C 65 E/112)

WRITTEN QUESTION E-1880/03

by Christopher Huhne (ELDR) to the Commission

(6 June 2003)

Subject: Capital flows between euro-area countries

Further to the answer to question E-1134/01 [1], will the Commission examine the scale of gross capital flows (not net capital flows) between the euro-area countries since the launch of the euro, compared with the periods before, and state whether there has been an increase in the scale of such flows and if so by how much?

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[1] OJ C 261 E, 18.9.2001, p. 228.

Answer given by Mr Solbes Mira on behalf of the Commission

(14 July 2003)

Increases in cross-border capital flows can provide a positive contribution to economic growth and efficiency increases. The introduction of the single currency has not only removed exchange rate risks for capital flows within the euro area, but also stimulated the creation of a common capital market in the euro area. Both effects have facilitated cross-border capital flows within the euro area and it can therefore be presumed that the euro has positively influenced the volume of capital flows. However, at the same time a number of other determinants matter for capital flows and it appears very difficult, if not impossible, to single out the impact of the euro on capital flows by analysing capital flow time series. For instance, the successful convergence of long-term interest rates in euro area economies has reduced incentives for investors to diversify across government bonds issued by different euro area economies (at the end of 2002 the yield spreads between German ten-year government bonds and similar assets in other euro area economies had declined to less than 20 base points).

Another difficulty arises from the rather unsatisfactory data availability. There is no single database that provides complete and timely information for all participating economies. Observations stem mostly from foreign direct investment (FDI) data, which are received and published by Eurostat and from balance of payments data, in particular capital accounts, published by national institutions (e.g. national central banks).

Foreign direct investment data are available for most euro area countries up to year 2001 from Eurostat's NewCronos database, but for some countries only equity and 'other capital' (loans between the mother company and the affiliates) investment data is available (i.e. reinvested earnings are not available for some Member State). The comparisons below refer to equity capital foreign direct investment flows. It has to be noted that at the level of the Member States the strong impact of single transactions (e.g. telecom mergers and acquisitions across borders in 2000) means a certain obstacle to any interpretation of these data. If one nevertheless compares equity FDI flows between single Member States and the rest of the euro area, some differences between the pre-euro area and the euro area years become visible.

The qualitative changes between the three last years in Stage II (1996-1998) and the first three years of Stage III (1999-2001) could indicate a certain increase in the amount of capital flows. In all reporting countries the amount of foreign direct investment abroad (i.e. in other euro area economies) has gone up,

whereas in all countries except the Netherlands and Finland also the received direct investment originating from other euro area economies has increased. A less clear picture is provided by comparisons between single years.

Changes in FDI flows within the euro area (1996-2001) [1]

	FDI abroad, equity capital (in other euro area economies)			FDI in the country, equity capital (originating from the euro area)		
	1999-2001 against 1996-1998	2001 against 1996	2001 against 2000	1999-2001 against 1996-1998	2001 against 1996	2001 against 2000
B-L	+	+	−	+	+	+
D	+	.	.	+	+	−
GR	.	.	+	.	.	+
E	+	+	−	+	+	+
F	+	+	+	+	+	−
IRL [2]	+	.	+	+	.	−
I [3]	+	+	+	+	+	+
NL	+	−	−	−	−	−
A	+	−	−	+	−	−
P	+	+	+	+	+	−
FI	+	+	−	−	−	+

Source: NewCronos database (Eurostat). The comparisons are based on as many annual data points as available. A '+' ('−') indicates an increase/decline in the period against the base period. A '.' indicates insufficient data availability.

(1) Comparison are based on period averages where needed. In case of a missing data point the available data have been used for calculations.

(2) Total direct investment.

(3) Equity capital and other capital.

The increases in equity capital flows among euro area economies in the three-year periods before and after the introduction of the single currency have to be seen against the background of a strongly increasing mergers and acquisitions (M & A) activity in the world economy in the years 1999 and 2000 as for instance documented in the annual Direct Investment Reports by the United Nations Conference on Trade and Development (Unctad). It could be premature to link the increase in capital flows in 1999 and 2000 to the effects of the introduction of the single currency. Similar caveats apply to the interpretation of data of the sharp decline in world foreign direct investment in 2001 (more than 50 %; all data in brackets according to Unctad) and 2002 (about 27 %) has to be taken into account. The decline in foreign direct investment in the euro area in 2002 (− 16 %) has been much smaller than for instance in the United States (US) economy (− 75 %) and in the United Kingdom (− 67 %), but it appears difficult to link this difference to the single currency as other determinants (e.g. accounting scandals in the US) have contributed as well.

As regards capital accounts there is anecdotal evidence about the difference between developments between euro area Member States on the one hand and between single Member States and the rest of the world on the other hand:

— For Germany the Bundesbank regularly reports about origins and destinations of German capital flows (e.g. Bundesbank, International Capital Links, May 2002) and it provides long series in a publicly accessible online database. According to Bundesbank data capital exports (volumes) from Germany to the rest of the euro area more than doubled in 2002 (from EUR 72 billion in 2001 to EUR 160 billion in 2002), while the total amount of German capital exports to all countries declined in 2002 (from EUR 282 billion in 2001 to EUR 256 billion in 2002). However, year-on-year increases can be severely affected by large single transactions suggesting to perform also comparisons on the basis of multi-year periods. Capital outflows to euro area countries from 1999 to 2002 (annual average of EUR 65 billion) have also more than doubled as compared to those from 1995 to 1998 (annual average of EUR 142 billion). The development of capital inflows from other euro area economies displays a different pattern (no increase at all) and also a closer look to the components (substantial changes in relative importance of direct and portfolio investment over the years) suggests to be cautious in interpreting data.

— For the Netherlands the Dutch central bank publishes data on regional components of direct investment flows. As regards direct investment the inflows from euro area economies have been higher in each of the first euro area years than in any other year before 1999. In terms of four-year averages inflows have increased from EUR 5,2 billion (1995-1998) to EUR 19,3 billion (1999-2003). In the same period the average share of foreign direct investment from euro area economies in total inflows has increased from 39 % to 43 %. A similar increase is registered in terms of Dutch foreign direct investment in other euro area economies. The levels of outflows recorded in all euro area years have never been seen before. The annual average outflow increased from EUR 8 billion (1995-1998) to EUR 24 billion (1999-2002), while the share of direct investment outflows to euro area economies in total Dutch outflows increased from 35 % (1995-98) to 44 % (1999-2002).

(2004/C 65 E/113) **WRITTEN QUESTION E-1881/03**

by Christopher Huhne (ELDR) to the Commission

(6 June 2003)

Subject: Intra-EU foreign direct investment

Will the Commission update the figures given in answer to E-0033/02 [1] to include the latest available year? It should provide figures on a comparable basis to those given for the European Union for intra-EU foreign direct investment (in graph 12) of the report from the Commission 'Economic reform: report on the functioning of Community product and capital market' [2]. Is the Commission also able to provide a series including reinvested earnings? Will the Commission also give the figures for each individual EU Member State that is not yet in the euro?

[1] OJ C 160 E, 4.7.2002, p. 171.
[2] COM(2001) 736 final.

Answer given by Mr Bolkestein on behalf of the Commission

(17 July 2003)

Tables 1 and 2 present data on the value in current prices of foreign direct investment (FDI) from different sources to various targets between 1996 and 2001. These are sent direct to the Honourable Member and to Parliament's Secretariat. In particular, figures are provided for each Member State that is not yet part of the euro area. As in the previous year, the eurozone and the non-eurozone Member States are identified in order to arrive at statistics that are comparable to those presented in graph 12 of the report from the Commission 'Economic reform: Report on the functioning of Community product and capital markets'.

Table 1 presents data on the value in current prices of foreign direct investment flows excluding reinvested earnings (the standard approach Eurostat uses in its annual reports and in the Cardiff Report).

Table 2 presents data on the value in current prices of foreign direct investment flows including reinvested earnings. Figures are missing for some individual countries over several years; this is due to the fact that confidenciality, methodological and timeliness issues prevent some individual Member States from providing detailed information, particularly concerning reinvested earnings. The future approval of a Regulation concerning the balance of payments provision of information from Member States should improve the availability of FDI data, as this Regulation will replace the present 'gentlement agreement' between the Member States and the Commission.

Among the investor sources listed in both tables, 'Extra EU 15' means the world beyond the 15 Member States.

In both tables, for consistency, almost all figures shown are outflows recorded from the source investor. The only exception is FDI flows from the rest of the world, where inflows are used as recorded by the target.

(2004/C 65 E/114) **WRITTEN QUESTION E-1884/03**

by Christopher Huhne (ELDR) to the Commission

(6 June 2003)

Subject: Trade intensity in euro area

Will the Commission please estimate the relationship between trade growth and GDP growth in each of the Member States and indicate whether the advent of the euro has yet had any effect in increasing the trade intensity of GDP growth in participating Member States, compared with non-participating Member States, since its introduction on 1 January 1999?

Answer given by Mr Solbes Mira on behalf of the Commission

(16 July 2003)

The Commission has conducted research in the past into the effects of the creation of the internal market on trade and gross domestic product (GDP) growth but has not recently updated these estimates.

Although to date the Commission has not made estimates for the specific contribution of the euro's introduction on trade developments, a number of studies indicate the introduction of the single currency has led to a significant increase in trade as stated in the reply by the Commission to the Honourable Member's Written Question E-1883/03 [1].

[1] OJ C 58 E, 6.3.2004, p. 106.

(2004/C 65 E/115) **WRITTEN QUESTION E-1919/03**

by Herbert Bösch (PSE) to the Commission

(12 June 2003)

Subject: Hearings of officials involved in the Eurostat affair

On 19 March 2003, the Director-General of OLAF informed the French judicial authorities in writing of the possible implication of senior Eurostat officials in fraud.

In a statement to Eurostat of 19 May 2003 (IP/03/709), the Commission made it clear that the officials mentioned in the OLAF dossier had not been heard by OLAF regarding the unresolved accusations against them.

Can the Commission state how this is to be reconciled with Article 4 of the Commission Decision of 2 June 2000 on the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and other illegal activities, which requires such hearings to take place before conclusions are drawn by OLAF in which officials concerned are referred to by name?

According to Article 4 of the above-mentioned Decision, the hearing may only be deferred in cases necessitating the maintenance of absolute secrecy for the purposes of the investigation and requiring the use of investigative procedures falling within the remit of a national judicial authority, in agreement with the President of the Commission or its Secretary-General respectively.

Can the Commission state when, and by whom, the decision was made to defer the hearing involving the officials concerned, and how this decision was justified?

Can the Commission state when, by whom, and in what form the Secretary-General of the Commission was informed that OLAF had called in the Paris judiciary?

Can the Commission state when, by whom, and in what form the President of the Commission was informed?

Can the Commission further state when, by whom, and in what form the Vice-President responsible for disciplinary matters, the anti-fraud Commissioner, and the Commissioner responsible for Eurostat were informed?

Answer given by Mrs Schreyer on behalf of the Commission

(4 September 2003)

Those questions were already discussed during the Budgetary Control Committee (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.

In accordance with Article 4, first paragraph of Commission Decision 1999/396/EC, ECSC, Euratom of 2 June 1999 concerning the terms and conditions for internal investigations in relation to the prevention of fraud, corruption and any illegal activity detrimental to the Communities' interests [1], conclusions referring by name to a Member, official or servant of the Commission may not be drawn once the investigation has been completed without the interested party's having been given the opportunity to express his views on all the facts which concern him. To date, the Commission understands that the OLAF investigation has not yet been completed. Article 4 of the Commission Decision of 2 June 1999 does not require officials to be heard in such circumstances as when the elements were sent to the Paris Prosecutor. The Commission has been informed by the European Anti-Fraud Office (OLAF) on 12 May 2003 that what was sent was related only to the external part of the enquiry.

OLAF first informed the Commission (Secretary General) about the existence of an enquiry on the Datashops on the 3 April 2003 without giving any details on the substance of its findings. OLAF specified that officials might be involved, without imparting their names, that information on the enquiry should be withheld from the interested parties in order to maintain absolute secrecy to protect the enquiry and that the dossier had been brought before the public prosecutor in Paris. Any decision to defer the hearing involving the officials concerned was therefore taken by OLAF under the powers granted to the Office by the Regulation.

On 22 April 2003, OLAF asked the Legal Service to file a claim against X with the Prosecutor's Office in Paris with the objective to obtain redress for the full amount of the financial loss. OLAF sent a copy of this communication to the Secretary General on 8 May 2003.

On 29 April 2003, the Secretary general informed, in confidence, the Head of the President's cabinet about the elements known to him at the time.

On 14 May 2003, the Secretary General informed the Heads of Cabinet of Messrs Prodi, Kinnock, Solbes and of Mrs Schreyer, as well as the head of the Legal Service, as OLAF had stated on 12 May 2003 that the Secretary General could now use the information supplied to him. The Heads of Cabinet informed their Commissioners on the same day.

[1] OJ L 149, 16.6.1999.

(2004/C 65 E/116) **WRITTEN QUESTION E-1926/03**

by Roberto Bigliardo (UEN) to the Commission

(13 June 2003)

Subject: Prefix 709

In Italy telephone bills for Internet connections with the prefix 709 (connections at an extra charge not covered by service contracts) are ruining many families.

Many users claim that they have never knowingly made Internet connections using this prefix. The connections go through an automatic dialer which can disconnect the user's normal connection and automatically link the user's modem to the computer or server of an Internet service provider which charges for access. The providers concerned have their administrative, fiscal and logistical headquarters outside Italy.

Users only become aware of this connection when they receive the bill.

In view of the above, can the Commission say:

1. whether it is aware of this situation;

2. whether it is able to take action to ensure that Telecom Italia subscribers who have not been informed of these measures do not have to pay the relevant charges;

3. whether it can take action to ensure that telephone providers insert in their contracts a clause requiring the user's written consent to the provision of any service for which there is an extra charge in addition to the Internet contract, particularly in order to protect financially vulnerable sections of the population?

Answer given by Mr Liikanen on behalf of the Commission

(23 July 2003)

The matters raised by the Honourable Member concern the cost of access to Internet using the prefix 709, which is charged without the consent of the subscriber; it seems that the service is provided outside the standard contract conditions agreed by the subscriber and the service provider.

1. The Italian press reported on this matter (source: Il Sole 24 Ore, 14 June 2003). In mid-June 2003 the Italian Postal and Communications Police sanctioned four telecoms operators following receipt of high number of complaints from subscribers (about 25 000). The amount of fines imposed on the four operators is about EUR 860 000 in total (source: press release of Postal Police).

2. As reported above, the matter has already been dealt with at national level. Furthermore, in response to a request from a consumer association, Telecom Italia (TI) is blocking the payment of services related to access to Internet using the prefix 709 in the event the subscriber denounces charges related to access to Internet which are not foreseen in the standard contract signed with the operator. TI has agreed to refund customers who have already paid the charges in question, which were included in their telephone bills. In the revision of the numbering plan, which is being finalised, the national regulator AGCOM is envisaging taking appropriate measures. This might include setting out an upper threshold for total charges to be paid for these kind of services. It would appear in the light of the above that appropriate action has been taken at national level.

3. Finally, it should be noted that, in general terms, the requirements of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts [1] would apply, notably as regard transparency of prices, tariffs and conditions. From the point of view of sectoral legislation, the 'Universal Service Directive' [2] will be applied with effect from 25 July 2003. However, this Directive does not provide for an obligation to conclude a contract for the provision of access to Internet, but does prescribe, if contracts are concluded, that the services provided and particulars of prices and tariffs must be included. Therefore, telecoms law does not appear to provide the possibility for the Commission to request the insertion in contracts of the terms referred to in the Honourable Member's question. However, the Commission would like to draw the attention of the Honourable Member to the fact that it adopted on 18 June 2003 a proposal for a Directive on unfair Commercial Practices [3]. This Directive would in particular tackle the issue of 'misleading' and 'aggressive' practices. Concerning 'misleading' practices, the duty imposed on businesses is not to omit 'material' information which the average consumer needs to make an informed transactional decision where this information would not be apparent from the context.

[1] OJ L 95, 21.4.1993.
[2] Directive 2002/22/EC of the Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services, OJ L 108, 24.4.2002.
[3] COM(2003) 356 final.

(2004/C 65 E/117)

WRITTEN QUESTION E-1950/03

by Daniel Cohn-Bendit (Verts/ALE) and Monica Frassoni (Verts/ALE) to the Commission

(13 June 2003)

Subject: Eurostat case

Given the serious problems within Eurostat in managing external contracts, can the Commission present an action plan with a view to ensuring that conflicts of interests may be eliminated when contracts are awarded?

Can it present a timetable indicating the administrative and disciplinary measures that it is going to take in order to improve procedures and ensure that a sense of responsibility prevails?

What measures will the Commission take in order to ensure that recommendations in audit reports are implemented and that the findings are communicated to the right level with a view to pinpointing who is responsible for any action taken or any failure to act?

Answer given by Mrs Schreyer on behalf of the Commission

(8 September 2003)

1. The Commission is working to implement fully the new Financial Regulation [1] (FR) which contains detailed provisions covering conflicts of interest regarding its personnel and contractors.

Vis-à-vis potential contractors/beneficiaries

Article 94 FR forbids the award of a contract to candidates or tenders (and Article 114(2) the award of grants to applicants) that are subject to a conflict of interests.

The Implementing Rules (IR) of the FR (Article 135(2) (a) IR) make it an obligation for the Authorising Officer to check in every procurement procedure this possible ground for exclusion and to record any such exclusion (naming candidates concerned and reasons) in the final results of the evaluation (Article 147(2) (b) IR). The same rules apply in the award of grants (Article 178(4) (c) IR).

Vis-à-vis its personnel

As regards any financial actor, Article 52 FR and Article 34 IR have now introduced:

- a wide definition of what is to be understood by conflict of interests ('There is a conflict of interests where the impartial and objective exercise of the functions of a player in the implementation of the budget or an internal auditor is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with the beneficiary');
- a prohibition for any financial actor to take any measure of budgetary implementation which may bring his/her own interests into conflict with those of the Communities;
- as well as a clear procedure in case such a situation should arise (referral to the hierarchical superior who shall confirm in writing whether or not there is a conflict of interests, and if there is, then the hierarchical superior is to take personally any appropriate decision).

2. The Commission Reform White Paper of March 2000 aimed inter alia to clarify the responsibilities of the major actors managing Community resources.

The Commission has just completed a major overhaul of its disciplinary provisions and structures. Firstly, a specialised Investigation and Disciplinary Office of the Commission (IDOC) was established under the administrative reform by Commission decision of 19 February 2002. This decision provides in its Article 6(6) that IDOC shall report on each inquiry and shall address in these reports the individual responsibilities of the official(s) concerned in relation to possible infringements of applicable rules, including the Financial Regulation. IDOC has a general investigatory responsibility on matters not falling

within the scope of OLAF's investigative responsibilities. In order to avoid conflicts of responsibilities, Article 5 (2) of the same decision provides that before opening an administrative inquiry, OLAF mustbe consulted to check if OLAF itself is undertaking an inquiry or does intend to do so, and if so, IDOC would have to give priority to OLAF.

In addition, the Commission has proposed amendments to the Staff Regulations in order to improve the way in which disciplinary proceedings are conducted. By virtue of the Commission Decision of 19 February 2002, the permanent Disciplinary Board must be chaired by a former member of one of the other Union institutions or a former official; the current chair is a former President of the Court of First Instance. The Commission has adopted on 24 July 2003 a consultative document containing detailed Draft Guidelines on the application of Article 22 of the Staff Regulations concerning remedies in the case of financial irresponsibility or negligence and leading to recovery or reparation for 'damages suffered by the Communities'.

The recast Financial Regulation (FR) adopted on 25 June 2002 set out the responsibilities of financial actors, described in the detailed implementing rules adopted in December 2002. Article 66(4) FR, created the legal base and the obligation for each institution to set up a specialised financial irregularities panel functioning independently, whose main task is, without prejudice to the power of the European Anti-Fraud Office (OLAF), to provide the Appointing Authority (AA) with an expertise on potential financial irregularities. The Commission has approved on 9 July 2003 the creation of an internal Financial Irregularities Panel (FIP), which will assess potential breaches of the Financial Regulation.

The Commission Reform requires the delegated authorising officers, that is the Directors General and the Heads of Service, to submit annual activity reports and statements of assurance, accompanied by observations and reserves, if appropriate, for their areas of competence. The Commission prepares a Synthesis Report on these, and sends both the Synthesis and the Annual Activity Reports to the European Parliament and the Court of Auditors. The first set of reports were submitted in July 2002 for the 2001 year.

3. Questions of implementation of the recommendations of audit reports were the subject of an in-depth exchange during the Parliament's Committee on Budgetary Control (Cocobu) meetings on 17 June 2003 and 30 June 2003.

The present procedures seek to assure an improved follow-up. All reports by the Internal Audit Service are addressed to the Audit Progress Committee (APC), which normally hears the audited service, in particular concerning the follow-up which this service proposes to give to the audit findings and recommendations. The APC can also advise the College on follow-up measures to be taken.

Since 2002, all Directors-General and Heads of Service must include a section in their annual activity report concerning the activities of their Internal Audit Capabilities, and a section on the follow-up given to the findings of the Internal Audit Capability, the Internal Audit Service and the Court of Auditors.

In accordance with Article 86 FR, the IAS also submits each year an internal audit report to the College indicating the number and type of internal audits carried out, the recommendations made and the action taken on the recommendations.

On the occasion of the submission of the 2002 annual activity reports, the Commission decided on 9 July 2003 on a series of actions to continue the modernisation of the Commission's management systems. Directors-General are required to discuss with their Commissioner at least twice a year the state of internal control and internal audits in their service. Directors-General must inform their Commissioners on any elements that are sent by their Directorate to OLAF.

In order to improve the co-operation between OLAF and the Commission, and to allow the Commission to take early decisive action whenever necessary, a draft code of conduct on information flows between OLAF and the Commission was adopted by the College on 23 July 2003. This draft code of conduct, which already applies provisionally, is to be finalised taking account of the OLAF Supervisory Committee's forthcoming opinion and the review by the Parliament and other Community institutions.

(1) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.9.2002.

(2004/C 65 E/118) **WRITTEN QUESTION E-1964/03**

by Proinsias De Rossa (PSE) to the Commission

(13 June 2003)

Subject: Proceedings under Article 226 of the EC Treaty for failure to comply with Article 292 of the EC Treaty

Could the Commission list all the legal proceedings that it has initiated against Member States over the past five years under Article 226 of the EC Treaty for failure to comply with Article 292 of the EC Treaty which provides that Member States shall not submit a dispute concerning the interpretation or application of the EC Treaty to any method of settlement other than those provided for therein?

Answer given by Mr Prodi on behalf of the Commission

(16 July 2003)

In the last five years, the Commission has opened two infringement proceedings for failure to comply with Article 292 of the EC Treaty. The infringement proceedings were launched against Ireland. For further information on this subject, the Commission refers to its reply to oral question H-0256/03 made by the Honourable Member during question time at Parliament's May 2003 session [1].

[1] Written reply, 13.5.2003.

(2004/C 65 E/119) **WRITTEN QUESTION P-1994/03**

by Pietro-Paolo Mennea (PPE-DE) to the Commission

(10 June 2003)

Subject: Television rights

There are sports organisations in the Member States which are legal entities different from sports federations, to which they are affiliated, and concern themselves with organising televised sports events.

In paragraph 27of the report on sport adopted on 7 September 2000 (A5-0208/2000) the European Parliament 'calls for television rights to be granted in compliance with the antitrust law and to companies which take responsibility for the risks involved in preparing the sporting event; calls also for transparency in the granting of television rights'.

The selling of television rights for sports events is an economic activity and should therefore be subject to Community law on competition.

On a number of occasions the European Union has stressed that television rights should belong to legal entities who take responsibility for the business risk, with all that entails, including the risk of failure.

In view of all this, can the Commission say how it intends to ensure and ascertain that the sale and granting of television rights for the broadcasting of sports events, especially light athletics events, comply with legislation on competition, and also ascertain that television rights are owned by sports associations which have taken on the task of organising the event, rather than sports federations which have not done so, and that the rights are granted in accordance with criteria of transparency?

Answer given by Mr Monti on behalf of the Commission

(10 July 2003)

The Commission agrees with the Honourable Member that the selling of television rights of sports events is an economic activity, which is subject to Community competition law.

The sale of TV rights of light athletic events is therefore also in principle a matter, which could fall within the scope of Community competition law. However, regarding the issue raised, namely the problem concerning the ownership of TV rights by the sports associations which have taken the risk of organising the event, it must be noted that, according to Article 295 of the EC Treaty, Community law does not prejudice in any way the system of property ownership.

Furthermore, as regards the exercise of the TV rights of light athletics events and compliance with Community competition rules, the Commission has at present no ongoing procedures, either upon complaint or own initiative investigations, concerning specifically this sports discipline.

(2004/C 65 E/120) **WRITTEN QUESTION E-1999/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(16 June 2003)

Subject: Leakage of Chlophen (PCB) in central Athens

According to articles in the Greek press, a report by the University of Crete claims that there has been a leakage of Chlophen (PCB), a material used as insulation in transformers, condensers etc., from the Greek Public Power Corporation's (DEH) substation in the basement of the Ministry of Finance (in central Athens). This material is known to be extremely hazardous and carcinogenic; authoritative scientific journals consider it responsible for neurological disorders in embryos, disruption of the endocrine system, etc.

This is not the first time that there has been talk of a leakage of Chlophen from a DEH substation in Greece, while in the specific case of the building housing the Greek Ministry of Finance, the concentration of Chlophen was 9000(!) times greater than that in the air in Athens.

Is Chlophen used in other Member States of the Union? What information has the Commission received from the Greek authorities concerning the above incident recorded by the University of Crete in central Athens? Does the Commission have any information concerning similar incidents in Greece over the last ten years?

Answer given by Mrs Wallström on behalf of the Commission

(17 July 2003)

The Commission assumes that the question is generally addressing PCBs, because Clophen is a trade name for PCBs in commercial formulation. Use restrictions on PCBs are laid down in Council Directive 85/467/EEC of 1 October 1985 amending for the sixth time (PCBs/CTs) Directive 76/769/EEC on the approximation of laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations ([1]). According to Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT) ([2]) for equipment with PCB volumes of more than 5 cubic decimeter (dm^3) decontamination and/or disposal shall be effected at the latest by the end of 2010. Therefore, at the time being some equipment containing PCBs is still in use in Member States.

On 16 June 2003 the Commission proposed that the Union ratifies two international agreements on Persistent Organic Pollutants (POPs), which include PCBs in the 12 listed POPs. These international agreements, the Stockholm Convention and the United Nations Economic Commission for Europe (UNECE) Protocol on POPs aim at phasing out these most toxic chemicals by controlling their production, use, import, export, emissions and disposal. At the same time, the Commission has proposed a Regulation to fulfil the obligations from the international agreements at home and to enable prompt ratification by the Union (see: http://europa.eu.int/comm/environment/pops/index_en.htm).

In general, the Commission is neither informed about incidents related to the use of PCBs, nor has it been contacted regarding this specific incident by the Greek authorities, or any similar accident in the past.

(1) OJ L 269, 11.10.1985.
(2) OJ L 243, 24.9.1996.

(2004/C 65 E/121) **WRITTEN QUESTION E-2003/03**

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

(16 June 2003)

Subject: Free circulation of euro notes

Almost from the outset, the free circulation of euro notes has been hampered by an obstacle that, though expected, is none the less tiresome and worrying, namely the fact that some notes, particularly those above EUR 50, are not accepted by some traders.

Signs marked 'notes above EUR 50 not accepted' are a common sight in shops and other sales outlets.

Are there any provisions which allow traders to refuse to accept euro notes of whatever denomination and, if not, do prospective purchasers have any legal recourse against measures which restrict the circulation of specific denominations?

Answer given by Mr Solbes Mira on behalf of the Commission

(23 July 2003)

According to Article 106 (1), 3rd sentence, of the EC Treaty and Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro (1) all denominations of euro banknotes have legal tender status. While this Regulation introduces a further limitation (see Article 11) on the maximum number of coins which any party is obliged to accept, no further rules are laid down in relation to banknotes. The different banknote denominations are specified in a decision of the European Central Bank (ECB) Governing Council. The concept of legal tender is undefined in Community law, and should therefore be interpreted against the background of national rules and practices.

There is no European legislation, which provides legal recourse against the restricted acceptance of certain banknotes. Different legal provisions may apply according to the monetary and civil laws of Member States.

(1) OJ L 139, 11.5.1998.

(2004/C 65 E/122) **WRITTEN QUESTION E-2072/03**

by Brigitte Langenhagen (PPE-DE) to the Commission

(24 June 2003)

Subject: Rules on ships' crews

National legislation in Denmark on the national fleet makes it impossible for a German master, for instance, to find employment on a Danish-flagged vessel. For mariners, this very much constrains the

freedom of movement for workers which is enshrined in the European Treaties. Many European mariners, particularly those from countries with small fleets, have no alternative but to switch to vessels flying flags of convenience, with corresponding loss of prestige and poorer working conditions and pay.

The Commission:

1. Is it aware of the precarious competitive situation with regard to European mariners?

2. What does it intend to do to eliminate such distortions of competition in Europe?

3. Would the introduction of an EU flag and/or a European register be a suitable measure to improve matters in this connection? What are the pros and cons?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(29 August 2003)

The Commission would like to give the following information:

— in relation to the question on free movement of workers, the Commission would refer the Honourable Member to its reply to Written Question E-1740/02 of Mr Pronk, Mrs Martens, Mrs Peijs and Mr Maat [1]. As the two preliminary questions [2], in which the nationality condition for captains and first officers is concerned, are still pending before the Court of Justice, the Commission continues to refrain from making any form of prediction as to their possible outcome;

— the Commission considers that the introduction of a Community register would, inter alia, have contributed to the free movement of seafarers within the Community. However, its related proposal on the creation of the 'Euros' register for sea-going merchant vessels [3] was not accepted by the Member States and was subsequently abandoned. Since then, the Commission proposed other measures aimed at fostering the competitiveness of the European shipping industry, in particular the Community guidelines on State aid to maritime transport, which are in the process of being revised.

[1] OJ C 301 E, 5.12.2002.
[2] Case C-405/01 Colegio de Oficiales de la Marina Mercante Española v. Administración del Estado and Case C-47/02 Albert Anker v. Federal Republic of Germany; the Advocate General gave her conclusions on both cases on the 12.6.2003.
[3] COM(89) 266, OJ C 263, 16.10.1989 — COM(91) 483, OJ C 19, 25.1.1992.

(2004/C 65 E/123) **WRITTEN QUESTION E-2082/03**

by Rodi Kratsa-Tsagaropoulou (PPE-DE) to the Council

(24 June 2003)

Subject: Violations of Greek air space by Turkish aircraft and security of the inhabitants of the Aegean

During a recent visit to the border islands of Samos and Ikaria I experienced the deep anxiety felt by the inhabitants at the constant, provocative violations of Aegean air space by Turkish warplanes and the impact which they have on the lives and security of the local people as well as their livelihood in the tourist industry.

The alarm was compounded, in particular, following the recent incident in which two Turkish F16 fighters harassed an Olympic Airways flight bound for Istanbul from Athens.

What view does the Council take of Turkey's conduct in this respect and what measures will it take forthwith to put an end to such violations by Turkey?

What measures will it take to address the insecurity felt by European citizens living in or travelling through the Aegean and to restore normality and peace to the wider region?

Reply

(17 November 2003)

1. The Council is aware of the incidents mentioned by the Honourable Member. It is also aware of complaints about an increasing number of violations of Greek airspace by Turkish military aircraft, and of the sensitive nature of this question in Greece. Such incidents do unfortunately contrast with the general improvement in neighbourly relations between Greece and Turkey since 1999.

2. The Council considers that Turkey, as a candidate State, must — pursuant to the principle of peaceful settlement of disputes in accordance with the UN Charter — make every effort to prevent tension, in the spirit of point 4 of the Helsinki conclusions. This is, moreover, made a specific priority in the revised version of the Turkey Accession Partnership Agreement. In line with the Helsinki conclusions, the European Council will have to review the situation in this respect, including its repercussions on the accession process, before the end of 2004.

3. In the framework of political dialogue, the Council regularly encourages Turkey to continue making efforts to prevent tensions — for instance through confidence-building measures in sensitive areas — and to work together with its neighbour towards reaching an understanding on issues where they have diverging views and interpretations of relevant international law.

(2004/C 65 E/124) **WRITTEN QUESTION E-2097/03**

by Paul Lannoye (Verts/ALE) to the Commission

(25 June 2003)

Subject: Kingdom of Belgium — federated bodies — Region of Wallonia — debudgetisation practices

In a press release of 3 April 2003 the Government of Wallonia announced that it had adopted a new financial plan for the development of the Wallonian airports. The Government of Wallonia thus agreed to the twofold financial plan presented at the board meeting of 20 March 2003 of the Société wallonne des aéroports (Sowaer, s.a.), a public-interest company responsible for the development of Wallonian airport infrastructure and the implementation and financing of environmental accompanying measures for the benefit of those living near the airports (purchase of buildings and sound-proofing). The twofold financial plan shows that the overall cost of Wallonia's airport policy will amount to EUR 754,7 million by 2024 and that this sum will not be financed from the Region of Wallonia's budget, but through loans, most of which will be repaid as of 2009 or 2015. This is evidence of a worrying debudgetisation phenomenon affecting more than EUR 750 million.

1. Is the Commission aware of this debudgetisation practice?

2. Is the practice not likely to distort the method of calculating the Belgian national debt?

3. Is the practice in keeping with the letter and the spirit of the stability pact enshrined in the European Council resolution of 17 June 1997 [1], Regulation (EC) 1466/97 [2] and Regulation (EC) 1467/97? [3]

4. Does it not call into question the Council opinion of 18 February 2003 on the updated stability programme for Belgium of 2003-2005?

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[1] OJ C 236, 2.8.1997, p. 1.
[2] OJ L 209, 2.8.1997, p. 1.
[3] OJ L 209, 2.8.1997, p. 6.

Answer given by Mr Solbes Mira on behalf of the Commission

(4 August 2003)

The government deficit and debt that are relevant for the purpose of the Stability and Growth Pact are defined in the Protocol on the Excessive Deficit Procedure and in Council Regulation (EC) No 3605/93 of 22 November 1993 [1], as amended [2], through cross-references to the European System of National and Regional Accounts (ESA95). According to the Protocol, the relevant sector is 'general government, that is central government, regional or local government and social security funds, to the exclusion of commercial operations'.

General government is defined on an institutional basis, and not on a functional basis. Thus, only units of which the principal function is the production of non-market services or the redistribution of resources are included. Accordingly, the government-owned units dealing with commercial operations, such as public enterprises, are excluded from general government and classified as financial or non-financial corporations.

In the Belgian national accounts, compiled according to the ESA95 rules, the Société wallonne des aéroports (Sowaer, SA) is classified in the sector of non-financial corporations, and not as general government. Therefore, investment spending by Sowaer does not have any direct impact on the Belgian general government deficit, and the Sowaer financial liabilities are not government debt. However, subsidies, capital transfers and other grants by the Belgian Government to Sowaer, if any, are recorded as government expenditure, thus increasing the government deficit and debt.

[1] OJ L 332, 31.12.1993.
[2] Council Regulation (EC) No 475/2000 of 28 February 2000 amending Regulation (EC) No 3605/93 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community, OJ L 58, 3.3.2000.

(2004/C 65 E/125) **WRITTEN QUESTION E-2126/03**

by Bart Staes (Verts/ALE) to the Commission

(25 June 2003)

Subject: Compulsory provision of basic banking services for all EU citizens

In Belgium, the Basic Banking Services Act will enter into force in September 2003. From then onwards, everyone who so wishes must be able to open an account at the bank of his choice for a maximum of EUR 12 per annum. In return, the bank must provide a number of minimum services. The Belgian legislature considered this measure to be necessary partly because banks were refusing to accept many less affluent people as customers, and such people were consequently unable to engage in payment transactions which are regarded as a normal part of modern life.

Is the Commission aware of this Belgian initiative, and, in the light of it, is the Commission considering introducing a similar socially desirable initiative at European level so that all citizens of the Union can expect minimum services from banks and thus continue to participate in modern payment transactions? If so, what steps will it take? If not, why will it not introduce such a measure?

Answer given by Mr Bolkestein on behalf of the Commission

(31 July 2003)

The Commission is aware of the Belgian law, which introduces minimum banking services at a national level.

While the question of access to minimal banking services is an important question, at present the Commission does not envisage to propose a legal instrument that would introduce a similar obligation in the financial services sector throughout the Union. The issue was discussed at a workshop organised by the Commission back in February 2001. The idea of access to basic banking services was not included either in the Commission's Green Book on services of general interest published in May 2003 [1].

According to the information available, the national economic and social framework and, consequently, the national approaches on minimum services from banks differ from one Member State to another. In other words, this is a matter best left to national regulation.

In the absence of harmonisation, Member States are free to adopt or maintain laws such as the Belgian one provided the national measures comply with the general principles of the EC Treaty and fulfil the requirements of proportionality and non-discrimination.

(1) COM(2003) 270 final.

(2004/C 65 E/126)

WRITTEN QUESTION E-2163/03

by Joan Vallvé (ELDR) to the Commission

(30 June 2003)

Subject: European Union-Iraq relations

The Catalan Football Federation had planned to hold a friendly international match on 25 June in Barcelona between the Catalan and Iraqi teams. The purpose of the match, as stated by the Federation President, was to help raise funds for the reconstruction of a country — Iraq — which has been devastated by war.

According to media reports, the Spanish Foreign Ministry did not grant visas to the Iraqi players who were to take part in this match in Barcelona.

Will the Commission look into the Spanish Government's reasons for preventing this football match between Catalunya and Iraq, which would doubtless have helped to improve relations and foster greater understanding between European citizens and the Iraqi people?

Answer given by Mr Vitorino on behalf of the Commission

(3 September 2003)

The Commission agrees with the Honourable Member that the football match in question and its objectives are to be welcomed.

It would though point out that decisions on the entry of third-country nationals into the territory of the Schengen States (1) fall within the remit of the national administrations concerned, which take their decision on the basis of the relevant provisions of the Schengen acquis.

To gain entry into the territory of the Schengen States for a stay not exceeding three months, nationals must satisfy the entry conditions laid down in Article 5 of the Schengen Convention (2). They must be in possession of a valid travel document, must produce, if necessary, documents justifying the purpose and conditions of the intended stay, must not be persons for whom an alert has been issued for the purposes of refusing entry and must not be considered a threat to public policy, national security or the international relations of one of the Schengen States. For third-country nationals who must be in possession of a visa pursuant to Regulation (EC) No 539/2001 (3), verification of compliance with the entry conditions is initially carried out when the visa application is being vetted. If one or other of the entry conditions is found not to have been met, the application for a Schengen visa is normally rejected. In exceptional cases, a Schengen State may, if it deems necessary, derogate from this principle on humanitarian grounds, on grounds of national interest or because of international obligations. In such cases, it issues a visa that is restricted to its territory.

In the matter referred to by the Honourable Member, the Commission does not have any information regarding the circumstances or grounds that led to the Iraqi players' visa applications being rejected.

In view of the discretion enjoyed by the Spanish authorities under the Schengen acquis in deciding on the visa applications in question, the Commission considers that the matter does not require it to undertake any further investigations or measures.

(1) All the Member States, except Ireland and the United Kingdom, as well as Iceland and Norway.
(2) OJ L 239, 22.9.2000.
(3) Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of a visa when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 81, 21.3.2001. Iraq appears in Annex I to the Regulation, which contains the list of third countries whose nationals must be in possession of a visa.

(2004/C 65 E/127) **WRITTEN QUESTION E-2171/03**

by Johanna Boogerd-Quaak (ELDR) to the Council

(30 June 2003)

Subject: Support for rural development

With reference to the resolution adopted by the European Parliament on 5 June 2003 on the proposal for a Council regulation amending Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and repealing Regulation (EC) No 2826/2000, and bearing in mind the opinion of the European Parliament set out in paragraph 1 thereof, can the Council answer the following questions:

1. Is it planning to introduce new objective criteria for rural areas?

2. If so, does it agree with me that, to date, little attention has been paid to a category of rural areas in the vicinity of conurbations as a specific category?

3. Does it acknowledge the very specific problems which have to be solved in order to strike a balance between the requirements of the urban population and the changes to the countryside required for that purpose, such as more land for leisure activities, short-stay tourism and nature development?

4. Does it agree with me that, when new criteria are being drawn up, a specific type of rural area needs to be developed in the vicinity of major conurbations?

Reply

(17 November 2003)

1. No objective criterion for the definition of rural areas has been established in the draft Regulation on rural development on which the Council has just given its political agrement as part of the reform of the CAP. The diversity of features of rural areas in the EU and the lack of homogeneity make it difficult to establish objective criteria for rural areas in the EU. That is why no definition of rural areas has been established to date at European level.

The reform introduces new measures intended directly for farmers in charge of holdings and for producer organisations. These measures are conditional upon the maintenance of certain obligations regarding crops and breeding, and include measures to encourage afforestation and finally the financing of counselling on the quality of products and production processes.

2. Classifying rural areas in the vicinity of conurbations as a specific category has certainly been raised during recent Council dicussions but no decision has thus far been taken. It is therefore up to the Memer States — by means of national rural development programmes — to define rural areas as regards their own territory.

3. As the Honourable Member undoubtedly knows, European agriculture is based on a multi-functional model aimed in particular at the development of the primary sector with due respect for sustainable development, animal welfare and the integrated development of the rural environment in its entirety. In this connection, actions such as leisure activities, tourism and the creation of natural areas as referred to by the Honourable Member are planned under this model.

Finally, it should be noted that a conference on rural development in the run-up to a 25-member EU will be held in Salszburg (Austria) on 13/14 November 2003 and will undoubtedly provide fuel for the debate.

(2004/C 65 E/128) **WRITTEN QUESTION E-2208/03**

by Charles Tannock (PPE-DE) to the Commission

(2 July 2003)

Subject: Labelling of 'free-range' produce

Can the Commission indicate what minimum conditions must apply before eggs can be labelled 'free range'?

Answer given by Mr Fischler on behalf of the Commission

(1 August 2003)

Commission Regulation (EEC) No 1274/91 of 15 May 1991 introducing detailed rules for implementing Council Regulation (EEC) No 1907/90 on certain marketing standards for eggs [1] lays down the criteria to be respected in the case of eggs to be labelled as 'free range'.

The Annex III of Regulation (EC) No 1274/91 reads like this:

Minimum requirements to be met by poultry establishments for the various egg farming methods:

(a) 'Free range eggs' must be produced in poultry establishments which satisfy at least the conditions specified in Article 4 of Directive 1999/74/EC with effect from the dates referred to in that Article and in which:

- hens have continuous daytime access to open-air runs, except in the case of temporary restrictions imposed by veterinary authorities;
- the open-air runs to which hens have access is mainly covered with vegetation and not used for other purposes except for orchards, woodland and livestock grazing if the latter is authorised by the competent authorities;
- the open-air runs must at least satisfy the conditions specified in Article 4(1)(3)b)(ii) of Council Directive 1999/74/EC whereby the maximum stocking density is not greater than 2500 hens per hectare of ground available to the hens or one hen per 4 m^2 at all times; however, where at least 10 m^2 per hen are available and where rotation is practiced and hens are given even access to the whole area over the flock's life, each paddock used must at any time assure at least 2,5 m^2 per hen;
- the open-air runs are not extending beyond a radius of 150 m from the nearest pophole of the building; however an extension of up to 350 m from the nearest pophole of the building is permissible provided that a sufficient number of shelters and drinking troughs within the meaning of that provision are evenly distributed throughout the whole open-air run with at least four shelter per hectare.

[1] OJ L 121, 16.5.1991.

(2004/C 65 E/129)

WRITTEN QUESTION E-2213/03

by Marco Pannella (NI) to the Council

(2 July 2003)

Subject: Imprisonment in Cuba, in inhuman and degrading conditions, of 75 opposition figures sentenced by show trial in April 2003, and the particular case of Martha Beatriz Roque Cabello

Knowing that:

— in Cuba in April 2003, 75 opposition figures (intellectuals and independent journalists) received sentences following a show trial;

— Human Rights Watch has said that the only crime committed by these prisoners was to promote ideas which are forbidden in Cuba;

— the one woman member of this group is Martha Beatriz Roque Cabello (aged 58), the director of the Cuban Institute of Independent Economists named after Manuel Sánchez Herrero. She is also a writer, economist and political activist;

— Martha Beatriz Roque Cabello was sentenced to 27 years' imprisonment and is being kept under a maximum-security regime in the Manto Negro jail, in a windowless, 1,5 m by 3 m cell infested by rodents and cockroaches, with only a hole for her personal necessities and the light permanently on, and is obliged to drink foul water;

— she is now suffering from severe rheumatic ailments and a stomach ulcer, and has high blood pressure; the entire left-hand side of her body is paralysed; since April, she has lost more than 14 kilos and has been denied proper medical care and the drugs needed for treatment;

— Ms Roque Cabello is well known in Cuban dissident circles: in 2002 the New York Academy of Sciences awarded her the Human Rights for Scientists prize, and she has recently been declared a prisoner of conscience by a number of international organisations. Since the 1980s she has been a member of the Transnational Radical Party.

The Council:

— is it aware of these facts? If so, what initiatives has it taken, or what initiatives does it intend to take, vis-à-vis the Cuban authorities to secure the release of the 75 prisoners or, at all events, to ensure that they are guaranteed conditions of imprisonment that are compatible with fundamental human rights?

— has it asked for the prisoners — and especially and immediately Martha Beatriz Roque Cabello — to be visited by a delegation from the EU and any other relevant and recognised international organisation? If not, when does it intend to do so?

Reply

(17 November 2003)

The Council is aware of the preoccupying conditions and health situation of some political prisoners in Cuba and has made various demarches, calling for immediate release of all political prisoners and demanding that in the meantime they do not suffer unduly and are not exposed to inhumane treatment. In support of this line, steps have been taken, notably on 26 March, when the local Troika in Havana carried out a demarche expressing strong concern over the detention of dozens of Cuban dissidents by the Cuban authorities. On 5 June, the EU issued a second declaration to the Cubans expressing deep concern over the violation of the human rights of the opposition and called once again for the Cuban authorities to release all political prisoners immediately. The EU further requested that prisoners not be exposed to inhumane treatment and that access for the Red Cross be guaranteed. On 1 August a third, specific demarche was made by the EU Presidency in Rome to the Cuban Ambassador expressing preoccupation over the deteriorating health of Marta Beatriz Roque Cabello and Oscar Espinosa Chepe and requesting full access to medical care for these prisoners. HOM's are continuing to monitor the situation.

For a more complete picture of the Council's efforts in favour of Cuban dissidents, the Council refers to the answers given to various parliamentary questions recently (questions H-243/03, H-313/03, H-396/03). Furthermore, the Council would refer the Honourable Parliamentarian to the conclusions it adopted on the occasion of its meeting on 21 July regarding the re-evaluation of the EU Common Position on Cuba.

(2004/C 65 E/130)

WRITTEN QUESTION E-2214/03

by Roberta Angelilli (UEN) to the Commission

(2 July 2003)

Subject: European security project

The cultural association 'Gruppo Atlante 2000' has for many years been developing a European security project based on the Equal programme and now the recent Agis programme. The project essentially entails recording the number of asylum seekers, identifying those who genuinely fall into this category, setting up reception centres geared to accommodation and assistance requirements and providing EU citizens with a high level of security within an area of freedom and justice.

The constant increase in the flow of asylum seekers in Italy in recent years illustrates the need for a uniform government strategy to improve reception facilities and at the same time combat illegal immigration. Action is also needed to prevent asylum seekers becoming involved in organised crime and the black economy.

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

1. what contribution this association could make to the work performed by Europol and Eurojust?

2. whether similar initiatives have been taken in the EU?

3. what general security framework exists in Europe?

Answer given by Mr Vitorino on behalf of the Commission

(22 August 2003)

Member States shall have to ensure that material reception conditions are available to third country nationals and stateless persons who make an application for asylum at the border or in the territory of Member States, in order to ensure a standard of living adequate for their health capable of ensuring their subsistence, after the deadline for transposition of Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers [1]. The deadline for transposition is 6 February 2005.

Council Regulation (EC) No 343/2003 of 18 February 2003 establishes criteria and mechanisms for determining the Member State responsible for examining an application for asylum lodged in one of the Member States by a third-country national [2]. Accordingly, this instrument prevents applicants for asylum from pursuing multiple procedures and may thus diminish the need to set up new reception facilities. The implementation of this Regulation is facilitated by the operation of the Eurodac system, as established by Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention [3]. Under this Regulation, Member States are required to promptly take fingerprints of every applicant for asylum and of every alien who is apprehended in connection with the irregular crossing of an external border of a Member State, if they are at least 14 years of age.

To combat illegal immigration, the Council adopted on 28 February 2002 an action plan on illegal immigration [4]. Proper implementation of these measures by the Member States may reduce irregular flows and may thus, in the long term, also diminish the need of Member States to set up new reception facilities for asylum seekers.

The AGIS programme is primarily a programme for police and judicial cooperation in penal matters. However, within the framework of the fight against organised crime, and in particular the fight against trafficking of human beings, it envisages possibilities of cofinancing for the co-ordination of projects between police investigations and administrative control measures. It also envisages possibilities of cofinancing projects in the fight against organisations, criminal networks and criminals operating in the field of illegal immigration in Member States and neighbouring countries.

Europol has been established to support Member States' law enforcement authorities in their fight against serious transnational crime, in particular organised crime. Europol does not have any competences concerning asylum seekers. Eurojust is a body composed of members of the judiciary. Its main task is to assist and advise the national prosecuting authorities in judicial prosecution casework and has, basically, no political or administrative tasks. If 'Gruppo Atlante 2000' has particular expertise in judicial or police matters, it could contact Eurojust or Europol directly in order to discuss issues and possible co-operation.

The second round of EQUAL will be launched in 2004 and will continue to fund Development Partnerships which seek to improve the social and vocational integration of Asylum Seekers. Whilst the Commission has responsibility to set the overall framework for the Initiative, the Managing Authorities in each Member State are responsible for setting out their priorities selecting appropriate Development Partnerships which best meet these objectives. The national contact details are all available on the EQUAL website: http://europa.eu.int/comm/equal.

(1) OJ L 31, 6.2.2003.
(2) OJ L 50, 25.2.2003.
(3) OJ L 316, 15.12.2000.
(4) OJ C 142, 14.6.2002.

(2004/C 65 E/131) **WRITTEN QUESTION E-2220/03**

by Bart Staes (Verts/ALE) to the Commission

(2 July 2003)

Subject: Use of languages in Commission press reports — Midday Express

On Thursday, 19 June 2003, the Commission published a press report (IP/03/866) on its current inquiry into distribution practices involving Pokemon collectible cards and stickers. The report was published in all the official languages of the European Union.

Is the Commission aware that the immediate publication of press reports in all the official languages of the European Union is exceptional and certainly does not exceed 10 % of the total?

Can the Commission indicate the considerations which prompted it to have that specific report translated into all the official languages of the European Union but not others such as the reports on the approval of new BSE tests (19 June 2003), on the Thessaloniki Summit, which was, nevertheless, referred to as a 'milestone' in EU relations with the western Balkans (18 June 2003), on the invitation to all citizens of the Union to contribute to the debate on the adaptation of the 'Television without Frontiers' Directive (18 June 2003), on a European Code against Cancer, which recommended the adoption of healthier lifestyles (17 June 2003), and on optimum conditions for the long-distance transport of cattle (17 June 2003)?

When it published the report about Pokemon stickers, was the Commission thinking primarily about the media impact that it would have?

Does the Commission rate the social relevance of an inquiry into the distribution of Pokemon stickers higher than, for example, information for European Union citizens that the adoption of certain lifestyles will prevent cancer, and is that the reason why it published the former report in all the official languages?

If that is not the case, will it, therefore, henceforth translate all press reports which are of relevance to all European Union citizens into all the official languages of the European Union so that all European Union citizens may receive information in their own language not only about the possible unfair pricing of Pokemon stickers but also about other at least equally relevant European and social themes? If not, why not?

Answer given by Mr Prodi on behalf of the Commission

(12 August 2003)

The Commission would refer the Honourable Member to the answer it gave to the Honourable Member's Written Question E-1972/03 ([1]).

Press releases issued by the Spokesman Service of the Commission are of course available to citizens, other institutions of the Union, businesses, governments and non-governmental organisations. However, press releases are designed to facilitate a rapid flow of information to the public primarily through the media. The practice applied by the Spokesman Service is, therefore, designed to facilitate the flow of information towards the journalists. Given that the purpose of a press release is to inform different target audiences through the media, the Spokesman Service of the Commission applies the system flexibly, taking into account the need to put out press releases quickly.

Press releases referring to Commission decisions are translated into all official languages. In exceptional circumstances, if the measure concerned has been adopted at a very short delay, a press release may be released in either English or French only. In these cases translations into other languages are provided as quickly as possible.

On other issues, press releases are translated into the languages used in the press room of the Commission (English and French) plus the language of the country concerned.

These practices have the agreement of the International Press Association.

The Commission would also like to refer the Honourable Member to the other instruments that it uses to provide information to the general public (Internet sites, publications, etc), which are available in all official languages.

([1]) OJ C 51 E, 26.2.2004, p. 169.

(2004/C 65 E/132) **WRITTEN QUESTION E-2222/03**

by Bart Staes (Verts/ALE) to the Commission

(2 July 2003)

Subject: Europe-wide harmonisation of insurance against acts of terrorism

Since the terrorist attack in New York on 11 September 2001, it has become clear that terrorist acts may have unprecedented consequences. First and foremost, that affects the victims and their immediate surroundings, but a great deal of economic damage may be caused as well. The cost of compensation for the damage caused is borne principally by the insurance companies, and insurance claims for enormous amounts may be submitted.

Insurance companies in the Netherlands have decided to bear jointly the risk of terrorist activities because the impact thereof can be so great. To that end, the Netherlands Reinsurance Company for Losses from Terrorism (NHT) has been set up as an umbrella organisation for insurance companies to provide cover for the consequences of terrorism.

In the Netherlands, the total sum that may be paid out for 2003 is being limited to EUR 1 billion. According to the multilingual website www.terrorismeverzekerd.nl, that amount is a maximum total amount, and no compensation will be paid in excess thereof. The amount has been put together by insurance companies, reinsurance companies and the government. The insurance companies and reinsurance companies have jointly put in EUR 700 million, the government the remaining EUR 300 million. According to www.terrorismeverzekerd.nl, the government's contribution is being made in the form of government reinsurance of the insurance companies against payment of a premium.

The Belgian insurance sector is aware of this initiative. However, according to the 23 June 2003 edition of 'De Morgen', it takes the view that a European system of compensation for acts of terrorism would be the best solution, since it would forestall any overbidding between the Member States. On the other hand, it would be a mistake for Belgium to be left behind in splendid isolation.

Is the Commission aware of the Netherlands scheme for insurance against acts of terrorism? Does the Netherlands Government's contribution comply with European legislation on fair competition?

If so,

(1) is there a maximum amount that Member State governments may contribute to such agreements with private insurance companies;

(2) is it true that Member States may outbid each other for the benefit of their own insurance sector;

(3) is the Commission prepared to undertake Europe-wide harmonisation so as to ensure that (a) not only insurance companies but also insured persons are covered on the same terms throughout the European Union and (b) employees and investors in the insurance sector are properly protected against the unpredictable extent of the economic damage caused by terrorism?

Answer given by Mr Monti on behalf of the Commission

(19 September 2003)

In reaction to the events of 11 September 2001 several pools of insurers have been set up in Europe each of which concentrates on insuring risks which are located within a national territory. This could raise issues of antitrust law and if there is state backing, also state aid law.

As regards the antitrust aspects, to the knowledge of the Commission the Netherlands pool has been notified to the national Dutch competition authority. The German pool Extremus and the Austrian pool notified their agreements to the Commission where they are currently under investigation.

The Commission is in close contact with the national authorities to ensure a common approach with respect to the evaluation and treatment of such pools.

The Commission has also maintained close contacts with the national insurance authorities in order to assess, among others, the situation on the markets and the need to launch an initiative at Union level in the field of terrorist risks insurance. The very large majority of Member States have not considered it necessary. The Commission will, however, remain vigilant as to any evolution in this file.

There is no maximum amount that Member State Governments may contribute to such pools. As a rule, state backed pools cover only risks located within the national territory of the state backing the pool. Therefore, these pools do not compete with each other.

If such schemes are state backed, they could also give rise to State aid concerns. The Commission has examined under State aid rules a series of insurance schemes for terrorist acts in the aftermath of 11 September 2001, in particular for aviation in nearly all Member States. In its assessment, the

Commission has paid attention to presence of market failure. The Commission has issued two Communications [1] on the repercussions of these terrorist attacks and has proposed a Regulation [2] in order to provide for minimum insurance requirements. The adoption of this proposal is still pending.

Outside the aviation sector, the Commission has not yet received any State aid notification for schemes of the type mentioned by the Honourable Member.

[1] COM(2001) 574 final COM(2002) 320 final.
[2] COM(2003) 454 final.

(2004/C 65 E/133) **WRITTEN QUESTION E-2232/03**

by Sebastiano Musumeci (UEN) to the Council

(3 July 2003)

Subject: Euro-Mediterranean 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 Euro-Mediterranean 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 Council 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?

Reply

(17 November 2003)

As noted in the Member's question, the European Council, in Barcelona on 15/16 March 2002, approved, in paragraph 52 of its Conclusions, the Ecofin Council's decision on the creation of a reinforced Euro-Mediterranean investment facility within the EIB. This facility was established by the European Investment Bank in accordance with the Council decision as the 'Facility for Euro-Mediterranean Investment and Partnership' or 'FEMIP'.

Taking into account all the elements cited by the Member in his question, the FEMIP was established with a financial facility, complemented by the Euro-Mediterranean Partnership arrangement, which pursues co-operation in the region through its 'Policy Dialogue and Coordination Committee', with co-operation further enhanced by the establishment of a representative office of the EIB in the Euro-Mediterranean region.

Such a regional office was opened in Cairo in July of 2003.

On the same occasion, the European Council Conclusions also noted in paragraph 52 that 'On the basis of an evaluation of the Facility's performance, and taking into account the outcome of consultations with our Barcelona Process partners, a decision on the incorporation of an EIB majority-owned subsidiary dedicated to our Mediterranean partner countries will be considered and taken one year after the launching of the Facility.' As the FEMIP was launched in October 2002, the evaluation of its first year of operation is expected to be completed in the Autumn of this year, with the associated decision on the incorporation of a subsidiary to be taken in light of that evaluation.

The Council is expected to discuss the evaluation and the outcome of consultations with Barcelona Process partners in November, at which point it may consider the question of the incorporation of an EIB majority-owned subsidiary.

(2004/C 65 E/134) **WRITTEN QUESTION E-2261/03**

by Margrietus van den Berg (PSE) to the Commission

(8 July 2003)

Subject: Survey of government support for professional football clubs

The Netherlands' Government, further to the letter of 11 July 2002 to it from the Commission (DG Competition H3/NTI/amv D(2002) 0422), has had a survey carried out of the type and extent of the financial relationship between 33 local authorities and professional football clubs (and their home grounds). As a result of the survey, the Netherlands' Government is now taking action to eliminate the lack of clarity surrounding the relationship between government and professional football clubs, having regard to the role they play in society, in a collaborative effort involving central government, provinces, local authorities, the Royal Dutch Football Association and the Commission.

However, such lack of clarity is not confined solely to the Netherlands. A similar survey of the situation throughout Europe would therefore be particularly welcome.

Has the Commission voiced its concerns to other Member States about suspected State aid? If so, which?

What does the Commission think of a Europe-wide survey of government support for professional football clubs? Is the Commission willing to have such a survey carried out?

Answer given by Mr Monti on behalf of the Commission

(13 August 2003)

The Commission is currently assessing several potential state aid measures. In so far, questions have been posed to the Italian government regarding a decree allowing an apparently favourable application of accounting rules to professional sports clubs. The answers to these questions are currently being assessed. At the same time, based on a complaint, the sale of certain real estate to football club AZ in the Netherlands is under assessment. In this case the Commission has opened on 23 July 2003 a formal procedure. The Commission also recalls that it examined a French government's notification about public subsidies for professional sports clubs in 2001 and decided not to object because the measures were designed to assist education and initial training and as such constituted an educational or comparable scheme but not a state aid under the EC Treaty.

The Commission maintains that its policy should be developed on the basis of individual cases. Therefore, the Commission does at this stage not intend to launch a Europe-wide investigation regarding state aid to professional football clubs.

(2004/C 65 E/135) **WRITTEN QUESTION P-2270/03**

by Adriana Poli Bortone (UEN) to the Commission

(7 July 2003)

Subject: Bari as the seat of the European Bank for the Mediterranean

Southern Italy is becoming a powerhouse for development projects, and the human resources to be found there have an increasingly high degree of professional expertise.

The authorities in southern Italy have undoubtedly matured and are able to respond to the call to cut through the red tape and speed up the procedures.

Apulia in particular has shown itself to be capable of genuinely meshing with European programming.

Will the Commission support Bari's application to become the seat of the European Bank for the Mediterranean, bearing in mind the strategic geopolitical position of Apulia within the Mediterranean region?

Answer given by Mr Solbes Mira on behalf of the Commission

(30 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.

The Commission appreciates the Honourable Member's interest in this matter and in the location of such a bank in Bari. While it is at this stage premature to enter into such considerations, should a decision to create a subsidiary be taken in Autumn 2003, its location will have to be chosen taking into account the respective advantages of each possible location.

(2004/C 65 E/136) **WRITTEN QUESTION P-2272/03**

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

(7 July 2003)

Subject: Situation of workers at the Sintel company (Spain)

Although it is now almost two years since they accepted the government's offer and conditions (agreement of 3 August 2001) designed to facilitate the introduction of a package of measures to resolve the crisis at Sintel with the involvement of all the parties concerned, the workers at the bankrupt Sintel company remain as defenceless now as they were when the crisis first arose.

The workers' legal representatives have still not been invited to meet with receivers, the government or the Telefónica telecommunications company, as a party involved in the bankruptcy procedure, given that the workers are the main creditors. Without the participation of the workers it is difficult to see how the agreement can be implemented.

It has been two years since bankruptcy was declared (by order of 28 May 2001) and yet no meeting of creditors has as yet been called to appoint official receivers, thereby making it impossible for the workers to exercise their rights as creditors. Many aspects of the agreement have not been complied with and the workers' rights have not been upheld.

1. Is the Council aware of this situation?

2. Does it not believe that the Spanish Government ought to ensure compliance with the agreement reached with the workers at Sintel?

3. Will it say what action the EU is taking with regard to the Sintel case and the apparent failure on the part of the Spanish Government to honour the agreement?

Reply

(17 November 2003)

The Council is aware of the fact that the implementation of the rescue package in respect of the failed telecommunications company Sintel is a particularly sensitive subject in Spain.

Community legislation adopted in recent years demonstrates that the information and consultation of employees and their representatives is an important issue for the Council.

Provisions on employee information and consultation are contained in Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees [1], Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies [2] and Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses [3]. Another key instrument in this context is Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community [4], which the Member States should implement no later than 23 March 2005.

However, the Commission is responsible for monitoring and, where appropriate, enforcing the application of the relevant directives by the Member States. The Council is consequently not in a position to comment on this specific case.

[1] OJ L 254, 30.9.1994, p. 64.
[2] OJ L 225, 12.8.1998, p. 16.
[3] OJ L 82, 22.3.2001, p. 16.
[4] OJ L 80, 23.3.2002, p. 29.

(2004/C 65 E/137) **WRITTEN QUESTION E-2278/03**

by Roger Helmer (PPE-DE) to the Commission

(9 July 2003)

Subject: National citizenship

Does the Commission recall the words of Our Lord, to the effect that no man can serve two masters, since either he will love one and hate the other, or vice versa?

By what right do the EU institutions imagine that they can foist a new and additional 'citizenship' upon the citizens of EU Member States, who for the most part have not wanted or requested or consented to such an additional citizenship?

What mechanism is available for citizens of Member States to reject and repudiate this so-called 'citizenship', and to affirm that their citizenship, their identity and their loyalty remain wholly and undividedly invested in their own country?

Answer given by Mr Prodi on behalf of the Commission

(18 September 2003)

The Treaty on the European Union (Maastricht Treaty) — drafted by a Conference of representatives of Member States' governments and ratified by all the Member States in accordance with their constitutional rules — introduced a provision into the EC Treaty which runs as follows:

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union.

2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby (Article 17 of the EC Treaty).

The Amsterdam Treaty — drafted and ratified in the same manner — added the following sentence to the first paragraph:

Citizenship of the Union shall complement and not replace national citizenship.

This provision was incorporated without substantial changes into Article I-8 of the draft Constitution prepared by the European Convention, which was composed to a very large degree of representatives of national parliaments and national governments.

(2004/C 65 E/138) **WRITTEN QUESTION E-2279/03**

by Koenraad Dillen (NI) to the Council

(9 July 2003)

Subject: Sentencing of two journalists in Laos

Today, 30 June 2003, the media were shocked to learn that the independent Belgian journalist Thierry Falise, his French photographer, Vincent Reynaud, and their American interpreter, all three of whom were arrested in Laos on 4 June 2003, have been sentenced to 15 years' imprisonment for 'illegal possession of arms' and 'obstruction of a public official' after a show trial in which no legal principle was guaranteed.

Thierry Falise was preparing a report on the Hmong minority, who are resisting the totalitarian communist regime in Laos.

Has the Council condemned this?

Has the Council taken any diplomatic steps vis-à-vis the authorities in Vientiane? With what results? What pressure can the Council bring to bear to have this sentence lifted as quickly as possible?

Would it not be desirable to bring pressure to bear on the regime in Vientiane via the authorities in Beijing, bearing in mind that Laos particularly looks to China for support?

Reply

(17 November 2003)

1. The Council has been as worried as the Honourable MEP over the arrest and the subsequent sentencing to 15 years of imprisonment of the Belgian journalist Thierry Falise, the French photographer Vincent Reynaud and their American interpreter. The Council has, however, not taken official diplomatic action towards the Laotian government in order not to interfere in the then ongoing bilateral efforts of the French and Belgian governments, which were seeking the release of the journalists.

2. The Council is satisfied to note that these bilateral efforts have been successful and that the journalists have been released in early July 2003.

(2004/C 65 E/139) **WRITTEN QUESTION E-2282/03**

by Elspeth Attwooll (ELDR) to the Commission

(9 July 2003)

Subject: Fishing opportunities

Can the Commission provide any information on the level of fishing opportunities used by British fishers both within 200 miles of the British coast and beyond 200 miles?

Furthermore, could the Commission provide any information on the level of fishing opportunities used by other EU fishers within 200 miles of the British coast and by non-EU fishers within that same area?

Answer given by Mr Fischler on behalf of the Commission

(12 August 2003)

The Commission does not have the means of producing the information requested.

The Control Regulation ([1]) (EEC Council Regulation No 2847/93) sets for each Member State the obligation to notify to the Commission the quantities of each stock or group of stocks landed during the preceding month, when the concerned stocks are subject to total allowable catch (TAC) or quotas. For other stocks (not subject to TAC or quotas and caught either in Community waters, in third countries' waters or on the high seas) Member States have the obligation to notify to the Commission the quantities landed of each stock quarterly. This allows the Commission to monitor the level of fishing opportunities used by Member States.

The notifications of landings received from Member States do not distinguish between catches made within 200 miles of one Member State's coast and those made beyond, as they are based on the areas established by the TAC and quota Regulation.

The fishing or catch areas defined by this Regulation correspond, in general, to entire International Council for the Exploration of the Sea (ICES) divisions or subdivisions or to fishing areas as defined by Food and Agriculture Organisation of the United Nations (FAO) for statistical purposes. They are not established following the line of the 200 miles.

([1]) Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy, OJ L 261, 20.10.1993.

(2004/C 65 E/140) **WRITTEN QUESTION E-2283/03**

by Elspeth Attwooll (ELDR) to the Commission

(9 July 2003)

Subject: Development of cod nurseries

Has the Commission considered the possible benefits of rearing cod, produced from the spawn of wild cod, in nurseries for release into the sea? What plans does the Commission have to promote research into the feasibility and the implications, both positive and negative, of such a practice?

Answer given by Mr Fischler on behalf of the Commission

(1 August 2003)

The rearing of cod in nurseries for release into the sea may have different objectives: sea ranching, i.e. releasing cod into the sea in areas where there are none or very small natural cod resources, stock enhancement, i.e. trying to improve existing cod populations, and stock recovery, i.e. helping depleted stocks to recover.

Historically, interest has focused on stock enhancement and a few attempts have been made, mainly in Norway. At the marine biological station near Arendal in southern Norway there is a 100 year long history of releasing reared cod. The experience from this was summed up in an international symposium in 1993 and it was concluded that there were no measurable benefits. A workshop organised by the International Council for the Exploration of the Sea (ICES) in 1994 ('Workshop to evaluate the potential of stock enhancement as an approach to fisheries management'), partly funded by the Commission, concluded that stock enhancement of cod in general was unlikely to be successful. This workshop also evaluated a proposal from Canada to rear cod to restore the depleted Newfoundland stock, but the conclusions were negative also in this respect.

The reasons for the lack of success in cod enhancement are not fully understood, but a number of factors may be involved, e.g. problems of reared cod to adapt to natural conditions, competition with the natural populations and limits to the capacity of the ecosystem. It should also be noted that even if stock enhancement of cod should lead to some improvement, it would be virtually impossible to separate this effect from natural stock fluctuations. Furthermore, cod rearing is expensive and the cost benefits of an enhancement program are questionable even if it were successful.

Based on the available information on stock enhancement, as described above, the Commission has not considered it a priority to promote research in this area.

(2004/C 65 E/141) **WRITTEN QUESTION E-2288/03**

by Ozan Ceyhun (PSE) to the Commission

(11 July 2003)

Subject: Treatment of third-country nationals in prisons in the EU Member States

The Turkish daily newspaper Hürriyet carried an article drawing attention to restrictions on the rights of third-country nationals held in prisons in the EU.

Those restrictions concerned the right to visits, to make complaints and to day release.

To what extent is the Commission aware of these problems? What areas are affected by these restrictions? What is the legal basis for their imposition? Are these restrictions being dealt with as part of the process of approximating home affairs policies, or will they continue to differ from Member State to Member State?

Answer given by Mr Vitorino on behalf of the Commission

(18 September 2003)

The Commission does not have a copy of the article to which the Honourable Member refers and so it is unable to reply in detail to the questions, which are based on information contained in that article. Matters relating to the way in which penalties (including those affecting conditional release) are enforced will be the subject of a Green Paper (on the approximation, recognition and enforcement of criminal penalties in the Union) that will probably be adopted by the Commission in October. As things stand, the right of appeal of detainees is not governed by any specific rules of Union legislation and is essentially covered by the Convention for the Protection of Human Rights and Fundamental Freedoms, concluded under the auspices of the Council of Europe (Article 6), and by the Member States' national law.

(2004/C 65 E/142) **WRITTEN QUESTION E-2295/03**

by Christopher Huhne (ELDR) to the Commission

(11 July 2003)

Subject: EU funded projects

Will the Commission list the projects for which EU funds (including any EIB loans) were committed, and for which funds were disbursed, during the last financial year in Hampshire/Kent/Surrey/west Sussex/east Sussex/Isle of Wight/Oxfordshire/Berkshire/Buckinghamshire?

Supplementary answer
given by Mr Prodi on behalf of the Commission

(11 November 2003)

In view of the length of its answer, the Commission is sending it direct to the Honourable Member and to Parliament's Secretariat.

(2004/C 65 E/143) **WRITTEN QUESTION E-2298/03**

by Esko Seppänen (GUE/NGL) to the Commission

(11 July 2003)

Subject: Entry of emission allowances in businesses' balance sheets

When the European Parliament was considering the directive on emission allowances (report A5-0207/2003) in plenary on 1 July, Commissioner Margot Wallström did not reply exactly to the question as to how the emission allowances allocated administratively to businesses would be entered in businesses' books and thus in their balance sheets, on the basis of which businesses' stock exchange quotations are likely to be determined. How can the Commission ensure that emission allowances are treated in the same way in all Member States and all businesses, and what provisions does the Commission intend to adopt on this subject?

Answer given by Mrs Wallström on behalf of the Commission

(10 September 2003)

The Commission is aware of the importance of harmonised accounting standards for the efficient functioning of the Community capital market and the Internal Market. Accounting issues are regulated by the Fourth Council Directive 78/660/EEC of 25 July 1998 based on Article 54(3) (g) of the Treaty on the annual accounts of certain types of companies [1], and the Seventh Council Directive 83/349/EEC of 13 June 1983 based on Article 54(3) (g) of the Treaty on consolidated accounts [2]. These Directives do not contain any specific rules on emission rights (allowances) as such, but the Recommendation on the recognition, measurement and disclosure of environmental issues in the annual accounts and annual reports of companies [3] published on 30 May 2001 by the Commission deals with this specific subject. In this Recommendation the Commission recommends the Member States to ensure that companies covered by the two Directives apply the provisions of the Recommendation, which also cover emission rights.

Moreover, according to Regulation (EC) No 1606/2002 of the Parliament and of the Council of 19 July 2002 on the application of international accounting standards [4], Community companies, whose securities are admitted to trading on a regulated market in any Member State shall, from 2005 onwards, prepare their consolidated accounts in conformity with international accounting standards that have been adopted by the Commission. Member States may also permit or require other companies to use such accounting standards in their annual and/or consolidated accounts. This was further facilitated by the Directive of the Parliament and of the Council to modernise and update accounting rules adopted on 6 May 2003 [5].

The Commission adopts international accounting standards by way of a comitology procedure in accordance with Regulation (EC) No 1606/2002. It provides that the Commission can adopt International Accounting Standards (IAS), International Financial Reporting Standards (IFRS), and related Interpretations (SIC-IFRIC interpretations) to the extent that their application results in a true and fair view of the financial position and performance of an enterprise, is conducive to the European public good and meets the basic criteria as to the quality of information required for financial statements to be useful to users (Article 3 of the Regulation).

Recently, in May 2003, the International Accounting Standards Board's (IASB) International Financial Reporting Interpretations Committee (IFRIC) issued its first draft Interpretation (D1) of existing standards, which addresses the accounting treatment of emission rights.

Once the IASB has issued this interpretation on emission rights, the Commission will consider it for endorsement at Community level.

(1) OJ L 222, 14.8.1978, Directive as last amended by Directive 2003/38/EC of the Parliament and of the Council of 13 May 2003, OJ L 120, 15.5.2003.
(2) OJ L 193, 18.7.1983, Directive as last amended by Directive 2003/38/EC.
(3) OJ L 156, 13.6.2001.
(4) OJ L 243, 11.9.2002.
(5) http://register.consilium.eu.int/pdf/en/03/st03/st03611en03.pdf

(2004/C 65 E/144)

WRITTEN QUESTION P-2311/03

by Luciana Sbarbati (ELDR) to the Council

(8 July 2003)

Subject: Freedom and pluralism of communications media and granting the EU powers in this field under the European constitution

Knowing that:

— mass communications media, particularly television, are playing an increasingly important role in providing citizens with information and with cultural and civic education, and in creating the conditions under which consensus can emerge;

— it should be borne in mind that the effects of the role played by the media may be determined by the social, political and cultural opinions their ownership and management choose to propagate;

— in a society organised on the basis of democratic principles, pluralism and impartiality of sources of information and culture are vital factors in ensuring the proper functioning and survival of institutions and thus of the democratic system, as highlighted in the Declaration of Rome adopted on 30 November 2002 by the European Association of Former Members of Parliament of the Member States of the Council of Europe or European Union (point 5);

— the need to ensure pluralism in the media and prevent concentration in one or a few dominant centres of political and economic interest, which are capable of influencing national policy, is a matter of importance worthy of being dealt with at constitutional level, and indeed has already been enshrined in the Charter of Fundamental Rights of the European Union,

Will the Council take steps to ensure that, when the European constitution is drawn up, freedom and pluralism of the media are included among the Union's values (Article 2 of the preliminary draft) and that the protection of these rights is included among the Union's objectives (Article 3 of the preliminary draft), while specifying the conditions and means deemed necessary for securing and maintaining them, and conferring the relevant powers upon the Union, either exclusively or jointly with the Member States?

Reply

(17 November 2003)

The Council is not competent to reply to the question asked by the Honourable Member. It will be for the Intergovernmental Conference on the revision of the Treaties, which is due to meet in October 2003, to decide on this question if need be.

(2004/C 65 E/145)

WRITTEN QUESTION P-2312/03

by Ilda Figueiredo (GUE/NGL) to the Commission

(8 July 2003)

Subject: Milk quota for the autonomous region of the Azores

The Agriculture Council of 25/26 June 2003 reached a political agreement on CAP reform. Under this agreement, the solution found for the Azores milk quota was to extend the 73 000 tonne exemption for the 2003/2004 marketing year, provide a 61 500 tonne exemption for the 2004/2005 marketing year and fix an additional reference quantity of 50 000 tonnes from the 2005/2006 marketing year onwards. This solution is clearly inadequate given the needs of the milk sector on the Azores and in the light of Portugal's request for the quota to be increased to 100 000 tonnes, whilst at the same time other countries such as Greece secured increases of 120 000 tonnes.

I have already asked the Commission about the specific situation of the Azores milk sector and the status of the Azores as an outermost region in my Written Questions E-2538/99 [1] and E-3573/02 [2] The dairy sector is of strategic importance to the Azores, both upstream and downstream. It accounts for 80 % of gross agricultural product in the region, 25 % of milk delivered and over 13 % of Portugal's dairy farmers, equivalent to around 5 000 producers. In its report on the situation in Portuguese agriculture [3] the Commission itself recognises 'the particular economic importance of this sector in the Azores', which means that, again according to the Commission, 'the problems linked to the development of Azores milk production merit specific attention and that these problems need a solution with appropriate measures'.

What is the Commission's view of the Council's conclusions in this regard, in the light of the sector's needs in the region and of its report on the specific situation of Portuguese agriculture? What measures will it take, in keeping with the report, in order to resolve this significant constraint for the Azores?

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[1] OJ C 330 E, 21.11.2000, p. 19.
[2] See page 17.
[3] COM(2003) 359 of 19 June 2003.

Answer given by Mr Fischler on behalf of the Commission

(1 August 2003)

The Honourable Member refers to the political agreement reached at the Council meeting on 26 June 2003 under which the milk quota for the Azores is to be increased by 50 000 tonnes from the 2005/2006 marketing year onwards. The Council also decided to extend the exemption from the levy, granted in 2001 to encourage the restructuring of the sector, covering a quantity of 73 000 tonnes in 2003/04 and 61 500 tonnes in 2004/2005.

Without passing judgement on the Council's political agreement, the Commission sees the result as a significant response to the Portuguese calls for the special nature of the Azores as an outermost region to be taken into account.

The Commission would remind the Honourable Member that guaranteed quantities are allocated at Member State level.

The Commission is pursuing its discussions with the Portuguese authorities with a view to the presentation of appropriate proposals as provided for in the report on the situation in Portuguese agriculture presented to the Thessaloniki European Council (19/20 June 2003).

(2004/C 65 E/146)

WRITTEN QUESTION P-2323/03

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

(8 July 2003)

Subject: UCLAF

After consultations with Cocobu a number of former UCLAF staff were transferred back into the main Commission out of OLAF.

What departments did they enter? What positions did they hold and have they held since?

Have any of these employees had previous or current connection with Eurostat?

Answer given by Mrs Schreyer on behalf of the Commission

(22 September 2003)

In spring 2001, two management level officials left the Anti-Fraud Office (OLAF). In mid 2001, ten officials were transferred to Directorate General (DG) Administration (ADMIN) for redeployment purposes.

1. What departments did they enter?

The two management level officials who left OLAF in spring 2001 went to DG Press and Communication (PRESS) and DG ADMIN, respectively.

The other ten officials went to the following DGs: five to DG ADMIN, one to DG Taxation and Customs Union (TAXUD), one to DG External Relations (RELEX), one to DG Regional Policy (REGIO), one to DG Fisheries (FISH) and one to DG Agriculture (AGRI).

2. (a) What positions did they hold?

While at UCLAF/OLAF, nine of the twelve officials were employed in the investigations section. The three remaining officials were employed in the intelligence section, the Information Technology (IT)-infrastructure section and as Adviser to the Director, respectively.

(b) What positions have they held since?

After spending a short period of time in DG ADMIN as Advisers, one of the two management level officials was appointed Head of Unit in DG PRESS and the other was appointed Head of Unit in DG ADMIN.

Of the remainder:

— one official went to DG ADMIN before taking early retirement under the present limited 'dégagement' in March 2003;

— one official went to DG ADMIN and later to DG TAXUD, where he was nominated Head of Unit in February 2002;

— two officials, who were Heads of Unit in OLAF, were reappointed as Heads of Unit in DG ADMIN and DG Energy and Transport (TREN), respectively, after spending a short period of time as Advisers in DG ADMIN.

The remaining six officials, who went to DG ADMIN, DG TAXUD, DG RELEX, DG REGIO, DG FISH, DG AGRI continue to have Administrator status.

3. Have these employees had previous or current connections with Eurostat?

Four of the above-mentioned officials were in the internal investigations section of UCLAF/OLAF, which dealt, inter alia, with Eurostat matters.

None of the twelve officials went to Eurostat upon leaving OLAF or subsequently.

The Commission wishes to inform the Honourable Member that since leaving OLAF, none of the officials have dealt with or have current connection with matters relating to Eurostat.

The Commission also wishes to remind the Honourable Member that the Director General of OLAF is the appointing authority for staff in OLAF.

(2004/C 65 E/147)

WRITTEN QUESTION E-2325/03

by Pedro Marset Campos (GUE/NGL) and Laura González Álvarez (GUE/NGL) to the Commission

(14 July 2003)

Subject: Environmental rehabilitation at Portman Bay (Cartagena, Spain)

Between 1959 and 1989, millions of tonnes of waste were dumped in Portman Bay (Cartagena, Spain), creating a layer of slime estimated to occupy 13 m cubic metres and causing the shoreline to recede (by 300 metres since 1957).

Experts consulted state that the waste contains sulphur, arsenic, cadmium, copper, mercury, lead and zinc.

It is clear that the Commission is aware of the situation, as the regional government of Murcia has in the past asked for financial support from the EU for environmental rehabilitation projects for the bay.

The Portman residents' association has expressed its concern over a new development plan for the locality which includes no provision for the total or partial rehabilitation of the polluted areas of the bay.

Is the Commission aware of this development project at the pollution-affected Portman Bay? Has EU funding been requested for this new project? Can the Commission state, with reference to the case in question, whether the competent authorities are properly applying the Community environmental legislation?

Answer given by Mrs Wallström on behalf of the Commission

(18 September 2003)

The Commission is aware of the situation reported by the Honourable Members.

In fact, it has already handled a complaint concerning plans to use mining waste from Portman Bay as a filling material for the port expansion project at Escombreras, located a few kilometres from the bay, for which the Spanish authorities had requested Community financing.

In this case, the Commission informed the Spanish authorities that the waste could not be used for the proposed expansion, and it did not therefore grant Community aid to the project. The Spanish authorities subsequently assured the Commission that waste from the bay would not be used for the port expansion project. The Commission therefore closed the case.

The Commission then received a new complaint regarding degradation of the Sierra de Cartagena caused by the old mining waste located in the bay.

During the examination of the new complaint, and following an exchange of correspondence between the Commission and the Spanish authorities, the latter forwarded a voluminous study on the bay rehabilitation project, with three alternatives. Whichever alternative the authorities eventually choose for the rehabilitation of the bay, as things stand from the legal point of view this is an old dumping site to

which Community law does not apply. Accordingly, there is no infringement because the bay has not been restored. The complainant has been informed of this and told that the departments involved intend to propose that the Commission close the complaint file for lack of evidence that the applicable Community law has been infringed.

The Commission has asked the Spanish authorities for information on the possibility of the project being co-financed from the European Regional Development Fund or from the Cohesion Fund, but has yet to receive their reply.

(2004/C 65 E/148) **WRITTEN QUESTION E-2327/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(16 July 2003)

Subject: System for paying compensation for mountainous and disadvantaged regions in Greece

It has been reported that, as part of the payment of compensation for mountainous and disadvantaged regions in Greece, a system for measuring agricultural land has been adopted which fails to take into account the structure of the terrain. Farmers and stockbreeders consider that the system in question is unfair to them, since it ignores hillocks and depressions, so that the overall area registered is substantially smaller than it should be.

Will the Commission give its views on this matter and say whether this system was adopted on its own initiative or on that of the Greek government?

Answer given by Mr Fischler on behalf of the Commission

(18 September 2003)

The question referred to above concerns the system used for measuring agricultural land for the payment of compensation for mountainous and disadvantaged regions in Greece which, failing to consider the topological structure of the terrain, seems to penalise farmers and stockbreeders whose parcels present hillocks and depressions, not taken into account in the measurement of the area.

In the first place, it should be noted that the issue of area measurement does not relate alone to the compensatory allowances for less-favoured areas, but more generally to all kinds of Community grants paid on the basis of surfaces of agricultural land. In fact, the control system required for the determination of the areas eligible for aid under the Common Agricultural Policy is based on an Integrated Administrative and Control System (IACS) — and, in particular, a Land Parcel Identification System (LPIS) — which, under Community legislation, all Member States are required to have in place.

Under the specific Regulations relating to the IACS (Council Regulation (EEC) No 3508/1992 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes [1]) and Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92 [2]), Member States are required to measure land parcels. Article 22(1) of Regulation 2419/2001 relating to the IACS provides that:

> Agricultural parcel areas shall be determined by any appropriate means defined by the competent authority which ensure measurement of a precision at least equivalent to that required for official measurements under the national rules. The competent authority shall set a tolerance margin taking account of the measuring method used, the accuracy of the official documents available, local factors such as slope and shape of parcel and the provisions of paragraph 2.

Nevertheless, the position of the Commission in this respect is to use a projected area system for the measurement of parcels, which, indeed, does not take into account slopes. This principle has been discussed since 1993 in expert groups and formulated since in different documents. Therefore, the working document which gives guidance for on-the-spot checks on areas — doc. VI/8388/94 rev. 6, replaced by doc. AGRI/2254/2003 as from 16 May 2003 — states in Chapter 2 that:

> The area measured will be expressed as the area projected in the national system used for the IACS/LPIS.

However, although the method of the projected area does not take account of hillocks and depressions, the general slope enters into consideration for the definition of the area eligible for certain aid schemes or for the determination of different rates of payment per hectare (e.g. according to 'slope classes').

In this context, it should be noted that the Rural Development measure Compensatory Allowances for less-favoured areas is an aid introduced in order to compensate farmers for certain disadvantages presented by determined regions, taking into account for instance that the land involved may be in hilly or mountainous areas.

As regards the second question presented by the Honourable Member to the Commission, it should be underlined that the definition of mountainous and other less favoured areas in Greece is exclusively based on parameters chosen by initiative of the Greek Government, taking into account the conditions defined by Chapter V of 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 [3].

[1] OJ L 355, 5.12.1992.
[2] OJ L 327, 12.12.2001.
[3] OJ L 160, 26.6.1999.

(2004/C 65 E/149) **WRITTEN QUESTION E-2333/03**

by Bart Staes (Verts/ALE) to the Commission

(16 July 2003)

Subject: Prevalence of birth defects near crematoriums

According to a study recently published by the University of Newcastle upon Tyne, the risk of congenital abnormalities and stillbirths is greater if the mother lives near a crematorium or incineration plant. British scientists studied 245 000 births in Cumbria between 1956 and 1993. The study revealed that the risk of abnormalities of the spinal cord (particularly spina bifida) was 17 % higher in the case of women who had spent their pregnancy in the vicinity of a crematorium. There was also a significant increase in the probability of their babies' suffering from heart defects.

Is the Commission aware of the increased risks run by babies whose mothers live near crematoriums?

Has the Commission already taken action to reduce these risks, or what proposals to this end are planned?

Answer given by Mr Byrne on behalf of the Commission

(11 September 2003)

The Commission is not aware of the results of the epidemiological study conducted by the Newcastle-upon-Tyne University.

Regulatory provisions to prevent adverse health effects from waste incineration plants do exist at European level under the framework of Directives 89/429/EEC, 89/369/EEC, 94/67/EC and 2000/76/EC [1]. Some Community initiatives have already been taken in the field.

Under the Decision No 1296/99 EC of the Council and the Parliament of 29 April 1999 adopting a programme of Community action on pollution-related diseases in the context of the framework for action in the field of public health 1999-2001 [2], a project presented by the Imperial College of Science Technology and Medicine, entitled European Health Information System for Exposure and Diseases Mapping and Risk Assessment (Euroheis), was granted funding. It aims at improving health information and analysis in order to assess relationships between environmental pollution and disease, and to respond to health threats by improving knowledge and understanding of risk management. Health effects of waste incinerators was one of the scenario tested without having highlighted any direct causality links but, rather, pointing out the multifactorial aspect of such neonatal malformations, including the important role of socio-economic factors in their appearance.

The World Health Organisation/European Environment Agency (WHO/EEA) Publication on 'Children's health and environment: a review of evidence' (2002) states that '… few environmental exposures have been documented so far as very likely causal factors for birth defects. Many obstacles such as multicausality hamper research in this field and many published studies suffer from limitations in design and bias problems.'

To date there is no conclusive scientific evidence of a causal relationship between birth defects and living in the vicinity of crematoria. As a matter of fact, it is often not possible to establish a clear causal link between adverse health effects and environmental factors.

On 11 June 2003 the Commission adopted the 'Communication from the Commission to the Council, the European Parliament and the European Economic and Social Committee on a European Environment and Health Strategy' [3].

This strategy aims to achieve a better understanding of the environmental threats to human health to identify the disease burden caused by environmental factors in the Union and to plan policy responses to the challenges that emerge.

The objectives of the proposed strategy are:

— to reduce the disease burden caused by environmental factors in the Union;

— to identify and to prevent new health threats caused by environmental factors;

— to strengthen Union capacity for policymaking in this area.

The ultimate goal of the proposed strategy is to develop an environment and health 'cause-effect framework' that will provide the necessary information for the development of Community policy dealing with sources and the impact pathway of health stressors. To achieve this goal an integrated approach is needed. For further details on the Strategy, the Honourable Member is referred to the following website address: http://europa.eu.int/comm/environment/health/index_en.htm

(1) Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants, OJ L 203, 15.7.1989Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants, OJ L 163, 14.6.1989Council Directive 94/67/EC of 16 December 1994 on the incineration of hazardous waste, OJ L 365, 31.12.1994Directive 2000/76/EC of the Parliament and of the Council of 4 December 2000 on the incineration of waste, OJ L 332, 28.12.2000.

(2) OJ L 155, 22.6.1999.

(3) COM(2003) 338 final.

(2004/C 65 E/150)

WRITTEN QUESTION E-2364/03

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

(17 July 2003)

Subject: Support for Spanish plans to construct new passes through the Pyrenees

The Spanish authorities are concerned at the lack of response from their French counterparts to their request for support for half a dozen road-building schemes aimed at improving the passes through the Pyrenees.

An agreement between Spain and France is essential if the EU is to be asked to provide 20 % funding for a number of projects of major interest to Spain: a high-capacity link between Pamplona and Orthez, and the links Lleida/Lérida-Viella-Toulouse and Barcelona-Puigcerdà-Toulouse.

Can the Commission explain the nature of the conditions for 20 % Community funding of these projects? Can it state under what conditions it could support the Spanish requests, in the face of the failure of the French authorities to respond?

Answer given by Mrs de Palacio on behalf of the Commission

(12 September 2003)

The High-level Group mandated by the Commission to draw up recommendations for new priority projects in the context of the trans-European networks [1], identified the problems raised by the barrier represented by the Pyrenees. That is why it recommended as a priority project a new high-capacity trans-Pyrenees rail link as proposed by the Commission in its proposal to amend the Community guidelines for the development of the trans-European transport network [2]. Among the other projects of importance to territorial cohesion, the Group also stressed the need to improve road permeability through the Pyrenees.

The transport infrastructure projects eligible for Community financial support under the budget for the trans-European networks have to be identified in European Parliament and Council Decision No 1692/96/EC of 23 July 1996 on Community guidelines for the development of the trans-European transport network [3]. At present, of the links mentioned by the Honourable Member only the Barcelona-Puigcerdà-Toulouse link is part of the trans-European transport network.

In addition, the current Regulation laying down general rules for the granting of Community financial aid in the field of trans-European networks (Regulation (EC) No 2236/95 [4], as amended by Regulation (EC) No 1655/1999 [5]) authorises maximum funding of 10 % of the total project cost.

In October 2001 the Commission proposed amendments to this financial regulation in order to raise the maximum rate of support to 20 %, but limiting its application to trans-frontier rail projects crossing natural barriers and trans-frontier connections with candidate countries. The European Parliament approved this proposal on 2 July 2002 subject to a number of amendments. The proposal is now blocked in the Council where it has not yet been possible to reach agreement on either the rate of assistance or on the field of application of the increased rate.

(1) See the Group's report on DG TREN's website: http://europa.eu.int/comm/ten/transport/revision/hlg_en.htm

(2) Proposal for a European Parliament and Council Decision amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network (COM(2001) 544 final.

(3) OJ L 228, 9.9.1996.

(4) Council Regulation (EC) No 2236/95 of 18 September 1995 laying down general rules for the granting of Community financial aid in the field of trans-European networks, OJ L 228, 23.9.1995.

(5) European Parliament and Council Regulation (EC) No 1655/1999 of 19 July 1999 amending Regulation (EC) No 2236/95, OJ L 197, 29.7.1999.

(2004/C 65 E/151) **WRITTEN QUESTION E-2369/03**

by Jorge Hernández Mollar (PPE-DE) to the Commission

(17 July 2003)

Subject: Local registration of EU citizens resident in Member States of which they are not nationals

Freedom of movement and establishment are enabling millions of EU citizens to settle in Member States of which they are not nationals, thus remaking their lives and concretising one of the Union's great successes.

However, in most cases, when EU citizens settle in a locality of a Member State of which they are not nationals, they do not register with the local authorities. This is prejudicial to the locality concerned, which has no record of its new resident and therefore does not receive its due payment from national tax revenues.

What steps does the Commission believe it can take to tackle the failure of EU citizens to register in their chosen locality in a Member State of which they are not nationals, in the interests of the host local authorities, given that otherwise the latter will have to support their new residents without receiving the corresponding funds from central and regional government?

Answer given by Mr Vitorino on behalf of the Commission

(16 September 2003)

Community law on free movement and residence requires Member States to recognise the right of residence on their territory of persons who meet certain conditions: in particular, they must pursue an economic activity either as employed or self-employed persons or possess resources. This right is acknowledged by the issuing of a residence card. With regard to periods of residence of under three months or in the case of frontier or seasonal workers, the host Member State is not required to issue a residence permit to a Union citizen, but may ask the person in question to report his/her presence within its territory.

On their own initiative, some Member States have already removed or are planning to remove from their national legislation implementing the Community law referred to, the obligation on Union citizens, with the exception of persons not engaged in an economic activity, to obtain a residence card.

The amended proposal for a Parliament and Council Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States [1] goes further and proposes to abolish the residence card for all categories of Union citizen and to replace it by the option for host Member States to require Union citizens to register with the competent authorities. It provides that the host Member State may require the person in question to report his/her presence within its territory. Failure to fulfil the obligations to register and report can be liable to non-discriminatory and proportionate penalties.

Where a Member State imposes the obligation on a Union citizen to obtain a residence card or to report his/her presence within its territory, it must establish a system of effective and dissuasive penalties to be applied in the event of failure to fulfil this obligation, but these penalties must be proportionate and non-discriminatory in relation to those applied to nationals for comparable offences.

[1] COM(2003) 199 final.

(2004/C 65 E/152) **WRITTEN QUESTION E-2378/03**

by Christopher Huhne (ELDR) to the Commission

(18 July 2003)

Subject: Transparency requirements

Further to the Commission's answer to question E-1885/03 [1] on 3 July, will the Commission now list as requested all those individuals and organisations which submitted written documents concerning transparency obligations, and will it note in each case whether that submission was supportive of or

antagonistic towards or indifferent to quarterly reporting of one form or another? Will the Commission forward and publish the summary document prepared for the Commissioner on the results of the consultation?

(1) OJ C 51 E, 26.2.2004, p. 152.

Answer given by Mr Bolkestein on behalf of the Commission

(4 September 2003)

In addition to the answer already given to the Honourable Member's Written Question E-1885/03, the Commission is in a position to provide the following information:

- Prior to its proposal for a Directive (1) on the transparency obligations for security issuers, the Commission services carried out two written consultation rounds.

- In the first consultation round, the Commission presented the idea of making quarterly reports mandatory for both share issuers and bond issuers for each quarter of the financial year. A summary of the replies received has been published on the Commission website in December 2001 (2).

- In the second consultation round which lasted from May until July 2002, the Commission presented the idea of making quarterly reports mandatory for shares issuers for the first three quarter of a company's financial year; smaller share issuers should only be subject to lighter financial reporting requirements whereas the other issuers should be subject to compliance with the international accounting standards for interim financial reporting (IAS 34). In total, the Commission received 93 responses. The pros and cons on the issue of quarterly financial information were already explained in detail in the explanatory memorandum of the Commission proposal.

  In purely statistical terms based on the number of responses received, the outcome has been as follows:

  - 65 respondents reacted on the question of quarterly reporting. 35 respondents thereof (= 53,9 %) supported the principle of quarterly reporting based on IAS 34 whereas 30 (= 46,1 %) opposed the principle as such;

  - 14 out of the favourable respondents rejected the idea of having a lighter regime for smaller issuers whereas 14 others supported this; seven respondents did not touch on the issue of smaller share issuers.

(1) COM(2003) 138 final.
(2) http://europa.eu.int/comm/internal_market/en/finances/mobil/transparancy.htm

(2004/C 65 E/153) **WRITTEN QUESTION E-2384/03**

by Christopher Huhne (ELDR) to the Commission

(18 July 2003)

Subject: State aids assessment

1. Given that the stamp duty exemption scheme introduced by the United Kingdom is said to extend to 23 per cent of the UK population, and nearly half of the coverage falls outside the regional aid map, will the Commission state why it thought that the geographical coverage of the stamp duty exemption is compatible with the regional aid guidelines?

2. Will the Commission describe why it feels that the Canary Wharf financial centre in London is a disadvantaged area for the purposes of state aid?

Answer given by Mr Monti on behalf of the Commission

(12 September 2003)

1. The Commission would like to refer the Honourable Member to the relevant paragraphs in the Commission Decision 2003/433/EC of 21 January 2003 on the aid scheme 'Stamp duty exemption for non-residential properties in disadvantaged areas' notified by the United Kingdom [1], in particular points 38 to 41 (under the heading 'Compatibility with Regional Aid Guidelines') and points 42 to 45 (under the heading 'Compatibility with the Deprived Urban Area Guidelines').

Firstly, in the paragraphs following the heading 'Compatibility with Regional Aid Guidelines', the Commission acknowledges that the regional aid map for the United Kingdom is not based on NUTS III areas but on the concept of job opportunity zones each of which has a population in excess of 100 000. It follows that, in contrast, the areas targeted by the Stamp Duty Exemption are isolated, micro-spatial areas. Paragraph 41 ends the heading by providing that: 'the United Kingdom authorities agree that the Guidelines on national regional aid do not apply to the Stamp Duty Exemption even though many of the selected disadvantaged wards do form part of the regional aid map.'

Secondly, following the paragraphs under the heading 'Compatibility with Deprived Urban Area Guidelines', the Commission notice on the expiry of the guidelines on State aid for undertakings in deprived urban areas constitutes the initial legal basis for its assessment. Following this notice 'failure to extend the guidelines (the guidelines on State aid for undertakings in deprived urban areas had expired in the course of the procedure), does not imply that State aid for deprived areas is no longer possible and depending on the specific circumstances of the proposed aid in question, it may be approved directly upon the basis of Article 87(3)(c) of the Treaty. Accordingly, the Commission will examine such cases in the light of Community objectives.' Thus, the Commission analysed the scheme both in the light of the Community's objectives and its effect on competition and trade.

2. The Commission would like to refer the Honourable Member to point 10 of the above-mentioned Commission Decision under the heading 'description of the aid.' Following these paragraphs, the geographical units covered in England are electoral wards or divisions selected on the basis of the indices of deprivation used by the United Kingdom. In the same way as pockets of deprivation may exist in prosperous regions not included in the regional aid map, one may find attractive spots in the most deprived wards of the United Kingdom.

Point 10 of the Commission Decision also refers to the commitment of the United Kingdom of keeping qualifying areas under review. In addition, the submission of detailed reports in order to evaluate the implementation of the scheme is one of the conditions imposed by the Commission in its Decision of 21 January 2003. Article 3 provides as follows: 'The United Kingdom shall submit annual reports on the operation of the scheme to the Commission. The degree of detail of the reports shall be such as to allow an evaluation of the effect of the scheme on the physical regeneration areas that benefit from it.'

[1] OJ L 149, 17.6.2003.

(2004/C 65 E/154) **WRITTEN QUESTION E-2388/03**

by Raffaele Costa (PPE-DE) to the Commission

(18 July 2003)

Subject: Implementation of the Sapard programme

The Community's Sapard programme was set up on 1 January 2000 with the objective of establishing management and monitoring systems in a number of applicant countries (excluding Cyprus, Malta and Turkey). Its total funding in 2001 was in excess of EUR 1 billion.

The Commission has asked the applicant countries to take responsibility for the management of this programme and for the decisions concerning project selection, tender procedures and award of contracts.

Can the Commission provide a breakdown of appropriations by country? Can it also state what specific actions have been financed and what monitoring arrangements are in place to ensure the proper operation of the programme?

Answer given by Mr Fischler on behalf of the Commission

(17 September 2003)

The indicative allocation by beneficiary country of the maximum amount of the annual Community contribution was set out in annex to the Commission Decision 1999/595/EC of 20 July 1999 [1]. The information concerning the breakdown of appropriations by country is available in the Sapard annual report 2000 from the Commission to the Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. For each year from 2000 to 2003 the breakdown by country has been made in accordance with the regulation described in Section 3.1 of that report, and annual financing agreements concluded each year with every country set out the maximum Community financial commitment. For the year 2003, EUR 560 millions is allocated to the beneficiary countries.

As mentioned by the Honourable Member, the Sapard programme, contrary to the other pre-accession instruments, is implemented on a decentralised basis, and so the Commission, is not involved in the choice of the projects receiving support. The projects must however be consistent with the measures ('actions') in the programme approved by the Commission which, as is the case with Member States, has the right to obtain all relevant information in particular for purposes of control.

Concerning the monitoring system (Monitoring Committee, evaluations, monitoring indicators), it is described in Section 5 of the Sapard report for 2001. The report 2002 is due to be transmitted to the Parliament shortly.

Indicative allocation by beneficiary country of the maximum annual amount in 1999 prices:

(euro)

Country	Amount
Hungary	38 054 000
Latvia	21 848 000
Slovenia	6 337 000
Bulgaria	52 124 000
Czech Republic	22 063 000
Lithuania	29 829 000
Slovakia	18 289 000
Poland	168 683 000
Estonia	12 137 000
Romania	150 636 000
Total	520 000 000

[1] OJ L 226, 27.8.1999.

(2004/C 65 E/155) **WRITTEN QUESTION E-2390/03**

by Mogens Camre (UEN) to the Commission

(21 July 2003)

Subject: Government aid to German workers taking up jobs in Denmark

On 20 March I put a question to the Commission (E-1225/03 [1]) concerning German government aid to workers taking up jobs in other Member States. The Commission promised to investigate whether the German subsidies contravened State aid rules.

The Danish Employment Minister, Claus Hjort Frederiksen, has since put a similar question to his German colleague, the Minister for Economics and Labour, Wolfgang Clement. The German Minister replied that the government subsidy of some DKK 60 an hour was solely intended for unemployed German workers who obtained a job with a German firm.

This, however, is little comfort for the trade unions and small firms in southern Jutland as this arrangement does not preclude the possibility of German firms recruiting long-term unemployed German workers and subsequently sending them to Denmark to carry out work for their German employers in competition with Danish firms. Owing to the German government subsidy, therefore, Danish firms have to pay a relatively higher wage than their German counterparts, which severely distorts competition and can hardly be consistent with EU State aid rules.

Will the Commission, as promised in its answer to question E-1225/03, provide the information it has received from the German authorities on this matter and investigate to what extent it is possible for German firms to send German workers to Denmark to carry out specific jobs subsidised by the German government?

(1) OJ C 58 E, 6.3.2004, p. 51.

Answer given by Mr Monti on behalf of the Commission

(15 September 2003)

The Commission refers to its former reply to the Honourable Member's Written Question E-1225/03.

As promised in its answer the Commission requested information from the German Authorities to this respect on 8 May 2003. The German Authorities replied on 12 June 2003 that they were unaware of any such aid scheme, but asked for additional information in order to be able to exclude any potential misuse of aid schemes meant for a different purpose. This reply was provided to the Honourable Member by letter of the Director of Directorate G 'State Aid I' of the Directorate General for Competition on 8 July 2003. This letter also respectfully asked the Honourable Member to provide the Commission with any additional information that might be at his disposal in order to allow the Commission to further investigate the factual situation.

In this context, the Commission wishes to remind the Honourable Member that a number of employment policy measures do not constitute State aid within the meaning of Article 87(1) of the EC Treaty because they constitute aid to individuals that does not favour certain undertakings or the production of certain goods, or because they do not affect trade between Member States, or because they are general measures to promote employment which do not distort or threaten to distort competition by favouring certain undertakings or the production of certain goods. Such general measures are therefore unaffected by State aid rules. This is also the case for measures which are deemed not to meet all the criteria of Article 87(1) of the EC Treaty and therefore do not fall under the notification requirement of Article 88(3) of the EC Treaty by virtue of Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to de minimis aid (1).

As regards the additional information given by the Honourable Member in his current written question, the Commission will again request the German Authorities to provide information on the specific measures addressed by the Honourable Member and will assess them under State aid rules, in particular under Commission Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment (2). If an infringement were to be found, the Commission will take the necessary measures to bring it to an end.

The Commission would point out to the Honourable Member that any specific information he can supply regarding the precise facts at stake could considerably speed up its investigations.

(1) OJ L 10, 13.1.2001.
(2) OJ L 337, 13.12.2002 (corrigendum), OJ L 349, 24.12.2002.

(2004/C 65 E/156) **WRITTEN QUESTION E-2397/03**

by Joan Vallvé (ELDR) to the Commission

(21 July 2003)

Subject: Legislation on fermented milk

In the Commission's answer to priority Written Question P-0027/03 [1] and to my Written Question E-0873/03 [2] on the denomination 'yoghurt', Commissioner Fischler states that 'the Commission received several complaints concerning the Spanish legislation, based particularly on Directive 2000/13/EC of the Parliament and of the Council of 20 March 2000 [3] on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs' and that it was 'currently examining these complaints and the legal situation in the Member States as regards the denomination of yoghurt.'

In its turn, the Codex Alimentarious Commission, which was created in 1963 by the FAO and the World Health Organisation (WHO) and is an international reference body that reports to the United Nations and the WHO, adopted a standard on fermented milk at its meeting in Rome at the end of June 2003 that makes it impossible for desserts pasteurised after fermentation to be denominated 'yoghurts', at least in countries without any legislation governing this area.

In the light of the above, and to avoid creating any further confusion, how would the Commission view the introduction of common legislation on fermented milk and regulation of the denomination 'yoghurt'?

[1] OJ C 192 E, 14.8.2003, p. 147.
[2] OJ C 242 E, 9.10.2003, p. 209.
[3] OJ L 109, 6.5.2000, p. 29.

Answer given by Mr Fischler on behalf of the Commission

(12 September 2003)

The Commission took notice of the adoption of a standard for fermented milk by the Codex Alimentarius Commission. However, some aspects like presence of characteristic bacteria, permitted raw materials, reference to heat treatment, content of non dairy ingredients and labelling may have to be addressed in a more precise way than in the Codex standard. The Commission is therefore examining the need for yoghurt legislation and may submit a proposal to the Council.

(2004/C 65 E/157) **WRITTEN QUESTION E-2400/03**

by Avril Doyle (PPE-DE) to the Council

(21 July 2003)

Subject: Exemption from VAT on postage for charities

Further to the Commission proposal to put VAT on postage and recognising that this would impose a severe financial burden on charities that depend on direct mail fundraising and are not eligible to reclaim VAT in the same way as ordinary businesses.

Can the Council advise whether it will be possible for charities that have the specific difficulty of not being able to reclaim VAT under Irish tax law to secure an exemption from this EU legislation?

Reply

(17 November 2003)

The Commission proposal to which the Honourable Member refers in her question is currently being examined within the Council's bodies.

Until those proceedings have been completed, the Council cannot reply to the Honourable Member's question.

(2004/C 65 E/158) **WRITTEN QUESTION E-2410/03**

by Freddy Blak (GUE/NGL) to the Commission

(21 July 2003)

Subject: German road charge

According to the Danish newspaper Børsen of 10 July 2003 (front page), the Commission is considering initiating proceedings against Germany for introducing road charges as this will result in unequal terms of competition.

Can the Commission confirm this?

If so, will the Commission say what new circumstances have led it to consider this course of action?

I would refer back here to my Written Question No E-2684/02 [1], pointing out the competition-distorting nature of the German road charge, which the Commission, however, denies in its answer.

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[1] OJ C 110 E, 8.5.2003, p. 89.

(2004/C 65 E/159) **WRITTEN QUESTION P-2608/03**

by Peter Pex (PPE-DE) to the Commission

(25 August 2003)

Subject: Introduction of motorway tolls in Germany

The transport sector is becoming very concerned about the introduction of motorway tolls in Germany. That concern has been somewhat alleviated by a report that the Commission has recommended that the introduction of such motorway tolls should be deferred. In contrast to that report, I have read in the German press that the German Commissioner, Günter Verheugen, has stated that the German Government is fully entitled to introduce the tolls as scheduled. That contradicts statements made by his fellow Commissioner Mrs Loyola de Palacio. On 23 July 2003, she said that the investigation initiated by the Commission into the German compensation measures implied deferment of both the motorway tolls and the German compensation measures relating thereto.

What is the Commission's stance on the German motorway tolls? The Commission's left hand does not seem to know what its right hand is doing. Does the deferment apply solely to compensation or also to the levying of the tolls themselves? Can the Commission rapidly eliminate the equivocal nature of its stance that has resulted from the statement by the German Commissioner?

How will the Commission ensure that the introduction of these motorway tolls in Germany is not in breach of Community law with regard to the free movement of goods and to non-discrimination?

Joint answer
to Written Questions E-2410/03 and P-2608/03
given by Mrs de Palacio on behalf of the Commission

(8 October 2003)

Germany intends to introduce a mileage-based motorway user charge for heavy goods vehicles. The user charge has been fixed at 12,6 cents per kilometer on average. On 6 March Germany has notified to the Commission its intention to introduce a toll reimbursement system based on excise duties in order to allow compensation for an intended increase of the user charge of 15 cents on average.

The Commission has to assess if the notified measure is compatible with the common market and fully in line with the relevant Community legislation. Due to the doubts raised by the notified measure, the Commission decided on 23 July 2003 to open the formal investigation procedure laid down in Article 88 §2 of the EC Treaty to allow Germany and other interested parties to make comments. On 27 August 2003, a short version of the decision summarising all the relevant issues of fact and law has been published in the Official Journal of the European Union [1].

At this stage, the Commission cannot exclude that the notified measure constitutes State aid to road haulage firms and can, therefore, not exclude that it distorts or threatens to distort competition.

As regards to the introduction of the toll system itself, the Commission was informed that the German Government will start a test phase on a voluntary basis for heavy goods vehicles using German motorways on 31 August 2003. The collection of the toll, however, will be postponed to 2 November 2003. In this connection, the Commission decided on 26 August 2003, together with the Federal Republic of Germany, to set up a working group in order to examine the remaining technical questions before the formal introduction of the toll. The Commission's aim is to make sure that the principle of free movement of goods will not be hampered and that the system fully respects the principle of non-discrimination. [2]

[1] OJ C 202, 27.8.2003.
[2] In particular Article 28 of the EC Treaty and Article 7 paragraph 4 and 5 of the 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 65 E/160) **WRITTEN QUESTION E-2412/03**

by Charlotte Cederschiöld (PPE-DE) to the Commission

(21 July 2003)

Subject: Network and information security

The European Parliament together with industry have welcomed the Commission proposal for a Regulation establishing the European Network and Information Security Agency.

What other steps is the Commission envisaging in order to accelerate the Union's network and information security agenda? Can we expect any initiatives taking a global approach to these issues?

Can we expect the dialogue between policy-makers and parties with an interest in the field to continue and even intensify, e.g. within such fora as the Cybercrime Forum?

Answer given by Mr Liikanen on behalf of the Commission

(18 September 2003)

The Commission thanks the Honourable Member for the interest in the network and information security agenda. As she is aware, the Commission's proposal to establishing a European Network and Information Security Agency will be discussed shortly in the Parliament. The Commission hopes it can count on the Honourable Member's support for a swift adoption of the Regulation.

Already a substantial amount of activities have been deployed in the area of network and information security and cybercrime following the Commission's Communications 'Network and Information Security: proposal for a European policy approach' from June 2001, and 'Creating a Safer Information Society by Improving the Security of Information Infrastructures and Combating Computer-related crime' from January 2001.

These activities range from an increased emphasis on security within the eEurope 2002 and 2005 action plans, through sustained research efforts in the Information Society Technology (IST) research programmes and the review of existing legislation (e.g. the new electronic communications legal framework and the Electronic Signatures Directive [1]) to supporting standardisation efforts at European level and increased security requirements for the exchange of data between public administrations, and a proposal for a Framework Decision on attacks against information systems [2].

The broader approach on cyber-security mentioned by the Honourable Member consists in the Commission's view of the three categories of actions conducted respectively in the areas of the electronic communications and data protection legal framework, the network and information security activities and the policy on cyber-crime and information infrastructure protection.

Concerning cyber-crime related activities, the Commission intends to intensify the discussions on the security and protection of information infrastructures between involved parties of the public and private sector through the organisation of workshops and expert meetings in fora such as the Forum on the prevention of organised crime. An initial workshop with the private sector is scheduled to take place in October 2003.

[1] Directive 1999/93/EC of the Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures, OJ L 13, 19.1.2000.
[2] OJ C 203 E, 27.8.2002.

(2004/C 65 E/161) **WRITTEN QUESTION E-2415/03**

by Concepció Ferrer (PPE-DE) to the Commission

(21 July 2003)

Subject: Towards an integrated and competitive Community energy market

Electrical interconnection capacity remains, in the case of Spain, well below the target of 19 % of national consumption set by the Barcelona European Council of 15/16 March 2002 as the minimum desirable level.

What measures is the Commission taking to ensure that, in the coming months, countries like Spain that are a long way from reaching this target develop new power lines with neighbouring countries that enable completion of an integrated and competitive Community energy market?

Answer given by Mrs de Palacio on behalf of the Commission

(12 September 2003)

The target set by the Barcelona European Council of 15/16 March 2002 as the minimum desirable level is actually 10 % of national capacity production. It is true that Spain's interconnection capacity is far below the desirable level.

The Commission is well aware that a strong trans-border network is a key instrument both for improving the security of supply and for establishing an efficient and competitive electricity market, and that the interconnection network is below the optimal level and needs to be extended. For these reasons, it commissioned a study on Analysis of Electricity Network Capacities and Identification of Congestion and presented a Communication on energy infrastructure [1].

As a result, the Commission proposed a review of the Trans-European Networks programme which led to Decision No 1229/2003/EC of the European Parliament and of the Council of 26 June 2003 laying down a series of guidelines for trans-European energy networks (repealing Decision No 1254/96/EC [2]). Annex I to this Decision lists the 12 axes for priority projects; axis EL.3. (France — Spain — Portugal) deals specifically with the problem raised, since it is aimed at 'increasing electricity interconnection capacities between these countries and for the Iberian peninsula and grid development in island regions'. Annex II to the Decision lists the projects of common interest, three of which concern new interconnections between Spain and France and Portugal (2.8, 2.9, 2.10) while nine more concern new or upgraded national interconnection lines that are also needed in order to achieve optimal use of trans-border interconnections (3.18, 3.19, 3.20, 3.21, 3.22, 3.23, 3.41, 3.42, 3.43) and, finally, two concern, respectively, the upgrading of electricity interconnection between Spain and Morocco (4.15) and a new direct interconnector between Spain and Algeria (4.30), within the framework of the development of energy policy for the enlarged Union, its neighbours and partner countries.

The recent power outage in the United States highlighted the need for good-quality infrastructure and sufficient capacity to ensure security of supply.

As scheduled in its work programme, the Commission will this year present a Communication on electricity infrastructure, which will set out measures for speeding up the development of that infrastructure in order to ensure security of supply, boost trade and facilitate competition.

Directive 2003/54/EC [3] on the internal market in electricity requires Member States to take the necessary steps to ensure security of supply by providing appropriate levels of infrastructure maintenance/development and, in particular, of interconnection capacity.

Finally, the Commission would recall its Decision of 19 March 2002 [4] concerning an agreement giving Energie Baden-Württemberg (EnBW), Electricidade de Portugal S.A. (EDP) and Caja de Ahorros de Asturias (Cajastur) joint control over Spain's fourth largest utility company Hidroeléctrica del Cantábrico (Hidrocantábrico). As a condition clearing the agreement, the Commission asked that Electricité de France (EDF) (which controls EnBW) and the operator of the French electricity grid, EDF-Réseau Transport Electricité (RTE), should undertake to increase substantially to about 4 000 megawatt (MW) the commercial capacity on the interconnector between France and Spain.

(1) Communication of the Commission to the European Parliament and the Council on European energy infrastructure, COM(2001) 775 final.
(2) OJ L 176, 15.7.2003.
(3) Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC, OJ L 176, 15.7.2003.
(4) Case No IV/M.2684 — EnBW/EDP/Cajastur/Hidrocantábrico, OJ C 114, 15.5.2002.

(2004/C 65 E/162) **WRITTEN QUESTION E-2416/03**

by Concepció Ferrer (PPE-DE) to the Commission

(21 July 2003)

Subject: Communication on PVC strategy

The Commission's answer to my oral question H-0259/03 [1] provides no information over and above what has been known for two years now. At the same time, the subject of the strategy on PVC referred to in that question formed part of the Commission's work programmes for 2002 and 2003. In the light of the above, could the Commission specify when it is that it intends to present the specific communication on PVC? Could it explain why the Review of chemicals policy and the Thematic strategy on recycling only take into consideration PVC and do not cover other materials?

(1) Written answer of 13.5.2003.

Answer given by Mrs Wallström on behalf of the Commission

(18 September 2003)

While it is not possible to give a precise indication of when the Commission will be in a position to bring forward its planned Communication on the environmental issues of polyvinyl chloride (PVC) many of the issues arising are the subject of ongoing work. A study is currently being carried out to compare the life-cycle assessments of PVC and other potential substitute materials in a wide range of applications and first results are expected early in the new year. The Commission is also keeping under continual review progress towards the achievement of the voluntary commitment made by industry to phase out lead stabilisers in PVC by 2015 and increase recycling of PVC by an additional 200 000 t by 2010, as well as assessing the level of ambition of this commitment. For that purpose senior Commission officials, together with Members of the European Parliament, are members of the monitoring group which will oversee the operation of the voluntary commitment. As regards other aspects mentioned in the Commission's Green Paper, consideration is currently being given to banning the use of cadmium in PVC, and, in the case of phthalates, risk assessments are still ongoing.

The Communication [1] towards a thematic strategy on the prevention and recycling of waste, while not addressing PVC specifically, addresses it indirectly under the prevention and recycling of waste in general.

The framework legislation on Chemicals, which is expected to be adopted later this year, while not focusing specifically on PVC, will cover chemicals in general and their uses in products.

[1] COM(2003) 301final.

(2004/C 65 E/163) **WRITTEN QUESTION E-2418/03**
by Dominique Souchet (NI) to the Commission

(21 July 2003)

Subject: Sustainable use of pesticides and aerial spraying

Paragraph seven of the European Parliament's resolution on a thematic strategy on the sustainable use of pesticides (P5_TA-PROV(2003)0128) states that Parliament 'fully supports the recommendation for a ban on aerial spraying and the possibility to designate pesticide free zones'. This resolution forms part of the Van Brempt Report, which was adopted by Parliament at its plenary sitting of 27 March 2003 in Brussels.

Helicopter spraying accounts for only 1 % of the plant health treatments employed in Europe. However, some pesticide products can only be applied from the air, for a variety of reasons: the location of the parasite or the scale of the crop (cercosporiosis in bananas, the pine processionary caterpillar, last generation European corn borer, the corn root beetle), the geographical relief of the crop area (sloping vineyards), the type of climatic aberration (vine or potato mildew) or problems of access to the crop (rice fields).

In this case, how does the Commission intend to reconcile the ban on aerial spraying with the need for a consistent approach to combating plant diseases that sometimes can also affect man?

Answer given by Mrs Wallström on behalf of the Commission

(10 September 2003)

The Commission continues to be concerned about the specific risks linked to the application of pesticides via aerial spraying, in particular due to the exposure of bystanders and the environment incurred through spray-drift.

The Commission would like to recall that its proposals regarding a ban on aerial spraying in the Communication 'Towards a Thematic Strategy on the Sustainable Use of Pesticides' [1] foresaw the possiblity for derogation, when there are clear advantages and also environmental benefits compared to other spraying methods. The proposals have incited numerous comments from various stakeholders, which

are widely diverging in their views. There are also existing or ongoing studies initiated by official bodies in Member States concerned. All information available is currently being examined further.

In the light of the results of this examination, the Commission will then propose the most appropriate measures regarding aerial spraying, taking into account a high level of protection for human health and the environment, technical feasibility, and the necessary crop protection.

(1) COM(2002) 349 final.

(2004/C 65 E/164) **WRITTEN QUESTION E-2426/03**

by Maurizio Turco (NI) to the Commission

(21 July 2003)

Subject: Harmonisation of tax on the income from the savings of non-resident Union citizens and abolition of banking secrecy

Knowing that:

— at the Feira summit on 19/20 June 2000 the EU finance ministers decided that as of 2011 the automatic exchange of information would be introduced for all Union countries in the interests of harmonising, at Community level, the tax on income from the savings of Union citizens;

— on 21 January 2003 the EU finance ministers initialled a policy agreement, which is subject to acceptance of equivalent measures by other third countries and stipulates that:

  (a) as of 1 January 2004 twelve Member States will initiate the automatic exchange of information;

  (b) Luxembourg, Austria and Belgium will initiate the automatic exchange of information 'if and when' the Council unanimously agrees that Switzerland, the United States, Liechtenstein, Andorra, San Maríno and Monaco accept the exchange of information on the basis of OECD's 2002 parameters, which define criminal and civil offences in the areas of taxation and fraud.

— on 3 June 2003 the EU finance ministers approved an arrangement negotiated with Switzerland.

Can the Commission answer the following questions:

1. Why do the third countries do not include the Vatican State, despite the fact that:

  (a) the central bank, the Istituto Opere di Religione (IOR) does not belong to any international monitoring body;

  (b) the IOR takes part indirectly in the payment systems of the euro zone — with dual access via two major banks, one of them German, the other Italian, which are themselves linked to the system — thereby evading surveillance by the banking authorities to which only direct participants are subjected;

  (c) it has no legislation to combat money-laundering;

  (d) it has not accepted the exchange of information on the basis of the 2002 OECD parameters, which define criminal and civil offences in the areas of taxation and fraud;

  (e) it has on several occasions been involved in financial transactions with serious implications, which have never been the subject of legal proceedings because of the concordat with the Italian Republic guaranteeing the Catholic hierarchy absolute impunity?

2. What arrangements will apply in overseas territories, in particular British ones, and, apart from Switzerland, which has signed a negotiated solution, what are the current positions of the United States, Liechtenstein, Andorra, San Maríno and Monaco on the exchange of information on the basis of the 2002 OECD parameters?

3. Can the Commission give an assurance that in Luxembourg, Austria and Belgium banking secrecy will be maintained at least until 2011, and say under what conditions it might remain in force even after that date?

Answer given by Mr Bolkestein on behalf of the Commission

(5 September 2003)

1. I would draw the Honourable Member's attention to the fact that the final text of Council Directive 2003/48/EC on taxation of savings income in the form of interest payments, adopted by the Council on 3 June 2003, was published in the Official Journal of the European Union in all the Community languages on 26 June 2003 [1]. If he examines the text, the Honourable Member will find it confirms that the purpose of the Directive is to enable tax to be levied on interest payments made to individuals alone.

To ensure that European financial markets stayed competitive, in the margins of the European Council in Feira in June 2000 the Finance Ministers of the Member States agreed on a list of third countries and dependent or associated territories in whose territory, because of the existing or potential volume of interest payments made to individuals, it would be desirable for the Community to obtain the introduction of equivalent or identical measures to those of the newly-adopted Directive.

The Vatican City State does not figure in the list drafted by the Council, and it is therefore up to the Council to explain its reasons to the Honourable Member if he should require them. The Commission can only note that the current role of the Vatican's financial system in the payment of interest to individuals does not appear to threaten the competitiveness of European financial markets.

2. The Honourable Member's question refers to the conclusions adopted by the Council on 21 January 2003. The last subparagraph of point 6 states that 'The Council assesses that sufficient reassurances have been obtained with regard to the application of the same measures applying the same procedures as the 12 Member States or as Austria, Belgium and Luxembourg, in all relevant dependent or associated territories (the Channel Islands, Isle of Man, and the dependent or associated territories in the Caribbean)'. Those territories must therefore either participate in the automatic exchange of information with the Member States or apply a withholding tax with revenue sharing in the same way as Belgium, Luxembourg and Austria. In the statements accompanying the adoption of the Directive on 3 June 2003 the Council asked the Netherlands and the United Kingdom, subject to their constitutional powers, to ensure that the dependent or associated territories in question applied the measures from the date of implementation of the Directive on 1 January 2005, 'it being understood that, if and when Austria, Belgium and Luxembourg will implement automatic exchange of information, any territory applying the withholding tax will also implement automatic exchange of information from the same date as those Member States.'

While all the Member States are also members of the Organisation for Cooperation and Economic Development (OECD), the Commission cannot reply on behalf of the OECD to the Honourable Member.

The Commission wishes only to note that:

— the United States, a member of the OECD, is committed to the exchange of tax information as a means of combating fraud and tax evasion;

— San Maríno gave undertakings to the OECD on 4 April 2000, in an 'advance commitment letter', so that it was not included in the OECD's list of uncooperative tax havens;

— by contrast, the Principalities of Andorra, Liechtenstein and Monaco are still on the list, which also includes the Marshall Islands, Liberia and Nauru.

3. Article 10 of the final text of Council Directive 2003/48/EC on the taxation of savings income in the form of interest payments only lays down the starting date of the transitional period in which Belgium, Luxembourg and Austria will not be required to apply the provisions on the automatic exchange of information between tax administrations. As is clear from Article 10(2), the duration of the transitional period is no longer set in advance, as it depends on the date on which Switzerland, Liechtenstein, San Maríno, Monaco and Andorra undertake to exchange information with all the Member States upon request, as defined in the OECD Model Agreement of April 2002 (confirmation of the same undertaking should also relate to the United States).

The final text of the Directive therefore does not provide any guarantee as to how long the restrictions on access to banking information for tax purposes which still apply in Belgium, Luxembourg and Austria will be maintained. The last sentence of Article 10(3) even offers any of the three Member States the option of electing to lift the restrictions before the end of the transitional period and participating fully in the system of automatic exchange of information with all the Member States, no longer having to apply the withholding tax.

(1) OJ L 157, 26.6.2003.

(2004/C 65 E/165) **WRITTEN QUESTION P-2427/03**

by Niels Busk (ELDR) to the Commission

(16 July 2003)

Subject: State aid for Italian dairy producers

What is the value of the State aid which the Council recently decided to grant to Italian dairy farmers in relation to what would have been the amount if the superlevy had been paid when it was due?

Answer given by Mr Fischler on behalf of the Commission

(12 September 2003)

The Commission is not in a position to make such a calculation. The value of the State aid will depend on various variables.

These are notably:

— the date when a given superlevy payment should have been made by a farmer;

— the amount of the superlevy for which the repayment facility authorised by the Council decision will actually be used;

— the applicable reference rate; and

— the actual repayment period offered to and chosen by beneficiaries of the facility.

(2004/C 65 E/166) **WRITTEN QUESTION E-2430/03**

by Niels Busk (ELDR) to the Commission

(22 July 2003)

Subject: State aid to Italian farmers

Will the Commission challenge the Council's decision to approve Italian State aid to Italian milk producers in the Court of Justice?

If not, what are the 'exceptional circumstances' justifying the decision (see Article 88(2), third paragraph of the Treaty)?

If the same 'exceptional circumstances' exist in other Member States or new Member States, will the Commission approve corresponding State aid in those cases?

Answer given by Mr Fischler on behalf of the Commission

(12 September 2003)

The Commission does not intend to challenge the Council decision.

As to the exceptional circumstances recognised by the Council, the Commission would refer to the text of the Council Decision 2003/530/EC ([1]).

The Commission considers that the Council decision in question can not be invoked as a precedent for eventual future implementation problems of the milk quota levy in Italy or in other Member States.

([1]) 2003/530/EC: Council Decision of 16 July 2003 on the compatibility with the Common market of an aid that the Italian Republic intends to grant to its milk producers, OJ L 184, 23.7.2003.

(2004/C 65 E/167) **WRITTEN QUESTION E-2437/03**

by Ilda Figueiredo (GUE/NGL) to the Commission

(22 July 2003)

Subject: Construction of a polluting factory

People living in Tabacô, Arcos de Valdevez, Portugal, are concerned at the construction of a factory belonging to the plastics and metal processing company company Sarreliber — Transformação de Plásticos e Metais, SA, which is part of the French group ORIAL, based in Paris.

According to the Arcos de Valdevez Municipal Council, the investment project envisages the creation of an industrial unit initially offering 105 jobs, designed for the processing and coating of surfaces and injection of plastic components for the car, perfume, sanitary and household electrical goods industries.

Public concern centres on the prospect that the above chromium coating unit will be using heavy metals such as chromium and nickel, which are highly polluting and pose a threat to public health and the environment, and the fact that the site is close to the River Vez and to social facilities used by children and elderly people.

The River Vez, a tributary of the River Lima, is included in the Natura 2000 network. Local people also state that the proposed factory has already been rejected in Galicia and the United Kingdom.

Bearing in mind that local environmentalists have already written to the Environment Commissioner, can the Commission state its position on the above matter?

Answer given by Mrs Wallström on behalf of the Commission

(23 September 2003)

The proposed factory in question has been the subject of several requests for information and complaints received by the Commission (reference Nos 2003/4425, 2003/4557 and 2003/4558).

According to the information contained in the complaints, the project appears to be covered by Annex II, point 4(e) to Council Directive 85/337/EEC of 27 June 1985, on the assessment of the effects of certain public and private projects on the environment [1], amended by Council Directive 97/11/EC of 3 March 1997 [2], which mentions 'installations for surface treatment of metals and plastic materials using an electrolytic or chemical process'. Under Article 4(2) of the said Directive, Member States determine, through a case-by-case examination or on the basis of thresholds or criteria set by the Member State concerned, whether the project should be made subject to an assessment in accordance with Articles 5 to 10. The selection criteria for case-by-case examinations or setting the said thresholds or criteria are listed in Annex III to the Directive and include densely populated areas and areas protected under Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds [3] and 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora [4].

According to the information contained in the complaints, the project appears likely to affect a site of Community importance proposed by Portugal under Article 4 of Directive 92/43/EEC — the Rio Lima site. Article 6(3) of this Directive provides 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 addition, it appears that the project could be covered by point 2.6 of Annex I to Council Directive 96/61/EC of 24 September 1996 on integrated pollution prevention and control [5], which mentions 'installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m^3'. As stated in Article 1, this Directive 'lays down measures designed to prevent or, where that is not practicable, to reduce emissions in the air, water and land from the abovementioned activities, including measures concerning waste, in order to achieve a high level of protection of the environment taken as a whole, without prejudice to Directive 85/337/EEC and other relevant Community provisions'.

Consequently, having examined this information, the Commission decided it must draw the Portuguese authorities' attention to the proposed factory in question and request certain clarifications, in particular whether an appropriate environmental impact assessment has been carried out and whether the preventive measures specified in the said provisions have been taken.

[1] OJ L 175, 5.7.1985.
[2] OJ L 73, 14.3.1997.
[3] OJ L 103, 25.4.1979.
[4] OJ L 206, 22.7.1992.
[5] OJ L 257, 10.10.1996.

(2004/C 65 E/168) **WRITTEN QUESTION E-2438/03**

by Ilda Figueiredo (GUE/NGL) to the Commission

(22 July 2003)

Subject: Abolition of visas for journeys by immigrants from third countries legally resident in Switzerland

The Swiss Industry and Construction Union and the Swiss Forum for the integration of migrants stress the need to abolish visas for immigrants from States not belonging to the European Union who are resident in that country.

Around half a million residents of Switzerland who come from countries which are not EU Member States are still required to obtain a visa whenever they wish to travel to their country or to a State in the Schengen area, which entails costs in terms of both time and money.

Even though the situation has certainly improved, since the visas now have a longer duration, the underlying problem remains.

Can the Commission say what measures it will take, following on from the earlier issues which have now been partially resolved, with a view to abolishing the visa requirement for residents of Switzerland who come from countries which are not members of the European Union, in the context of reciprocal measures, given that in August 2000 Switzerland abolished the visa requirement for citizens of a third country legally resident in the European Union?

Answer given by Mr Vitorino on behalf of the Commission

(3 September 2003)

The Commission's attention has already been drawn [1] to the situation of third-country nationals residing in Switzerland who, because of their nationality [2], must be in possession of a visa when travelling to a Schengen State or when simply passing through a Schengen State on their way to their country of origin.

This matter has been examined by the competent group in the Council, the 'visa' group, which came to the conclusion that the Schengen acquis does not prevent multiple-transit visas with a lengthy period of validity from being issued to those residents. The consular departments of the Member States have been informed of this possibility, which, as the Honourable Member acknowledges, is a step in the right direction in that it cuts down on the number of visits made to consulates to apply for visas.

That said, the Commission is still considering a solution that would exempt third-country nationals in possession of residence documents for Switzerland from the visa requirement for passing through Schengen States or even for making short stays there. Such a solution would, in any event, necessitate amendments to the Schengen acquis.

[1] Written Question No E-0557/02 by Mr Imbeni and Mr Pittella, OJ C 229 E, 26.9.2002.
[2] Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 81, 21.3.2001.

(2004/C 65 E/169) **WRITTEN QUESTION P-2439/03**

by Hiltrud Breyer (Verts/ALE) to the Commission

(16 July 2003)

Subject: Health hazard posed by fuels in military use

The aircraft fuel Jet-Propellant 8 (JP-8), which is suspected of posing a serious health hazard (cf. for example, New Scientist of 13 June 2001), is present in large quantities in military installations and pipelines throughout the European Union.

The Commission:

1. Does it not agree that, in accordance with the environmental information directive, the public has a right to receive information on possible hazards, particularly since no trade secrets need be divulged in this case?

2. Does it know what additives are contained in JP-8 and what their exact chemical composition and concentration is? Does JP-8 contain or release 1.2-dibromoethane in any form?

3. What health effects does JP-8 have, particularly as a result of exhaust fumes, aerosols and vapours? What investigations and tests is knowledge of these effects based on?

4. Does JP-8 have components that are subject to more stringent limit values or widely banned in civil use?

5. How are airfield employees and those living nearby protected from the dangers of JP-8? What protective measures are in existence or planned?

Answer given by Mrs Wallström on behalf of the Commission

(11 September 2003)

Article 296(1)(b) of the EC Treaty establishes a derogation whereby the Member States may take such measures as they consider necessary for the protection of the essential interests of their security which are connected with the production of or trade in arms, munitions and war materials.

The Member States have systematically interpreted Article 296 in an extensive manner, wishing to maintain strict national control over all aspects of the production of and trade in defence goods, thus excluding the military sector from the application of the EC Treaty rules.

However, the case-law [1] of the Court of Justice interprets this derogation in a more restrictive manner:

— the Member States cannot claim a 'reservation of sovereign rights' within the meaning of public international law and do not have discretionary powers of judgment;

— the Court of Justice has jurisdiction to monitor the use made of the concept of protection of the essential interests of security (as regards need, pertinence and proportionality);

— Article 196 does not limit the Community's powers ratione materiae.

This case-law was confirmed by a recent judgment [2] of the Court of Justice, which refers specifically to Article 296.

With this in mind, the Commission can provide the following information in reply to the various questions asked by the Honourable Member:

1. Article 7 of Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment [3] requires Member States to provide general information to the public on the state of the environment. From early 2005 onwards, this provision will be replaced by more detailed provisions on the active dissemination of environmental information, as laid down in Article 7 of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 [4].

   However, both Directives provide that Member States may refuse access to information, if disclosure would adversely affect national defence. In such cases, Member States are also not obliged to actively disseminate information.

2. and 3. The Commission has no information on the composition of JP-8 or its additives. Should it contain 1,2-dibromoethane, then please note that this substance has a harmonised classification as a carcinogen (category 2, so it can be assumed to provoke cancer in humans); is toxic by inhalation, in contact with the skin and if swallowed; is irritating to the eyes, respiratory system and skin; and is toxic to aquatic organisms and may cause long-term adverse effects in the aquatic environment. The combustion of JP-8 may produce totally different substances from 1,2-dibromoethane, which may be much more or much less toxic. Scientists observe such effects when they study the 'chemistry of the flame'. The Commission has no information on this, however.

4. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [5] provides that within the context of his responsibilities, the employer shall take the measures necessary for the safety and health protection of workers. To that end, the employer shall be in possession of an assessment of the risks to safety and health at work, decide on the protective measures to be taken and, if necessary, the protective equipment to be used. These obligations are further defined in Council Directive 98/24/EC of 7 April 1998 [6] on the protection of the health and safety of workers from the risks related to chemical agents at work and in Council Directive 90/394/EEC of 28 June 1990 [7] on the protection of workers from the risks related to exposure to carcinogens at work.

At present, there is no European limit value for occupational exposure to 1,2-dibromoethane.

5. The Commission has no information concerning the precautionary and protective measures taken in or around military installations.

(1) Case 222/84 Johnston v. Chief Constable [1986] ECR 1651.
(2) Case 414/97 Commission of the European Communities v. Kingdom of Spain [1999] ECR I-05585.
(3) OJ L 158, 23.6.1990.
(4) OJ L 41, 14.2.2003.
(5) OJ L 183, 29.6.1989.
(6) OJ L 131, 5.5.1998.
(7) OJ L 196, 26.7.1990.

(2004/C 65 E/170)

WRITTEN QUESTION E-2443/03

by Geoffrey Van Orden (PPE-DE) to the Commission

(22 July 2003)

Subject: Predatory sea birds

Some sea birds such as cormorants are having a devastating effect on silver shoal fish in EU rivers and estuaries.

There is also a detrimental impact on the food chain, adversely affecting many species of birds and large fish.

Are predatory sea birds such as cormorants protected in any way by EU legislation or do national authorities have the power to carry out culls where necessary?

Answer given by Mrs Wallström on behalf of the Commission

(23 September 2003)

The Honourable Member has expressed his concern regarding the impact that some species of predatory sea bird, such as the cormorants, have on silver shoal fish in Union rivers and estuaries.

Concerning the protection status of these birds the Commission would like to emphasise that like all the wild birds species, the cormorant is covered by the general system of protection of the Birds Directive (1), Member States may derogate from the prohibition of deliberate killing or capture by any method, the deliberate destruction of, or damage to their nests and eggs or removal of their nests in accordance with the system of derogations of the Birds Directive (Article 9).

When the Birds Directive was adopted in 1979, the continental subspecies of the cormorant, Phalacrocorax carbo sinensis was regarded as in danger and therefore was listed in the Annex I to the Directive as a species subject of special conservation measures concerning its habitat, including the protection of the sites.

Nevertheless, the population of this species has increased significantly and the species is now regarded as being in a favourable conservation status. Following these developments, the Commission, after having consulted the Member States, removed the cormorant from Annex I to the Directive.

The Commission is aware of the fact that there are conflicts of interests between fishermen and cormorants in certain regions of the Union and agreed with the Member States that the derogations provisions of the Birds Directive can be fully applied to prevent the serious damage caused by cormorants, where justified and where there is no other satisfactory solution.

Since the elimination of the cormorant from Annex I to the Birds Directive in 1997, the Commission has continued to check the situation and to consider the question with the competent authorities of the Member States responsible for the implementation of the Birds Directive. From the latest discussions at the meeting of the Ornis Committee for the Birds Directive of 26 June 2003, it seems that present populations appear to be relatively stable in Europe and there is no agreement on the need to develop international co-operation for managing the populations of this species.

Finally, research is ongoing in various Member States and at European level (e.g. 'Reducing the conflict between Cormorants and fisheries on a Pan-European scale: Redcafe', funded under the 5th Framework Research and Technological Development Programme) on the development of improved methods to deal with the problem of the damage caused by cormorants to fishing.

([1]) Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, OJ L 103, 25.4.1979.

(2004/C 65 E/171)

WRITTEN QUESTION E-2453/03

by Erik Meijer (GUE/NGL) to the Commission

(23 July 2003)

Subject: Eurostat: date of first discovery of fraud and ease with which contracts with businesses and amounts per business could be examined

1. Since when has the Commission been aware of contacts between Eurostat and dubious businesses, the fact that large sums of money were being received via concealed accounts (at least EUR 900 000 to date) for the purchase of statistics via datashops and the scope for a small number of officials to get hold of this money? Has the Commission known about this since 1997, 1999 or only 2001? Does the Commission agree that internal correspondence within the Commission, namely letters ESTAT/G-0/CD/sb/000347 and PRODI(2000)A/291246.--/1, gives the impression that Mr Prodi already knew about the matter at an earlier date than the Commission has so far confirmed?

2. Is the Commission aware that irregularities relating to contracts at Eurostat may also have arisen in connection with other businesses, such as Worldsystems, Eurocost, Eurogramme, TES, GIM, DEBA, Planistat and CESD, and that far larger sums are involved in these cases? Is the Commission aware that, at the mere touch of a button using the internal book-keeping system Sincom, it can state precisely over what period these businesses had contracts with Eurostat and what the value of the contracts with each such business was? Will the Commission forward this information to me and the other Members of the European Parliament?

Answer given by Mr Solbes Mira on behalf of the Commission

(22 September 2003)

The Commission answered these questions in hearings of the Cocobu and in particular in the hearings of 17 and 30 June 2003. As soon as information became available to it, the Commission immediately took the appropriate measures. In this respect, the Commission requests the Honourable Member to refer to the decisions of the Commission of 9 and 23 July 2003.

The general tone of the e-mail sent to the President on 13 November 2000, to which the Honourable Member refers, was polemical but the specific operational purpose of the message was vague. The author's thoughts on a number of issues, such as the comparative courage of certain Members of the Commission and prominent figures (Monnet, Schuman), were included alongside other, sometimes rather cryptic, remarks. In short, it was difficult for the uninformed reader to understand the true purpose of this correspondence. In accordance with normal practice in such cases, this e-mail was passed on directly to the service concerned (in this instance, Eurostat) to deal with as appropriate. Eurostat acted on what appeared to be the 'operational' section of the document, i.e. the author's declared interest in the publication of an internal audit report on Eurocost. The answer given described the factual situation with the dossier at that point, i.e. that the report in question had been sent to the competent services which were dealing with it in accordance with the confidentiality rules applicable in such cases.

On 11 June 2003 the Commission mandated the Internal Audit Service to carry out an audit of Eurostat contracts. On 9 July 2003 the Commission received a first interim report from Internal Audit Service (IAS) and an analysis by DG BUDG of the audit reports established by the Internal Audit Capabilities on Eurostat and decisions were taken accordingly and communicated to the Parliament. In particular, a special Task Force under the authority of the Director of the European Anti-Fraud Office (OLAF) has been set up. Following the decision of the Commission of 23 July 2003, the duty of the Task Force Eurostat (TFES) is to prepare a report for the Commission regarding the different administrative aspects of Eurostat files. Both the TFES and the IAS work continue. It is the declared intention of the Commission to keep the Parliament regularly informed on these matters.

In the context of the 2001 Discharge, the Commission has already stated that it currently establishing a central contract database. The information required by the Honourable Member has to be obtained via the data warehouse application which provides data on budgetary appropriations committed in favour of third parties. In its replies to other recent Parliamentary Questions, the Commission has already given detailed information on commitments with and payments to most of the entities mentioned by the Honourable Member.

(2004/C 65 E/172) **WRITTEN QUESTION E-2458/03**

by Concepció Ferrer (PPE-DE) to the Commission

(23 July 2003)

Subject: High-speed rail network in southern Europe

The rail links Genoa-Marseille-Barcelona-Valencia and Lisbon-Madrid-Barcelona-Lyon-Paris are of major importance for the southern European economy. However, repeated delays are holding back the completion of the line between Madrid and Lleida/Lérida, which should have been inaugurated at the end of 2002. This stretch is an essential part of the high-speed link that will connect both Madrid and Barcelona to the French frontier. Meanwhile, the French government appears unwilling to upgrade the stretch between Nîmes and the Spanish frontier to high-speed status. What action does the Commission intend to take to ensure the development of this trans-European network in accordance with the Treaties?

Answer given by Mrs de Palacio on behalf of the Commission

(12 September 2003)

The Community is using the trans-European transport network (TEN-T) budget to help finance studies and works with a view to increasing the capacity of the existing Perpignan-Nîmes line to cope with the extra traffic which will result from the entry into service of the new Figueras-Perpignan line (scheduled for 2008-2009).

It is also contributing, again from the TEN-T budget, to the preliminary studies for the construction of an entirely new line between the Spanish border and Nîmes, which would enter into service in stages between 2010 and 2015 depending on the degree of saturation of each section of the existing line.

Accordingly, if this project has fallen behind its initial schedule whereby the entire line was to have entered into service in 2010 (and the Commission can only regret such a delay), it must be stressed that implementation of these projects remains entirely the responsibility of the Member States. In the context of the High-Level Group chaired by Mr Karel Van Miert, the Commission sought and obtained firm commitments from the French authorities that they would keep to the dates indicated above.

(2004/C 65 E/173)

WRITTEN QUESTION E-2459/03

by Concepció Ferrer (PPE-DE) to the Commission

(23 July 2003)

Subject: Southern European rail network

It emerges from recent studies state that the proportion of goods transported by rail in Europe fell from 21 % to 8,1 % over the period 1970-2000. The beneficiary has been the road haulage sector, which offers a number of advantages over rail, including greater convenience of delivery.

Under Articles 154 and 155 of the EC Treaty, it is incumbent on the Community to contribute to the establishment and development of trans-European transport networks.

As rail is by far the more environment-friendly transport means, the Commission has committed itself to revitalising the rail sector under the Union's common transport policy.

What measures are being taken to ensure the future of rail freight over the Pyrenees?

What measures are being taken to ensure that the Pyrenees rail freight service is competitive with other modes of transport, especially road haulage?

Answer given by Mrs de Palacio on behalf of the Commission

(12 September 2003)

Revitalising rail freight is a real necessity throughout the Union and is one of the key priorities of the Union's common transport policy. The Union is anxious to create an integrated railway area in which rail transport can once again become efficient and competitive, especially for freight. Its new initiatives and measures already being applied are serving to integrate the national rail systems. This integration hinges on developing the interoperability of the high-speed and conventional rail systems, a particularly important objective given the very different characteristics of the existing Spanish and French networks.

Accordingly, in a bid to make rail freight more attractive the Community is helping to finance projects which will increase the capacity of the lines linking the Iberian peninsula to the rest of Europe via the Pyrenees. In particular, the Community has provided support from the trans-European transport network (TEN-T) budget, equivalent to 10 % of the overall project cost, for building the Perpignan-Figueras section of the new standard European gauge line which will link Barcelona and its region to the French network. This new line, which will be open to use by both freight and passenger trains, should come into service in 2008-2009 and will allow significant time gains at the border by precluding the need to change axles there.

Priority project No 3 (TGV South), of which the Perpignan-Figueras section forms one part, also involves an upgrading of the line on French territory, between Perpignan, Montpellier and Nîmes, the studies for which are also being co-financed from the TEN-T budget. A new line is due to be built on this route by 2015, and this will free up major capacity — especially for freight trains — on the existing line.

The Commission would further point out that the priority TEN-T projects it has proposed also include the central rail crossing of the Pyrenees and the Iberian high-speed network. Parliament has already approved this proposal at first reading.

(2004/C 65 E/174) **WRITTEN QUESTION E-2468/03**

by Catherine Stihler (PSE) to the Commission

(24 July 2003)

Subject: Introduction of digital tachographs

Regulation (EEC) 3820/85 [1] lays out the rules relating to the acceptable driving, resting and working times of drivers of commercial vehicles and buses. The hours of such drivers are recorded and controlled by use of tachographs in accordance with Regulation (EEC) 3821/85 [2]. More recently, Regulation (EC) 2135/98 [3] was published, paving the way for the introduction of digital tachographs (which record on smart cards) in place of the current tachographs (which record on paper charts).

Article 2, paragraph 1(a) of Regulation 2135/98 states:

> 24 months from the date of publication in the Official Journal of the European Communities of the act to be adopted pursuant to Article 17(2) of Regulation (EEC) No 3821/85, as amended by this Regulation, vehicles put into service for the first time must be fitted with recording equipment in accordance with the requirements of Annex IB to Regulation (EEC) No 3821/85.

Would the Commission please confirm that the act referred to in this paragraph is that which was published as Regulation (EC) 1360/2002, published on 5 August 2002 [4]?

[1] OJ L 370, 31.12.1985, p. 1.
[2] OJ L 370, 31.12.1985, p. 8.
[3] OJ L 274, 9.10.1998, p. 1.
[4] OJ L 207, 5.8.2002, p. 1.

Answer given by Mrs de Palacio on behalf of the Commission

(24 September 2003)

Herewith the Commission confirms that Commission Regulation (EC) No 1360/2002 [1] is the act referred to in Article 2, paragraph 1 (a) of Council Regulation (EC) No 2135/98 [2].

[1] Commission Regulation (EC) No 1360/2002 of 13 June 2002 adapting for the seventh time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport, OJ L 207, 5.8.2002.
[2] Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/84 and (EEC) No 3821/85, OJ L 274, 9.10.1998.

(2004/C 65 E/175) **WRITTEN QUESTION E-2473/03**

by Marie Isler Béguin (Verts/ALE), Charles Tannock (PPE-DE), Alima Boumediene-Thiery (Verts/ALE), Patsy Sörensen (Verts/ALE) and Miquel Mayol i Raynal (Verts/ALE) to the Commission

(24 July 2003)

Subject: Regions adjacent to the enlarged Union's external borders

The current process of enlargement towards the east will, in the near future, alter the EU's political, economic and social makeup, as harmonisation, protection and transitional aid measures are applied in the applicant central European and Baltic countries.

Given their particular sensitivity to this process of economic alignment, during the successive enlargements of the EU the eastern border regions of the Member States and, subsequently, the applicant countries, have benefited from special programmes and aid intended to guard against and mitigate imbalances and socio-economic repercussions within their borders. The western border regions of the European countries

neighbouring the enlarged EU, such as Belarus, Moldova and Ukraine, are primarily and intrinsically dependent on the interregional economy and trade with their many partners on the EU side of the border. These three eastern European countries, which form part of our continent's history and identity, are directly concerned by the implications of the EU enlargement process at all levels. The current Moldovan and Belarussian governments' predecessors clearly stated their wish to join the EU, and this has remained a priority for the current Ukrainian Government.

On 11 February 2003 the European Parliament adopted a report by Pedro Marset Campos on 'relations between the European Union and Belarus: towards a future partnership', in which it called on the Commission, 'in order to prevent any cracks from appearing in the economic or social structure at the future eastern border of the enlarged EU and to curb smuggling and immigration, to develop Community financial programmes and support for the western regions of the new neighbours to the East, Ukraine, Belarus and Moldova, on the same scale as those already being implemented in the eastern regions of the neighbouring candidate countries'.

1. What interregional programmes does the Commission intend to implement with a view to providing support for symmetrical social and economic development on both sides of the EU's future eastern border so as to guard against a widening gulf between the new Member States and Ukraine, Moldova and Belarus?

2. What preventive measures does it intend to take in order to protect cross-border trade in this region, a trade which, in Ukraine, accounts for one third of imports and provides a livelihood for 20 % of the population, and which is directly threatened by the introduction of visas on 1 July 2004?

3. Would the Commission not agree that in order to maintain and foster the existing social and economic links between the applicant countries and these eastern European partners coordination between the Phare and TACIS and Interreg and Phare-CBC programmes should be optimised and, if necessary, reorganised?

Answer given by Mr Patten on behalf of the Commission

(17 September 2003)

1. Working together to create an area of shared prosperity and stability with the neighbours of the future enlarged Union, is a clear objective for the Union, as outlined in the Commission's Communication 'Wider Europe — Neighbourhood' [1]. In its follow-up Communication 'Paving the way for a New Neighbourhood Instrument' [2], the Commission proposes the specific possibility of creating a Neighbourhood Instrument, which would build on the experience of promoting cross-border co-operation within the PHARE, TACIS and Interreg programmes. The programme could focus on ensuring the smooth functioning and secure management of the future Eastern and Mediterranean borders, promoting sustainable economic and social development of the border regions and pursuing regional and transnational co-operation. As such an instrument cannot be created immediately, the Commission is introducing a two-phase approach, starting with the concept of Neighbourhood Programmes for the period 2004-2006 operating as joint cross-border and regional co-operation programmes on the Union's external borders with Belarus, Ukraine and Moldova (as well as those in the Western Balkans and the Mediterranean) and addressing the above issues.

2. The neighbouring countries of the enlarged Union should be well placed to take advantage of direct access to a Single Market of 450 million people. The enlarged Union will remain an open trading partner, with a single set of rules and administrative procedures, and a single tariff, with the overall level of tariff protection decreasing after enlargement. This will simplify the activity of third country operators within the new Member States. The simplification and standardisation of rules will benefit particularly small and medium-sized enterprises and individual operators, who are often those involved in border trade activities, for whom the costs of compliance with trade procedures are proportionately higher.

Moreover, enlargement is expected to bring accelerated economic growth in the new Member States, which will increase demand for imports. This will especially benefit bordering regions to the new Member States which will be well positioned to take advantage of this economic growth and can increase their trade with these expanding markets.

Finally, cross-border trade is an issue addressed under the Neighbourhood Programmes, with one of the main objectives of the programme being 'Ensuring efficient and secure borders' under which activities towards facilitation of trade and passage such as user-friendly small border traffic would be possible.

3. The Commission is addressing this issue within the framework of the current financial perspective and on-going programming for 2004-2006 through the introduction of Neighbourhood Programmes. Over the coming months, the Commission will examine the possibility of creating a New Neighbourhood Instrument from 2007, which could be capable of operating on an identical footing on both sides of the Union's external border.

(1) COM(2003) 104 final.
(2) COM(2003) 393 final.

(2004/C 65 E/176) **WRITTEN QUESTION E-2489/03**

by Sérgio Marques (PPE-DE) to the Commission

(25 July 2003)

Subject: State of implementation of aid for Venezuela

Following the tragic floods which hit Venezuela in December 1999, the Commission allocated a substantial amount of funding to support reconstruction in the areas affected, the purpose being to aid reconstruction in Vargas State and to support risk prevention, i.e. the drawing-up and implementation of programmes aimed at the management of natural risks in a vast area adjacent to that struck by the 1999 floods, in Falcon, Miranda and Yaracuy States.

With regard to the projects on 'Support for reconstruction and disaster prevention in Vargas State' (Community contribution: EUR 25 million) and 'Social reconstruction in Vargas State' (Community contribution: EUR 10 million), signature of the financing agreement by the Venezuelan national authorities is being awaited for implementation to commence.

With regard to the programme on 'Flood prevention in Falcon, Yaracuy and Miranda States' (Community contribution: EUR 20 million), a Commission decision on the allocation of the relevant appropriations was expected in the first half of 2003.

A European Parliament delegation, of which I formed part, visited Venezuela between 7 and 9 July 2003 and observed that there has been a series of delays in the approval and implementation of these projects, largely on account of differences of opinion between the Commission and the Venezuelan authorities concerning the tax arrangements for the Community projects (exemption from VAT on goods and services).

Can the Commission answer the following:

1. What date is scheduled for implementation of the two projects in Vargas State? Will it be possible for all the funding allocated to be used up despite the significant delay? What obstacles remain as regards implementation of the projects?

2. What is the Commission's position on the programme on 'Flood prevention in Falcon, Yaracuy and Miranda States' and, if a decision has been taken in favour of this programme, what timescale is envisaged for its implementation?

Answer given by Mr Patten on behalf of the Commission

(24 September 2003)

1. Financing agreements for two projects in the State of Vargas were signed by the Venezuelan Government on 19 December 2002. These two projects will be implemented by Corpovargas (Instituto Autónomo Corporación para la Recuperación y Desarrollo del estado Vargas) and will start on the arrival of two European technical assistants experts already hired by the Commission. The Commission has done its utmost to ensure that these projects start in September this year.

Since the beginning of the year Corpovargas has been carrying out a detailed identification of measures/works to be carried out to reduce the time required for the projects' start-up phase. Contracts for these projects' funding will be concluded in accordance with the conditions and time limits laid down in the financing agreements.

The framework cooperation agreement signed with the Venezuelan Government laying down the operational framework for Community cooperation has not yet been ratified by the Venezuelan Parliament. Nevertheless Presidential Decree No 2.374 of 24 April this year exempts all international cooperation projects from VAT.

The Commission considers it will be possible to utilise all the resources made available for work to be undertaken under the two projects in question within the time limits laid down in the relevant financing agreements.

2. The Commission adopted a decision on 25 October 2002 providing EUR 20 million for the 'Prevención de las inundaciones en los Estados de Falcón, Yaracuy y Miranda' project.

The technical annexes to the financing agreement are being finalised and the agreement is expected to be signed by both parties (the Commission and Venezuelan Government) before 31 December of this year.

The Commission would inform the Honourable Member that the delays in the signing of this financing agreement are due to the inability of the Venezuelan Government to decide who will act as the supervisory authority for this project which concerns three different States. The Commission delegation is negotiating an appropriate solution with the relevant authorities.

(2004/C 65 E/177) **WRITTEN QUESTION E-2492/03**

by Christopher Huhne (ELDR) to the Commission

(25 July 2003)

Subject: Transparency in share purchases

Will the Commission state what legal or other arrangements are made in each Member State whereby companies can seek to discover the beneficial ownership of shares even if they are held by nominees, trusts or other such blinding mechanisms? Is the Commission aware of the importance of such arrangements if minority shareholder rights are to be respected by, for example, ensuring that mandatory takeover bids are launched once a controlling shareholder goes above a certain proportion of the equity? If so, what arrangements does the Commission propose whereby companies may discover the beneficial ownership of their shares even if the ownership is in another Member State? Would Member States be justified, for example, in requiring companies to place in escrow the dividends of any shareholders that failed to answer questions of beneficial ownership?

Answer given by Mr Bolkestein on behalf of the Commission

(16 September 2003)

The Honourable Member raised a question related to the relationship between listed companies and its shareholders. As regards shareholders, the question not only refers to legal owners of shares, but also beneficial owners. The Commission therefore considers this to be an issue of company law.

In substance, the Commission does not possess the necessary information to provide a detailed overview about the arrangements made in each Member State whereby companies can seek to discover the beneficial ownership of shares even if they are held by nominees, trusts or others. It does in particular not have information on how national systems would also cover third country investors.

The Commission considers that the right for companies to enquire about the identity of the beneficial owner has not primarily to be seen in the context of takeovers, but as an instrument in view of the care a company wishes to take with its investors, which should be weighed against interests of data privacy as well as national property law.

As regards takeovers, the Commission wishes to point out that the proposed Directive on Takeover Bids refers to the legal ownership only (see Article 2, paragraph 1a of the proposed Directive) [1].

[1] OJ C 45 E, 25.2.2003.

(2004/C 65 E/178) **WRITTEN QUESTION E-2493/03**

by Christopher Huhne (ELDR) to the Commission

(25 July 2003)

Subject: Transparency commitments

Will the Commission estimate the number of announcements of timely market information announced to each national market within the European Union? Does the Commission notice any inverse relationship between the amount of quarterly reporting by listed companies in each Member State and the number of regulatory announcements of market-sensitive information? If there is such an inverse relationship, what measures will it bring forward to ensure that there is no reduction in the information provided to investors if its proposal for mandatory quarterly reporting were to be adopted?

Answer given by Mr Bolkestein on behalf of the Commission

(4 September 2003)

The Honourable Member's question is linked to the Commission proposal for a directive harmonising transparency requirements for security issuers [1]. The proposal includes the introduction of quarterly financial information for publicly quoted companies issuing shares admitted to trading on a regulated market in the Union.

The Commission is collecting the information it needs in order to determine whether any reasonable estimate, as requested by the Honourable Member, can be made. The Commission intends to focus its investigations on Member States where an essentially centralised system is provided for disseminating regulatory information, or where there is a centralised filing thereof with the competent authority or with the operator of a regulated market. In addition, the Commission needs to explore whether such a centralised system covers information required under Community law or also that required under additional national measures. For this reason, an evaluation covering all the Member States is not feasible.

At this stage, the Commission would in any event like to draw the attention of the Honourable Member to the following:

— The term 'announcements of timely market information' is too broad to allow any reasonable assessment of the relationship between quarterly reporting and other types of information. This notion would for instance also cover communications between investment companies and investors — a situation which does not at all deal with regulated markets for securities. It would also include securities, such as bonds, or financial instruments, such as warrants, for which the Commission has not proposed the introduction of quarterly financial information.

— In addition, the proposed financial information obviously cannot have any impact on regulatory information where the issuer has no discretion in deciding whether or not to disclose something to the public (or to delay such disclosure).

  This concerns for instance information about:

  — directors' dealings in shares of their own company,

  — changes to major shareholdings held in a company,

  — forthcoming shareholder meetings,

— application of a national corporate governance code;

— transactions between issuers and directors or others in positions of influence within such an issuer ('related party transactions');

— major transactions undertaken by listed companies outside their ordinary course of business ('Class tests').

The Commission will communicate any possible findings as soon as possible.

(1) COM(2003) 138 final.

(2004/C 65 E/179) **WRITTEN QUESTION E-2502/03**

by Martin Callanan (PPE-DE) to the Commission

(29 July 2003)

Subject: The Draft EU REACH Regulation

Following the interview on BBC Radio 4's Today programme on 10 July, can the Commission explain whether a comment made by Commissioner Wallström:

> Of course we should not test every chemical, only those that need testing and those that could cause risks to human health and the environment …

reflects the Commission's new policy on the Draft EU REACH Regulation?

Answer given by Mrs Wallström on behalf of the Commission

(16 September 2003)

The reply of the Member of the Commission in charge of Environment does indeed reflect the Commission's policy on Registration, Evaluation and Authorisation of Chemicals (REACH), as set out in the White Paper on the Strategy for a future Chemicals Policy of February 2001 (1) and subsequently developed in the draft that formed the basis of the recent Internet consultation. There is no need to test chemicals for which adequate information is already available or for which adequate information can be obtained by other means. Furthermore, when the exposure to a chemical is very limited, such as for certain types of intermediates, the potential risk does not generally merit the performance of tests.

(1) COM(2001) 88 final.

(2004/C 65 E/180) **WRITTEN QUESTION E-2506/03**

by Mauro Nobilia (UEN) to the Commission

(29 July 2003)

Subject: Governance: tripartite environmental contracts

Knowing that:

— on 11 December 2002 the Commission issued a communication entitled 'A framework for target-based tripartite contracts and agreements between the Community, the States and regional and local authorities, dealing with the subject of tripartite contracts;' (1)

— this communication does not wholly achieve its intended aim;

— despite the Commission's verbal undertakings, the subsequent plans of the Commissioner and DG responsible appear to point in the opposite direction;

— the Commission selected two initiatives with a view to drawing up environmental pilot contracts by the end of 2002;

— this venture, which is to be applauded, will require substantial support in terms of funding and human resources.

The Commission:

— how will the Commission involve the EP where tripartite contracts are concerned?

— given that the White Paper assigns a key role to central government in laying down and implementing tripartite contracts, how will it involve the Member States?

— how will it pursue its activities at the practical level? Specifically, which directorates-general and units will be involved for that purpose?

— how will it allocate responsibilities and human resources among the directorates-general and units so as to enable all the parties concerned to obtain assistance?

— when will it act on the verbal undertakings that it gave to Parliament's Environment Committee at the meeting of 2 October 2002?

— how will it cover the projects from the financial point of view?

(1) COM(2002) 709 final.

Answer given by Mr Prodi on behalf of the Commission

(19 August 2003)

Since the Commission launched the idea of target-based tripartite contracts and agreements in its White Paper on European governance (1) and set it out in detail in the communication of December 2002 to which the Honourable Member refers, it has been for the Member States and their regions and towns to put forward initiatives to implement it. As for the Community bodies and institutions, the Committee of the Regions has already clearly expressed its support for the idea, Parliament is preparing a resolution on the December 2002 communication and the Council is said to be preparing to deal with the subject in the second half of 2003.

With regard to Parliament in particular, the forthcoming resolution will be examined by the Commission when the time comes, and Parliament can tell the Commission how it intends to be involved in implementing the idea. The same goes for the Member States, which will be able, either within the Council or individually, to express their interest and readiness to take part in the plan.

As far as the Commission is concerned, according to the White Paper on European governance it is the Directorates-General responsible for policies with a strong territorial impact which are most concerned by projects for tripartite agreements or contracts. The allocation of responsibilities and human resources among Directorates-General and any financial cover of these projects must follow the guidelines referred to in the White Paper and the communication of December 2002.

With regard to the environment, the Commission intends to adopt a position on the various projects already submitted by certain bodies by the end of 2003.

(1) OJ C 287, 12.10.2001.

(2004/C 65 E/181) **WRITTEN QUESTION E-2510/03**

by Roberto Bigliardo (UEN) to the Commission

(29 July 2003)

Subject: Rental of the City Center Building

The Commission's Brussels Office for infrastructures and logistics (OIB) is about to rent the City Centre Building near the Gare du Nord district even though the administration's health and safety unit has advised it not to do so.

The Brussels property lobby has been attempting for years, without success, to persuade the Commission to establish a third centre of activity for the European institutions in the Gare du Nord district.

1. Is the rental of the City Center Building intended to pave the way for a large-scale transfer of staff to the Gare du Nord district?

2. If so, can the Commission say why it is choosing to move officials to an area with serious problems as regards quality of life and security?

3. Could the Commission say, at all events, what it will do to stop the rental of the City Center Building?

Answer given by Mr Kinnock on behalf of the Commission

(3 November 2003)

Consideration of the 'City Center' as a possible location for Commission staff originated from a request of the administrative services of the Parliament to occupy the 'Montoyer 75' building (MO75). The Commission responded positively to this request and asked the OIB to search for a new building in which to relocate the officials of the Directorate General for Research and Technological Development (DG RTD) who currently occupy MO75.

Over an extended period the Parliament had itself commenced negotiations to lease City Center for its own requirements if it became evident that an exchange with the Commission was not possible. In the apparent absence of alternative options which would have allowed the Commission to vacate MO75 by the date requested by the Parliament, OIB took over these negotiations. After due consideration it was recognised that City Center would not be suitable, and OIB therefore continued to work to finding better alternatives, within or close to the European quarter. Despite some complications, discussions on a more suitable option are now progressing, and the promoters of the City Center project have been informed that Commission services will not be taking this building.

For the record, it should be noted that the CSHT (Comité de Sécurité et Hygiène au Travail) of the Commission in Brussels did not reach either a negative or a positive opinion on the suitability of City Center and the USHT (Unité de Sécurité et Hygiène au Travail) laid down a number of conditions to be fulfilled for occupying the building. It is consequently not strictly accurate to suggest that consideration of the possibility of renting City Center was against the advice of health and safety specialists in the Commission.

(2004/C 65 E/182) **WRITTEN QUESTION E-2511/03**

by Mario Borghezio (NI) to the Commission

(29 July 2003)

Subject: Ventimiglia to Monaco railway line out of use: appeal to the Commission to approach the French authorities

The fact that the stretch of line between Ventimiglia and Monaco is out of use owing to the work being carried out in the Roquebrune tunnel is severely harming Ventimiglia's economy, bearing in mind also that the work is scheduled to continue until at least the end of 2003.

What representations will the Commission make to the French authorities to persuade them to speed up the work to repair the damage to the tunnel, thereby enabling the above-mentioned track section to be brought back into service as quickly as possible?

Answer given by Mrs de Palacio on behalf of the Commission

(12 September 2003)

The Ventimiglia-Moncao line was closed to traffic following a cave-in which occurred in mid-June 2003 in the tunnel which runs under Monaco. Even though the infrastructure manager concerned (Réseau Ferré de France) is having to carry out considerable repair work, service is due to resume gradually by the end of the year. Since this operation is akin to maintenance rather than construction of new infrastructure or upgrading of existing infrastructure, it would not have been possible, even if the French authorities had so requested, for the project to be co-financed from the trans-European transport network (TEN-T) budget.

For a Member State temporarily to obstruct an important route may constitute a restriction on the free movement of goods. The Court has already found that measures which delay the movement of goods between Member States have the effect of restricting the free movement of goods in a way which is incompatible with Article 28 of the EC Treaty [1].

However, like Advocate General Jacobs in the Schmidberger case [2], the Commission believes there can be no absolute obligation to ensure that goods can move unimpeded at all times and at any cost, failure to observe which would always be an infringement of Community law. For instance, delays caused when repair work has to be carried out are an inherent part of rail transport and the causes may be unavoidable, especially where user safety is at stake.

In view of the above and of the information supplied to it, the Commission does not believe that the interruption of the Ventimiglia-Monaco rail service by the work under way in the Roquebrune tunnel is liable to constitute a restriction on the free movement of goods such as is incompatible with Article 28 of the EC Treaty.

[1] Judgment of 26 September 2000 in Case C-23/99 Commission v France, ECR I-7653, paragraph 22.
[2] C-112/00, ECR 2003.

(2004/C 65 E/183) **WRITTEN QUESTION E-2520/03**

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

(29 July 2003)

Subject: Linguistic plurality of Spain with regard to passports

The Resolution of 10 July 1995 [1] requires all Member States to adjust the format of their passports by replacing the term 'European Communities' with that of 'European Union'.

In connection with this adjustment, a proposal was tabled in the Spanish Parliament that centred on recognising the plurality of official languages in passports of citizens resident in autonomous communities where there is more than one official language. However, the Spanish Government rejected this proposal, citing the Resolution of 23 June 1981 [2].

Since Article I-3 of the Draft EU Constitutional Treaty states that 'The Union shall respect its rich cultural and linguistic diversity' and Article II-22 thereof adds that 'The Union shall respect cultural, religious and linguistic diversity', thus echoing the Charter on Fundamental Rights, and given the conclusions of the European Year of Languages established by decision of the Parliament and the Council, does the Council intend to amend the said Resolution to include all the official languages of EU Member States in their passports?

[1] OJ C 200, 4.8.1995, p. 1.
[2] OJ C 241, 19.9.1981, p. 1.

(2004/C 65 E/184)

WRITTEN QUESTION E-2547/03
by Joan Vallvé (ELDR) to the Council

(31 July 2003)

Subject: Linguistic coexistence as reflected in Spanish passports

The resolution of 10 July 1995 [1] requires all Member States to adjust the format of their passports by replacing the term 'European Communities' with 'European Union'.

In connection with this adjustment, a proposal has been tabled in the Spanish Congress of Deputies to recognise the coexistence of official languages in the passports issued to citizens living in an autonomous community where there is more than one official language. The Spanish Government, however, refuses to accept that proposal, citing the resolution of 23 June 1981 [2].

Given that Article I-3 of the draft Treaty establishing a Constitution for Europe states that 'The Union shall respect its rich cultural and linguistic diversity' and Article II-22, moreover, stipulates that 'The Union shall respect cultural, religious and linguistic diversity', thus echoing the Charter of Fundamental Rights, and having regard to the conclusions arising from European Year of Languages, as laid down by decision of Parliament and the Council: will the Council amend the above resolution so as to enable all the official languages of a Member State to be incorporated in that state's passports?

[1] OJ C 200, 4.8.1995, p. 1.
[2] OJ C 241, 19.9.1981, p. 1.

Joint answer
to Written Questions E- 2520/03 and E-2547/03

(17 November 2003)

The Council draws the attention of the Honourable Members to the fact that the Treaty of the European Union does not provide for Community competence in this field.

(2004/C 65 E/185)

WRITTEN QUESTION E-2523/03
by Erik Meijer (GUE/NGL) to the Commission

(29 July 2003)

Subject: Validity for other parts of the EU of the successful Flemish model for expanding public transport, winning new passengers and providing services on a sound financial basis

1. Is the Commission aware that — partly as a result of efforts to reduce taxes and government spending — with the rise of the car loss-making public transport has been steadily declining and losing passengers and that, as a result, transport links to and road safety and the quality of life in villages and suburbs have suffered, whilst urbanisation, pollution and traffic problems have increased?

2. Is the Commission aware, further, that in the Belgian federal State of Flanders the urban and regional transport company De Lijn has succeeded in reversing this downward trend in the EU: over the last four years, passenger numbers have increased by 47 %, and the figure for the period since 1990 is over 50 %?

3. Is the Commission aware that these excellent results have been achieved by means of the following measures:

(a) since 1998 fares have been simplified and lowered;

(b) a decree has been issued laying down people's right to basic mobility: as from 2006, anyone living in a residential area must have a bus or tram stop within 500 to 750 metres of their home and services must run at least hourly in rural areas and five times per hour in built-up areas;

(c) a number of target groups, such as young people, the elderly and inhabitants of the town of Hasselt, have access to free public transport;

(d) in addition to the standard package offered by De Lijn, municipalities may buy in from a special 'menu' additional services or fare reductions for target groups;

(e) collective season tickets are sold to firms for their staff as an alternative to the reimbursement of individual travel expenses, with employees' partners also receiving a free season ticket;

(f) De Lijn plays an active role in preparing policy decisions and in hiring small competitors to provide 50 % of bus services?

4. Is the Commission prepared to draw the attention of other competent authorities in the EU to the success of the Flemish model and to remove obstacles which might prevent such authorities from following the Flemish example?

Source: OV Magazine (Netherlands), 10 July 2003

Answer given by Mrs de Palacio on behalf of the Commission

(12 September 2003)

The Commission is keenly aware of the importance of high quality public transport services. In view of this it undertakes a number of initiatives in this field.

One of the most relevant activities has been its work on the proposal adopted in 2002 [1] on action by Member States concerning public service requirements and the award of public service contracts in passenger transport by rail, road and inland waterway. As recent court cases have shown, it is now more urgent than ever to make progress with this dossier.

There are a number of examples of successful growth of public transport use in the Union and the Commission welcomes the success that has been achieved by 'De Lijn'.

Many factors can contribute to desirable developments in this field. Some are matters for the management of public transport operators, while others rely on an appropriate legislative framework. It is appropriate for local authorities to have sufficient freedom to address local issues and encourage public transport development, but they must of course respect the framework of Union rules.

The Commission welcomes also the specific measures for target groups (young people, elderly and people with disabilities).

The Commission is keen to promote examples of good practice in public transport. The European Local Transport Information Service [2] is a project which the Union has funded for sharing examples of good practice.

Another way that the Commission is supporting best practice is through its urban transport benchmarking exercise comprising a series of projects. The third project is starting now and the Commission is keen to encourage public authorities to participate.

[1] OJ C 151 E, 25.6.2002.
[2] www.ELTIS.org

(2004/C 65 E/186) **WRITTEN QUESTION E-2528/03**
by David Bowe (PSE) to the Council

(29 July 2003)

Subject: Body piercing

Does the Council consider it necessary to make proposals for minimum common standards for licensing and operation for the commercial provision of the services of tattooing or body piercing in the EU in order to protect the health of the general public and to avoid needless tragedies like the recent death of Daniel Hindle in Sheffield in the UK? If not, why not?

Reply

(17 November 2003)

The Council would remind the Honourable Member that it is for the Commission to submit proposals to the Council within the scope of the powers laid down by the Treaty.

No proposal in this area has been submitted to the Council so far.

(2004/C 65 E/187) **WRITTEN QUESTION E-2532/03**

by Gabriele Stauner (PPE-DE) to the Commission

(29 July 2003)

Subject: Conflict of interests for the Commission's Accounting Officer

On 1 January 2003 Mr Brian Gray was appointed Accounting Officer of the Commission. He is also Deputy Director-General for the Budget.

Does the Commission consider that this dual role is in keeping with the provision of the new budgetary rules, which require a strict functional separation between execution of the budget and accounting?

The Directorate-General for the Budget's organization chart on the Internet shows that while a number of heads of division of this Directorate-General report directly to Mr Gray, this is not true of the accounting services.

Will the Commission say whether this is an oversight? If not, to whom do the accounting services report?

The organisation chart also shows that the Secretariat of the Commission's Audit Progress Committee reports to Mr Gray. He thus has a considerable say as regards inspections carried out by the Commission's internal audit service and the evaluation of its findings.

Does the Commission agree that this situation creates a potential conflict of interests for Mr Gray, in particular if the internal audit service wishes to inspect accounting and cash management?

Answer given by Mrs Schreyer on behalf of the Commission

(30 September 2003)

In recognition of the importance of the role played by the Accounting Officer, the Commission decided that this function should be occupied at the level of A1, and appointed Mr Brian Gray, the Deputy Director-General of Directorate General (DG) Budget. The execution of the budget is the responsibility of the delegated authorising officers in the operational Directorate-Generals. DG Budget is responsible for the execution of own resources and of its own administrative expenses. Mr Gray has no sub-delegations for any revenue or expenditure operations, nor do any staff of the services which report directly to him, namely Directorate C, and Unit 01. The Commission considers therefore that there is a strict functional separation in his respect.

The work associated with the responsibilities of the Accounting Officer, as set out in Articles 61 and 63 of the Financial Regulation [1], is undertaken by Directorate C of DG Budget, the Director of which reports directly to the Deputy Director-General. The organisation chart will clarify this issue.

In order to facilitate the organisation of the Audit Progress Committee meetings, which concern several Commission services and external experts, the Commission decided on 9 July 2003 to transfer the Secretariat of the Audit Progress Committee to the Secretariat General. The organisation chart will be updated in this respect once the administrative procedures to implement this decision have been completed.

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[1] Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.9.2002.

(2004/C 65 E/188) **WRITTEN QUESTION E-2539/03**

by Karl-Heinz Florenz (PPE-DE) to the Commission

(29 July 2003)

Subject: Chemicals policy — the REACH System

The following questions arise in connection with the Commission proposal for a regulation on the registration, evaluation and authorisation of chemicals (REACH).

The proposal for a regulation affects the food industry in varying degrees:

(a) the general nature of the scope (Point 1) means that in all cases there is a duty to undertake a Chemical Safety Assessment/Report — CSA/CSR — and, where appropriate, draw up a safety data sheet;

(b) furthermore, all substances which are not covered by a derogation in respect of Points 8-11 are subject to a registration and authorisation procedure.

Re (a) General scope:

— Will the Commission explain to what extent food, feedingstuffs and fertilisers are affected by the REACH system and subject to the duty to undertake a CSA/CSR? Will food be treated differently, depending on whether it is used as a finished product for the final consumer, or as an intermediate product or in the non-food sector?

— Can the Commission explain why food and feedingstuffs additives do not fall within the scope of the rules?

Re (b) Registration and authorisation duties:

— Annex II of Chapter II of the proposal provides for derogations from the registration obligation for a number of substances. Can the Commission explain which criteria were determinant in making these derogations? Why is saccharose, but not fructose for example, exempt from registration obligation?

— the proposal for a regulation provides that intermediate products shall be subject to a modified registration obligation. Why is provision made for only two locations?

— Why are only feedingstuffs containing proteins, but not others, exempt from the registration obligation?

— Can the Commission explain on what basis the term 'intended use' is to be defined and applied?

Answer given by Mrs Wallström on behalf of the Commission

(16 September 2003)

The Commission is currently reviewing the draft of the REACH legislation in the light of the responses to the recent Internet consultation. Following this review, the Commission may revise some parts of the draft related to the issues raised in the question. The general aim of the review is to ensure that the draft legislation achieves its aims in the most cost-effective and efficient manner.

(a) It should be noted that REACH is being designed so as not to duplicate the provisions of other legislation. Thus the interface to other legislation is being tailored according to the scope and content of each other relevant piece of legislation.

(b) It should be noted that the exemptions referred to in Annex II are carried over from current chemicals legislation.

As the review of the draft legislation is still in progress, it is not possible to give more detailed responses to the other issues raised by the Honourable Member.

(2004/C 65 E/189)

WRITTEN QUESTION E-2544/03

by Antonio Di Pietro (ELDR) to the Commission

(30 July 2003)

Subject: Building work in the regional nature reserve of Partenio

The territory of the municipalities of Summonte and Ospedaletto d'Alpinolo, in the province of Avellino in Italy, is inside the perimeter of the Patenio regional nature reserve, which is subject to various forms of environmental protection order.

In particular:

(a) the whole territory of the municipality of Ospedaletto d'Alpinolo and that of the municipality of Summonte above the provincial highway are, because of their scenic beauty, under special environmental protection provided by Law No 1497/39;

(b) most of the territory of the two municipalities, which is covered with woodland, is under a conservation order by virtue of Article 1(g) of Law No 431/85, as well as provisions to protect the watercourses and geological features, laid down by the 'Special Plan' introduced by the authority responsible for the Volturno and Liri Garigliano river basins to eliminate the most serious risks;

(c) the highest part of the territory of the two municipalities is also included in the site of Community interest — code number IT 8040006 — known as 'Dorsale Monti del Partenio', protected under Directive 92/43/EEC [1] and Article 5 of Presidential Decree No 357 of 8 September 1997.

Despite these safeguards and in contravention of the provisions of Article 3(6) of Directive 92/43/EEC, the local authorities of Ospedaletto d'Alpinolo and Summonte — after obtaining funding from the Region of Campania — are carrying out major works projects with a significant impact on the conservation area, without the necessary environmental impact assessment stipulated in the directive.

Does the Commission agree that in the absence of respect for the Community legislation referred to, the permits issued by the competent Italian authorities for these projects are unlawful?

[1] OJ L 206, 22.7.1992, p. 7.

Answer given by Mrs Wallström on behalf of the Commission

(11 September 2003)

Under Article 6, paragraph 3, of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, with reference to the sites which, according to the procedure laid down by the Directive, will be listed as Sites of Community Importance (SCI) and which will be designated as Special Areas of Conservation (SAC):

> 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.

However, the information given by the Honourable Member has not revealed any specific grounds on possible breach of Directive 92/43/EEC in the specific case. In particular, no detail is given as regards the works which are claimed to have a significant effect on the proposed Site of Community Importance IT 8040006 'Dorsale Monti del Partenio'. Therefore, in the light of the above, no breach of the above mentioned Directive can be identified at present. Should the Honourable Member provide detailed information enabling the Commission to assess the issue in relation to Directive 92/43/EEC, the Commission would be able to investigate this matter.

(2004/C 65 E/190)

WRITTEN QUESTION E-2545/03

by Olle Schmidt (ELDR) to the Commission

(30 July 2003)

Subject: Swedish rules contrary to internal market

There are two bodies of law in Sweden governing recycling schemes. The first set of rules requires producers to recycle their packaging in one way or another. Producers usually join together to form recycling businesses. Drinks ready for consumption are subject to other rules which require producers to take their packaging back. The industry develops a deposit scheme to achieve this. The producers themselves have to pay a charge per bottle for handling.

The problem is that the two schemes are mutually contradictory. Producers or importers of ready-made drinks cannot join the cheaper scheme (1). They must use the second set of rules which entails re-marking all bottles because the Swedish system is based on bar codes.

Owing to this system, importers face high costs as they are charged some 77 öre per bottle as a handling fee for the deposit scheme, which benefits the big breweries. It could be concluded that the Swedish deposit scheme in fact constitutes a barrier to trade.

Are these rules not contrary to internal market rules?

The Swedish Environment Ministry has now put a draft law before the Swedish Parliament providing for penalties for shop-owners who sell bottles outside the deposit scheme, which means that the Environment Ministry could possibly put an end to parallel imports of soft drinks although they keep prices down on the Swedish market. Does the Swedish Parliament have the powers to prohibit the conveyance and marketing of packaging which does not form part of a return scheme? This could spell the end for parallel imports of soft drinks.

Finally, I would emphasise that I support recycling and return schemes but they must be fair for all and must not distort competition.

Answer given by Mrs Wallström on behalf of the Commission

(18 September 2003)

Article 7 of Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste [1] ('Packaging Directive') obliges Member States to take the necessary measures to ensure that systems are set up for '(a) the return and/or collection of used packaging […]' and '(b) the reuse or recovery including recycling of the packaging and/or packaging waste collected'. The Commission cannot see a reason why the principle of setting up separate systems for the recovery and recycling for different kinds of packaging waste should contravene the Packaging Directive or the Internal Market rules to which the Directive refers. It also seems unclear which elements of these two systems would be mutually contradictory. Article 7 of the Packaging Directive does not exclude mandatory deposit systems to ensure the return of used packaging provided that these are in conformity with relevant Community legislation.

However, the same article also provides that 'these systems shall be open to the participation of the economic operators of the sectors concerned and to the participation of the competent public authorities. They shall also apply to imported products under non-discriminatory conditions, including the detailed arrangements and any tariffs imposed for access to the systems, and shall be designed so as to avoid barriers to trade or distortions of competition in conformity with the Treaty'.

Therefore, whether or not the Swedish rules are contrary to internal market rules, more particularly the principle of the free movement of goods laid down in Articles 28 to 30 of the EC Treaty, depends on whether these systems are open to imported products under non-discriminatory conditions in law and in fact. The system could be considered a trade barrier prohibited by Article 28 of the EC Treaty if Swedish

producers paid lower handling fees than importers or if any other aspect of the rules or their implementation had a discriminatory effect in the sense of Article 28 of the EC Treaty. Even if the measure contravened Article 28 of the EC Treaty, it could, under certain conditions, be justified by the Swedish authorities under Article 30 of the EC Treaty or the mandatory requirements identified by the European Court of Justice. The information provided in the written question does not allow a full legal analysis of the national measure in the light of Articles 28 and 30 of the EC Treaty. Therefore, the Commission will investigate this matter. The Honourable Member is invited to provide any additional evidence in his possession.

As regards the Swedish proposal that would provide penalties for shop-owners that sell bottles outside the deposit scheme, the Commission would need further information in order to evaluate it under Community law. Criminal penalties discriminating against imported goods are normally considered to be contrary to Article 28 of the EC Treaty. It is also noticeable that before its final adoption, the Swedish authorities are under the obligation of notifying any such measure under Directive 98/34/EC of the Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations [2] as amended.

[1] OJ L 365, 31.12.1994.
[2] OJ L 204, 21.7.1998.

(2004/C 65 E/191) **WRITTEN QUESTION E-2549/03**

by Michl Ebner (PPE-DE) to the Commission

(4 August 2003)

Subject: Differentiated toll — eco-sensitive areas

There is an urgent need to designate eco-sensitive areas in Europe taking account of features related to the countryside, agriculture, ecology, archaeology, art history and the economy, whilst preserving a free market and bearing in mind the transport regulations put forward in the White Paper of 12 September 2001 [1].

An increased road-use charge should be introduced in these eco-sensitive areas of EUR 1 per kilometre travelled for each lorry of 3,5 t and over. The revenue should be used specifically to promote alternative forms of transport (rail, etc.), and for environmental protection and nature conservation in the area concerned.

At present, Italy charges around 10 cent per kilometre travelled for each lorry of 3,5 t and over.

Germany is to charge around 15 cent per kilometre travelled for each lorry of 12 t and over from 2004 onwards.

Austria is to charge around 12 cent per kilometre travelled for each lorry of 3,5 t and over from 2004 onwards.

A special tariff of EUR 2,4 per lorry and kilometre travelled (known as the Brenner toll) is charged in Austria on the section between Innsbruck and the Brenner (a distance of 34,5 km) for lorries with more than three axles.

Can the Commission give a specific statement of its position on this proposal?

[1] COM(2001) 370 final.

Answer given by Mrs de Palacio on behalf of the Commission

(17 September 2003)

On 23 July 2003 the Commission adopted the proposal [1] for the modification of Directive 1999/62/EC [2]. It provides a framework that will enable Member States, with due regard for the subsidiarity principle, to give economic incentives to transport in the form of a price structure that better reflects the costs to society. It is not so much the level of charges on transport as the structure of the charges and the manner in which they are applied to the various categories of users that need to change.

The proposed framework covers the trans-European road network and any other road to which traffic may be diverted from the trans-European road network and which is in direct competition with certain parts of that network. Such traffic diversion has serious consequences in terms of traffic regulation and congestion, not to mention accidents; it was therefore appropriate to include them in the scope of the Community Directive. In accordance with the principle of subsidiarity, the Member States remain free to apply tolls on roads not covered by the proposal for a Directive, provided they comply with the rules and principles laid down in the EC Treaty.

The existing legislation links charges only approximately to damage to infrastructure, congestion or accident risks. The proposed Directive, therefore, gives Member States the possibility of varying tolls according to a number of factors: distance travelled; the damage caused to roads according to the type of vehicle; the environmental impact in terms of the EURO emission standards for heavy goods vehicles; the time of day; and the level of congestion on the road concerned. Whereas the existing Community rules apply only to heavy goods vehicles of at least 12 tonnes, the system proposed by the Commission would apply to all lorries exceeding 3,5 tonnes used for goods transport.

The revenue from infrastructure charges should be used for the benefit of the transport sector. In certain cases, there should be scope for cross-financing of infrastructure providing an alternative to road transport. To that end, the Commission's proposal lays down that the revenue from the charging system must be ploughed back into the road infrastructure concerned for its maintenance and into the transport sector as a whole, taking due account of the balanced development of the transport networks.

The proposal for a Directive allows the Member States to apply mark-ups to tolls for using roads in particularly sensitive areas, notably mountainous regions. Such mark-ups will be used to cross-finance the investment costs of other transport infrastructures of a high European interest. The construction of such infrastructure is increasingly necessary in view of the density and growth of traffic in such regions.

In parallel to the work on infrastructure charging, the Commission is conducting a study on the topic of sensitive areas and transport. The study should be finished by the end of 2003. The Commission will publish the results at that time and consider how to follow up on them.

[1] COM(2003) 448 final.

[2] Directive 1999/62/EC of the Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures, OJ L 187, 20.7.1999.

(2004/C 65 E/192) **WRITTEN QUESTION E-2554/03**

by Marco Cappato (NI) to the Commission

(4 August 2003)

Subject: The Tunisian journalist Abdallah Zouari

The court in the Tunisian town of Zarzis sentenced the journalist Abdallah Zouari to four months in prison on 18 July 2003. The court held that the journalist's complaint about being barred from using a cybercafe amounted to 'defamation' against the manageress of the cafe.

Abdallah Zouari has been constantly harassed and spied on for months. After being forbidden to go online at a cybercafe in Zarzis on 19 April, he said he would call his lawyer. The manageress then filed a complaint against him for defamation. Sentence was passed on 18 July 2003.

Zouari's conviction is only the latest example of the increasing lack of freedom of expression in Tunisia.

Two cases may be considered as typical of the situation:

— the journalist Sihem Ben Sedrine, after setting up an online publication called 'Kalima' because she had not obtained authorisation to publish a newspaper, was attacked by the police of President Zine el-Abidine ben Ali in an attempt to eliminate any form of dissidence on the Internet;

— Zouhair Yahyaoui, webmaster of the Tunisian site TuneZine, was arrested last year and sentenced to two years' imprisonment on 10 July 2002 for 'spreading false information'. Yahyaoui was the first person to publish online a letter to President Ben Ali from Judge Mokhtar Yahyaoui (Zouhair Yahyaoui's uncle) criticising the complete lack of judicial independence in Tunisia.

In view of the fact that Tunisia has been chosen to host the 2005 meeting of the World Summit on the Information Society (WSIS), what steps will the Commission take to induce the Tunisian government to give up its repressive attitude towards journalists and Internet users?

Does the Commission not consider that it should use every form of political, diplomatic and economic pressure to induce the Tunisian government to relax the laws on the press and ensure the right to freedom of speech in Tunisia?

Does the Commission consider it appropriate to try to ensure that the decision to hold the second meeting of the WSIS in Tunisia in 2005 is suspended until Tunisian legislation actually guarantees full enjoyment of freedom of expression?

Answer given by Mr Patten on behalf of the Commission

(22 September 2003)

The Commission is aware of the three specific cases referred to by the Honourable Member concerning freedom of expression in Tunisia.

All three cases bear some link to the problems of access to the Internet. However, when establishing a link between these problems and the World Summit on the Information Society (WSIS), one should bear in mind several elements.

First, holding the second session of the WSIS summit in Tunisia was a decision taken by the United Nations' General Assembly and, therefore, has involved the Commission only indirectly.

Second, the fact that the summit will be held along the Johannesburg model implies a range of positive side effects likely to benefit Tunisian civil society: a whole range of different actors will be involved in the preparation phase as well as in the summit itself.

Third, the Commission, in its Communication [1] to the Council and the Parliament 'Towards a Global Partnership in the Information society: EU perspective in the context of the UN World Summit on the Information Society' points out that the following principles need to be solemnly 'upheld and extended within the Information Society: The right of freedom of opinion and expression in accordance with the provisions of the UN Universal Declaration of Human Rights'.

The Commission will certainly use the opportunity of the WSIS to address problems related to human rights and democracy in Tunisia. First of all the upcoming Association Council on 30 September 2003 will pursue the continued dialogue held by the Union and Tunisia on this issue.

Moreover, to further the freedom of expression the Commission is currently setting up a support and training programme for the Tunisian media (2.15 EUR).

(1) COM(2003) 271 final.

(2004/C 65 E/193) **WRITTEN QUESTION E-2555/03**

by Robert Evans (PSE) to the Commission

(4 August 2003)

Subject: Cross-channel ferry operators

The Commission has previously been questioned on the suggested cartel pricing practices of the cross-channel ferry companies and Eurotunnel (P-3419/00 (1)). In his response, Commissioner Monti expressed concern that there should be 'effective competition between cross-channel operators'.

Several constituents have contacted me to suggest that there is effectively a cartel operating between the ferry companies and Eurotunnel. For example, although various prices are quoted, GBP 300 appears to be the cost of crossings for five-day returns for summer trips. They feel they are comparatively paying more for this particular route than other ferry crossings in the EU (offered by Greek and Italian ferry companies). More information can be found on a website that has been established by those unhappy with these companies, http://www.channelpirates.com

Could the Commission comment on the pricing practices of the ferry companies and Eurotunnel operators, and whether it believes the companies are operating in an anti-competitive way?

(1) OJ C 151 E, 22.5.2001, p. 164.

Answer given by Mr Monti on behalf of the Commission

(22 September 2003)

The Honourable Member may know that the Commission has recently carried out simultaneous unannounced inspections at the premises of a number of operators of cross-Channel transport services (1). The purpose of these inspections was indeed to ascertain whether these companies are inter alia fixing prices and trade conditions for cross-Channel transport services, as suggested by the information referred to by the Honourable Member.

Such surprise inspections are a preliminary step in investigations into suspected cartels. As the Honourable Member will understand, the Commission can at this early stage of the investigation not make any further comments on the case.

(1) IP/03/168 of 3 September 2003; Spokeperson's Statement on inspections in cross-Channel transport services.

(2004/C 65 E/194) **WRITTEN QUESTION E-2564/03**

by Mario Borghezio (NI) to the Commission

(4 August 2003)

Subject: The Polish authorities' violation of the general principles of Community law

In August 1999 Karolina Paetz, holding dual Italian and Polish nationality and married to Paolo Pozza, an Italian citizen, decided not to return to Italy, keeping with her her daughters Federica and Annamaria Pozza, aged 2 and 7 respectively, both of whom have Italian nationality.

The Minors' Court in Venice issued two judgments awarding custody to the father Paolo Pozza. The court in Poznan subsequently also issued 19 judgments in favour of the father, establishing that the children should return to Italy and repeatedly stressing the father's right to visit them, which Karolina Paetz has never allowed.

The children's return to Italy is each time thwarted by information, probably leaked by the Polish authorities, telling Ms Paetz the date laid down by the courts and enabling her to avoid complying with the injunction.

Does the Commission not consider that Poland — a signatory to the Hague Convention on the repatriation of minors and the Luxembourg Convention on the recognition and enforcement of decisions issued in other countries — is in this case committing a serious violation of universally accepted legal provisions and thereby a serious infringement of the general principles of Community law and human rights?

Answer given by Mr Vitorino on behalf of the Commission

(17 September 2003)

The Commission is aware of the problem raised by the Honourable Member concerning the difficulties to enforce decisions ordering the return of wrongfully removed or retained children. However, the Commission informs the Honourable Member that neither the Hague Convention of 25 October 1980 on the civil aspects of international child abduction, nor the Luxembourg Convention of 20 May 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children is part of Community law. The Commission is therefore not competent for their monitoring or implementation.

Children's rights to maintain regular contacts with their parents is enshrined in Article 24 of the Charter of Fundamental Rights of the Union, which in turn has drawn inspiration from the 1989 United Nations Convention on the rights of the child. However, the Charter of Fundamental Rights is not applicable in the present case, as it is limited to the application of Community law.

There is currently no Community legislation on the issue of child abduction. However, the Commission would like to draw the attention of the Honourable Member to the draft Regulation on the jurisdiction, recognition and enforcement of judgements in matters of parental responsibility [1], which will be adopted within the next months. One of the main objectives of the future Regulation is to discourage parental child abduction within the European Community by ensuring that the courts of the Member State of the child's habitual residence before the abduction remain competent to take the final decision on custody. It will also complement and reinforce the application of the 1980 Hague Convention on international child abduction within the Community by imposing strict procedural rules to ensure the speedy return of the child.

[1] OJ C 203 E, 27.8.2002.

(2004/C 65 E/195) **WRITTEN QUESTION E-2577/03**

by Erik Meijer (GUE/NGL) to the Commission

(6 August 2003)

Subject: Reaction on the addition of glucose and carbon to slurry with a view to protecting agricultural soils against pollution and gaseous ammonia emissions

1. Is the Commission aware that a group of 100 stockbreeders in the Netherlands are adding a mixture of glucose and carbon called 'FIR' to the animal manure produced on their farms with a view to turning the slurry which they regard as toxic into a substance which may be used to fertilise their land without excessive emissions of gaseous ammonia into the atmosphere?

2. Is the Commission also aware that these farmers take the view that the method, in use since the early 1990s, of injecting slurry into the soil to prevent the emission of gaseous ammonia into the atmosphere results in the destruction of soil life in peat grazing areas so that earthworms no longer excrete a substance which promotes the intake of phosphates in plant roots?

3. Has the Commission been informed that, while Netherlands courts have found against those farmers on the grounds that they have been spreading fertiliser on their land instead of injecting it, they have not imposed any penalties because they take the view that this practice in the interests of the environment?

4. To what extent are the provisions laid down by the EU and included in the Netherlands Decision on the use of fertilisers hampering increased lawful experimentation with the FIR method which seeks to establish whether or not this method merits closer consideration for peat areas?

5. What can the Commission do to promote, or remove hindrances to, experiments with the FIR method?

Source: The 22 July 2003 edition of NOVA, a programme on TV Nederland 3, a Dutch TV station

Answer given by Mrs Wallström on behalf of the Commission

(29 October 2003)

Agriculture is the major source of ammonia emissions to the atmosphere, which are among the pollutants causing the excedance of critical loads for acidification and euthrophication.

Directive 2001/81/EC of 23 October 2001 of the Parliament and of the Council on national emission ceilings for certain atmospheric pollutants [1], requires that Member States prepare programmes of measures aimed at limiting the emission of acidifying and euthrophying pollutants in order not to exceed critical loads and levels and to improve the protection of the environment and human health. The ammonia emission ceilings per Member State to be attained by 2010 are listed in Annex I of the Directive.

The Directive does not, however, identify the specific measures to achieve the target, but leaves the responsibility to the Member States, which are required to define their programmes in relation to the level of reduction required. It should be stressed that a reduction of more than 40 % compared to 1990, as required in the case of the Netherlands, would imply the application of the whole set of measures for ammonia reduction, including specific measures to substantially reduce ammonia emission in the phase of manure landspreading.

Ammonia emission reduction is also part of the commitments for Parties (including all the Member States), which have signed the Gothenburg protocol of 1 December 1999 to the United Nations-Economic Commission for Europe (UN-ECE) Convention on long range transboundary air pollution to abate acidification, euthrophication and ozone. The Protocol contains a specific Annex (Annex IX) with the list of measures to reduce ammonia emission in agriculture, based on the extensive work of an expert panel from the different Parties participating in the Convention. In the case of manure land application, methods with a minimal efficiency of 30 % are required, including, therefore, manure injection.

On the general issue of the measures for emission reduction in intensive livestock rearing, including ammonia emission into the air, the Commission, in order to support the implementation of the IPPC Directive, (Council Directive 96/61/EC of 24 September 1996 on integrated pollution prevention and control [2]), in co-operation with the Member States, promoted the analysis of the practices in place and the identification of the best available techniques.

The Best Available Technique Reference Document (BREF) on intensive rearing of poultry and pigs, formally adopted in July 2003, lists the best available techniques to reduce emissions in housing, storage and spreading, as a result of an in depth work carried out by an expert panel, co-ordinated by the IPPC Bureau in Sevilla. Soil injection, is listed among the best available techniques to prevent ammonia emissions in the phase of spreading, with 80 % of reduction compared to the reference system (broadcasting).

On the basis of the above considerations it could be concluded that, at this stage of the knowledge, the technique of soil injection, if properly performed, is the most effective for ammonia emission reduction in the specific phase of animal manure application to land. However, the programmes of measures to reduce ammonia emission lie within the responsibility of Member States, which could rely on a broad series of measures, related to the different and subsequent phases of manure management: livestock housing, manure storage and spreading.

For land spreading, several alternative techniques are available in relation to crop type, expected ammonia reduction level, soil conditions and characteristics, and these can be adapted to the site, taking into account any sound scientific evidence on adverse effects of a given technique in a specific case.

On the issue of the use of additives for manure management, extensive scientific research has been carried out in order to assess their effectiveness in reducing ammonia and odour emission.

The Commission is aware of the results of the research. For instance, a recent review of a comprehensive network of experiments carried out by different research institutes on different types of additives to reduce ammonia and odour emission [3] includes, inter alia, the results of experiments on the effects of labile carbon sources, such as glucose, as possible acidifying agents. These sources, inducing a pH reduction in slurry through organic acid formation by anaerobic bacteria, could lead to a reduction of ammonia volatilisation, which is strictly pH dependent. The authors concluded that: 'currently, the quantity of substrate required to induce a significant pH decline makes this additive type uneconomic'. However, they remarked that: 'if the production of acid from glucose can be optimised … it would offer an effective and safe means to prevent NH_3 volatilisation.'

In any case, the Commission would welcome any further scientific work carried on in individual Member States, on utilisation of additives for emission reduction, according to a sound and rigorous experimental design, capable of providing reliable results.

On the issue of additives to improve manure management it could also be recalled that the Commission (Directorate General Research), in the context of the European Co-operative Research Action for Technology (CRAFT) of the BRITE EURAM Programme, aimed at promoting technological innovation in small and medium sized enterprises through its research and technological development, has funded a pilot project on additives for reduction of ammonia and odour emission from livestock manure (RAPID-QLK5-CT-2001-70429), which will be completed in December 2003.

(1) OJ L 309, 27.11.2001.
(2) OJ L 257, 10.10.1996.
(3) Mc Crory and Hobbs, JEQ, 2001.30: 345-355.

(2004/C 65 E/196) **WRITTEN QUESTION E-2583/03**

by Graham Watson (ELDR) to the Commission

(8 August 2003)

Subject: Statute of European Schools

Does the Commission believe that the UK Government contracts for UK teachers at the European Schools in Brussels are in conformity with Article 12 of the Statute of the European schools to which all Member States are signatory?

What is the Commission's view of the recent rulings of the UK Employment Tribunal in this regard?

Answer given by Mr Kinnock on behalf of the Commission

(22 September 2003)

As the Honourable Member knows, the European Schools are governed by a specific intergovernmental Convention, the 'Convention defining the Statute of the European Schools' a revised version of which entered into force on 1 October 2002. Teaching staff seconded to the schools are subject to the 'Regulations for Members of the Seconded Staff of the European Schools' which became applicable from 1 September 2000, but they remain employed by the authorities of the seconding Member State.

Article 12.4(a) of the European Schools' Convention provides that: 'Staff shall retain promotion and retirement rights guaranteed by their national rules' and Article 49.2(a) of the 'Regulations' stipulates that: 'The competent national authorities shall pay the national emoluments to the member of staff and shall inform the Director of the amounts paid, specifying all the components taken into account for calculation purposes …'.

The United Kingdom, as the Honourable Member will know, pays a special 'Threshold' to teachers employed in England and Wales. In the view of British Department for Education and Skills (DFES), this is a recruitment and retention measure that is not relevant to teachers seconded to the European Schools. In the recent decision of the Employment Appeal Tribunal (EAT/0884/02) in the United Kingdom, the Tribunal had to interpret the employment contract between certain British teachers at the European Schools and their employer, the DFES. It concluded that, under that contract, the teachers were not entitled to certain additional incremental salary increases following their appointment to the European Schools. The EAT was not, however, asked to consider whether, thus interpreted, the employment contracts were actually compatible with Article 12.4(a) of the European Schools' Convention, cited above.

The Commission has asked its Legal Service to examine whether the terms of the UK contract are in accordance with Article 12.4(a) of the European Schools' Convention.

The Commission will ensure that this issue is appropriately followed up and will readily respond to any further enquiry from the Honourable Member when the legal analysis is available.

(2004/C 65 E/197) **WRITTEN QUESTION E-2592/03**

by Gerhard Schmid (PSE) to the Commission

(14 August 2003)

Subject: Fine for absence of nationality sticker on vehicles in the Czech Republic

For journeys abroad in the Member States of the European Union, the normal European vehicle number plate incorporating the nationality symbol on a blue background is sufficient. However, for journeys in countries which are not members of the Union, an oval nationality sticker is also required, otherwise drivers are liable to be fined. The Czech Republic is among those countries which fine drivers if their vehicle does not display an oval nationality sticker.

Will the Commission open negotiations with the Czech Republic to ensure that the European number plate is already accepted as a nationality identifier in that country before 1 May 2004?

Answer given by Mrs de Palacio on behalf of the Commission

(18 September 2003)

Council Regulation (EC) No 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered [1] introduced the so-called 'European sign' that Member States must recognise as an alternative to the 'elliptic sign' introduced by the Vienna Convention of 1968 [2].

The Vienna Convention was ratified by the Czech Republic and the elliptic sign is still valid. Countries that do not belong to the Union are not bound by the Council Regulation which covers the intra-Community traffic only. Therefore, there is no legal basis for asking the Czech Republic to recognise the European sign before 1 May 2004. Afterwards this country will have to recognise it as a part of the acquis communautaire.

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[1] OJ L 299, 10.11.1998.

[2] Vienna Convention on road traffic of 8 November 1968, concluded under the auspices of the United Nations Economic Commission for Europe.

(2004/C 65 E/198) **WRITTEN QUESTION E-2603/03**

by Olivier Dupuis (NI) to the Council

(20 August 2003)

Subject: Risk of deportation of leading Chechen from France to the Russian Federation

According to information gathered by the Chechnya Committee, Mr Rouslan Maigov, his wife and their four children have applied for asylum in France. Mr Rouslan Maigov is the brother of Aslambek Maigov, the Moscow representative of the Chechen President Aslan Maskhadov. Mr Rouslan Maigov has been arrested and beaten up several times in Russia and Chechnya. When last arrested in December 2001, a ransom of RUB 160 000 was paid to secure his release. Mr Rouslan Maigov is under particular threat for carrying cassettes in which President Maskhadov conveyed his orders to Mr Maigov's brother. Nevertheless, OFPRA (the French Refugee Office) followed by the appeal committee have rejected the application by Mr Rouslan Maigov and his family for asylum in France on the grounds that if Mr Aslambek Maigov is in Moscow without, apparently, being under threat, his brother Rouslan and his family could live in Russia. The argument put forward by the competent French authorities obviously does not take account of the arrests and maltreatment to which the Russian authorities have subjected Mr Rouslan Maigov in the past or the obvious 'interest' which the Russian authorities have shown in Mr Rouslan Maigov, or the fact that it is unfortunately the current practice in Russia to subject the members of leading Chechens' families to threats, intimidation and violence by way of a warning. Finally, Mr Rouslan Maigov, his wife and four children will be expelled from the reception centre for asylum-seekers at Marseilles in the next few days and will be forced to leave the country.

Is the Council aware of the situation of Mr Rouslan Maigov and his family? Does the Council consider that the decision by the competent French authorities is consistent with the common rules on the right of asylum laid down in the Schengen agreements? In more general terms, given the serious threats to which Chechens in the Russian Federation are subjected, does the Council not consider that it should take emergency measures to block any decision to expel Chechens living in the countries which are signatories to the Schengen agreements?

Reply

(17 November 2003)

The Council cannot intervene in individual asylum applications in the Member States, or in other individual cases such as those referred to in the question

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(2004/C 65 E/199) **WRITTEN QUESTION E-2626/03**

by Olivier Dupuis (NI) to the Commission

(2 September 2003)

Subject: Call for review of the Lhasa urban development plan

The committee overseeing implementation of the Unesco Convention Concerning the Protection of the World Cultural and Natural Heritage has urged the Chinese authorities to review their urban development plan for Lhassa, the capital of Tibet. The decision was taken during the 27th session of the Unesco World Heritage Committee, held in Paris from 30 June to 5 July 2003. The committee made a series of recommendation to the Chinese authorities, with a view to mitigating the negative impact on the World Heritage values of this property caused by development pressures and called for the implementation of a national policy for the protection of the remaining historic traditional buildings in Lhasa. In 2002 the Chinese authorities demolished historic Tibetan houses in Lhasa (www.savetibet.org/News), raising serious concerns about Beijing's commitment to fulfil its obligations to the Unesco Convention. The committee also called for demolition to be stopped, 'particularly in the Shol area'. Shortly afterwards, experts from Unesco and Icomos (International Council on Monuments and Sites) conducted missions to Lhasa in October 2002 and April 2003 respectively.

What steps has the Commission taken or does it intend to take to ensure that the Chinese authorities meet their obligations and act upon Unesco's requests? Does it intend to suspend funding for all projects in Tibet if the Chinese authorities continue to fail to act on the requests made by the international community regarding the protection and conservation of Tibetan culture and heritage?

Answer given by Mr Patten on behalf of the Commission

(3 October 2003)

Protection of the rights of minorities and, in particular their cultural identity, is one of the topics regularly raised by the European Union in its bilateral human rights dialogue with China. The European Union will continue to use this process to put forward its viewpoint to the Chinese authorities.

The Commission has always taken steps to ensure that the cooperation programmes implemented in the autonomous region of Tibet serve first and foremost the interests of the local Tibetan population which is itself concerned for the European Union to have a presence in the region. The Commission therefore considers that any interruption in these programmes would inevitably have a negative impact on the local population.

(2004/C 65 E/200) **WRITTEN QUESTION E-2643/03**

by Erik Meijer (GUE/NGL) to the Commission

(10 September 2003)

Subject: Sinking of the Danish cargo ship 'Karin Cat' caused by a shift of the cargo

1. On 18 February 2003, the Danish cargo ship 'Karin Cat', with seven crew members on board, sank in the Mediterranean Sea off the Greek coast. Fortunately, the crew managed to abandon ship before it sank and were picked up by the Malaysian vessel 'Bunga Pelangi Dua'. The Danish Maritime Authority published a report on the accident on 29 July 2003. Is the Commission aware of this report?

2. Cargo was loaded onto the ship at a number of ports. One of these ports was Antwerp, where, among other cargo, two 18-metre loading arms and two smaller, 13-metre loading arms were loaded onto the 'Karin Cat'. The Danish Maritime Authority report states that the securing of the load in the Port of Antwerp was carried out by the crew of the 'Karin Cat'. Can the Commission confirm this?

The report goes into the possible causes of the accident in some detail. It states that the shift of the loading arms mentioned above caused a hole in the hull of the 'Karin Cat', through which so much water poured into the hull that the ship sank. According to the report, the reason for the shift of the cargo was that it had been insufficiently secured to withstand the movement of the vessel during the prevailing rough sea (see the conclusion on page 20 of the report).

3. Can the Commission confirm that this conclusion is drawn in the Danish Maritime Authority report?

Answer given by Ms de Palacio on behalf of the Commission

(14 October 2003)

The Commission has not received any specific information concerning the sinking of the Danish cargo ship 'Karin Cat' on 18 February 2003.

Furthermore, it is not for the Commission to comment on the conclusions of the post-accident technical investigation conducted by the Danish authorities. This type of investigation is a matter for the national authorities responsible for determining the exact circumstances of accidents, in order where necessary to formulate proposals for amending the regulations.

In this regard, Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency [1] stipulates that one of the tasks of that body is to facilitate cooperation between the Member States in the development of a common methodology for investigating accidents and to support national authorities responsible for serious accident investigations.

[1] OJ L 208, 5.8.2002.

(2004/C 65 E/201) **WRITTEN QUESTION E-2644/03**

by Erik Meijer (GUE/NGL) to the Commission

(10 September 2003)

Subject: Preventing accidents by using skilled workers to load seagoing vessels

1. Does the Commission agree that the sinking of the Danish cargo vessel 'Karin Cat' demonstrates the substantial risks associated with the loading of ships that everything must therefore be done to ensure the safety of the crew as well as of the cargo and that a fundamental condition of this is that cargo should be loaded and secured in an expert manner by skilled dock workers?

2. Can the Commission explain why, despite the fact that Belgium's Major Act explicitly prohibits dock work being carried out by non-dock workers, this is in fact what happened in this case, and does the Commission foresee the possibility of taking steps against the infringement of this national legislation?

3. Does the Commission feel that the infringement of this legislation has consequences in terms of responsibility for the accident?

4. Has this sequence of events encouraged the Commission, in the interests of crew and vessel safety, to rethink its position, which advocates the possibility of 'self-handling' of cargo by a ship's crew, either in connection with the port services directive currently in conciliation or by some other means, and to tighten up the rules rather than to relax them? If so, how is the Commission going about this? If not, why not?

Answer given by Mrs de Palacio on behalf of the Commission

(21 October 2003)

The Commission wishes to refer the Honourable Member to the answer it provided to him on question E-2643/03 [1].

The Commission would also like to draw the attention of the Honourable Member to the fact that the safety and health of workers at workplace is covered by the relevant Community Directives, notably the Framework Directive 89/391/EEC [2] and, inter alia, the individual Directives 89/655/EEC [3], 89/656/EEC [4] and 90/269/EEC [5].

According to these Directives, the employer is responsible for ensuring the safety and health of workers in every aspect related to the work and shall establish a risk assessment and take the necessary preventive measures.

Member States must transpose the Directives to national law and it is up to them to ensure adequate controls and supervision.

Moreover, the Commission wishes to recall that the proposed Directive on Market Access to Port Services, currently in the concluding stages of the conciliation procedure, foresees that self-handling could only be allowed to be carried out by seafaring crews, only if the criteria requested by providers of similar services in a port are respected.

These criteria may include professional qualifications of the personnel carrying out the service and respect of maritime safety, or the safety of the port or access to it, its installations, equipment and persons.

(1) See page 183.
(2) Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L 183, 29.6.1989.
(3) Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirement for the use of work equipment by workers at work, OJ L 393, 30.12.1989.
(4) Council Directive 89/656/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use by workers of personal protective equipment at the workplace, OJ L 393, 30.12.1989.
(5) Council Directive 90/269/EEC of 29 May 1990 on the minimum safety and health requirements for the manual handling of loads where there is a risk particularly of back injury to workers, OJ L 156, 21.6.1990.

(2004/C 65 E/202)

WRITTEN QUESTION P-2648/03

by Dirk Sterckx (ELDR) to the Commission

(28 August 2003)

Subject: Lower natural gas prices for glasshouse growers

Until 2002, on the basis of a gentlemen's agreement, glasshouse growers in Belgium were granted lower natural gas prices, a measure introduced with a view to persuading the very energy-intensive glasshouse crops sector to switch to gas, a more environmentally friendly energy source. Roughly one-fifth of firms in Belgium's glasshouse crops sector have since switched to natural gas, and are now suddenly facing very high bills. The lower price was reportedly withdrawn in order to bring Belgium into line with the rules governing the internal market in natural gas. One of the objectives of the Flemish Government, as set out in its action plan entitled 'Towards a more sustainable glasshouse crops sector in Flanders', is to take steps to ensure that within 10 years 75 % of glasshouse growers in Flanders use natural gas.

1. On the basis of the European directive liberalising the natural gas market, subject to what conditions can a Member State offer lower prices to particular sectors or groups?

2. Can the promotion of environmentally friendly energy sources be used as a criterion to justify the granting of price reductions?

3. Does the European liberalisation directive rule out the granting of lower natural gas prices to the glasshouse crops sector in a Member State?

4. Do any Member States currently grant natural gas price reductions to the glasshouse crops sector?

Answer given by Mrs de Palacio on behalf of the Commission

(29 September 2003)

The European Directives introducing competition to the European natural gas sector enable eligible customers to freely choose their suppliers by opening up the networks to third parties and unbundling of vertically integrated companies. The natural gas prices paid by the consumer do not fall under the scope of the Directives, which stipulates that transportation tariffs for natural gas must be non-discriminatory and transparent. The regulatory authorities of Member States will be responsible for effective competition and the efficient functioning of the market. As a consequence, consumers of natural gas should also benefit from competition by lower consumer prices.

From the Commission's point of view, natural gas prices to consumers are dependent on the market. However, according to Article 3 of Directive 2003/55/EC of the Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC [1], a Member State may consider it appropriate to impose on undertakings operating in the gas sector, in the general economic interest, public service obligations which may relate, inter-alia, to the price of natural gas supplies. Such obligations, however, must be clearly defined, transparent, non-discriminatory and verifiable.

The Commission does not a priori exclude that the promotion of environmentally friendly energy sources might justify the granting of price reductions. Cases in which advantages are given to enterprises have to be notified to and examined by the Commission under Articles 87-88 of the EC Treaty.

In that respect the Community guidelines on State aid for environmental protection [2], and the Community Guidelines for State aid in the agricultural sector, might be relevant [3].

Both Directive 98/30/EC of the Parliament and of the Council of 22 June 1998 concerning common rules for the internal market in natural gas [4] and Directive 2003/55/EC do not deal with natural gas prices paid by the consumers of natural gas. Natural gas prices are considered a matter of the market and are not subject to regulation, unless regulating or controlling gas prices to natural gas consumers is thought to be a matter of consumer protection. Directive 2003/55/EC allows imposing public service obligations to natural gas undertakings, if these public service obligations relate to security, including security of supply, regularity, quality and price of supplies, and environmental protection, including energy efficiency and climate protection and if the public service obligations are clearly defined, transparent, non-discriminatory and verifiable.

The Commission is currently examining tax reductions for glasshouse growers in Germany and Italy.

It should also be noted that in the Netherlands a preferential pricing system for natural gas to the glasshouse horticulture sector applied till the end of 1998 (State aid N 464/94). The relevant agreement was renewed covering the period 1998-2002. In this case the Commission concluded that the tariff as notified by the Dutch authorities did not give an economic advantage to glasshouse horticulture vis-à-vis other sectors of the Dutch economy which could obtain the same tariff, if they used the same quantities of gas. Therefore, it was concluded that this scheme did not constitute aid within the meaning of Article 87 of the EC Treaty.

Finally, the Commission notes that the future energy tax Directive (as set in the Council political compromise of March 2003, in consultation in the Parliament by now) provides that Member States may apply a level of taxation down to zero to energy products and electricity used for agricultural, horticultural or piscicultural works, and in forestry.

[1] OJ L 176, 15.7.2003.
[2] OJ C 37, 3.2.2001.
[3] OJ C 232, 12.8.2000.
[4] OJ L 204, 21.7.1998.

(2004/C 65 E/203) **WRITTEN QUESTION E-2658/03**

by Manuel Pérez Álvarez (PPE-DE) to the Commission

(10 September 2003)

Subject: Allseas Group

While the European Parliament was debating the new directive on minimum training levels for workers at sea, there appeared virtually simultaneous press reports that the Swiss oil tanker company Allseas Group wanted to replace its Galician crews with Filipinos; 50 of the 600 employees have already been notified of their dismissal. The reason, according to the media, is the low cost of employing Filipino manpower.

1. Is the Commission aware of the sacking of these workers?

2. Is it known whether the contracts cover social security payments, sick leave and compensation for dismissal? What labour law applies to these contracts?

3. What measures does the Commission intend to propose with a view to preventing situations like this occurring, in which vocational training and qualifications — and consequently, both properly carried out work and safety considerations are sacrificed — on unacceptable economic pretexts?

Answer given by Ms Diamantopoulou on behalf of the Commission

(22 October 2003)

1. The Commission deplores the facts reported by the Honourable Member concerning third-country vessels, of which it had no previous knowledge.

2. While the Commission does not have the information to enable it to take a view on this particular case, it would point out that the law applicable to the employment contract of a person working on board a vessel depends primarily, in the event of a dispute, on the rules of private international law of the court hearing the case. In most cases, these rules refer to the law of the country in which the vessel is registered and whose flag it flies (cf. Article 6(2) of the Rome Convention of 1980 on the law applicable to contractual obligations).

As far as Community legislation is concerned, the scope of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies [1] excludes the crews of seagoing vessels. The Commission had originally proposed that they be included, but this was not accepted by the other institutions.

3. Against the backdrop of global economic competition, the Commission is in favour of strengthening the employment law applicable to seafarers, regardless of their nationality. Over and above the acquis communautaire, the conventions of the International Labour Organisation (ILO) define the employment framework and are an important instrument for reconciling the interests of seafarers and their employers. As it is, 30 of the ILO's approximately 180 Conventions and 23 of its 192 Recommendations relating to the shipping sector have often not achieved a sufficient level of ratification, especially by third countries, and this is detrimental to their impact.

The ILO is currently consolidating the conventions on the industrial relations and employment aspects of shipping law with a view to incorporating all the provisions of these texts into a single convention which any country that wanted its registered vessels to fly the national flag with dignity would have to ratify.

The Commission strongly supports this initiative.

Pending the adoption of this convention, the Commission is urging the Member States to continue and, where appropriate, speed up the process of ratifying the ILO's international conventions on shipping.

[1] OJ L 225, 12.8.1998.

(2004/C 65 E/204) **WRITTEN QUESTION P-2673/03**

by Georges Berthu (NI) to the Commission

(2 September 2003)

Subject: VAT on repairs to old buildings

The trial period during which Member States may charge a lower VAT rate for highly labour-intensive services, including repair work on old buildings, is due to expire on 31 December 2003.

Given the current economic woes, and especially the rise in the Union's average unemployment rate, there are strong reasons to make the experiment an established practice. Competition among Member States has, moreover, hardly been distorted, because the type of services in question, which are essentially of a local nature, are difficult to relocate.

Can the Commission say whether, as seems desirable, it will submit a proposal at the end of the year whereby Member States would be authorised on a permanent basis to charge the lower VAT rate for building repairs?

Answer given by Mr Bolkestein on behalf of the Commission

(25 September 2003)

The Commission adopted a proposal for a Directive on reduced VAT rates [1] on 23 July this year proposing that Member States be allowed to apply a reduced rate to the supply, construction, conversion, renovation, repair, maintenance or cleaning of private dwellings. Consequently, a reduced rate can continue to be applied to the repair of old buildings provided they are used as private dwellings.

The optional nature of these reduced rates has never been called into question and Member States are free to decide on the sectors to which they wish to apply these rates.

After Parliament has given its opinion the Council will have to decide by unanimity on the future scope of reduced VAT rates.

[1] COM(2003) 397 final.

(2004/C 65 E/205) **WRITTEN QUESTION E-2675/03**

by Concepció Ferrer (PPE-DE) to the Commission

(10 September 2003)

Subject: EU subsidies for transeuropean networks

In the last 20 years, the Commission has been allocating part of its budgetary resources to what it calls 'developing transeuropean networks'.

A recent university analysis of where these funds have gone within Spain reveals that 43 % of these investments have directly benefited the Madrid Autonomous Community. If we add to this all the investment from which the Madrid Autonomous Community has emerged as a beneficiary, whether directly or indirectly, within the last 20 years, Madrid's percentage rises to 80,2 % (EUR 138,67 million).

Over the same period the so-called Mediterranean axis — Spanish frontier/France-Barcelona-Valencia-Murcia — has received 13,4 % of the subsidies (EUR 215,18 million). And while the last time Barcelona benefited from Community transeuropean network subsidies was in 2000 (installing a voice control system in Prat airport) and Valencia in 2001 (improving access to the city's port), Madrid has continued to received subsidies of this kind every single year.

Can the Commission state what criteria have been used and are used for allocating these subsidies?

Could the Commission explain the massive imbalance in the allocation of these funds?

How does the Commission actually view the so-called 'Mediterranean Axis' (France-Barcelona-Valencia-Murcia)?

Answer given by Mr Barnier on behalf of the Commission

(30 October 2003)

The Community is able to provide support for the development of transport TransEuropean Networks (TEN) from the Structural Funds, the Cohesion Fund and the Indicative Multiannual Programme (MIP). The Cohesion Fund budget for Spain for the period 1993-1999 equated to EUR 9,251 million and to EUR 11,160 million for the period 2000-2006 (1999 prices). Half of these funds are devoted to transport projects included in the TENs.

The Structural Funds are allocated between Member States for the period 2000-2006 on the basis of criteria set out in the Regulations. The effort in financial terms is concentrated on the least developed regions eligible under Objective 1. The region of Madrid does not meet the eligibility criteria for support under Objective 1.

The Cohesion Fund is allocated annually on the basis of the criteria established in the relevant Regulation and in an overall framework for transport and the environment development drawn up by the Spanish authorities. On the transport side, the effort has been concentrated over recent years on the Madrid-Barcelona-French border and the Madrid-Valladolid high speed railway corridors integrated in the Essen Priority Project — High-Speed Train South.

Concerning the financial instrument, specifically devoted to TENs, the criteria relating to the eligibility and selection of projects are set out in the Community's 'Guidelines for the development of the TEN [1]', 1996, which established the scope, including detailed maps of the network, objectives, priorities and definitions of projects of common interest. The funding of individual TEN projects is decided on the basis of regular requests from the Member States which are examined under the provisions of Regulation (EC) No 1655/1999 [2].

The selection of projects to be financed under the Cohesion and Structural Funds is a competence of the national authorities.

In respect of the financing of the sections France-Barcelona-Valencia-Murcia (the so-called 'Mediterranean corridor'), funds have been provided since the beginning of the 1990s to improve, in particular, the railway line between Barcelona and Valencia. More recently, under the TEN framework, there are projects relevant for the Mediterranean corridor being financed in 2002 and 2003 affecting Barcelona and Valencia (in particular the HST Madrid-Castilla-La Mancha Comunidad Valenciana-Murcia (several studies) and the Studies for HST line Zaragoza-Barcelona). In addition to the two projects mentioned above, support has also been provided in 1999 for the restructuring and adaptation for HST of the railway network in the area of Valencia.

The Honourable Member may wish to note that from 1986 to-date the Union has allocated a total of EUR 498 million to the improvement and up-grading works on the Mediterranean rail corridor (France-Barcelona-Valencia-Murcia).

[1] 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, OJ L 228, 9.9.1996.

[2] Regulation (EC) No 1655/1999 of the Parliament and of the Council of 19 July 1999 amending Regulation (EC) No 2236/95 laying down general rules for the granting of Community financial aid in the field of trans-European networks, OJ L 197, 29.7.1999.

(2004/C 65 E/206)

WRITTEN QUESTION E-2679/03

by Jacques Poos (PSE) to the Commission

(10 September 2003)

Subject: Customs union between Turkey and the pseudo-state, the TRNC

Can the Commission indicate whether the framework customs union agreement signed by Turkey and the pseudo-state of the Turkish Republic of Northern Cyprus (TRNC) is compatible with the Customs Union Agreement in force since 1996 between the European Union and Turkey?

Under this agreement, customs duties were abolished and Turkey is required to apply the Common Customs Tariff to all imports from third countries.

If, however, the TRNC, according to the definition of the European Court of Human Rights, is not a third country, but a province of the Republic of Cyprus, temporarily under Turkish occupation and administration, is the Commission not obliged to make sure that all exports to the EU from the occupied area are accompanied by certificates of origin issued by the island's recognised authorities?

Can the Commission guarantee that Turkish exports to the EU comply with the signed agreement? If not, what does the Commission intend to do to ensure compliance with the law?

(2004/C 65 E/207) **WRITTEN QUESTION P-2731/03**

by Mihail Papayannakis (GUE/NGL) to the Commission

(10 September 2003)

Subject: Framework agreement on customs union between Turkey and the northern part of Cyprus

The Turkish Government has signed a 'framework agreement' on customs union with the self-proclaimed 'Turkish Democracy of North Cyprus', which is neither an independent state nor a recognised entity under international law or UN resolutions.

Since the signing of this agreement represents a flagrant violation of the principles of international law, the UN charter and the Security Council's decisions and the principles and decisions of the EU and conflicts with the institutional framework of relations between the EU and the Republic of Cyprus as well as with Turkey's application for accession, could the Commission say whether its opinion was sought before the signing of the 'framework agreement', whether that agreement is consistent with the principles and provisions of the association and customs union agreements between Turkey and the EU, and whether it considers that it is likely to influence Turkey's progress towards accession and the evaluation of its candidature by the competent Community bodies?

Joint answer
to Written Questions E-2679/03 and P-2731/03
given by Mr Verheugen on behalf of the Commission

(1 October 2003)

The Commission regrets the signing on 8 August 2003 of the so called 'customs union framework agreement' between Turkey and northern Cyprus ('TRNC'). This 'agreement' has no legal validity under international law and was signed without any prior consultation with the Union. The Union has made it clear to the Turkish Government that ratification of the so called 'framework agreement' would be in breach with the customs union between the Community and Turkey and would not be conducive to a settlement of the Cyprus problem.

With regard to the fears expressed by the Honourable Members concerning exports from northern Cyprus, the Commission wishes to underline that in order to benefit from the preferential treatment provided for by the EC-Cyprus Association Agreement, imports from Cyprus must be covered by origin certificates issued by the recognised authorities in accordance with the decision of the Court of Justice from 1994 (Anastasiou Pissouri Ltd and Others). The Origin certificates are checked by the customs authorities of the Member States. If products covered by irregular certificates were to be released for circulation, the Commission and Member States could take the appropriate measures at customs level.

(2004/C 65 E/208)

WRITTEN QUESTION E-2684/03

by Alexandros Alavanos (GUE/NGL) to the Commission

(10 September 2003)

Subject: The problems of gypsies in Greece

In Greece gypsies face problems relating to social and economic exclusion and accommodation. As part of the operational programme "Combating exclusion from the labour market' within the second Community support framework for Greece, projects were implemented which included actions aiming to combat the problems of gypsies, such as basic training (including combating illiteracy), training, the promotion of employment and the provision of accompanying and support services.

Can the Commission provide data to evaluate, in terms of actual content, the above-mentioned operational programme in the second Community support framework? Have any actions been planned in the third Community support framework to combat the problems of gypsies? If so, in which operational programmes and with what level of expenditure? What progress has been made to date with such actions?

Answer given Ms Diamantopoulou on behalf of the Commission

(15 October 2003)

According to the information received from the Greek authorities, actions specifically targeting gypsies funded under the second and third Community Support Frameworks (CSF II and III) are as follows:

I. Programme: combating exclusion from the labour market under CSF II:

1. Sub-programme: entering or returning to the labour market

   These measures involved training, support services, and employment support for the gypsy population.

Year	Budget (euro)	Total number of beneficiaries	Number of hours training
1996	1 287 252	290	8 540
1997-1998	880 541	243	5 230
1999-2001	3 668 264	370	14 584
Total	5 836 057	903	28 354

2. Sub-programme 5, measure 3 'Awareness and publicity campaigns'.

   In 1999-2000, six information campaigns were organised highlighting the occupational activities of gypsies and promoting gypsy art.

   In addition, six one-day events were organised by the Ministry of Labour to promote the economic and social inclusion of young gypsies. The total budget for this action was EUR 146 814.

II. Action under the other CFS II and CSF III programmes was as follows:

3. Education

4. Over the period 1998-2001 (CSF II), under the 'Continuing training' operational programme, an educational programme was run for school age children in 30 locations with a gypsy population. The main activities comprised training 3 000 teachers for schools attended by gypsy children, producing appropriate teaching materials, setting up accelerated catch-up courses and promoting awareness among parents.

   Following this programme, in 2000, 75 % of the children regularly attended primary school as opposed to 25 % previously.

5. 2002 onwards (CSF III)

   This educational programme has been extended to all areas with a gypsy population and supplemented by new measures. It is co-financed by the CSF III 'Employment and continuing training' programme.

   In the initial phase, 130 accelerated catch-up courses are planned to integrate children into mainstream education. These are not special schools for gypsies but entail a preparation and support programme to help them reintegrate into the school system. Courses for trainers and production of teaching materials are also on the agenda.

   This initial phase will also include: literacy courses for 600 adults, courses in oral and written communication in Greek for 150 adults and training of 150 adults in basic areas such as health, children's education, etc.

6. Health

7. Over the period 1997-2002, the Ministry of Health, Prefectures and non-government organisations (NGOs) ran a vaccination programme.

8. For 2002-2008 (CCA III) a public health programme is planned, co-financed under the CSF III Health and Welfare operational programme. It includes action on preventive health, vaccination and health education. A particular example is a mobile medical unit which has already visited 20 gypsy encampments. By the end of the period it will have visited all the communities concerned. The unit performs preventive examinations (blood tests, chest x-rays, PAP tests, etc).

   In some communities, with the help of national funds, a permanent housing programme is being implemented, which will include 50 health centres. These centres will be co-financed by the corresponding CSF III regional programmes.

9. Employment Promotion

10. 1997-2001 saw the implementation of some hundred occupational training programmes. The participants included around 1 800 members of the gypsy community.

11. For the current period, a number of vocational training and employment support programmes are planned under the 'Employment and vocational training' OP and the regional CSF III programmes. They primarily target disadvantaged groups, including the gypsy community.

12. Gypsy Support Centres (Adults and children)

    This project is co-financed under the EQUAL initiative. There are currently ten centres operating in ten different districts. They provide advice and information in areas such as education, employment, health, housing and relations with the administrative authorities. In the districts with housing projects (national funds) 20 more such centres are planned for the current period.

(2004/C 65 E/209) **WRITTEN QUESTION E-2687/03**

by Giovanni Pittella (PSE) to the Commission

(10 September 2003)

Subject: Project to combat coastal erosion at Maríne di Ugento

The Regional Operational Programme (ROP) for Apulia envisages Community funding for a project intended to tackle the emergency caused by the erosion of the sandy coastline of Maríne di Ugento (Measure 1.3. — soil conservation measures — Action 2: measures to protect the coastline).

The project receiving funding, to be carried out by the company Etacons, s.r.l., covers:

(a) the rebuilding of three wall-panels situated along the beach, to be carried out by raising the remains of four other panels located in the same area;

(b) dredging the sand from the present inlet between the two existing breakwaters and moving it to cover the adjacent coastal area;

(c) removing the existing inlet by 'raising' the outer breakwater and eliminating the inner breakwater, which is considered to be the main cause of the erosion;

(d) the building of another new breakwater approximately 220 metres long and 24 metres wide in that same inlet.

As regards this project it should be noted that:

1. the construction of a breakwater more than 220 metres long in an area covered by a number of conservation orders is incompatible with the aims of restoring the environment set out in the ROP;

2. the new breakwater is useless as far as containing coastal erosion is concerned, since one of the contributory causes of the erosion is precisely the presence of two other breakwaters in the area;

3. the project has not been subjected to an environmental impact assessment, an essential prerequisite for eligibility for Community funding.

In view of the above, does the Commission not consider that the project constitutes an inappropriate use of Community funding designed to safeguard the environment?

Does it not consider that the competent authorities should ascertain whether the project is legitimate and lawful, in view of the improper use being made of the Structural Funds?

Answer given by Mr Barnier on behalf of the Commission

(20 October 2003)

It is the responsibility of the Apulian authorities managing the regional programme to which the Honourable Member refers to select the projects to be included in it and verify that Structural Fund resources are to be used in a way that complies with the Community environmental rules in force.

These authorities have confirmed to the Commission that such a selection procedure was in fact followed for the project in question.

The Ecology Department of the Environmental Assessorate for Apulia Region gave a favourable 'environmental impact assessment' for the project subject to certain requirements:

— completion without any site access widening, as that would lead to worse damage to the dune environment,

— movement of the sand by pumping and not by lorry,

— completion of the work without interfering with tourist access to the sea during the summer period.

Work on the project was suspended by the Public Prosecutor's Office on 10 June this year for a check to be made that the work in progress was in fact that scheduled and carried no risk of provoking more serious erosion. The suspension was lifted on 29 August.

The Commission has received a complaint covering the same points as the Honourable Member raises and the information he has given has been added to the file. The complaint is now being assessed and if the Commission concludes that Community law is being breached it will, as guardian of the EC Treaty, not hesitate to take whatever action, including infringement proceedings under Treaty Article 226, is needed to ensure observance of Community law.

(2004/C 65 E/210) **WRITTEN QUESTION P-2692/03**

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

(2 September 2003)

Subject: Budgetary accounts

When will the Commission start to use double-entry bookkeeping in its budgetary accounts?

Answer given by Mrs Schreyer on behalf of the Commission

(2 October 2003)

The use of double-entry bookkeeping in the budgetary accounts is not required by Article 137 of the Financial Regulation [1], nor under the International Public Sector Accounting Standards (IPSAS). Nevertheless, the Commission is examining whether it is feasible to introduce double-entry booking for the budgetary accounts within its project for the modernisation of its accounting system by 2005. If it proves feasible, and of demonstrated added value, it will be introduced in 2005.

The Commission's general accounts are kept by double-entry bookkeeping, in accordance with the requirements of Article 134 of the Financial Regulation.

[1] Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 248, 16.9.2002.

(2004/C 65 E/211) **WRITTEN QUESTION P-2694/03**

by Mathieu Grosch (PPE-DE) to the Commission

(2 September 2003)

Subject: Introduction of motorway charging in Germany

Following the Commission's most recent decision, I note that the key element in the introduction of German motorway charging has not been resolved.

It has been confirmed by all the players concerned and by German ministers that OBUs (on-board units) are the cheapest and most effective means of paying motorway tolls.

It has been proved that the German Government is unable to meet the demand from haulage firms, which constitutes distortion of the market and a barrier to fair competition.

Even worse, Toll Collect has just confirmed to a Belgian firm that it cannot fit units to more than 75 % of the firm's vehicles.

On the basis of reliable sources, I can confirm that many of the units made available to hauliers, including Belgian and Dutch firms, are faulty. Added to this is the fact that some German firms will supposedly have units fitted to all of their vehicles.

Can the Commission carry out an investigation into Toll Collect's inability to meet the demand from European haulage firms and into the serious complaint made by the sector, to the effect that some firms are placed at an advantage over others?

Answer given by Ms de Palacio on behalf of the Commission

(2 October 2003)

It emerges from different sources that the system of motorway charging in Germany could cause transport problems for road haulage firms. This is because of the limited availability of OBUs (on-board units), the necessary stopping time at paypoints, the additional administrative costs incurred by the firms, discrimination between German operators and operators from other Member States etc.

In accordance with Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures [1], (the 'Eurovignette' Directive), motorway tolls must be implemented and collected, and their payment controlled 'in such a way as to cause as little hindrance as possible to the free flow of traffic'. The Directive also provides that the tolls are implemented without discrimination, either direct or indirect, on the grounds of the nationality of the haulage firm, or the origin or destination of the transport operation.

The Commission initiated the State aid procedure on 23 July 2003 [2] in respect of the measure in question. Furthermore, the Commission and the German Government agreed at the end of August 2003 to set up a temporary working group composed of representatives of both the Commission and Germany. The road haulage sector will also be linked to this group, which will examine the different technical issues that arise in this connection.

The mission of this working group is to follow the different stages of the introduction of motorway charging in Germany. It will aim to ensure that in practice the technical arrangements conform with Directive 1999/62/CE and with the EC Treaty, guaranteeing in particular that the principles of free movement of goods, and of non-discrimination are respected.

The creation of this group clearly does not prejudice the right of the Commission, in accordance with the EC Treaty, to initiate infringement proceedings, if need be, against Germany. This initiative has however, the clear advantage of being able to tackle all of the difficulties concerning the application of the new system, before the effective levying of the toll on 2 November 2003, and involving the players concerned.

[1] OJ L 187, 20.7.1999.
[2] OJ C 202, 27.8.2003.

(2004/C 65 E/212) **WRITTEN QUESTION E-2710/03**

by Kathleen Van Brempt (PSE) to the Commission

(11 September 2003)

Subject: Incense

In Ireland there is currently a debate about the health effects of burning incense. Jim McDade, a minister in the Irish government, has issued a warning about the potentially carcinogenic effects of smoke from incense.

Is the Commission aware of this debate?

What, in the Commission's view, are the health risks associated with inhaling smoke from incense?

If it is harmful, what steps will the Commission take to warn the public?

Answer given by Mr Byrne on behalf of the Commission

(3 November 2003)

There are no special European regulations concerning health warnings on commercial products containing incense such as incense cones or candles.

The Commission services are aware of isolated media reports of concern over high levels of potentially carcinogenic substances in the air resulting from burning incense in different settings in Asia. There is no scientific evidence to suggest a comparable situation in the European Union.

Consequently, the Commission is not currently planning to issue a warning to the public on this matter.

However, if the Honourable Member has any scientific evidence, the Commission will be happy to have it examined.

(2004/C 65 E/213) **WRITTEN QUESTION E-2712/03**

by Kathleen Van Brempt (PSE) to the Commission

(11 September 2003)

Subject: Counterfeit money

The introduction of the euro did not result in large amounts of counterfeit money in the first year. This now seems to have changed.

Can the Commission provide a review of the trend in counterfeit notes and coins since the introduction of the euro including a detailed breakdown of the figures?

What action is the Commission taking to tackle the counterfeiting of euro notes and coins?

Answer given by Ms Schreyer on behalf of the Commission

(23 October 2003)

The following information is based on particulars provided by the European Central Bank (ECB), Europol and the Commission.

In 2002 a total of 167 118 counterfeit euro notes and 2 339 counterfeit euro coins were withdrawn from circulation. The number of notes is equivalent to less than one quarter of the total number of national counterfeit notes reported to the national central banks in the euro area in 2001.

The tables giving the breakdown of counterfeit notes and coins by denomination in 2002 are being sent direct to the Honourable Member and to Parliament's Secretariat.

In the first half of 2003, 230 534 counterfeit euro notes and 7 875 counterfeit euro coins were withdrawn from circulation.

As expected, the counterfeiting of euro notes has increased in 2003 compared with 2002, but the situation has begun to stabilise in recent months. However, since around EUR 8,2 billion authentic notes are in circulation, the volume of counterfeit notes is very small and there is no risk of public confidence in the notes in circulation being undermined.

The counterfeiting of euro coins has also increased, as indicated by the high number of counterfeit coins found to be in circulation in 2003. None the less, the volume of counterfeit coins is very small compared with the 41 billion authentic coins in circulation and there is no risk of public confidence in euro coins either being undermined.

The tables giving the breakdown of counterfeit notes and coins by denomination for the first half of 2003 are being sent direct to the Honourable Member and to Parliament's Secretariat.

Since the introduction of euro notes and coins, twelve illegal printing works have been closed down, ten in the euro area and two outside. Three illegal workshops equipped to produce counterfeit euro coins have also been shut down, two in Italy and one in Portugal. In one of the illegal workshops in Italy, more than 70 000 counterfeit 50-cent coins and all the production equipment were seized.

In all, 1 031 individuals, whether under suspicion or arrested, have been identified as being responsible for producing and/or distributing counterfeit euro notes.

Protection of euro notes and coins is the responsibility of the competent national authorities, the European Central Bank, Europol and the Commission.

The Commission exercises its responsibility in three fields:

— legislation, where it takes the appropriate initiatives (e.g. Regulation (EC) No 1338/2001 [1]) to protect notes and coins and carries out the appropriate monitoring work. The Commission recently adopted its second report on the implementation of the Framework Decision of 29 May 2000 on the protection of the euro by way of criminal penalties;

— training and technical assistance via the financing or co-financing of projects for protecting euro notes and coins under the Pericles programme;

— coordination of measures taken by Member States to provide technical protection for coins against counterfeiting, including management of the European Technical and Scientific Centre, which is responsible for analysing counterfeit coins.

In order to carry out its task, the Commission cooperates closely with Member States and with the other European institutions and has set up several working groups.

[1] Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting, OJ L 181, 4.7.2001.

(2004/C 65 E/214) **WRITTEN QUESTION E-2713/03**

by Kathleen Van Brempt (PSE) to the Commission

(11 September 2003)

Subject: Tispol road safety checks

Tispol, the European Network of Traffic Police, regularly organises national road safety checks at the same time in different EU Member States. In answer to Written Question E-2276/02 [1], the Commission announced that measures would take place from mid-2002 to mid-2003.

Can the Commission provide more information on the results of these measures? How many people were stopped and fined? What did these checks cost and what was the EU's financial contribution?

Can the Commission give details of the results of the Tispol measures in Belgium?

What is the Commission's assessment of the recent Tispol enforcement measures and what are its plans for the future? Will there be more Europe-wide coordinated road safety checks in the next few years? If so, can the Commission provide more information about this?

[1] OJ C 52 E, 6.3.2003, p. 148.

Answer given by Mrs de Palacio on behalf of the Commission

(21 October 2003)

The Commission has received information concerning the results of concerted European-wide traffic controls by Tispol over the period mid 2002 to mid 2003.

These enforcement actions focused on three domains in particular: alcohol and drugs, control of trucks, and control of buses and coaches.

The main results of these actions are:

— For alcohol and drugs controls: three such controls have been arranged, on 2 and 3 November 2002, 14 and 15 February 2003 and 20 and 21 July 2003 respectively. A total of 259 974 drivers were checked and 9 924 were found to have committed an offence and were arrested. The scope of the controls was increased to include drugs and driving impairment, which has been identified as an increasing problem area. Under this scope, 188 persons were found to have committed drug related offences. All member countries of Tispol participated in these actions [1]. During these campaigns, attention has also been given by enforcement officers to the wearing of seat belts and the speed at which the vehicles have been driven.

— Controls of trucks: Tispol has conducted three enforcement campaigns (Operation Mermaid), on 13 September 2002, 21 March 2003 and 10 June 2003 and as a result 120 926 commercial vehicles (trucks) have been checked. These campaigns, which were carried out in co-operation with Euro Control Route, the European organisation of transport enforcement officers, resulted in a wide variety of offences being detected; 46 927 truck drivers had committed one or more offences, among others in the field of drivers hours, tachograph, alcohol, speed, drivers disqualification or dangerous condition, overweight or insecure load of the vehicle; 3 232 persons were arrested.

— Controls of buses and coaches: Tispol has organised three campaigns (Operation Bus), namely on 27 August 2002, 10 to 16 February 2003, and 19 July 2003. They were in particular aimed at checking long distance coach drivers who transverse several countries, since the published timetables of some operators clearly indicated that some abuse of the legislation was necessary to achieve the targets set. Enforcement officers checked 28 470 passenger service vehicles and detected 3 835 offences ranging from breaches of drivers hours legislation to dangerous vehicles. A total of 138 people were arrested.

Concerning the results on Belgian territory, the following data have been made available to the Commission: for the alcohol campaigns, 4 518 drivers were checked, and the controls resulted in 225 persons being arrested. In the truck-control campaigns, 3 530 vehicles were checked and 1 195 offences found. Operation Bus checked 711 vehicles and found 315 offences.

As for the costs of these controls, the Commission would like to refer to the reply given to the Honourable Member's Written Question E-2276/02 [2] on the same subject. As these controls are performed in the course of normal police enforcement activities, any information on their cost would have to be requested from the police authorities of the participating Member States.

On the basis of the results described above, it is the opinion of the Commission that these Tispol enforcement actions contribute to improved road safety. On one hand they prove that co-ordinated actions between enforcement bodies of two or more Member States are very efficient to expose problems in the areas which the campaigns are aimed at, on the other hand, they have a preventive effect by deterring potential offenders. The nature of random and unexpected controls, combined with a targeted approach and the publicity raised by these concerted campaigns, offer a clear added value and contribute to the sharing of good practices between the Member States.

Given the positive results of Tispol control actions, the Commission is considering relevant legislative proposals which it hopes that will be discussed during the Italian Presidency.

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[1] These countries are now: Belgium, Germany, Greece, Spain (incl. Canary Islands), France, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Finland, United Kingdom, Norway, Switzerland, Czech Republic, Slovenia and Poland.

[2] OJ C 52 E, 6.3.2003.

(2004/C 65 E/215) **WRITTEN QUESTION E-2717/03**

by Kathleen Van Brempt (PSE) to the Commission

(11 September 2003)

Subject: Network of cycle paths

Belgium has an extensive network of cycle paths for tourism and recreation. Many of these cycle routes have been created thanks to European grants. I should like to have more information about the subsidies granted to Belgian cycle routes.

Can the Commission provide details of the EU subsidies granted to Belgian cycle routes in 2002 in 2003?

What amount was allocated to cycle routes in the province of Antwerp?

What are the Commission's plans for the allocation of European funds in 2004 and subsequent years? Will subsidies be granted for measures in the province of Antwerp?

(2004/C 65 E/216) **WRITTEN QUESTION E-2718/03**

by Anne Van Lancker (PSE) to the Commission

(11 September 2003)

Subject: Network of cycle paths

Belgium has an extensive network of cycle paths for tourism and recreation. Many of these cycle routes have been created thanks to European grants. I should like to have more information about the subsidies granted to Belgian cycle routes.

Can the Commission provide details of the EU subsidies granted to Belgian cycle routes in 2002 in 2003?

What amount was allocated to cycle routes in the province of East Flanders?

What are the Commission's plans for the allocation of European funds in 2004 and subsequent years? Will subsidies be granted for measures in the province of East Flanders?

Joint answer
to Written Questions E-2717/03 and E-2718/03
given by Mr Barnier on behalf of the Commission

(10 October 2003)

Under the present regional policy rules, in this particular case those on part-financing of projects from the Structural Funds, project selection is an exclusive responsibility of the managing authority for each programme, always of course subject to compliance with the wording of the priorities and measures set out in the programming document and its complement.

Thus the granting of European funds under the structural policy should be looked at as part-financing of projects selected by the Member State rather than as an actual subsidy from the Commission.

For Flanders Region as a whole, 2002 and 2003 has seen approval of cycle route projects totalling EUR 5 582 503,81 for which the Regional Development Fund (ERDF) contribution is EUR 1 268 302,96.

In the province of Antwerp EUR 277 099 has been granted for the Recreatief fietsroutenetwerk in the Grande Nethe area (total project cost EUR 1 108 394) and in East Flanders EUR 20 834,11 for the Schaarse Wegel cycle route project at Bassevelde (total project cost EUR 83 336,40).

It goes without saying that any cycle route projects that are subsequently presented and are in line with the objectives of the programme measures will be part-financed from the ERDF at the rate specified in the programme complement.

As far as the Walloon Region is concerned, the managing authority for the Meuse-Vesdre Programme expects, for the entire programming period, to approve projects for the cycle route network costing a total of EUR 13 218 470,38, of which the ERDF will pay EUR 6 654 735,19.

No cycle route network projects have been part-financed by the Structural Funds in the Brussels Capital Region in 2002 or in 2003. Given the wording of the measures in the programme it is unlikely that any are to be presented.

(2004/C 65 E/217) **WRITTEN QUESTION E-2720/03**

by Erik Meijer (GUE/NGL) to the Commission

(11 September 2003)

Subject: Measures to safeguard EU plans for a dynamic knowledge society in 2010 from unintended negative effects of the Stability Pact

1. Is the Commission aware that the German newspaper Handelsblatt and subsequently the Netherlands newspaper Staatscourant of 14 August 2003 report that Commissioner Diamantopoulou believes that the European Growth and Stability Pact will in future pose a serious threat to education and scientific research budgets in EU Member States as result of the 3% ceiling on budget deficits, making it impossible to achieve the target established in Lisbon in 2000 of making the EU the world's most dynamic knowledge economy by 2010?

2. Is the Commission aware that Mrs Diamantopoulou is advocating that this serious problem should be solved by no longer counting government investment in education and research for the purposes of the ceilings established in the Stability Pact?

3. Can the Commission confirm that a virtually insoluble situation is likely to arise now that Germany, France, Italy and Portugal no longer appear to be able to keep to the 3% ceiling in the longer term, new Member States with a weak budget position are about to join the EU and the heavy fines that have to be imposed on those who exceed the ceiling are in danger of exacerbating the situation?

4. Does the Commission agree with Commissioner Diamantopoulou that no one seems to have the courage to take the necessary steps to revise the 3% rule which has become unworkable and that as a result Member States are resorting to unilateral action to the detriment of the EU economy?

5. Is the Commission using its own right of initiative to break this deadlock or is it waiting for the Italian Presidency or subsequent presidencies of the Council to take action?

6. How long does the Commission anticipate it will take before the urgently needed changes are actually made to the Stability Pact, for instance by adopting the method proposed by Commissioner Diamantopoulou?

Answer given by Mr Solbes Mira on behalf of the Commission

(5 November 2003)

1. The Commission believes that Member States should improve the quality of their spending in order to fulfil their investment commitments in research and education within the framework of the Stability and Growth Pact.

2. The Commission is aware of the Member of the Commission responsible for Employement and Social affairs' personal views.

However, the Commission position is that not counting any specific type of expenditure for the purpose of the ceilings established in the Pact would not be in line with existing regulations. Moreover, it would not be justified on economic grounds since in any case all expenditures need to be financed. Leaving out of the Union fiscal rules one or various expenditure items would lead to increased deficits thus putting at risk the sustainability of public finances. All Member States face huge challenges resulting from ageing population and thus ensuring the sustainability of public finances is crucial. Furthermore, any decision about possible priority expenditure items would risk to be detrimental for other expenditure that may be contributing as well to the Lisbon objectives.

3. The deterioration in fiscal positions reflects to some extent the present weak economic situation. Gross domestic product (GDP) growth has been more subdued than projected in spring and several countries of the euro area have been in a technical recession. However, an important part of the slippage also derives from past policy inaction or from deficit increasing measures. The situation in the three Member States that are in the Excessive Deficit Procedure is of particular concern. The Council issued recommendations under Article 104(7) to Germany, France and Portugal, setting deadlines for taking corrective action and a deadline for the correction of the excessive deficit of 2003 for Portugal and 2004 for Germany and France. On the basis of the latest data on 2003 budgetary outcome and budgets for 2004, the Commission will have to assess the situation in Germany and Portugal. France had a deadline of 3 October 2003 to take effective corrective action according to the 104(7) Council recommendation. The Council, on the basis of the Commission recommendation of 8 October 2003, now has to decide whether France has complied with the recommendation under 104(7) Council recommendation. If the Council establishes that there has been no effective action in response to its recommendations, it may decide to give notice (Article 104(9)) to the Member State to take, within a specified time-limit, measures for the deficit reduction which is judged necessary by the Council in order to remedy the situation. In such a case, the Council may request the Member State concerned to submit reports in order to examine the adjustment efforts of that Member State. If a Member State fails to comply with the Council recommendations given under 104(9), the Council may decide to impose sanctions (Article 104(11)). In that case, the sanction will be a non-interest bearing deposit. The size of this deposit is defined in the Council Regulation (EC) No 1467/97 [1], Article 12, on speeding up and clarifying the implementation of the excessive deficit procedure. Such a deposit could not be considered in financial terms as a heavy sanction, and it would only be converted into a fine after two years if the deficit has not been corrected.

As can be derived from the above, sanctions are not an immediate measure once a Member State experiences a deficit above 3 % of GDP. The EC Treaty foresees an interaction between the Council and the Member State concerned that gives quite a sufficient period of time to the Member State to correct the deficit. The EC Treaty provides for an increasing peer pressure being exercised by the Council in order to bring the deficit of the Member State concerned below the 3 % of GDP reference value.

With respect to the entrance of the new Member States to the Union, it should be noted that aggregate figures tend to hide large differences in fiscal positions between individual countries. In 2001, the so-called Pre-Accession Fiscal Surveillance Procedure was established in order to prepare the candidate countries for the participation in the multilateral surveillance procedures currently in place within the Union. Most accession countries plan to reduce their budget deficits within a medium term context: the Pre-accession Economic Programmes foresee a reduction in the aggregate deficit for the accession countries from 3,8 % of GDP in 2001 to 2,7 % of GDP in 2005. It is also worthwhile to mention that on average, acceding countries have a lower debt level than current Member States, 36,9 % of GDP compared to 62,8 % of GDP respectively in 2001.

4. The Commission considers that the budgetary goals and rule of the EC Treaty and the Stability and Growth Pact remain valid. A budget position of 'close to balance or in surplus' provides an appropriate framework for prudent budgetary management that is in the economic self-interest of all countries. The budgetary objective of 'close to balance or in surplus' provides ample room to allow the automatic stabilisers to operate fully in response to economic downturns and to cope with the budgetary impact of major reforms. It is also an appropriate medium and long-term goal, given high debt levels in many countries, substantial contingent liabilities and because ageing populations will lead to large increase in spending on pension and health. All these challenges can only be met if countries make sustained efforts to run down public debt in the coming decade.

In addition, both the Commission and the Council agree that both public and private sector will have to contribute if the Lisbon goals are to be achieved. In the area of public finances, governments can contribute by spending public money as efficiently as possible, by redirecting public expenditure towards growth-enhancing cost-effective expenditure subject to overall budgetary constraints, and by seeking a higher leverage of public support on private investment. Indeed, this is the reasoning behind guideline No 14 of the Broad Economic Policy Guidelines adopted by the Council on 26 June 2003. This guideline contains several ways in which the public sector should enhance its contribution to growth, one being 'by redirecting, i.e. while respecting overall budgetary constraints, public expenditure towards growth-enhancing cost-effective investment in physical and human capital and knowledge' ([2]).

5. The Commission has taken action to improve the Economic and Monetary Union (EMU) fiscal framework in the light of the experience of the first four years of EMU. On 27 November 2002, it adopted a Communication on strengthening the co-ordination of budgetary policies ([3]). This Communication contains concrete proposals to better take into account the economic cycle when assessing budgetary positions, to avoid pro-cyclical policies in good times, to ensure the sustainability of public finances, to enhance the contribution of public finances to growth and employment, and to improve the enforcement of the rules. The Ecofin Council broadly shared the view of the Commission and agreed with the Commission that there was no need to change the current legal framework and that improvements could be made to ensure an effective application of the rules. Both the Commission and the Council are now implementing the agreed approach.

6. The Commission refers the Honourable Member to the answers given above.

([1]) Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure, OJ L 209, 2.8.1997.

([2]) This message has been particularly stressed in the Commission Communication of 10 January 2003 on 'Investing efficiently in education and training: an imperative for Europe'.

([3]) COM(2002) 668 final.

(2004/C 65 E/218) **WRITTEN QUESTION P-2728/03**

by Ewa Hedkvist Petersen (PSE) to the Commission

(10 September 2003)

Subject: Norrbotten rail link

The presentation of the high-level group's work on 30 June 2003 showed that none of the priority TEN-T infrastructure projects include the most northerly parts of Sweden. The Norrbotten rail project is a missing link and a cross-border project of significance for Member States Sweden and Finland as well as for third countries Norway and Russia. Distances for transport in northern Europe are long and there are often no alternative forms of transport or routes. Industry is therefore more vulnerable to disruption than in Central Europe where alternative means of transport do exist.

It is important to ensure that the TEN-T corridors also cover northern Sweden and Finland. Good infrastructure enables development to take place across the Union and it is important for industry and society to have good communications throughout the Union and with the Barents Sea region. The Norrbotten rail link would therefore facilitate exchanges between the Member States and strengthen cohesion.

Can the Commission envisage including the Norrbotten rail link as one of the priority TEN-T projects?

Answer given by Mrs de Palacio on behalf of the Commission

(6 October 2003)

The High-Level Group on the trans-European transport network (TEN-T) was mandated by the Commission to identify by the summer of 2003 the priority projects of the trans-European transport network up to 2020 on the basis of proposals from the Member States and the candidate countries.

The report is available in the internet:
(http://europa.eu.int/comm/ten/transport/revision/hlg/2003_report_kvm_en.pdf).

This exercise is part of a broader review of the Community guidelines for the development of the trans-European transport network. This Group, which was chaired by Mr Karel Van Miert, consisted of one representative from each Member State, one observer from each candidate country and an observer from the European Investment Bank.

On the basis of proposals put forward by the present and future Member States, the Group has selected new priority projects to be carried out between now and 2020.

Some of the main criteria for the Group to select projects are whether the project is part of a main trans-European axis or it crosses natural barriers; whether it could solve congestion problems or it corresponds to missing links; the potential economic viability and other socio-economic benefits have been also taken into consideration. In a second stage, the Group examined the European value added of the project, the strengthening of cohesion and the contribution to sustainable development.

The report of the High Level Group does not contain the railway line in the Swedish region Norrbotten.

However, concerning Sweden and Finland, the High-Level-Group has confirmed the priority for the projects relating to the Nordic Triangle corridors. Furthermore, the proposal to develop the motorways of the sea is a new concept to help by-pass bottlenecks or to better connect the peripheral and island areas of the Union, representing in some cases a genuine competitive alternative to land transport, particularly in the Baltic Sea area.

The Commission is working on a proposal for the revision of the TEN-T Guidelines on the basis of the High Level Group work and findings.

(2004/C 65 E/219) **WRITTEN QUESTION P-2729/03**

by Toine Manders (ELDR) to the Commission

(10 September 2003)

Subject: Illegal introduction of a modified deposit system in Germany

The earlier question on the illegal introduction of a deposit system in Germany (E-1549/03 ([1])) and the answer by Commissioner Wallström on behalf of the Commission on 3 July 2003 prompt the following considerations.

The German Government has stated in reply to the Commission's previous questions that a national collection and settlement system will be operational in Germany by 1 October 2003 with the result that the existing export blockade for non-reusable containers will disappear of its own accord. In the meantime, the German Government is prepared to accept 'one-off solutions where one container differs sufficiently from another, authorisation may be granted for a'one-off solution' for that container linked to a specific chain of retailers. When purchasing a container, the consumer receives a deposit receipt that can be returned only to the shop where the item was purchased. This solution, which is subject to various unclear criteria, is not a genuine option for manufacturers or importers. For cans, so far no authorisation at all has been given even for such a 'one-off solution'.

As a result of the foregoing, exports to Germany from the Netherlands, France, Austria and Luxembourg of soft drinks and waters and, to some extent, of beer have come to a complete standstill with disastrous economic consequences for the relevant sector. The existing Green Point system operating in Germany already means that around 80 % to 90 % of containers are efficiently recycled. This new measure seems, therefore, to have been introduced in order to protect the domestic market, thereby thwarting the operation of the internal market.

1. Is the Commission ready to table a proposal for a Europe-wide collection and deposit settlement system for non-reusable containers designed to contribute to further completion of the internal market without trade barriers? If so, within what timescale does it intend to present such a proposal? If not, why is it minded not to do so?

2. Is the Commission ready, in the event of it not being possible to establish a satisfactory European and/or national system of collection and deposit settlement, to oblige the German Government to abolish the deposit system for non-reusable containers introduced on 1 January 2003 and to return to the Green Point system which works well? If not, why is it minded not to do so?

3. Is the Commission ready, in the event of the response and cooperativeness of the German Government not being satisfactory, to initiate infringement proceedings earlier than 1 October 2003 not least in view of the urgency of the matter and the economic interests involved? If so, on what date? If not, why not?

(1) OJ C 11 E, 15.1.2004, p. 192.

Answer given by Mrs Wallström on behalf of the Commission

(17 October 2003)

The creation of a Europe-wide collection and deposit system is not part of the current objectives of Directive 94/62/EC of the Parliament and of the Council of 20 December 1994 on packaging and packaging waste [1] or of its proposed revision [2]. Community legislation sets general objectives that need to be complied with by Member States. Within this framework, it is for the Member States to determine how best to achieve these objectives, whilst respecting Community law, in particular on the internal market and competition. Consequently, the Commission is not considering the introduction of a Community-wide scheme.

The Commission's position on the German deposit system was explained in the replies given by the Commission on 3 July 2003 to the Honourable Member's Written Question E-1549/03 [3] and on 29 August 2003 to Written Question E-2519/03 by Mrs Oomen-Ruijten and Mrs Grossetête [4]. Currently, measures are being prepared in Germany to introduce a return and collection system for one-way packaging affected by the German deposit system. The Commission is monitoring this process and will not hesitate to take the appropriate actions to ensure compliance with Community law.

(1) OJ L 365, 31.12.1994.
(2) OJ C 103 E, 30.4.2002.
(3) OJ C 11 E, 15.1.2004, p. 192.
(4) OJ C 33 E, 6.2.2004, p. 267.

(2004/C 65 E/220)

WRITTEN QUESTION P-2730/03

by Herbert Bösch (PSE) to the Commission

(10 September 2003)

Subject: Compliance with European legislation in connection with the privatisation of VOEST in Austria

Media reports suggest that agreements exist between individual interested parties in connection with the imminent privatisation of VOEST via the stock exchange. The Austrian newspaper 'Der Standard' reported on 1 September 2003 an alleged 'secret meeting' between existing Austrian VOEST shareholders for the purpose of allocating amongst themselves the maximum possible stockholding when the shares are sold. Those invited to this meeting are said to include the managing committee of the Vienna stock exchange, banking representatives, a member of the VOEST management board, a member of the VOEST works council and politicians from Upper Austria.

Are such internal agreements in the run-up to the privatisation of a public-sector undertaking via the stock exchange in conformity with European law?

If not, what countermeasures will the Commission be taking?

Does EU law contain provisions preventing the disposal of a public sector undertaking at less than its value and hence to the detriment of the public interest?

Does a general legal framework exist at EU level that compels Austria to privatise VOEST or other public-sector undertakings?

Answer given by Mr Bolkestein on behalf of the Commission

(23 October 2003)

The Commission does not have enough information at its disposal to offer the Honourable Member a satisfactory answer. In the absence of details and established facts which would enable the Commission to carry out the necessary investigation into possible breaches of Community stock exchange law or Community competition law, the Commission regrets that it is unable at the moment to reply to the first and third questions. It therefore asks the Honourable Member to provide it with whatever information he has on this matter.

The Commission cannot answer the second question while the first question remains unanswered.

With regard to the fourth question, Article 295 of the EC Treaty gives the Member States the option of determining whether a given undertaking should belong to the public sector or the private sector.

(2004/C 65 E/221)

WRITTEN QUESTION E-2738/03

by Glyn Ford (PSE) to the Commission

(11 September 2003)

Subject: Transit visas in the EU

Is the Commission aware that some Member States are adopting a new practice and requiring travellers to purchase a Transit Visa costing GBP 40 for 'not landing'? Could the Commission indicate whether it believes that (a) this charge is wholly unjust and (b) it threatens to distort the travelling patterns of travellers as they move through the EU and try to avoid those Member States?

Answer given by Mr Vitorino on behalf of the Commission

(20 October 2003)

The Commission is not aware of the facts referred to by the Honorable Member. Since it does not have the information to carry out the necessary investigation into the problem raised, it regrets that it is at present unable to answer the question.

(2004/C 65 E/222) **WRITTEN QUESTION E-2749/03**

by Jan Dhaene (PSE) to the Commission

(15 September 2003)

Subject: Refund of the German HGV toll (LKW-Maut) by the government of the Flemish Region

The government of the Flemish Region plans to provide compensation for lorry drivers operating in Germany by refunding them part of the cost of the Eurovignette. Lorry drivers who can prove that they have driven for at least 30 days or at least 60 days on the German road network are refunded 1/12 or 2/12 of the cost of the Eurovignette respectively. This refund is in addition to the existing rules under which to 2/12 of the Eurovignette costs are refunded. In practice this will therefore mean that some Flemish road haulage operators recover one-third of the cost of the Eurovignette. Furthermore, the Belgian Federation of Road Haulage Operators, FBETRA, is advising its members to pass on the cost of the HGV toll to their clients.

Does the refund of part of the cost of the Eurovignette by the Flemish Region comply with European law?

Does this refund create a precedent? In other words, can Member States refund environmental taxes levied in other Member States to35 300 private individuals or legal entities?

Answer given by Mrs de Palacio on behalf of the Commission

(21 October 2003)

The Commission has no information regarding a plan by the Flemish Region to reimburse part of the charges paid by consignors who use German motorways.

In principle, the Commission needs detailed information before it can comment on the admissibility of reimbursing road user charges in a Member State. Such a measure is in any event liable to constitute State aid within the meaning of Article 87 of the EC Treaty, given that a measure of this kind involving a transfer of public resources and conferring an advantage upon certain undertakings may threaten to distort competition and affect trade between Member States. All Member States must notify the Commission in advance of any new aid, and the Commission will, as appropriate, assess the aid's compatibility with the internal market.

(2004/C 65 E/223) **WRITTEN QUESTION E-2750/03**

by Jan Dhaene (PSE) to the Commission

(15 September 2003)

Subject: Cycles as accompanied baggage on international trains

During my holidays I experienced problems taking my bicycle with me on international trains and TGVs. On a large number of international trains passengers are no longer authorised to travel with a bicycle. Some of these routes are even co-funded by the EU under the TENs-T programme.

Does the Commission intend to change the rules on intermodality and the carriage of cycles on trains in the TEN network

The Commission is currently working with passenger rail transport providers on a charter of passengers' rights. Does this measure also include the carriage of cycles?

Answer given by Mrs de Palacio on behalf of the Commission

(21 October 2003)

The Commission has no plans to include conditions in its decisions or its proposal for the Trans-European Networks (TEN) guidelines requiring train operators to allow transport of bikes on international train services, since these financing decisions refer to rail infrastructure investments and do not deal with the services to be operated on the TEN network.

The Community of European Railways has developed a Charter on Passenger services, which it has discussed with the representative organisations of consumers and passengers. This Charter, however, only addresses the issue of the availability of information on the accessibility of trains for bikes, as well as information on other modes of transport. According to its Workprogramme 2003, the Commission prepares a Regulation dealing with passengers' rights and obligations on international rail services, which address several issues, amongst which the obligation for railway undertakings to provide pre-trip information, such as the accessibility of trains for bicycles.

(2004/C 65 E/224) **WRITTEN QUESTION E-2752/03**

by Kathalijne Buitenweg (Verts/ALE) and Joost Lagendijk (Verts/ALE) to the Commission

(15 September 2003)

Subject: EU-Turkey Association Agreement: increase in fees for residence permits

	Age 12 and over			Under 12		
	Old rules	1 May 02	1 Jan 03	Old rules	1 May 02	1 Jan 03
Residence permit (fixed period)	56,72	258	430	22,69	169	285
Residence permit (indeterminate period)	226,89	539	890	N/A	N/A	N/A
Amendment of residence permit	0	258	430	0	169	285
Extension of residence permit	0	169	285	0	169	285
Application for assessment of compatibility with EU law	15,88	26	28	15,88	26	28

It is clear from the above table that, during the course of the past year, the Dutch fees for granting, extending and amending a residence permit for non-EU nationals have been substantially increased, in some cases doubled. This increase affects, among others, migrants with Turkish nationality. The increase in the fees has made it harder for Turkish citizens wishing to work in the Netherlands as employees, self-employed persons or service providers. Article 41(1) of the additional protocol to the EEC/Turkey Association Agreement, and Article 13 of Decision 1/80 of the EEC/Turkey Association Council, prohibit the introduction of 'new restrictions on the freedom of establishment and the freedom to provide services', and of 'new restrictions on the conditions of access to employment applicable to workers and members of their families legally resident and employed in their respective territories.'

1. Does the Commission rule out the possibility that fee increases on the scale introduced in the last two revisions constitute a 'new restriction' prohibited within the meaning of Article 41(1) of the Additional Protocol to the EEC-Turkey Association Agreement and Article 13 of Decision 1/80 of the EEC-Turkey Association Council?

2. If not, does the Commission propose to take measures, for example by initiating an investigation seeking to clarify the compatibility of fee increases with the provisions referred to in question 1?

3. Has the Commission had any comments from the Turkish side, or held consultations with the Turkish authorities, concerning the Dutch fee increases in relation to the Association Agreement?

Answer given by Mr Vitorino on behalf of the Commission

(30 October 2003)

The Commission is aware of the increases in fees charged by the Netherlands concerning residence permits referred to by the Honourable Member. In order to ascertain whether they may constitute a new restriction within the meaning of the Community-Turkey Association Agreement, the Commission is in the course of writing to the Netherlands to seek further details.

The Commission has not received representations from Turkey on this issue.

(2004/C 65 E/225) **WRITTEN QUESTION E-2756/03**

by Marjo Matikainen-Kallström (PPE-DE) to the Commission

(15 September 2003)

Subject: Forwarding of information about passengers flying between the EU and the USA

The EU has decided to provide such detailed information about passengers flying from the EU to the USA that it even includes credit card numbers.

Does the EU apply reciprocal requirements to those travelling from the United States to the European Union? If not, why does the EU not require the same information from the USA as the USA does from the EU? Will the EU introduce a requirement for information about passengers to be provided in the same detail as the USA requires?

Answer given by Mr Bolkestein on behalf of the Commission

(18 November 2003)

The Commission has not decided that information about passengers should flow to the United States. In fact, the US authorities have unilaterally imposed on airlines flying to, from and through the United States the obligation to provide access to Passenger Name Record (PNR) information, which is likely to contain personal details regarding the passengers, as well as information about the reservation and the flight.

The Commission considers that this requirement may conflict with EC data protection rules and is holding discussions with the relevant US authorities to find a solution that fully respects both US and EC law and makes the US authorities' legitimate objective of fighting terrorism — which the Union fully shares — compatible with the need to protect citizens' fundamental rights, including the protection of their personal data.

In the discussions with the US authorities the Commission has made clear that it considers certain aspects of the US request for access to passenger data in its current terms as disproportionate. This has also been highlighted by the Parliament and by some national data protection authorities in Member States.

Discussions are currently being held between the Commission and the Member States to determine what the appropriate and most extensive permissible use of PNR data in the fight against terrorism might be. The Commission has always insisted on respect for the principle of reciprocity in its discussions with the US authorities.

(2004/C 65 E/226) **WRITTEN QUESTION P-2758/03**

by Werner Langen (PPE-DE) to the Commission

(10 September 2003)

Subject: Entry into force of the motor vehicle block exemption regulation

The deadline for the changeover to the new motor vehicle block exemption regulation expires on 1 October 2003. Some vehicle manufacturers have terminated all dealer agreements and intend to conclude new contracts with their distributors. According to current information, the overwhelming majority of agreements have been drafted in such a way as to be diametrically opposed to the block exemption regulation. The objective was to liberalise the motor vehicle trade in order 'to strengthen the position of dealers and repair shops and allow them to develop their business to the benefit of customers' (Commission press release of 25 July 2003 − IP/03/1117). Statements issued by many dealer associations, however, show the opposite to be the case. Excessive regulations, standards and specifications are being used in an attempt to restrict competition and make a nonsense of liberalisation.

The Commission:

1. Is it aware of the contents of the draft agreements of certain vehicle manufacturers and what is its view of developments in the dealer distribution systems in relation to the deadline of 1 October 2003?

2. What options does it have to counter distorted developments which are contrary to the objectives of the new block exemption regulation?

3. What measures will it take if it comes to the conclusion that the position of dealers and repair shops is not strengthened and business is not developed to the benefit of customers?

4. What further steps will it take in regard to implementing and monitoring the measures implemented to achieve the objectives of the motor vehicle block exemption regulation? Is it also considering, if necessary, revoking the regulation and completely deregulating the distribution systems?

Answer given by Mr Monti on behalf of the Commission

(14 October 2003)

1. The Commission has examined copies of certain contracts supplied to it by interested third parties. The Commission has found problems with some of these, and has intervened to bring them into line with the new rules.

2. The Commission has been concerned to ensure that the transition from the old framework under Commission Regulation (EC) No 1475/95 of 28 June 1995 on the application of Article 85 (3) of the Treaty to certain categories of motor vehicle distribution and servicing agreements [1], to the new regime under Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector [2], takes place as smoothly as possible. The Commission issued an explanatory brochure in last September 2002 to help interested parties to understand their obligations under the new rules. Moreover, the Commission has been on hand to give advice to dealers, repairers, and manufacturers concerning the new Regulation, and where appropriate has intervened to ensure that agreements are brought into line with the competition rules.

3. At this stage it is far too early to come to any general conclusions as to whether the Regulation has strengthened the position of dealers and repairers. The Regulation represents a major change, and the sector will clearly need time to adapt business practices to the freedoms offered by the new rules.

4. The Commission will continue to use its investigative powers and its regular contacts with operators in the sector to monitor the situation pursuant to Article 11 of the Regulation after the transition period has expired on 1 October 2003. If and when abuses or practices that are out of line with the new rules are brought to its attention, the Commission will take appropriate action, where necessary in association with the parties concerned.

The Commission would like to take this opportunity to underline that it has no plans to revoke Regulation (EC) No 1400/2002, or indeed to disapply it, or withdraw the benefit of the exemption. The conditions for such withdrawal or disapplication are set out in Articles 6 and 7 of the Regulation, and in the Commission's view these are not met.

The Commission would moreover draw the Honourable Member's attention to the fact that if Regulation (EC) No 1400/2002 were revoked, the general block exemption for vertical restraints, Commission Regulation (EC) No 2790/1999 of 22 December 1999 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices ([3]), would automatically apply to motor vehicle distribution and repair. From a dealer or repairer's point of view, that regulation contains fewer safeguards than Regulation (EC) No 1400/2002. In particular, it does not provide for minimum notice provisions for terminating dealer agreements, does not allow those dealers who so wish to sub-contract after-sales provision, would allow manufacturers to effectively prevent dealers from selling brands from competing suppliers, and does not provide for independent repairers to have access to the technical information they need to effectively and safely repair today's vehicles.

In the event that neither Regulation (EC) No 1400/2002 nor Regulation (EC) No 2790/1999 were to apply to the motor vehicle sector, dealers, manufacturers and repairers would have far less legal certainty as regards the compatibility of their agreements with the competition rules. The Commission therefore believes that a block exemption represents the best option for this sector, and understands that this view is shared by the majority of those concerned.

([1]) OJ L 145, 29.6.1995.
([2]) OJ L 203, 1.8.2002.
([3]) OJ L 336, 29.12.1999.

(2004/C 65 E/227) **WRITTEN QUESTION E-2761/03**

by Erik Meijer (GUE/NGL) to the Commission

(16 September 2003)

Subject: Large increase in the transport of unsorted industrial waste from the Netherlands to Germany in order to cut costs of separation and processing

1. Is the Commission aware that, in the recent past, the Netherlands was leading the way with regard to the separation and recycling of industrial waste, thanks to purpose-built installations?

2. Is the Commission aware that increasing quantities of unsorted industrial waste are being sent by road from the Netherlands to the neighbouring state of North Rhine-Westphalia, that the quantity concerned is likely to be 3,8 million tons in 2003 and that these consignments are causing a good deal of noise and odour nuisance in Germany?

3. Can the Commission confirm the reports on the current affairs TV programme Nova (shown on Nederland 3 on 14 August and 3 September 2003) to the effect that this approach has been adopted because dumping the waste in Germany is far cheaper than processing it in the Netherlands, the difference in cost ranging from EUR 1 400 to 3 200 per consignment?

4. Can the Commission also confirm that in half of all cases the actual composition of the waste differs from that stated in documents, both because consignments are swapped and because, for example, wood shavings and plastic or building waste and textiles are unnecessarily delivered to the dump mixed together, rendering it virtually impossible to recycle them properly?

5. Is the Commission aware that, as a result of this state of affairs, the modern and environmentally friendly processing of industrial waste in the Netherlands is liable to come to an end because the installations built for the purpose are being put to less and less use and are losing EUR 300 million per annum in turnover?

6. What can the Commission do to discourage the current abuse of the opportunities created by the EU for free trade and tax-free cross-border transport within the EU in order to undermine Member States' environmental policies and unnecessarily saddle future generations in a neighbouring country with a legacy of unprocessable waste?

Answer given by Mrs Wallström on behalf of the Commission

(29 October 2003)

1. The Commission is aware of the Netherlands' policy in the field of separation and recycling of industrial waste.

2. The Commission is also aware that shipments of waste from the Netherlands to Germany take place. However, the Commission is not aware of the details of these shipments, e.g. the exact quantities, noise and odour nuisance.

3. The Commission is not in a position to confirm or deny that dumping of waste in Germany is taking place nor that it happens because of existing cost differences. If the waste is destined for disposal operations and properly notified as required under the Waste Shipment Regulation (EEC) No 259/93 [1] the competent authorities have the power to object to the shipment as provided for by Article 4(3) of the Regulation.

4. The Commission is not aware of the details of the shipments, and is therefore not in a position either to confirm or deny the information and allegations presented regarding the actual composition of the waste, swapped notifications and mixing of waste during transport.

Enforcement of and inspection of compliance with Community legislation, including waste legislation is the responsibility of the Member States. The Commission encourages co-operation between Member States to ensure proper implementation of the Regulation.

5. The Commission does not possess information concerning the closure of treatment facilities in the Netherlands as a result of these shipments.

6. As regards waste destined for recovery operations, the Commission recognises that the absence of mandatory waste treatment standards at Union level could undermine the creation of a high level of protection across the Community. This has also raised concerns about eco-dumping of waste within the Community. In the Communication 'Towards a Thematic Strategy on the Prevention and Recycling of Waste [2]', which is subject to consultation until the end of November 2003, the Commission presents potential options aiming at progressively establishing a common playing field for the recycling of waste. These include the extension of the IPPC Directive [3] to the whole waste sector and the determination of quality standards for recycling in Annex IIA of Directive 75/442/EC [4]. Additionally, a limited number of processes could require the setting in legislation of Union-wide emission limit values.

Furthermore, in the context of the revision of the Waste Shipment Regulation (EEC) No 259/93, the Commission is addressing the issues of standard-dumping by proposing that objections can be raised to

shipments destined for treatment in facilities covered by the IPPC Directive but which do not apply Best Available Techniques as defined in Article 9(4) of that Directive ([5]).

([1]) Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out the European Community, OJ L 30, 6.2.1993.
([2]) COM(2003) 301 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 Directive 75/442/EEC of 15 July 1975 on waste, OJ L 194, 25.7.1975.
([5]) COM(2003) 379 final.

(2004/C 65 E/228) **WRITTEN QUESTION E-2762/03**

by Erik Meijer (GUE/NGL) to the Commission

(16 September 2003)

Subject: Disclosure of the entire staff complement of the cabinets of members of the Commission and changes therein in the past, present and future

1. Why does the IDEA directory, 'Who's who in the European Union', which is also accessible by Internet, only list the heads of cabinet and deputy heads of cabinet of members of the Commission and not the rest of the cabinet staff?

2. Why is no clear information provided concerning the exact composition of the cabinets in the recent past, particularly the last administrative period before the crisis of 1999? Only fragmentary and contradictory particulars are to be found.

3. With what other posts is membership of a Commissioner's cabinet compatible? Is it also compatible with simultaneous service — whether for a shorter or longer period — on the staff of a European Union institution?

4. Is information about the financial interests of members of the cabinets public?

5. Is the composition of the cabinets or part thereof kept secret? If so, why? Or does the Commission consider the information to be available to the public upon request, with only those who specifically inquire about the composition of the cabinets receiving it on a one-off basis, while it remains impossible to keep track of changes in the cabinets' staffing?

6. If the answer to question 5 is that the information is not publicly available or only to a limited extent, will the Commission remedy this situation? Would it be possible for the website to include a simple link to an archive of the present and former members of the cabinet of each Commissioner or former Commissioner — an archive which would be simple to create — or is there some other way in which the Commission could achieve the same level of public information?

Answer given by Mr Kinnock on behalf of the Commission

(4 November 2003)

The content of the IDEA guide is defined by the administrations of each Institution, body or agency of the Union. The Commission limits the information provided to managerial level only and, when applied to Cabinets, this consequently means that information in that publication is confined to Heads and Deputy Heads of Cabinets.

For details of the rules applying to Cabinets and an overview of the composition of Commissioners' cabinets, the Honourable Member is referred to two public web-sites as follows:

— Code of Conduct for Commissioners is set out on:
http://europa.eu.int/comm/commissioners/prodi/president/code_en.htm

— The composition of Commissioners' cabinets is available on:
http://europa.eu.int/comm/commissioners/index_en.htm and, plainly, is not 'kept secret'.

In the experience of the Commission, the interest of the great majority of members of the public focuses on current members of a cabinet. The cost of developing and maintaining a separate website giving details of all former members of Commissioners' cabinets would therefore be disproportionate to its usefulness. Such information can, in any event, be made available upon request and the Honourable Member could 'keep track' of changes by making, say, annual visits to the website or contact with Commissioner's offices if he wished to.

The declaration of interests is provided for in the Code of Conduct of Commissioners and applies to the Commissioners. The members of Cabinet are subject to the rules set out in the Staff Regulations. They are therefore bound to respect the obligations specified in the Regulations, in particular the provisions of Articles 11 to 17 relating to conflict of interests and duty to exercise honesty, tactfulness and discretion. The Staff Regulations do not require the presentation of a declaration of financial interests by officials and those rules have that, and much else, in common with the rules governing civil service in democracies everywhere.

(2004/C 65 E/229)

WRITTEN QUESTION E-2763/03

by Erik Meijer (GUE/NGL) to the Commission

(16 September 2003)

Subject: Invalidity of foreign teaching qualifications in France due to the unaltered practice of recruitment on the basis of a French examination

1. Can the Commission confirm that the French Ministry of Education takes the view that, despite the equivalence of qualifications provided for by EU law, French legislation still makes it impossible for foreigners to enter the employment of the State unless they hold a qualification obtained by means of a French examination?

2. Is the Commission aware that in practice the rapid and unimpeded recruitment into the education system of holders of foreign qualifications is also prevented because when foreigners apply for jobs in the French public education system, they receive the standard reply, 'Like all public officials, teachers are recruited by means of a competition'?

3. Is the Commission furthermore aware that, as a result of this situation, EU citizens residing in France who hold non-French teaching qualifications can only work as supply teachers at Catholic private educational establishments, that only after three years' experience of working in the French private education system are holders of foreign qualifications permitted to take an internal examination in order to be certified competent by a board and that until then, as soon as a teacher with a French qualification becomes available, they will invariably be dismissed?

4. Does a similar situation also exist in Italy and Spain, which still refuse to recognise the equivalence of teaching qualifications? For how many years has this unlawful state of affairs obtained?

5. What prospects can the Commission hold out in this connection to people with foreign teaching qualifications in Member States which refuse to recognise equivalence? Can they now invoke an enforceable right to recognition of the equivalence of qualifications or must they in practice, as in the past, retrain and take a fresh examination?

6. How long must those concerned await a possible binding judgment from the Court of Justice of the EC? Does the Commission see any other solution?

Answer given by Mr Bolkestein on behalf of the Commission

(28 October 2003)

1. to 3. In France in the public sector and in the State-subsidised private sector, teachers are recruited by way of competitions open to Community nationals. After the competition, successful candidates have to undergo a training period at IUFM ('Institut Universitaire de Formation des Maîtres'), validated by an examination. After passing this examination, candidates obtain the teaching certificate ('certificat d'aptitude à l'enseignement'). Currently, French legislation provides that teachers from other Member States have to sit the recruitment competition. However, by reason of their qualifications and the training already

received in their Member States of origin, they are exempted from the training and final examination which follow the competition. The Commission has so far accepted this situation in view of the fact that under Community law, nothing prevents a Member State from making use of the competition system for the recruitment of public servants and of the distinction that must be drawn between recognition procedure and recruitment procedure. In fact, Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration [1] which governs the recognition, among others, of teaching qualifications, confers upon the migrant the right to take up or pursue his profession in the host Member State 'on the same conditions as apply to its own nationals', i.e. with the same rights and the same obligations. The advantage for teachers in this situation is that, although having to sit the competition, they are not subject to any compensatory measure under Directive 89/48/EEC.

In relation to the question whether migrant workers who are already working in the French private education system are allowed to participate in internal competitions only after three years' experience of working in the French private education system the Commission would like to give the following information.

In accordance with the case-law of the European Court of Justice [2], the Commission considers that migrant workers' previous periods of comparable employment acquired in another Member State must be taken into account by the French private education system for the purposes of access to an internal competition in the same way as applies to experience acquired in the French system.

The French authorities recently provided the Commission with information on the admission requirements for internal competitions to recruit teaching staff in private educational establishments under contract: under the same conditions as French nationals, candidates from a Member State other than France have to satisfy conditions concerning qualifications as well as conditions relating to their services. With regard to the period of public service required, public services rendered in another Member State are considered as services rendered in France.

4. The situation in Spain and in Italy is different. In Spain teachers, once they have completed their training, are recruited in the public service by way of competitions. Teachers from other Member States who have obtained recognition under Directive 89/48/EEC, undergoing, where necessary, a compensation measure, must take part in the competition in order to be employed in a post. In Italy teachers are subject to a qualifying examination ('abilitazione'). Teachers from other Member States, who have obtained recognition pursuant to Directive 89/48/EEC, do not have to sit this examination. However, in the context of the recognition procedure, they are generally subject, in accordance with the Directive, to a compensatory measure (adaptation period up to three years or aptitude test) designed to compensate for the differences in the education and training.

5. and 6. Recently, the Court of Justice has delivered a judgement in a case concerning a preliminary ruling (Case C-285/01 'Burbaud'), which may provide some clarification with regard to the French situation. The judgement regards the profession of hospital manager. The Commission is currently examining the consequences of this jurisprudence and whether it could extend to teachers. This will require an in depth analysis of the issues and the Commission will inform the the Honourable Member of its conclusions as soon as it is finished.

However, the Commission stresses that the Court has held that the obligation to sit a competition in order to take up employment in public service is not contrary to Article 39 of the EC Treaty. It has, however, considered that Article 39 of the EC Treaty prevents a Member State from imposing on a European citizen who is qualified to exercise a given profession in a Member State, to sit a competition for entrance to a training school for the same profession, as this kind of competition is designed for candidates who have not received any training and qualified nationals from other Member States cannot, in such a competition, have their specific qualifications taken into account.

[1] OJ L 19, 24.1.1989.

[2] Case C-419/92 Scholz ECR [1994] I-00505; Case C-15/96 Schöning ECR [1998] I-00047; Case C-187/96 Commission v. Greece [1998] I-01095; Case C-195/98 Österreichischer Gewerkschaftsbund ECR [2000] I-10497; Case C-224/01 Köbler, not yet published.

(2004/C 65 E/230) **WRITTEN QUESTION E-2777/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(16 September 2003)

Subject: Use of the Aromanian, Albanian, Slavo-Macedonian and Pomak languages in Greece

In her answer to my Question No E-1710/03 [1] on the European Bureau for Lesser-Used Languages (EBLUL), Commissioner Reding stated, inter alia, that: 'The minority language groups in the Union were identified by researchers and the results published in 1996 in the Euromosaic study. (…) On page 41 of the English version of this study a reference is made to the existence of Aromanian, Albanian and Slavo-Macedonian in Greece, each of which has an estimated number of speakers of between 50 000 and 80 000.'

In response to my request for precise information about members of the EBLUL committees, the Commissioner referred me to the EBLUL website.

I am therefore obliged to repeat my question and to ask a number of new questions:

1. Is the Commission (which funds this Office) aware of the precise identity of the members of these committees and does it know whether there has been any friction between any of them and the national authorities of certain Member States?

2. Has the Commission investigated who compiled the statistics on speakers of 'Aromanian, Albanian and Slavo-Macedonian' in Greece (which are quoted by the Commissioner and are taken from the Euromosaic report) and whether they are totally reliable and really official?

3. Is EBLUL engaged in the promotion and teaching of Pomak in Greek Thrace? What specific activities has it taken to ensure that Pomak children are taught their mother tongue, rather than Turkish, as has occurred for decades and still occurs today, despite the fact that they are not of Turkish origin and their language (Pomak) is one of the most ancient languages of the region, has an alphabet and a grammar and thousands of primers have been printed for primary school children but have never been used?

[1] OJ C 11 E, 15.1.2004, p. 218.

Answer given by Mrs Reding on behalf of the Commission

(23 October 2003)

With regard to the first question, the Commission refers the Honourable Member to its answers to his Written Questions E-1140/03 [1] and E-1710/03 [2]. The European Bureau for Lesser-Used Languages (EBLUL) is an independent non-government organisation, and its national committees are independent bodies constituted at the level of each Member State.

The Euromosaic study was funded following an invitation to tender and was carried out by independent experts duly identified in the published report.

Concerning the second question, the three managers of the report, Peter Nelde (Onderzoekscentrum voor Meertaligheid, Katholieke Universiteit Brussel), Miquel Strubell (Direcció General de Política Lingüística, Barcelona) and Glyn Williams (Research Centre Wales, Bangor), worked with an expert committee comprising ten members from the EU, the United States and Canada.

Besides the general report published by the Commission in 1996, entitled Euromosaic: the production and reproduction of the minority language groups in the European Union, and quoted by the Commission in its answers to the Honourable Member's two previous questions, the same team produced more than 50 individual reports, all with the same structure, on each of the language communities.

Regarding the last question, the role of the Bureau is specified on its website ([3]):

— to promote active EU policy-making in favour of regional or minority languages and to defend the linguistic rights of the speakers of those languages;

— to safeguard the languages of more than 40 million minority language speakers living in EU Member States;

— to represent regional or minority languages in dealings with EU institutions and other international organisations;

— to coordinate the range of activities of specialised institutions and/or associations actively involved in language promotion, as well as to coordinate the range of activities of its Member State Committees;

— to keep language communities informed about European policy developments concerning minority languages and about language-related programmes;

— to maintain a permanent communication between communities and to facilitate contacts and exchanges between them;

— to organise cultural events and conferences in Brussels or in those Member States in which regional or minority languages are spoken;

— to seek legal and political support in favour of lesser-used languages at EU and Member State level.

As teaching and education systems are the full responsibility of the Member States, pursuant to Article 149 of the EC Treaty, the educational situation of Pomak children in Greece is the exclusive responsibility of the Greek State.

([1]) OJ C 268 E, 7.11.2003, p. 176.
([2]) OJ C 11 E, 15.1.2004, p. 218.
([3]) http://ww2.lingualia.net:8080/agares/eblul

(2004/C 65 E/231) **WRITTEN QUESTION E-2781/03**

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

(17 September 2003)

Subject: Violation of religious freedom in China — the Falun Gong

According to the Chinese national press agency Xin-Hua the government in Beijing intends to continue its campaign against the Falun Gong Movement, an organisation it calls 'an evil cult', which is 'anti-social' and 'anti-scientific'.

> The communiqué says 'we are aware that the battle will be long, arduous and complex. We must therefore be vigilant and spare no efforts in this undertaking'.

The results of this 'undertaking' — made by the Beijing government and reiterated in this way — are as follows: 1 600 members of the Falun Gong movement tortured and beaten to death; 500 sentenced to more than twenty years' imprisonment, 1 000 interned in psychiatric institutions, 25 thousand undergoing 'reeducation' in labour camps and 100 000 detained without trial.

Can the Commission say:

— whether it knows about these declarations of intent on the part of the Beijing government;

— whether it knows that members of the Falun Gong movement in a Union country — Belgium — have brought before the courts charges of 'genocide, torture and crimes against humanity' against the former Chinese President Jang Zemin, now head of the army, and two of his close collaborators;

— whether it intends to take any official steps vis-à-vis the Beijing government, and if so, of what kind, not least in the light of the request contained in the report adopted on 5 September 2003 by the European Parliament, which calls on 'the Council, the Commission and the Member States (…) to provide for the imposition, in response to violations of religious freedom, of similar penalties and sanctions to those prescribed since 1998 by the United States International Religious Freedom Act (Public Law 105-292, 105th Congress)'?

Answer given by Mr Patten on behalf of the Commission

(22 October 2003)

The Commission thanks the Honourable Members for the information on the Chinese authorities' policy towards the Falun Gong movement.

Respect for human rights is a cornerstone of EU foreign policy. The EU has therefore paid very close attention to the human rights situation in China, especially through the bilateral dialogue conducted with China since 1996. The freedoms of belief and association figure high on the agenda at these meetings. In its dealings with the Chinese authorities the EU has regularly raised cases of Falun Gong members prosecuted for practising their faith. The Commission is aware of the 1998 US International Religious Freedom Act. In its dealings with China, it will continue to use dialogue as the most appropriate means of putting across its position on the issue to the country's representatives.

(2004/C 65 E/232) **WRITTEN QUESTION E-2785/03**

by Armando Cossutta (GUE/NGL) to the Commission

(17 September 2003)

Subject: Fatal accidents at work

Every day and increasingly frequently accidents occur at the workplace. More and more people are being killed, seriously injured or disabled. These accidents are mainly caused by failure on the part of businesses to comply with requirements concerning the safety of workers, as well as by an increasingly hectic pace of work and a heavy workload. For these reasons such accidents are aptly referred to in Italian as 'omicidi bianchi' (white murders).

In view of the legal bases the Commission needs to take action in this area, it may consider that various provisions on the subject, including criminal liability, have an impact on distortions of the rules of competition.

What steps will the Commission take to harmonise legislation on safety at the workplace, the criminal liability of negligent employers who cause such fatal accidents and compensation for victims' families?

Answer given by Mr Diamantopoulou on behalf of the Commission

(15 October 2003)

The Commission agrees with the Honourable Member that the reduction of occupational accidents, and in particular fatal ones, should be a priority. In line with this, Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [1] imposes on the employer the obligation to be in possession of an assessment of the risks to safety and health at work. In carrying out this obligation, the employer shall take the measures necessary for the safety and health protection of workers, including prevention of occupational risks and provision of information and training, as well as provision of the necessary organisation and means.

Moreover, the employer, as provided in this Directive, should keep a list of occupational accidents resulting in a worker being unfit for work for more than three working days. The same Directive establishes that the employer shall draw up, for the responsible authorities and in accordance with national laws and/or practices, reports on occupational accidents suffered by his workers.

Several other health and safety Directives have a role in occupational accident prevention. For example: Council Directive 89/654/EEC of 30 November 1989 concerning the minimum health and safety requirements for the workplace [2] and Council Directive 89/655/EEC of 30 November 1989 concerning the minimum safety and health requirements for the use of work equipment by workers at work [2].

As the Honourable Member is aware, Union Directives on health and safety at work have to be transposed into national law. It is the responsibility of national authorities to ensure adequate controls and supervision of the implementation of the national legislation. The Commission does not enjoy any powers in the field of criminal law, or in relation to compensation schemes in case of occupational accidents, which fall entirely within the responsibility of national authorities.

[1] OJ L 183, 29.6.1989.
[2] OJ L 393, 30.12.1989.

(2004/C 65 E/233) **WRITTEN QUESTION P-2786/03**

by Manuel dos Santos (PSE) to the Commission

(17 September 2003)

Subject: Revision of the stability and growth programme

The Portuguese authorities recently made a public announcement to the effect that the Commission had been notified of a budget deficit for the current year equivalent to 2,944 % of GDP.

This percentage was achieved only through the inclusion of exceptional revenue, an operation which evidently cannot be repeated.

Such revenue includes the Government's intention to incorporate the CTT pension fund into state revenue, amounting to around EUR 930 million, or 0,7 % of GDP.

It appears that authorisation for this financial operation has already been requested from the Commission.

The Commission:

1. Can it confirm that it has received a request from the Portuguese Government for authorisation for this financial operation?

2. Was this request supported by an opinion from the General Retirement Fund on the long-term impact of transferring the corresponding social obligations to the State?

3. Has any announcement been made to the effect that an independent capitalisation fund is to be set up to guarantee the obligations taken on by the State as a result of this transfer operation?

4. Has a Eurostat opinion been drawn up on the matter, and if so, has this opinion already been forwarded to the Portuguese Government?

5. If authorisation is granted for this revenue to be included in the calculations, will the Commission make it subject to any conditions? If so, what conditions will apply?

Answer given by Mr Solbes Mira on behalf of the Commission

(13 Oktober 2003)

On 1 September 2003, Portugal reported to the Commission that their planned government deficit for 2003 was 2,9 % of the gross domestic product (GDP). Moreover, the Portuguese authorities informed that this projection includes receipts of EUR 930 million (equivalent to 0,7 % of GDP) to be paid by the public enterprise CTT to Caixa Geral de Aposentações (the civil servants social insurance scheme). This payment is in exchange of the transfer of pension responsibility vis-à-vis the CTT employees that have civil servant status.

The deficit figures that are reported by the Member States to the Commission, and which are the basis for assessing the respect of the Stability and Growth Pact, should be established according to the rules of the European System of National and Regional Accounts (or ESA95) [1]. When the ESA95 rules do not cover any specific transaction, the respective accounting treatment is decided by Eurostat, on behalf of the Commission, in accordance with the Code of Best Practice on the compilation and reporting of data in the context of the excessive deficit procedure adopted by the Council on 18 February 2003. The procedure leading to the decision on the accounting treatment usually involves the creation of a small technical task force and the consultation of the Committee on Monetary, Financial and Balance of Payment Statistics (CMFB). This procedure can be initiated either at the request of Member States, or by the Commission (Eurostat).

ESA95 does not provide clear guidance on the accounting treatment of transactions which involve lump-sum payments to government in exchange of the transfer of the responsibility for future pension systems. Therefore, in April 2003, it was decided to clarify the accounting treatment of these operations and to launch the above-described procedure. A task force — which included one representative of the Portuguese statistical institute — met in June 2003 and the CMFB will be consulted shortly. Although no date has been announced, the decision on the accounting treatment of these transactions will be made public this autumn.

[1] Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community, OJ L 310, 30.11.1996.

(2004/C 65 E/234) **WRITTEN QUESTION E-2798/03**

by Alexander de Roo (Verts/ALE), Dorette Corbey (PSE) and Ria Oomen-Ruijten (PPE-DE) to the Commission

(19 September 2003)

Subject: Electrical safety of caravans

According to two reports in the Algemeen Dagblad (6 and 8 September 2003), electrical installations in most caravans do not comply with European safety requirements. The CE inspection stamp is lacking in 34 brands of caravans out of 40. Altogether, there are 433 000 touring caravans in the Netherlands. The most common faults are the absence of earth leakage circuit breakers, inadequately ventilated converters, faultily installed or unprotected electrical wiring, and connectors. As a result, situations can arise which are very dangerous for people — especially children — inside caravans.

Does the Commission agree that non-compliance with Directive 93/68/EEC [1] is common in the Netherlands and other Member States?

To what extent is the product liability directive applicable to caravans with such faulty electrical installations, and what may the consequences be if accidents occur?

Are checks carried out in the various Member States to ascertain whether Directive 93/68/EEC and other relevant legislation is complied with? If so, how and by whom?

What has the Commission done in recent years to check whether Member States — particularly the Netherlands — are complying with Directive 93/68/EEC, and has the Commission noticed that the Dutch authorities have failed to perform any checks on the caravan industry, which is so important to Dutch holiday-makers? If so, what action has been taken on the finding?

What measures vis-à-vis the authorities and caravan builders and importers will the Commission take in order to remedy or avert this dangerous situation?

(1) OJ L 220, 30.8.1993, p. 1.

Answer given by Mr Liikanen on behalf of the Commission

(20 October 2003)

At present, there are no specific Community provisions concerning the technical standards to be met by electrical installations in caravans. These are regulated by the implementation of the Member States' national provisions.

It should be pointed out that the article which appeared in the Dutch press mixes up the safety standards required of electrical installations with the safety standards which must be met by the electrical equipment itself.

To clarify the matter, Council Directive 73/23/EEC of 19 February 1973 (1) relating to electrical equipment, as amended by Council Directive 93/68/EEC of 22 July 1993 (2) on the EC marking, applies in general to all electrical equipment whether incorporated or not in the electrical installation of a caravan, which is used with a voltage rating of between 50 and 1 000 volts for alternating current or between 75 and 1 500 volts for direct current.

As the result of the general provisions of Directive 73/23/EC, electrical equipment may be placed on the market only if it complies with the technical requirements in the Directive and has been constructed in accordance with the rules on safety in force in the Community and does not endanger the safety of persons, domestic animals or property when properly installed and maintained and used in applications for which it was made. Conformity with these provisions is evidenced by the CE marking.

Council Directive 92/59/EEC of 29 June 1992 (3) on product safety applies in general to all products except where specific rules of Community law contain provisions governing certain aspects of product safety or categories of risks for the products concerned. In this case, it is those provisions which apply to the products concerned with regard to the relevant safety aspects or risks.

Council Directive 70/156/EEC of 6 February 1970 (4) relating to the type-approval of motor vehicles covers aspects of the construction of motor vehicles from the angle of road safety. With regard to trailers in particular, none of the individual directives adopted to implement Directive 70/156/EEC deal with electrical safety, with the exception of the Directive on electromagnetic compatibility when it comes to electronic brake control devices.

Directive 70/156/EEC grants no exemptions from the application of other Community provisions like Directive 73/23/EC relating to electrical equipment or Directive 92/59/EC for other applications or other risks.

In the case of accidents due to non-compliance with Directive 73/23/EEC or Directive 92/59/EC, it is up to experts and the competent courts to establish liability.

The Member States are responsible for the practical application of the Directives (and Directive 93/68/EC in particular). They have to set up the administrative and technical procedures required to ensure that Community legislation is correctly applied.

The Commission will take the appropriate measures bestowed upon it by the EC Treaty, should it emerge that Community legislation has not been correctly applied.

(1) Council Directive 73/23/EEC of 19 February 1973 on the harmonization of the laws of Member States relating to electrical equipment designed for use within certain voltage limits, OJ L 77, 26.3.1973.
(2) Council Directive 93/68/EEC of 22 July 1993 amending Directives 87/404/EEC (simple pressure vessels), 88/378/EEC (safety of toys), 89/106/EEC (construction products), 89/336/EEC (electromagnetic compatibility), 89/392/EEC (machinery), 89/686/EEC (personal protective equipment), 90/384/EEC (non-automatic weighing instruments), 90/385/EEC (active implantable medicinal devices), 90/396/EEC (appliances burning gaseous fuels), 91/263/EEC (telecommunications terminal equipment), 92/42/EEC (new hot-water boilers fired with liquid or gaseous fuels) and 73/23/EEC (electrical equipment designed for use within certain voltage limits), OJ L 220, 30.8.1993.
(3) Council Directive 92/59/EEC of 29 June 1992 on general product safety, OJ L 228, 11.8.1992.
(4) Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers, OJ L 42, 23.2.1970.

(2004/C 65 E/235)

WRITTEN QUESTION E-2814/03

by Elisabeth Jeggle (PPE-DE) to the Commission

(19 September 2003)

Subject: Charges for bank transfers between Germany and the United Kingdom

On 1 July 2003, in Germany at least, an EU measure was introduced making the cost of bank transfers to another EU country the same as that of domestic transfers. This is intended to save customers money.

A German citizen transferred EUR 50 to the United Kingdom and paid a EUR 3 charge to the German bank and a further GBP 10 to Alliance and Leicester International.

Prior to 1 July 2003, the citizen paid a total of only EUR 7,50 for the transfer of EUR 50.

This raises the following questions:

1. Is it possible that the UK has not introduced this EU regulation, or is it getting round it by using the term 'handling charge' in place of 'transfer charge'?

2. Is a 'handling fee' of GBP 10 for the transfer of a small sum not a case of daylight robbery?

Answer given by Mr Bolkestein on behalf of the Commission

(30 October 2003)

1. As a general remark, the principle of the equality of charges for cross-border and corresponding national transfers, which is the subject of this question, is based on Regulation (EC) No 2560/2001 of the European Parliament and of the Council of 19 December 2001 on cross-border payments in euro (1). Given that the provisions of the Regulation are directly applicable in the Member States, there is no need for transposition by the Member States. The banks concerned are already bound by the provisions of the Regulation.

The Regulation must also be observed in the United Kingdom for cross-border payments in euro, although pound-euro conversion costs may be charged on cross-border transfers in euro from and to the United Kingdom. In this respect, if the currency has to be converted, then a transfer from Germany to the United Kingdom will be more expensive than a national euro transfer. Under the Regulation, the bank is obliged to inform its customers of these exchange charges.

In this specific case, it is not possible to establish from the information given in the Written Question whether the provisions of the Regulation have been observed by the banks concerned. The Commission would, however, be happy to accept and investigate any further information which Ms Jeggle or the citizen concerned may provide (e.g. account statements, lists of charges). In addition, in disputes concerning cross-border financial services the citizen concerned may turn to the dispute settlement bodies in the 'FIN-NET' network. These are out-of-court dispute settlement bodies which help citizens who have problems with their financial services providers. Further information on possible contacts can be found on the Commission website at: (http://europa.eu.int/comm/internal_market/de/finances/consumer/intro.htm).

The Commission would, finally, like to point out that it will be compiling a report next year on the effects of Regulation (EC) No 2560/2001, in which it will also look into the trend in national price levels for payments.

2. The question as to whether a handling fee of £10 for transfers can be described as 'daylight robbery', is a matter for the law of the country concerned and cannot be answered by the Commission.

(1) OJ L 344, 28.12.2001.

(2004/C 65 E/236) **WRITTEN QUESTION E-2816/03**

by Joan Vallvé (ELDR) to the Commission

(19 September 2003)

Subject: Community initiatives

The Berlin European Council of March 1999 approved the economic resources for the Structural Funds and the Community Initiatives for 2000-2006.

The Community Initiatives support European-scale policies on completing the Union. They are activities which the Commission proposes to the Member States, with a view to resolving specific existing programmes throughout Union territory. They supplement the work of the Community Support Frameworks and the Single Programming Documents, which the Commission and the Member States negotiated on the basis of regional or national development plans.

For 2000-2006, over which period the Commission wished to step up the European dimension of the Community Initiatives, and likewise the way in which it complements priority objectives.

Four Community Initiatives are to be carried out, each one funded by one of the Structural Funds:

— Interreg III: Cross-border, transnational and interregional cooperation (ERDF);

— Urban II: Regenerating urban areas in crisis (ERDF);

— Leader+: Rural development (EAGGF Guidance);

— Equal: Fighting discrimination and inequality relating to the labour market (ESF).

There is a danger that some of these Community Initiatives will be claimed by the Member States, on the understanding that they are domestic policies.

What does the Commission think of the renationalisation of the Community Initiatives, and specifically, Interreg III — Chapter A, on cross-border cooperation?

Answer given by Mr Barnier on behalf of the Commission

(23 October 2003)

The Commission will make proposals for cohesion policy for the period after 2006 in the Third Cohesion Report which is scheduled for publication before the end of this year. While it is too early to speculate on the nature of these proposals, they will take account of the contributions to the debate on future cohesion policy that the Commission launched in January 2001 with the publication of the Second Cohesion Report. The Parliament has been fully associated with this debate. The Commission's proposals will also include those regarding the future of the Community Initiatives, taking into account their added value in relation to the interventions supported under the mainstream regional development programmes.

(2004/C 65 E/237) **WRITTEN QUESTION E-2818/03**

by Konstantinos Hatzidakis (PPE-DE) to the Commission

(19 September 2003)

Subject: Commitment and absorption of Cohesion Fund appropriations for Greece in 2003

Can the Commission provide information on the current situation as regards the commitment and absorption of Cohesion Fund appropriations for Greece in 2003? Does the Commission consider the situation to be satisfactory?

Answer given by Mr Barnier on behalf of the Commission

(21 October 2003)

The Commission can inform the Honourable Member that, as at 30 September 2003, commitments for Greece in 2003 under the Cohesion Fund were EUR 167 million, to which a further EUR 29 million currently being implemented can be added, plus an additional amount of around EUR 53 million for new projects at the final examination stage.

The Commission has requested the Greek authorities to submit new applications for part-financing as quickly as possible so that EUR 612 million, which is the indicative amount that Greece is supposed to commit under the 2003 budget, can be committed. The Greek authorities have reconfirmed their intention of submitting sufficient new applications very shortly to meet the EUR 612 million target.

(2004/C 65 E/238) **WRITTEN QUESTION E-2820/03**

by Geoffrey Van Orden (PPE-DE) to the Commission

(19 September 2003)

Subject: Separate registration numbers for trailers

The Netherlands have introduced a new law requiring each trailer (i.e. large trailer, small trailer, caravan, etc.) to have its own separate and unique registration plate fixed in the usual place.

The UK is one of two EU Member States that does not have a separate registration system for trailers.

I understand that the Dutch authorities are to require UK hauliers to apply for a temporary Dutch registration number called a 'BO number' in order to carry goods/cargo through the country.

The UK has a perfectly good system of ID numbers, which are unique to each trailer, which permit the authorities to trace trailers and their ownership.

Does the Commission regard the imposition of extra registration requirements by Member States on hauliers who adhere to the registration requirements of their home Member States as a barrier to the free movement of people and goods within the EU?

If so, what does the Commission intend to do to stop this?

Answer given by Mr Bolkestein on behalf of the Commission

(29 October 2003)

The Commission was not yet aware of the new Dutch law requiring each trailer which is not separately registered, to obtain a temporary Dutch registration number in order to carry goods/cargo through the Netherlands. Moreover, it seems, on the basis of the information currently available, that the registration procedure is not accessible to hauliers established in another Member State.

The Commission needs to examine this new law more closely in order to check its compatibility with the principles of free movement of goods and transport services. If necessary, the Commission may start infringement proceedings against the Netherlands in order to remove any unjustified obstacles to the free movement of goods and transport services, which could result from this new law.

The Commission will inform the Honourable Member of any further important development in this matter.

(2004/C 65 E/239) **WRITTEN QUESTION E-2822/03**

by Theresa Villiers (PPE-DE) to the Commission

(19 September 2003)

Subject: Welfare of dairy cows

Modern dairy cows have been bred to produce extremely high milk yields. This leads to cows suffering from a range of serious health and welfare problems including: metabolic hunger as they find it difficult to consume sufficient food to support the high milk yields; digestive disorders; an increased incidence of lameness; and lethal production diseases. After around four or less years of production the cows are often chronically exhausted and suffer severe loss of body condition and are culled.

Will the Commission request the European Food Safety Authority to ask the Standing Committee on the Food Chain and Animal Health to prepare a report on the health and welfare of dairy cows?

Answer given by Mr Byrne on behalf of the Commission

(22 October 2003)

The Honourable Member will be aware that the European Food Safety Authority (EFSA) was established by Regulation (EC) No 178/2002 of the Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [1] as an independent scientific point of reference from which the Commission may request scientific opinions. A Scientific Committee and various scientific Panels, including a Panel on Animal Health and Welfare, have been established by EFSA to provide these scientific opinions.

The Standing Committee on the Food Chain and Animal Health is a regulatory committee consisting of representatives of the Member States and chaired by a Commission representative that advises on implementing legislative rules.

It should be noted that the Scientific Committee on Animal Health and Animal Welfare adopted in 1999 a report on animal welfare aspects of the use of bovine somatotrophin, which contained a specific chapter describing welfare problems in high yielding dairy cows. A number of research projects funded under the Community's Fifth Framework Programme on Research and Technological Development have also addressed the issue of the health and welfare of dairy cows. Specifically, the Commission currently supports research on lameness in dairy cattle and on nutrition of dairy cattle through the better utilisation of pasture. It also supports projects on the genetics of mastitis and milk production. Research of a more generic welfare nature, such as on cattle transport, also has important implications for dairy cattle.

([1]) OJ L 31, 1.2.2002.

(2004/C 65 E/240) **WRITTEN QUESTION E-2825/03**

by Nelly Maes (Verts/ALE) to the Commission

(23 September 2003)

Subject: Linguistic diversity

The Action Plan for 2004-2006 promoting language learning and linguistic diversity makes repeated reference to the learning of 'regional' and 'minority' languages as well as of the more widely spoken languages. It states that national and regional authorities are encouraged to give special attention to supporting language communities whose number of native speakers is in decline from generation to generation. After all, these languages also form part of the European cultural heritage.

Should the protection of these languages be left up to the goodwill of Member States?

Does the EU itself not have to take an active role in supporting teacher training activities and schools that take on this task?

What instruments are available to the EU to encourage Member States to take action if they are currently failing to support this part of our cultural heritage?

Answer given by Mrs Reding on behalf of the Commission

(23 October 2003)

The Commission shares the Honourable Member's view that regional and minority languages are part of Europe's cultural heritage.

However, in the field of culture, it intervenes within the scope of the powers granted to it under Article 151 of the EC Treaty, which states that 'Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action …'. Under the subsidiarity principle, responsibility for protecting regional and minority languages is a matter for Member States.

Under Article 149 of the EC Treaty, the Community contributes to the development of quality education by encouraging cooperation between Member States and supporting and complementing their action. This includes 'developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States'. Educational establishments teaching a regional or minority language can take part in the Socrates/Comenius programme in the same way as other educational establishments. The teaching of these languages can also form the subject of cooperation

projects between teacher-training colleges funded under Socrates/Comenius, which also offers grants for teacher training. Only those activities involving learning a language as a foreign language are limited to the official languages plus Irish and Luxembourgish, under the decision establishing the Socrates programme.

The Commission Action Plan 'Promoting Language Learning and Linguistic Diversity' provides in point III.1.1 for the organisation of a conference in 2005 to promote cooperation on questions relating to regional and minority languages in education systems.

(2004/C 65 E/241) **WRITTEN QUESTION E-2828/03**

by Kathleen Van Brempt (PSE) to the Commission

(23 September 2003)

Subject: Readability of rewritable CD ROMs

Valuable data on CD ROMs does not always last long in practice. A trial carried out by a Dutch computer magazine, PC-Active, has shown that data on a self-burned CD (CD-R/REW) can become unreadable in less than two years. PC-Active tested the quality of thirty brands of rewritable CD. The discs were stored for 20 months in their original packaging in a locked cupboard. Then the condition of the CDs was assessed by a professional CD analyser. The test showed that a number of CD-Rs had become totally unreadable, and others partly unreadable. Data that had been saved on the discs 20 months before had become unreadable. The manufacturers involved include both well-known and less well-known brands. CD-ROM manufacturers claim, however, that their products last at least ten years; some even claim they have a useful life of a hundred years.

Is the Commission aware of this research?

Does the Commission intend to take action in light of these findings? If so, what?

If not, why not? Does the Commission believe that the claims of readability of CD-ROMs are misleading?

Answer given by Mr Byrne on behalf of the Commission

(28 October 2003)

The Commission has not been informed of this particular research into the durability of CD-ROMs and is not competent to intervene in concrete cases.

The Commission would like, however, to inform the Honourable Member that, in business-to-consumer relationships, public statements on the specific characteristics of goods made by a seller or a producer or a representative can determine whether goods are in conformity with the contract. Goods must, above all, conform with the contractual specifications (recital 7 of the Directive 1999/44/EC of the Parliament and of the Council of 25 May 1999, on certain aspects of the sale of consumer goods and associated guarantees [1]). Article 2(2)(d) of the Directive provides that goods are in conformity with the contract if they show the quality and performance which are normal in goods of the same type taking into account any public statement made on the specific characteristics of the goods, in particular in advertisements and labelling.

The life span of a CD-ROM and the durability of data saved on it can amount to specific characteristics. If these specific characteristics are not met, the consumer can ask to have the goods brought in conformity with the contract by repair or replacement, ask for a price reduction or have the contract of sale rescinded according to Article 3 of the Directive. The consumer disposes of this legal guarantee for a minimum period of two years from the delivery of the goods.

False claims about the quality features of goods could also be misleading under the terms of Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising [2] as amended by Directive 97/55/EC of Parliament and of the Council of 6 October 1997 [3] so as to include comparative advertising. It is up to the national authorities to decide whether the claims the Honourable Member refers to on readability of CD-ROMs are misleading under this Directive. More generally, it is up to the national authorities and not for the Commission to enforce Community and national law aimed at the protection of consumers.

(1) OJ L 171, 7.7.1999.
(2) OJ L 250, 19.9.1984.
(3) OJ L 290, 23.10.1997.

(2004/C 65 E/242)

WRITTEN QUESTION E-2829/03

by Jan Mulder (ELDR) to the Commission

(23 September 2003)

Subject: Cost of foot-and-mouth disease outbreaks

1. Will the Commission compensate farmers for any economic losses caused by difficulties selling meat and dairy products from animals that, in accordance with the recent FMD Directive, are vaccinated against foot-and-mouth disease by a Member State during an outbreak of the disease and allowed to survive?

2. If not, is the Commission aware that, on the basis of the costs and benefits involved, disposing of animals can be a more attractive option for farmers because the total losses caused by vaccination are likely to be higher? Does the Commission realise that this would in fact cost the EU budget more?

3. Does the Commission intend to evaluate the rules on compensation for FMD and amend them in the light of the above?

4. Does the Commission see ways of guaranteeing or promoting the (European) sale of meat and dairy products from animals vaccinated against FMD, in view of the depressed state of the industry?

5. In the event of an outbreak of FMD, will the Commission continue to reimburse in part the costs incurred in disposing of animals susceptible to FMD in order to combat such an outbreak?

Answer given by Mr Byrne on behalf of the Commission

(31 October 2003)

With reference to the questions raised by the Honourable Member, the Commission would like to refer to the new Directive on Community measures for the control of foot-and-mouth disease, which was adopted by the Council on 29 September 2003 [1].

The new Directive takes due account of the Resolution of the Parliament of 12 December 2002. It also incorporates the recommendations made by the Parliament, the European Committee of the Regions and the European Economic and Social Committee during the consultation process.

Before responding to each of the individual questions, it should be recalled that the underlying principles of the newly adopted Directive remain unchanged compared to the measures provided for in Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease [2], albeit with a shift of emphasis regarding the use of emergency vaccination. At its meeting of 12 June 2003 the Council of Ministers of Agriculture agreed therefore to maintain the existing principles of Community contributions to the costs incurred by Member States for the control and eradication of foot-and-mouth disease, as laid down in Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field [3].

1. The Commission wishes to refer to Article 11 (4) (a) (v) of Council Decision 90/424/EEC. It allows for possible compensation of owners for losses incurred by farmers as a result of restrictions imposed on the marketing of livestock and pasture-fattened animals as a result of the reintroduction of emergency vaccination. These provisions have not been used to date.

2. The Commission would like to emphasis that the choice of eradication strategy is not for each individual farmer to make. The new Directive does confer more responsibility to Member States for the success of the eradication measures but equally provides more flexibility for the Competent Authorities to choose the most appropriate methods of control.

3. The Honourable Member is certainly aware of the announcement made by the Member of the Commission responsible for Health and Consumer Protection in the Agriculture Council of 22 April 2002 and further to a request of the Parliament regarding the launching of a study on 'insurance schemes for farmers'. This is now well advanced and the Commission expects to shortly receive the report that it commissioned. This report should then be supplemented by consultations with the insurance sector and other stakeholders. It is, therefore, not yet possible to consider this study as completed and further work across sectors is required on this highly complex issue.

4. The Commission would like to draw the attention of the Honourable Member to the current animal health conditions for imports of meat and dairy products from third countries. Meat derived from vaccinated animals raised and slaughtered in certain South American countries is sold on the European market without encountering any problems relating to these aspects. However, the Commission has always argued for the safety of these products and their wholesomeness for human consumption and will continue to do so.

5. The Commission wishes to refer again to Decision 90/424/EEC and Article 11 in particular.

(1) http://register.consilium.eu.int/pdf/en/03/st12/st12430-ad01en03.pdf
(2) OJ L 315, 26.11.1985.
(3) OJ L 224, 18.8.1990.

(2004/C 65 E/243) **WRITTEN QUESTION P-2830/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(18 September 2003)

Subject: Railways in Greece

The modernisation of Greek railways has been a long-standing target of structural measures and has been included in all previous support programmes. Does the Commission think that the railways programme under the second Community Support Framework was properly implemented? What was the rate of utilisation of funds from the initial and revised budgets for the programme? What information does it have on the implementation of the project? What railway projects are being funded from the third Community Support Framework and the Cohesion Fund for the programming period 2000-2006? What has been the rate of utilisation of these funds?

Answer given by Mr Barnier on behalf of the Commission

(16 October 2003)

The 1994-1999 European Regional Development Fund (ERDF) Operational Programme (OP) for the modernisation of the Greek railways and the related Cohesion Fund projects are currently in the process of closure in administrative terms. The total programmed ERDF contribution to the OP Railways 1994-1999 was EUR 394 million, of which so far some 92 % has been paid. Under the Cohesion Fund, 1994-1999, EUR 546 million of assistance was approved for Greek railway projects, of which so far some 86 % has been paid. The projects concerned primarily the modernisation of important sections of the Korinthos-Athens-Thessaloniki railway axis and some related lines (such as Thessaloniki-Alexandroupolis and Paleofarsala-Kalambaka).

The Commission has monitored carefully the physical implementation and the contract management of certains major projects in partnership with the national authorities. This concerned in particular track works which included the construction of tunnels and bridges (e.g. at Kallidromo, Tembi, Platamon), and the project for the electrification of the line. The Commission implemented a number of audits and commissioned a series of expert opinions, the results of which will be fully taken into account for the closure of the programme and projects concerned, which is currently underway and will determine the definitive absorption figures for the period 1994-1999.

Most of the large railway projects launched in the previous funding period represent major long-term investments and accordingly their realisation will only be complete under the 2000-2006 ERDF Operational Programme 'Railways, Airports, Urban transport' and the Cohesion Fund railway projects of the 2000-2006 funding period. In the current period, new projects include the modernisation of the railway section Korinthos-Patras and the construction of the Athens suburban railway.

(2004/C 65 E/244)

WRITTEN QUESTION P-2836/03

by Ulla Sandbæk (EDD) to the Commission

(18 September 2003)

Subject: HIV and Commission support for development of affordable microbicide

Given the alarming rise of HIV infection in women and girls and the clear need for female-controlled prevention, can the Commission provide an update on how much support it is giving, through different instruments, to support the development of a safe, effective and affordable microbicide?

Answer given by Mr Byrne on behalf of the Commission

(16 October 2003)

The Sixth Framework Programme on Research and Technological Development (2002-2006) within Priority 1 on Life sciences, Genomics and Biotechnology for Health has an action line dedicated to the major communicable diseases linked to poverty.

This action line through two different pillars supports research on microbicides.

Firstly, it supports projects selected through standard call procedures, using the two new instruments (networks of excellence and integrated projects). Two integrated projects on microbicides were evaluated in the first call for proposals and are now in the negotiation phase with the Commission. These projects should run for five years and should develop a second generation of microbicides. One project is designed to create a development pipeline to allow the selection of candidates from a wide range of potentially effective agents.

Another project has a directed approach to bring a specific new class of microbicides to phase 1 clinical trials.

European key players in human immunodeficiency virus (HIV) microbicides field are assembled in these consortia. The integration and complementarity of these two approaches place Europe in a strong strategic position.

Secondly a joint programme with Member States and Norway, the'European and Developing Countries Clinical Trials Partnership' (EDCTP) has just been launchedto develop new clinical interventions against HIV/acquired immunodeficiency syndrome (AIDS), malaria and tuberculosis through a long-term partnership between Europe and developing countries. In the future, clinical trials on HIV microbicides could be tested through EDCTP programme in Africa. Actions under the public health programme of the Community do not foresee, nor are they intended to support, the development of medicinal products.

(2004/C 65 E/245) **WRITTEN QUESTION E-2838/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(25 September 2003)

Subject: Destruction of the road linking Paradisia and Tsakona in Messinia

The 13-kilometre road linking Paradisia and Tsakona in Messinia was funded under the 1st and 2nd Community Support Frameworks and was opened in April 2000. In 1995, the road was already found to have geological problems and the regional authorities asked the Ministry for the Environment, Planning and Public Works in July 1995 to carry out a geological study with a view to repairing the road as there was a landslide problem. Those authorities were ignored.

On 20 March 2000 a report by an advisor to the Ministry stressed the seriousness of the problem. A study was commissioned and delivered on 29 April 2002, which confirmed that a landslide of 3 000 000 cubic metres had taken place. No action had been taken to repair the road by 15 January 2003 when the mountainside collapsed rendering the road unusable.

1. Can the Commission confirm or deny the above? Were the studies relating to the construction of the road put into effect? Were satisfactory geological studies carried out?

2. Was a report drawn up by the Special Quality Control Council (ESPEL) on the qualitative shortcomings of the above road? Were similar measures taken by the body responsible for inspecting public works?

3. Can the Commission jointly finance the reconstruction of the road if the Member State so requests?

Answer given by Mr Barnier on behalf of the Commission

(12 November 2003)

The information provided by the Greek authorities responsible for the day-to-day management of projects supported by the Structural Funds confirms that a report was submitted on 29 April 2002 indicating the existence of a landslip affecting the route in question. On the basis of this report a further examination was carried out in order to evaluate, among other things, the most efficient and effective way of dealing with the problem. While this examination was being carried out, on 12 January 2003, 15 days before the landslip, it was decided to close the road due to safety concerns.

The organisation for control, ESPEL, performed two visits to the project in question, documented in two reports. The phenomenon was not detected during these two visits and the project was classified as clear from any technical problems or insufficiencies. Following the landslip, the Body of Inspectors of Public Works inspected the project and the circumstances surrounding the landship, and provided a report which cleared the managers of the project from responsibility for the damage.

The reconstruction of the road is to be financed entirely from national resources.

(2004/C 65 E/246) **WRITTEN QUESTION E-2841/03**

by Ria Oomen-Ruijten (PPE-DE) to the Commission

(25 September 2003)

Subject: Social assistance benefit and right of residence

A problem has arisen with a German family residing in the Netherlands which consists of a single (divorced) mother aged 50 and three children aged 14, 18 and 19. The 19-year-old daughter has a child who has both Netherlands and German nationality. The family has lived in the Netherlands for 5 years. The mother worked in Germany for more than eight years as a frontier worker, after which she was made redundant. She receives Dutch unemployment benefit pursuant to Article 71(1)(a)(ii) of Regulation (EEC) No 1408/71 [1]. This benefit is to be terminated very shortly. During her period of unemployment the

family has been entitled to Dutch child benefit and social benefits such as rent subsidy, financial assistance to students, etc. The mother's residence permit, which she renewed after she had become redundant, states that she is an 'economically inactive Community citizen' and that 'the right of residence will lapse in the event of any claim being made on public funds'. The Dutch aliens police consider that when the statutory unemployment benefit lapses she will have no entitlement to social assistance benefit in the Netherlands. However, there will be such an entitlement if the mother and oldest daughter apply for a permanent residence permit under the domestic law of the Netherlands. The fee for such a permit is EUR 511 per person (or, for newly arrived EU citizens, EUR 890).

1. Do the German mother and her 19-year-old German daughter (with a Dutch/German child) fall under the scope of Regulation (EEC) No 1251/70 [2] (Articles 4 and 7) and Regulation (EEC) No 1612/68 [3] (Article 7)?

2. If so, can the mother and daughter be denied Dutch social assistance benefit?

3. Is it permissible for the residence permit of a Community citizen to include the statement, 'the right of residence will lapse in the event of any claim being made on public funds'?

4. Is it permissible for an EU/EEA citizen who has resided in the Netherlands for 15 years to be charged a fee of EUR 511 for a permanent residence permit?

(1) OJ L 149, 5.7.1971, p. 2.
(2) OJ L 142, 30.6.1970, p. 24.
(3) OJ L 257, 19.10.1968, p. 2.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(30 October 2003)

1. and 2. On the basis of the information provided in the written question, neither the German mother nor any of her children are or have been working in the Netherlands. They have not therefore exercised their right to free movement of workers when moving to the Netherlands; they have exercised their right to free movement of persons as provided for in Council Directive 90/364/EEC of 28 June 1990 on the right of residence [1].

Therefore, the German mother and her 19-year-old daughter do not fall under the scope of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement of workers within the Community (Article 39 EC) and Regulation (EEC) No 1251/70 of the Commission of 29 June 1970 on the right of workers to remain in the territory of a Member State after having been employed in that State. Rules on equal treatment of Union nationals provided for on these Regulations are therefore not applicable.

3. As migrant workers and retired workers who fulfil the conditions of Regulation (EEC) No 1251/70 are entitled to equal treatment with nationals of the host Member State in relation to all social advantages (including social assistance), it is not permissible that the residence permits granted to these citizens include the statement, the 'right of residence will lapse in the event of any claim being made on public funds'.

The Commission also considers that the practice of the Dutch authorities is contrary to Council Directive 90/364/EEC. For this reason, it has opened an infringement procedure against the Netherlands, and a reasoned opinion following Article 226 of the EC Treaty has been sent to the Dutch authorities on 3 April 2003.

4. Under current Community law a Member State is only obliged to grant Union citizens residence permits with limited duration (the length depends on the right under which the citizen is living in the other Member State e.g. at least five years for a migrant worker). According to Community law, these residence permits should be issued and renewed free of charge or on payment of an amount not exceeding the dues and taxes charged for the issue of identity cards to nationals.

However, the Commission considers that it is the sole competence of the Member States to grant to Union citizens permanent residence permits. As long as the right of Union citizens to be granted the residence permits with limited duration is equally provided for, it is up to the Member State to decide if and under which conditions it will grant permanent residence permits. The Commission therefore considers that the Dutch legislation in question is not violating Community law.

(1) OJ L 180, 13.7.1990.

(2004/C 65 E/247) **WRITTEN QUESTION E-2842/03**

by Ria Oomen-Ruijten (PPE-DE) to the Commission

(25 September 2003)

Subject: Introduction of deposit system for beverage packagings in Germany

Is the Commission aware of the leaked report by the independent German institute Prognos concerning the impact of the introduction in Germany of a deposit system for non-returnable beverage packagings (cost: up to EUR 1,2 billion and nearly 10 000 jobs)?

Does the Commission conclude from this that even greater efforts are needed to improve or secure the abolition of the German deposit system?

Answer given by Mrs Wallström on behalf of the Commission

(23 October 2003)

The Commission's position on the German deposit system was explained in the replies given by the Commission on 3 July 2003 to Written Question E-1549/03 by Mr Manders (1) and on 29 August 2003 to Written Question E-2519/03 by the Honourable Member and Mrs Grossetête (2). Currently, measures are being prepared in Germany to introduce a return and collection system for one-way packaging affected by the German deposit system. The Commission is closely monitoring this process. The study mentioned by the Honourable Member will be taken into account in the assessment of the German system. Based on the results of this assessment, the Commission will not hesitate to take the appropriate action to ensure compliance with Community law.

(1) OJ C 11 E, 15.1.2004, p. 192.
(2) OJ C 33 E, 6.2.2004, p. 267.

(2004/C 65 E/248) **WRITTEN QUESTION E-2852/03**

by Raffaele Costa (PPE-DE) to the Commission

(26 September 2003)

Subject: Italian projects submitted in the context of the Community action programme for public health

Data supplied by the Commission concerning the projects funded by the Community action programme for public health reveal that 171 projects worth a total of approximately EUR 37 million were approved and financed between 1996 and 2002. Only two of these were Italian projects and they accounted for only about EUR 500 000.

Can the Commission say how many Italian projected were submitted under this programme, in order to show whether few Italian projects were submitted or whether there were reasons for repeatedly considering the projects unsuitable?

Answer given by Mr Byrne on behalf of the Commission

(29 October 2003)

As shown in the table attached to the answer to the Honourable Member's Written Question E-2386/03 [1], funding was indeed provided for two Italian projects under the health promotion programme in the period 1996-2002:

— EUR 92 387,00 to the interuniversity Experimental Centre for Health Education for the project 'The contribution of Southern European Countries in the elaboration of a European multilingual thesaurus for Health Promotion and Education', in 1996;

— EUR 364 945,91 to the IRCCS Burlo Garofolo for the project 'Breastfeeding Promotion in Europe', in 2002.

Fifteen out of the 78 projects submitted under this programme in 2002 were Italian (In all, 18 projects were approved.).

Following calls for proposals, projects are selected solely on the basis of project quality, in accordance with strict criteria set out in the calls for proposals published in the Official Journal of the European Union. Nationality plays no part in the project evaluation.

However, the Commission would like to draw the Honourable Member's attention to two points:

— the coordinators for the above two projects were of Italian nationality. However, since most of the projects selected were Community-wide, it is very likely that some of the partners in other projects under the programme were Italian, though the Commission does not have details of the funding allocated to all partners in all projects;

— during the planning period 1996-2002, the Commission funded some 104 other public health projects with Italian coordinators, in addition to the two projects under the health promotion programme as mentioned above:
  — four projects under the programme 'Health monitoring (1998-2002)';
  — four projects under 'Injury prevention (1999-2002)';
  — 33 projects under 'AIDS and communicable diseases (1996-2002)';
  — 44 projects under 'Cancer (1996-2002)';
  — four projects under 'Rare diseases (2000-2002)';
  — three projects under 'Pollution related diseases (1999-2002)';
  — 12 projects under 'Drug prevention (1996-2002)'.

[1] OJ C 33 E, 6.2.2004, p. 259.

(2004/C 65 E/249) **WRITTEN QUESTION E-2867/03**

by Brice Hortefeux (PPE-DE) to the Commission

(26 September 2003)

Subject: Higher education lagging behind

In recent years, the difficulties encountered in ensuring that the stability and growth pact is respected have become very obvious. The major European political and economic guidelines have failed as far as growth is concerned.

What is more serious, however, is that the EU is not laying the foundations for tomorrow's growth: we are collectively lagging behind in higher education, research and innovation to an alarming degree. While the Americans devote 3 % of their GDP to higher education, Europeans allocate only 1,4 %. While the USA spends 2,8 % of its national revenue on research, the EU spends only 1,9 %, and all the indications are that for each euro spent, we get a less-effective return. While the Americans are engaged on building a 'knowledge economy', we content ourselves with hoping for future success. The immediate prospects are therefore not, as the heads of state proclaimed at Lisbon in spring 2000, of a Europe bouncing back, but a Europe falling even more behind, on a par with its growth.

Does the Commission intend to present a fresh action plan to reverse these negative trends?

Answer given by Mrs Reding on behalf of the Commission

(31 October 2003)

The Commission shares the Honourable Member's concerns regarding the Union's investment deficits in both higher education and research and innovation but does not believe it can safely be concluded that the European Broad Economic Policy Guidelines (BEPG) have failed as far as growth is concerned.

Various recent Commission Communications [1] have expressed the Commission's concerns regarding the inadequate levels of expenditure on education and research in Europe. They show that while the USA is investing significantly more heavily (as % of GDP) in these fields, the gap is mainly due to under-investment by the private sector in Europe. They conclude that public expenditure in these fields needs to be increased selectively and made more efficient, but also that a regulatory environment more favourable to private investment needs be established.

These Communications also emphasise the risks inherent in this situation and point out that the Member States are responsible for avoiding situations of under-funding which could jeopardise the quality and relevance of their own education and research systems and the attainment of the Union's internal goals and its international competitiveness. However, despite recognising these risks it should not be forgotten that the medium-term growth prospects are favourable, in particular thanks to the macro-economic strategy reflected in the BEPG.

The Commission is aware of the need for reforms and for bolder investment in order to remedy this situation and will continue with its efforts to motivate Member States in this direction. It has already proposed an action plan [2] to increase investment in research and development and to reach the target of 3 % of GDP fixed by the Barcelona European Council by 2010. More recently, it has proposed a set of measures to boost growth through investment in networks and knowledge. Nor will it shirk from pointing out (notably in the report due to be presented to the Spring 2004 European Council on the implementation of the 'Programme of work on the objectives of education and training systems' [3]) the need to invest more and better in higher education. Greater emphasis is being placed on mobilising the Structural Funds and EIB Funds (in particular via the Innovation 2010 initiative) towards the Lisbon objectives, and the future generation of Community programmes should also evolve in this direction.

In the Spring of 2004 the Commission will be publishing its conclusions drawn from the responses to its Communication 'The role of the universities in the Europe of knowledge'. At this stage, it is not yet possible to say whether these will take the form of a specific action plan or a reinforcement of the various convergent actions mentioned above.

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(1) Towards a European research area, COM(2000) 6 final; More research for Europe/Towards 3 % of GDP, COM(2002) 499 final; The European research area: providing new momentum, COM(2002) 565 final; Investing efficiently in education and training: an imperative for Europe, COM(2002) 779 final; The role of the universities in the Europe of knowledge, COM(2003) 58 final.

(2) Investing in research: an action plan for Europe, COM(2003) 226 of 30 April 2003.

(3) Detailed work programme on the follow-up of the objectives of education and training systems in Europe, OJ C 142, 14.6.2002.

(2004/C 65 E/250) **WRITTEN QUESTION E-2869/03**

by Margrietus van den Berg (PSE) to the Commission

(26 September 2003)

Subject: European and Developing Countries Trials Programme (EDCTP)

The EDCTP will support the implementation of clinical trials and strengthen collaboration between European and developing country scientists. How will intellectual property rights for products that emerge out of such collaborative research be managed/shared?

Answer given by Mr Busquin on behalf of the Commission

(24 October 2003)

During the discussions in the Parliament and in the Council, leading to the adoption of Decision 1209/2003/EC [1] of 16 June 2003 on Community participation on the EDCTP programme, a balance was sought between on the one hand encouraging the involvement of industry by providing adequate protection of intellectual property rights and on the other hand seeking an easy and affordable access to the results of the research activities for the population of developing countries. Article 2(g) reflects this compromise:

> The Community contribution shall be conditional upon: formulation of the provisions relating to intellectual property rights in such a way that they also aim at ensuring that the people of developing countries have an easy and affordable access to the research results produced by activities under the EDCTP Programme and to the products directly deriving from its results.

This provision is taken up by the new structure (a European Economic Interest Grouping — EEIG) created on 27 June 2003 in the Netherlands, which will implement the EDCTP programme.

The statutes of the EEIG already include dispositions reflecting Article 2(g) and the contract between the Commission and the EEIG will impose the same requirements. It is the responsibility of the EEIG to make sure this provision is implemented on a case by case basis for each of the clinical trials that it will be funding.

The Commission will closely monitor the implementation of Article 2(g) by the EEIG.

[1] Decision 1209/2003/EC of the Parliament and of the Council of 16 June 2003 on Community participation in a research and development programme aimed at developing new clinical interventions to combat HIV/AIDS, malaria and tuberculosis through a long term partnership between Europe and developing countries, undertaken by several Member States, OJ L 169, 8.7.2003.

(2004/C 65 E/251) **WRITTEN QUESTION P-2872/03**

by Margrietus van den Berg (PSE) to the Council

(22 September 2003)

Subject: Salvaging of the ferry Le Joola

A year ago, the ferry Le Joola sank off the coast of Senegal. 1 863 people were drowned, including dozens of Europeans. To this day, the ferry remains on the seabed together with the bodies of the victims. Despite lobbying by their families and friends and by the European Parliament, the ship has still not been salvaged. President Wade of Senegal recently agreed that he would cease to oppose its salvaging. However, there is no money to pay for it. It is very important to the families and friends of the dead that the ferry should be salvaged, so that they can take proper leave of their loved ones.

What has the Council done in the past year to promote the recovery of the bodies of these African and European citizens? Does not the European Union, and hence the Council, have a moral duty to coordinate the salvage operation in cooperation with Senegal? Will the Council do nothing to help the families and friends of the dead, and the dead themselves? What can the Council still do?

Reply

(17 November 2003)

Council Regulation 1257/96 of 20 June 1996 concerning the provision of humanitarian aid does not cover the provision of aid to the families of the victims from the unfortunate sinking of the Le Joola, as recalled by Commissioner Nielsen in its response to the Written Parliamentary question E-3166/02 (15 January 2003).

The European Union has not been approached by the Senegalese authorities to help refloat the Joola. The EU has not extended any direct financial assistance to the victims and their families but it provides regular aid to Senegal from the European Development Fund. The European Investment Bank is considering providing a contribution (in co-operation with Germany) to the complete re-establishment of the maritime line between Dakar and Ziguinchor, interrupted due to the accident.

(2004/C 65 E/252) **WRITTEN QUESTION E-2876/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(29 September 2003)

Subject: Promotion of healthy eating habits at school

Reliable medical research shows a large increase in the number of those suffering from heart complaints and type B diabetes in the EU Member States, largely due to bad diet and overweight.

Given that eating habits are acquired from an early age, being greatly influenced not only by the home but also the school environment and the type of food served by school canteens:

1. Has the EU examined the problem of eating habits acquired at school age; has the statement by the Winning Heart Conference of 14 February 2000 as part of the European Heart Health Initiative been noted?

2. Will the Commission take steps to draft framework legislation to ensure that school canteens provide food which does not damage the health of children or lead to over-consumption of saturated fats, salt, sugar, fizzy drinks, etc.?

3. Is European funding being provided for the promotion of healthy eating habits at school?

4. Does the Commission have information regarding the performance of each Member State in this area?

Answer given by Mr Byrne on behalf of the Commission

(16 October 2003)

The Commission is very much aware of the importance of nutrition as a determinant for positive health. This is reflected in the Public Health Action Programme (2003-2008), which foresees strategies and measures on nutrition as a life-style related health determinant. Moreover, the 2003 Work Plan for this programme foresees the development of innovative measures and approaches to improve dietary habits and physical activity habits in all population groups.

A particular concern in this area are the dietary habits of children. Concretely, the Community has been providing funding on a continuous basis for the European Network of Health Promoting Schools (ENHPS), a common initiative of the Council of Europe, the World Health Organisation (WHO) and the Commission. One of the objectives of this project is to promote healthy dietary habits in schools throughout Europe. More information on this project can be found at the following Internet: site: http://www.who.dk/eprise/main/WHO/Progs/ENHPS/Home

An important new project in this area, which the Commission is currently considering for funding, is the initiative on 'Children, obesity and associated avoidable chronic diseases', which is co-ordinated by the European Heart Network. This large-scale pan-European project will examine all 'obesogenic' factors in the environment of children, including the school environment.

Both these projects clearly address the Declaration of the Winning Hearts conference of 2000, which stated that every child born in the new millennium has the right to live until the age of at least 65 without suffering from avoidable cardiovascular disease (CVD). In this context, the Commission would also like to underline that the main priority of the incoming Irish Presidency in the Public Health area is CVD prevention.

As far as the composition of school meals is concerned, the Community has no mandate for adopting binding legislation in this area. However, the initiatives outlined above, and the dissemination of their results, will contribute to raise awareness on children's diets.

(2004/C 65 E/253)

WRITTEN QUESTION E-2881/03

by Jan Dhaene (PSE) to the Commission

(29 September 2003)

Subject: Bicycle theft

Every year, enormous numbers of bicycles are stolen. Many are stolen for individual use, but large numbers of bicycles are also fed into stolen-goods circuits, some of which operate on an international scale.

Belgian research shows that bicycle theft is the 'daily bread' of criminals who are involved in more serious crime. Bicycle theft is the most widespread form of crime in Europe.

Plans which the bicycle industry wanted to develop in response to requests from consumer associations and the European Cyclists' Federation, which involved the standardisation of serial numbers, identity chips and obligatory U-locks, have come to nought.

The Commission:

— does it have any accurate information about the number of bicycles stolen in the various Member States and about where such stolen goods finish up;

— does it acknowledge the impact of mass bicycle theft on the attractiveness of the bicycle as a sustainable mode of transport and on an individual's feeling of insecurity;

— is it, together with the bicycle industry, planning to take measures to prevent bicycle theft?

Answer given by Mr Vitorino on behalf of the Commission

(29 October 2003)

The Commission would like to answer the Honourable Member as follows.

Information on the theft of bicycles is available only for eight Member States. Of those eight, Belgium, Denmark, The Netherlands and Sweden show the largest number of stolen bicycles per capita.

Although there does not exist hard evidence about where the stolen bicycles wind up, there are clear indications that most stolen bicycles are sold to private citizens, either directly or on so-called 'fencing' markets.

There do not seem to be indications that the attractiveness of the bicycle as a sustainable mode of transport is negatively influenced by the occurrence of bicycle theft. Victim surveys show, however, that personal experience of criminal victimisation — amongst which bicycle theft — contributes to increasing the feelings of insecurity amongst the population. Feelings of insecurity have been increasing slowly but steadily across the Union between 1996 and 2002.

The theft of bicycles is largely a local, regional or national phenomenon. Effective solutions can and must therefore be taken at those levels in the Member States. What could in addition be usefully done at Union level, however, is to examine within the Union Crime Prevention Network if there are Member States with effective measures to prevent bicycle theft which could be applied in other Member States.

(2004/C 65 E/254) **WRITTEN QUESTION P-2882/03**

by Antonios Trakatellis (PPE-DE) to the Commission

(22 September 2003)

Subject: Implementation of Directive 2000/35/EC in the EU and late payment to hospitals by state and public-sector organisations in Greece

Article 3 of Directive 2000/35/EC [1] on combating late payment in commercial transactions provides that the Member States shall ensure that interest shall become payable from the day following the date or the end of the period for payment fixed in the contract and sets out other provisions for combating late payment on the internal market. Three of the fifteen Member States have not incorporated the directive into national law and in Greece, reportedly, many hospitals are now in dire financial straits because they are owed huge amounts for patients' treatment by the (mainly state-run) insurance agencies. For example, the Polygiros hospital at Halkidiki alone is owed EUR 2,5 million, EUR 1,5 million of which is owed by the Farmers' Security Organisation, a public-sector body. Moreover, according to recent information, the public hospitals in Greece owe their suppliers more than EUR 1 174 billion, only two years since their previous debts were written off, which has resulted in disruption of the market, the emergence of oligopolies, with distortion of competition and shortages of goods.

Which countries have not incorporated the above directive into national law and what measures will the Commission take, as guardian of the Treaties, against those Member States which are in breach of Community law in order to bring about full compliance with the relevant legislation and the smooth operation of the internal market?

Given that the debts owed the hospitals by the state, the insurance agencies and other public- sector bodies and enterprises (e.g. banks etc.) constitute payments within the meaning of the above directive, what measures will the Commission take to implement in Greece the agreements concluded after 8 August 2002 (the date on which the directive on debts became effective)?

How can it ensure the smooth operation of the single market and combat late payment in the interests of citizens, businesses and the self-employed when public-sector bodies or a state are operating within the Union in an insolvent condition?

[1] OJ L 200, 8.8.2000, p. 35.

Answer given by Mr Liikanen on behalf of the Commission

(10 October 2003)

The Greek Government has communicated to the Commission the information that it has transposed Directive 2000/35/EC of the Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions, by means of Presidential Decree No 166/2003 published in the Government Gazette No 138 of 5 June 2003.

The Commission is in the process of examining this and other legislation transposing this Directive received from other Member States, in order to verify its conformity with the Directive.

Only two Member States, Spain and Luxembourg, have failed to communicate transpositions to the Commission, and the Commission has taken the Decision, in June 2003, to refer these infringements of the EC Treaty to the Court of Justice under Article 226.

The Directive's transposition in Greece now gives the creditors in that Member State the right to benefit from the terms of the Directive in their actions against debtors. The Commission's website: (http://europa.eu.int/comm/enterprise/regulation/late_payments/implementation.htm) provides further information on the Directive and its economic objectives.

Beyond the implementation of the late payment Directive the Commission will present, before the end of 2003, a proposal for a Regulation creating a European order for payment procedure, that is to say a uniform European summary procedure that will enable the speedy and efficient recovery of money claims in civil and commercial matters over which no legal controversy exists. The Community-wide availability of such a procedure will represent an additional valuable tool to combat late payments with regard to uncontested claims.

(2004/C 65 E/255)

WRITTEN QUESTION P-2883/03

by Charles Tannock (PPE-DE) to the Commission

(22 September 2003)

Subject: Accusations of price-fixing by cross-channel ferry companies

Although it is possible to cross the English Channel by ferry and return the same day very cheaply, the price of a ticket on all the ferry companies is far higher, sometimes as high as hundreds of pounds, for anyone wishing to stay longer. Given that the service is exactly the same, there is the suggestion not only that day-trippers are being subsidised by longer-stay passengers but that the fact that all the companies appear to follow this practice amounts to illegal price-fixing. Does the Commission believe that this is the case and, if so, has the Commission asked all the cross-channel ferry companies for an explanation of their pricing policies?

In addition, there is evidence that passengers buying cheap return tickets on their credit cards on ferry companies and who do not, for whatever reason, use the return fare are charged an enormous surcharge, equivalent to the price of a longer-stay fare, without their agreement. Airlines flying to or from European destinations have also been known to charge more for single fares than for return fares, and to charge significant surcharges to passengers who buy a return fare but only travel one-way.

Does the Commission believe that there is any justification for such fare structures and does the Commission believe that they conform to European competition requirements?

Answer given by Mr Monti on behalf of the Commission

(20 October 2003)

Transport operators within the Union are in principle free to set their own prices which would normally include the possibility to set different prices for customers demanding different types of services. Transport services can be differentiated by various objective factors targeted at the specific needs of different customers. The Commission cannot object as such towards a pricing system whereby day-tickets designed to attract new demand and aimed for a short notice target group are offered at different conditions, including different fares, than standard return services.

Community competition law would, however, be infringed if two or more undertakings have agreed to commonly restrict the availability of cheaper tickets. Also, certain price discriminations by undertakings holding a dominant position could violate Community competition law. These rules apply both to the maritime sector and the air sector.

As regards the cross-Channel practices referred to by the Honourable Member, it should be noted that the Commission has recently carried out inspections at the premises of a number of operators of cross-Channel transport services [1]. The purpose of these inspections was to ascertain whether these undertakings are inter alia fixing prices and trade conditions for cross-Channel transport services. Commission's investigation will include a thorough review of the pricing practices referred to by the Honourable Member. The Commission's position will be made known once the assessment is completed.

[1] MEMO/03/168 of 3 September 2003; Press release on inspections in cross-Channel transport services.

(2004/C 65 E/256)

WRITTEN QUESTION E-2892/03

by Mario Borghezio (NI) to the Commission

(29 September 2003)

Subject: More efficient systems for the certification of steel from countries outside the Community used in the construction industry

The more efficient and strict a system for certifying steel for use in the construction industry is, the more the safety of buildings can be guaranteed, especially in countries and regions with a high risk of earthquakes.

Substantial quantities of round reinforcing rods and wire rods come from countries outside the Community (e.g. Turkey, Ukraine, etc.), exported by producers who obtain type approval and certification which, unfortunately, often do not seem adequately to ensure the safety of the products, especially those used for building purposes, which may have dangerous consequences, in particular in areas with a high risk of earthquakes or floods.

In view of this, will the Commission take steps to bring all the certification and type approval systems used in the various Member States up to the strictest possible standards?

Answer given by Mr Liikanen on behalf of the Commission

(28 October 2003)

The structural safety of constructions, whether buildings or civil engineering works, is the first of the six essential requirements which are the basis of Council Directive 89/106/EEC of 21 December 1988 [1], known as the construction products directive, which is intended to guarantee the free movement of products and their suitability for use while ensuring maximum safety.

The Directive states that products must be fit for use and that this fitness is assessed in relation to technical specifications known as 'harmonised' technical approvals or standards.

The construction products directive also states that when a harmonised standard or approval exists, it becomes binding and compulsory and must be regarded as the only reference indicating conformity with the essential requirements, and consequently their fitness for use and for placing on the market, by affixing the EC mark.

Structural steels, which represent a major group of construction products, have been the subject of a specific standardisation mandate — M 115 — drawn up by the Commission and approved by the Standing Committee on Construction. This mandate was given to the European Committee for Standardisation (CEN) for the preparation of seven harmonised standards establishing the highest level of conformity certification (level 1) so that reinforcing and structural steels could be assessed to see that they matched the essential requirements of the construction products directive.

The construction products directive and the harmonised technical specifications which are its technical references for implementation constitute the legal means whereby European legislation can ensure the free movement of construction products by means of technical harmonisation which ensures the highest level of safety and which at the same time allows them to bear the EC mark.

However, responsibility for supervising the certification and approval of products and materials bearing the EC mark lies with the national authorities, who remain solely responsible for the safety of structures.

The harmonised technical specifications for this group of products are not yet fully available. As they are completed by the CEN committee, the Commission will publish the references in the C series of the Official Journal of the European Union.

(1) Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products, OJ L 40, 11.2.1989.

(2004/C 65 E/257) **WRITTEN QUESTION P-2896/03**

by Patricia McKenna (Verts/ALE) to the Commission

(23 September 2003)

Subject: EU Programme for Peace and Reconciliation

1. Is the EU Programme for Peace and Reconciliation monitored from Brussels?

2. Who signed off the present conditions that must be satisfied to secure funding?

3. Is the EU Programme for Peace and Reconciliation audited?

4. How was a body permitted to draft the conditions for securing EU funding while also being allowed to act as administrator of the fund that body being the Special EU Programmes Body (SEUPB) and the Department of Environment and Local Government of Ireland?

5. Are the monies employed to establish the Peace and Reconciliation fund in addition to EU funds normally allocated to Ireland from the EU?

Answer given by Mr Barnier on behalf of the Commission

(20 October 2003)

As for all interventions financed under the Structural Funds, the PEACE Programme operates within the legal framework of the Structural Funds' Regulation (1). In accordance with the principle of subsidiarity, the primary responsibility for the day-to-day management and monitoring of the programme lies with the programme's delivery structures at the regional level, mainly the Managing Authority — the Special Union Programmes Body (SEUPB) — and the Monitoring Committee.

Day-to-day management is exercised within the framework of the Operational Programme document agreed by the Commission and the Irish and United Kingdom governments, which sets out the the priority areas for spending and their financial allocations. The document also sets out the general criteria for the selection of projects. Future detail in this regard is provided in the Programme Complement, which is a document drafted by the Managing Authority and approved by the Monitoring Committee.

The PEACE Programme is subject to the standard audit requirements involving both the Commission and the relevant national or regional audit bodies. SEUPB acts as the overall Programme Managing Authority and therefore has responsibility for all administrative aspects of the programme such as application forms, co-ordination, guidance to intermediary funding Bodies or final beneficiaries. It also implements a number of specific measures, while maintaining a clear administrative separation of duties in accordance with the principles of sound management.

The Department of Environment and Local Government is represented in an advisory capacity on the PEACE Monitoring Committee. It acts as the accountable department for the County Council Task Forces in the Border Region of Ireland; it is not involved directly in the implementation of any measure.

In accordance with the conclusions of the Presidency of the European Council meeting in Berlin in March 1999, the financial allocation for the PEACE Programme is fully additional to the Structural Funds allocation to Ireland and the United Kingdom.

(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 65 E/258) **WRITTEN QUESTION P-2897/03**

by Roberta Angelilli (UEN) to the Commission

(25 September 2003)

Subject: Job crisis at Alcatel Italia S.p.A.

In June 2003 the management of Alcatel presented its financial programme entailing, inter alia, job cuts for 1 300 employees, mainly in two factories in Italy, at Cittaducale in the province of Rieti and at Battipaglia in the province of Salerno.

Alcatel operates in 130 countries and is one of the world's largest producers of public telecommunications equipment, as well as the main supplier of satellite technology in Europe.

These cuts would be made by means of temporary lay-offs in accordance with the procedures set out in Italian Law No 223/91 or, what is even more serious, by closing down the factories, as envisaged in Article 47 of Law No 428/90.

All this would have grave repercussions on employment, not least for all the SMEs dependent on the sector, which in turn would create social problems.

However, the employees have so far not been sufficiently involved, although the Italian Government has implemented Directive 94/45/EC (1) by means of Legislative Decree No 74/02.

In view of all this, can the Commission say:

1. whether it does not consider that the restructuring plan contravenes Articles 136, 137 and 138 of the EC Treaty, the Community Charter of the Fundamental Social Rights of Workers of 1989, Article 27 of the Charter of Fundamental Rights of the EU and Directive 98/59/EC (2) on the approximation of the laws of the Member States relating to collective redundancies;

2. whether it does not consider that the restructuring plan contravenes Directive 94/45/EC, amended by Directive 97/74/EC (3) on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees;

3. whether it does not consider that the restructuring plan contravenes Directive 2002/14/EC (4) establishing a general framework for informing and consulting employees?

(1) OJ L 254, 30.9.1994, p. 64.
(2) OJ L 225, 12.8.1998, p. 16.
(3) OJ L 10, 16.1.1998, p. 22.
(4) OJ L 80, 23.3.2002, p. 29.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(23 October 2003)

The Union has throughout the years developed a comprehensive policy for dealing adequately with the social consequences of corporate restructuring. As a result of that ongoing policy, every restructuring operation must be preceded by effective information and consultation of employees' representatives with the aim of avoiding or attenuating its social impact, in accordance with Community Directives on 'Collective Redundancies' ([1]), 'Transfers of Undertakings' ([2]), 'European Works Councils' ([3]) and, from March 2005 onwards, 'Information and Consultation' ([4]).

The Commission has, nevertheless, not received specific information on the way in which the Alcatel Group intends to deal with the social consequences of the on-going restructuring of the company.

However, the Directives mentioned by the Honourable Member are duly transposed into the relevant national laws. Therefore, it is up to national authorities, at this stage, in particular judicial ones, to ensure that the rights therein can be fully exercised. In addition, it would like to recall the fact that the Community Charter of Fundamental Social Rights of Workers of 1989 and the Charter of Fundamental Rights of the European Union are not legally binding. Finally, Directive 2002/14/EC establishing a general framework for informing and consulting employees must be transposed into national law by 25 March 2005 at the latest.

More generally, the Commission advocates the idea that, when restructuring, enterprises should always take into account the effects that those decisions could have on their employees as well as on the social and regional context. This has recently been underlined in the Commission Communication concerning Corporate Social Responsibility (CSR) A business contribution to Sustainable Development ([5]).

Furthermore, the Commission invited the European social partners to engage in a dialogue on anticipating and managing change with a view to apply a dynamic approach to the social aspects of corporate restructuring. The social partners are in the course of concluding an agreement on this. The Commission very much hopes that their joint work in this field will result in a Community framework which disseminates throughout Europe good practices of corporate restructuring, thus helping companies and their workers to adequately address its social dimension.

([1]) Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies. (This Directive consolidates Council Directives 75/129/EEC of 17 February 1975, OJ L 48, 22.2.1975 and 92/56/EEC of 24 June 1992, OJ L 245, 26.8.1992).

([2]) Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, OJ L 82, 22.3.2001.

([3]) Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.

([4]) Directive 2002/14/EC of the Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community.

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

(2004/C 65 E/259) **WRITTEN QUESTION E-2898/03**

by Helmut Kuhne (PSE) to the Commission

(1 October 2003)

Subject: Possible unjustified use of EU funds in Spain

A letter from an EU citizen has drawn my attention to the fact that, when the private housing estate on the Spanish coast known as 'Alhama Candela' was being expanded, EU funds were possibly used for a purpose other than the one for which they were actually intended.

According to my informant, the planning permission issued 30 years ago was granted solely on condition that the infrastructure was extended and improved. The then amount of DEM 2 million put up for that project by a German real estate purchaser was not used. In 1997, work was actually begun, but it was not completed. Nevertheless, the housing estate is being extended to include a new development involving the construction of more than 64 dwellings.

Electricity supply and road network conditions are described as catastrophic, with Iberdola, the electricity supply company, refusing to supply electricity. The apparent reason for its refusal to do so is that EU infrastructure payments were not paid as agreed.

The Commission:

— can the Commission confirm that EU aid for this project was actually approved and also paid;

— if so, was the grant subject to the condition set out above, and did the local authority duly comply with that condition?

Answer given by Mr Barnier on behalf of the Commission

(3 November 2003)

The information provided by the Honourable Member does not allow the time (the programming period) or place (the exact location, i.e. the region and site) of the project to be identified. As a result, it is not possible for the Commission to examine whether the project involved EU funding or not.

Nevertheless, given that this project appears to be in the housing sector, it should be pointed out that this sector is not eligible under the Structural Funds.

(2004/C 65 E/260) **WRITTEN QUESTION E-2912/03**

by Joan Vallvé (ELDR) to the Commission

(2 October 2003)

Subject: The European Union's cohesion policies

Cohesion policy has for years been a fundamental part of the Union's political activities. The policy's instruments of solidarity are the four Structural Funds (the ERDF, ESF, FIFG and EAGGF), the Cohesion Fund and the Community initiatives (Interreg III, Urban II, Leader+ and Equal).

Of the Community initiatives, Interreg III is the one with a truly European dimension in the sense that it lessens the effects on our continent of centuries of the existence of national borders. It comes under the European Regional Development Fund and promotes interregional cooperation in the European Union. The aim of the new phase of Interreg is to strengthen economic and social cohesion in the EU by increasing crossborder, transnational and interregional cooperation and fostering balanced regional development. The EU launched these four programmes, the Community initiatives (to which 5,35 % of monies under the Structural Funds are allocated), in order to find common solutions to problems that exist throughout the EU.

The European scale of this initiative cannot, however, be compared with the boost to cohesion given by the Structural Funds and Cohesion Fund. The Cohesion Fund, a special aid fund, was set up in 1993 to assist the four least prosperous Member States: Greece, Portugal, Ireland and Spain. It is used throughout these countries to finance large-scale environmental and transport projects. Similarly, the Structural Funds focus on clear priority objectives: 70 % of funding is allocated to help the least developed regions catch up,

regions where 22 % of the Union's population live (Objective 1); 11,5 % supports economic and social conversion in areas facing structural difficulties, inhabited by 18 % of the EU population (Objective 2), and 12,3 % of funding is used to modernise systems of training and promote unemployment (Objective 3).

Has the Commission considered separating into different programmes the policies corresponding to the Structural Funds and Cohesion Fund and those relating to the Community initiatives?

Answer given by Mr Barnier on behalf of the Commission

(31 October 2003)

Interventions under the Community Initiatives are currently programmed entirely separately from the programmes supported under Objectives 1 and 2 of the Structural Funds and from the projects supported by the Cohesion Fund.

These arrangements will apply until the expiry of the financial perspective for the period 2000-2006. For the next period, it is the role of the Commission to propose to the Parliament and to the Council a new financial perspective and a new generation of policies for support from the Structural Funds and Cohesion Fund. These proposals are planned for adoption by the Commission before the end of this year. It is therefore too early at this stage to speculate on the arrangements for the implementation of new policies.

(2004/C 65 E/261) **WRITTEN QUESTION P-2913/03**

by Claude Moraes (PSE) to the Commission

(29 September 2003)

Subject: Implementation of the Working Time Directive with regard to the offshore sector

Some concern has been expressed about the possibility that Member States may decide not to legislate on certain areas, such as minimum paid holiday entitlements, of Directive 2000/34/EC [1] amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive.

Non-legislation in these areas may be attributed to conditions which may not seem as prevalent in the onshore sectors, such as the numerous and varied contract agreements that exist in the offshore sector. However, without legislation in place to provide definitive guidance on particular provisions then the aim of the Directive in ensuring a safe working environment could be undermined.

Is there any scope for the Commission to review the transposition process of Directive 2000/34/EC? If so, when could this occur?

[1] OJ L 195, 1.8.2000, p. 41.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(27 October 2003)

Directive 2000/34/EC [1] was adopted with a view to covering sectors and activities which had been excluded from the scope of Directive 93/104/EC [2], for example offshore work. Member States were to adopt laws, regulations and administrative provisions in order to comply with this Directive by no later than 1 August 2003 (1 August 2004 for doctors in training).

The Commission has just begun infringement proceedings against those Member States which failed to communicate their transposal measures.

Directive 2000/34/EC includes offshore work among those activities for which Article 17, paragraph 2.1, of Directive 93/104/EC allows Member States to derogate from Articles 3 (daily rest), 4 (breaks), 5 (weekly rest), 8 (duration of night work) and 16 (reference periods), provided that the workers concerned are afforded equivalent periods of compensatory rest or that, in exceptional cases in which it is not possible, for objective reasons, to grant such equivalent periods of compensatory rest, the workers concerned are afforded appropriate protection.

Directive 2000/34/EC also adds a new Article 17a which provides that, with regard to offshore work, Member States may, for objective or technical reasons or reasons concerning the organisation of work, extend the reference period for calculating maximum weekly working time (48 hours) to twelve months in respect of workers who mainly perform offshore work.

To sum up, all Articles of Directive 93/104/EC on working time therefore apply to offshore work, with the possible adjustments summarised above.

In principle, the report on the transposal of Directive 2000/34/EC will not be adopted until after May 2004, so that the future Member States are also covered.

(1) Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive, OJ L 195, 1.8.2000.

(2) Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time, OJ L 307, 13.12.1993.

(2004/C 65 E/262) **WRITTEN QUESTION E-2920/03**

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

(2 October 2003)

Subject: Alternative and complimentary medicine

For some time, we have been witnessing a proliferation of associations and professional practitioners in the field of non-conventional medicine, calling for clarification and harmonisation of the regulatory framework for their activities and services within the EU.

Given that 'charlatans', i.e. people passing themselves off as complimentary medical professionals, although they lack proper training, are proliferating, what action does the Commission plan to guarantee the health safety of those using these services?

Given the great disparity between national legislations, does the Commission intend to harmonise legislation at Community level? How does the Commission guarantee the single market in this sector, as well as the right of freedom to provide services and freedom of establishment?

What is the budgetary allocation, at European level, for alternative medicine?

Which of the requests set out in European Parliament Resolution A4-0075/97 (1) has the Commission actually implemented to date?

(1) OJ C 182, 16.6.1997, p. 67.

Answer given by Mr Byrne on behalf of the Commission

(17 November 2003)

The Honourable Member has raised a number of topics. The first question refers to qualification and training requirements of those practising alternative and complementary medicine in the Union.

Under the EC Treaty, qualification and training requirements remain the primary responsibility of the Member States. Some minimum co-ordinated training requirements have been adopted at Community level for some of the main health professions, but most professions, among which many professions in the health sector, are not subject to any such requirements. The provisions adopted at Union level have the main objective of ensuring conditions for the recognition of qualifications within the regulated professions. The adoption of new legislation in this area requires a very large measure of support among the professions and Member States. The Commission is not aware of any strong and widespread support for new measures with respect to alternative and complementary medicine.

As far as professional recognition is concerned Council Directive 89/48/EE of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration [1] and Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training [2] apply to any national of a Member State wishing to pursue a regulated profession in a host Member State. In this context, the European Court of Justice has confirmed in its decision of 3 October 1990 (C-61/89 Bouchoucha) that Article 43 of the EC Treaty does not preclude a Member State from restricting an activity ancillary to medicine exclusively to persons holding the qualification of doctor of medicine.

In addition, in order to guarantee health protection, the Court of Justice ruled in its decision of 11 July 2002 (C-294/00 Deutsche Paracelsus Schulen für Naturheilverfahren GmbH) that it must be borne in mind that the protection of public health is one of the reasons cited in Article 46(1) EC Treaty capable of justifying restrictions on the freedom to provide establishment and services.

The second topic is that of the Community legislation on alternative medicines. In its Resolution of 29 May 1997, the Parliament called for work to be undertaken to look at the safety and efficacy of alternative medicinal products. In this connection the Commission adopted a proposal for a Directive on traditional herbal medicinal products on January 2002 [3]. The Parliament first reading vote took place in November 2002. Following the modified proposal [4] adopted by the Commission on 9 April 2003 and the Council political agreement reached in September 2003, the adoption of a final text could take place before the end of 2003.

With regard to expenditure on alternative medicines, the public health programme does not cover this issue. With regard to Community research funding, Priority 1 'Life sciences, genomics and biotechnology for health' and the section on policy oriented research of the Sixth Framework Programme for research, technological development and demonstration activities covering the period 2002-2006, do not provide for such research. However, the section of the 6th Framework Programme on support for the co-ordination of national activities does mention under health, the area of alternative or non-conventional medicine.

[1] OJ L 19, 24.1.1989.
[2] OJ L 209, 24.7.1992.
[3] OJ C 126 E, 28.5.2002.
[4] COM(2003) 161 final.

(2004/C 65 E/263) **WRITTEN QUESTION E-2923/03**

by Marianne Thyssen (PPE-DE) to the Commission

(2 October 2003)

Subject: The patent system and SMUs

During the debate in the European Parliament on the proposal for a directive on the patentability of computer-implemented inventions, many observations were made which showed that, as a general rule, the application of patent legislation was not an easy task for SMUs. Even innovative SMUs still require patent protection.

Can the Commission indicate if it has any knowledge of existing mechanisms in the Member States which assist their SMUs financially or legally and/or administratively in the patenting procedure? Does not the Commission think that that procedures should be less expensive and more efficient with regard to both applications for patents and the subsequent defence of patent entitlements? Does not the Commission think it desirable — given the forthcoming introduction of the Community patent — that such a mechanism should be created at European Union level?

Answer given by Mr Bolkestein on behalf of the Commission

(17 November 2003)

The question of accessibility to patents by small and medium-sized (SMEs) enterprises is acknowledged to be an important challenge. The introduction of the Community Patent itself, which would be valid across all Member States, would have a major benefit for smaller businesses, because any litigation that was needed to enforce the patent would only be necessary once for the whole Union rather than fifteen times in each Member State. This would greatly facilitate access to the Single European Market for small companies and individuals with innovative products.

Concerning the support which may be available in the individual Member States for small and medium-sized enterprises, two studies have recently been carried out on behalf of the Commission's Directorate-General for the Internal Market.

The first was an investigation into the role of the national patent offices in promoting innovation. This found that the Member States offer through their national patent offices a range of services which are aimed at increasing awareness of, and accessibility to, the patent system. The report summarises the services currently available and makes recommendations for future activities.

The second study was concerned with the possible introduction of an insurance against costs for litigation in patent cases. It found that no Member State currently has any substantive law specifically on patent litigation insurance, although some cover is available privately, and there has been discussion about the possibility of legislation in some countries. One of the study's conclusions was that the introduction of Community-wide scheme of patent litigation insurance has the potential to offer real benefits, especially for companies with limited financial means, but that difficult issues were raised and more work would be needed. In the light of these findings, the Commission is planning a further more detailed study. After this is completed, the Commission will decide whether action is necessary and if so what this might be.

The reports of both studies are available on the web site of the Commission's Directorate-General for the Internal Market at: http://europa.eu.int/comm/internal_market/en/indprop/patent/index.htm

Another study, 'Enforcing small firm's patent rights', has been carried out on behalf of the Commission's Enterprise Directorate-General, reflecting specific concern on the part of the Union that patents are used less than they might be by SMEs. The study, through a survey of 4 000 SMEs having patent and prototypes, identifies that two-thirds had experienced attempts to copy their patented inventions. It also assesses the perception by the firms of the difficulties in enforcing their rights and their position on the various options to help them to overcome these difficulties.

The report on this study is available at: http://www.cordis.lu/innovation-policy/studies/im_study3.htm

Two examples of initiatives in the Member States to assist SMEs in the patenting procedure, were identified in the 2003 European Charter for Small Enterprises Implementation Report [1]. Although, this list is not exhaustive, these initiatives were recognised as useful and innovative. The first is an Irish website enabling the processing of patent and trademark applications on-line as an example of innovative on-line services. The second is the German programme 'Knowledge creates markets' ('Wissen schafft Märkte') to raise universities' awareness on patents and transfer of research findings.

Besides, the European Charter for Small Enterprises foresees to provide support to SMEs, although not exclusively, strengthening programmes aimed at promoting technology dissemination towards small enterprises as well as the capacity of small business to identify, select and adapt technologies.

With regards to Community support mechanisms to SMEs, the Intellectual Property Rights (IPR)-Helpdesk, a Commission pilot project, financed under the Community Research Framework Programme by Commission's Enterprise Directorate General, was launched in 1998 as aiming to assist potential and current contractors taking part in Community funded research and development projects with IPR issues.

Since 1 January 2002, this IPR-Helpdesk (http://www.cordis.lu/ipr-helpdesk/en/home.html) assists the target audience, including SMEs, on IPR related issues with a special focus on Community diffusion and protection rules and issues relating to intellectual property in European research and technological projects.

In addition, a financial Community contribution can be obtained by contractors, notably SMEs, taking part in Community funded research and development projects under the 6th Community Research Framework Programme, for costs incurred during the life of the project in relation with the patenting of inventions resulting from the project.

Furthermore, in the context of the Commission's Action Plan to increase investment in research [2], a number of actions are aimed at developing European guidelines covering notably IPR arrangements in collaborations between universities and industry and at promoting Union-wide IPR awareness and training activities, both are particularly important for SMEs.

Finally, it is to be noted that according to the Community Framework for State Aid for Research and Development [3], operating costs (such as IPR protection) incurred directly by SME undertakings beneficiaries of national aid, as a result of research and development activities, are eligible under the mentioned Framework, and that the aid granted is considered — under certain conditions — to be compatible with the Common Market.

[1] COM(2003) 21 final.
[2] COM(2003) 226 final.
[3] OJ C 45, 17.2.1996.

(2004/C 65 E/264)

WRITTEN QUESTION E-2936/03

by Ria Oomen-Ruijten (PPE-DE)
and Alexander de Roo (Verts/ALE) to the Commission

(6 October 2003)

Subject: Electric connections for caravans

Further to the written question tabled in the light of some reports (cf. the 6 and 8 September 2003 editions of 'Algemeen Dagblad', a Dutch newspaper) that the electrical equipment of most caravans does not conform to European safety standards, attention must now also be paid to the electric connections between caravans and campsite electric bollards or junction boxes. Caravan connections in Europe must conform to the CEE 17 European Standard. Although the campsite connection must conform to the standards of the relevant Member State, the power point on that electric bollard must, in principle, also be equipped with the CEE connector. Any failure to monitor carefully the rules governing this matter may result in serious potential danger for caravanners.

1. Is the Commission aware that, in many Member States, campsite connections are not equipped with a power point with a CEE connector?

2. Does the Commission agree that the fitting of a power point with a CEE connector must be made obligatory in order to reduce safety risks to a minimum?

3. Is the Commission prepared to take steps to ensure that all European caravans and campsites are equipped with connectors and power points which conform to the CEE European Standard?

Answer given by Mr Liikanen on behalf of the Commission

(11 November 2003)

For the time being the safety of electric installations of caravans is not covered by any Community legislation. Electric connection of caravans to the mains on campsites is also excluded from Community legislation. Electric installations and connections to the mains of caravans are subject to national installation rules in the Member States, which differ significantly.

1. The Commission is aware of this non-harmonised situation in Europe with regard to the plug and socket outlet system. All attempts to harmonise plugs and socket outlet systems for domestic use (i.e. up to 16A rated current) throughout the Union, which were heavily inspired by the Commission, have been abandoned in the past. The majority of the Member States do not see the need to agree on a harmonised solution. Various attempts were made by the European Committee for Electrotechnical Standardisation (Cenelec) to agree a standard on these plugs, however, after several years of intensive meetings it has not been possible to find consensus with the manufacturers of plugs and socket outlets.

2. With the current legal situation in Europe it is, therefore, not possible for the Commission to decide on a harmonised connection system for caravans.

3. It is within the Member States' responsibility to decide on the connection system for caravans. Most of the Member States accept the European CEE 7 connecting system for caravans. However, there is no obligation to use this on European level.

(2004/C 65 E/265) **WRITTEN QUESTION E-2961/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(8 October 2003)

Subject: Staff employed by the Community Support Framework Management Body (MOD-AE)

Under Law 2372/96 (Official Gazette of 23 February 1996) the Community Support Framework Management Body (MOD-AE) was set up as a public limited company. This body was initially intended to operate until 2003, a period subsequently extended to 2010 with the possibility of further extensions.

Article 8(1) of the 'MOD-AE' Articles of Association state that staff shall be recruited from the private sector or seconded from the civil service or public sector under fixed-term renewable contracts which, under Article 8(2), cannot be converted into open-ended contracts. The MOD-AE staff members, numbering around 600, have been recruited gradually from the private sector since 1996 under fixed-term contracts renewable every two years. At the same time, the company refuses to conclude a collective agreement.

1. Following the adoption of Directive 1999/70/EC [1], is it possible for a legal provision to remain in force formally prohibiting the conversion of fixed-term into open-ended contracts in this or any other public company?

2. Does the fact that the company is required to fulfil a specific task, i.e. management of the Community support framework, constitute legal grounds entitling it to conclude fixed-term contracts with its staff on an exclusive basis?

3. Is the company entitled to refuse to conclude collective agreements regarding career advancement, overtime, training, working regulations, etc.?

4. What action will the Commission take to bring the MOD-AE into line with Directive 1999/70/EC?

[1] OJ L 175, 10.7.1999, p. 43.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(20 November 2003)

1. Council Directive 1999/70/EC of 28 June 1999, concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP does not provide for transformation of fixed-term contracts into permanent contracts.

It states, however, that in order to prevent abuse arising from the use of successive fixed-term contracts, the Member States must introduce at least one of the following measures:

(a) objective reasons justifying the renewal of fixed-term contracts or relationships;

(b) the maximum total duration of successive fixed-term contracts or relationships;

(c) the number of renewals of such contracts or relationships.

It is the Member States who, after consultation with the social partners, determine under what conditions the fixed-term employment contracts shall be regarded as 'successive' and when they shall be deemed to be contracts of indefinite duration.

2. It is for the authorities in the Member States, and ultimately for the European Court of Justice, to determine what could be considered objective reasons for renewals. If the nature of the company employing the workers is temporary, it seems that this could constitute an objective reason.

3. Negotiating and concluding collective agreements is an extremely important tool for regulating working conditions. It is recognised as such in the EC Treaty as well as in Community legislation and it is also mentioned in the European Union Charter on Fundamental Rights. The procedure for concluding collective agreements is however determined by national law. There is no Community legislation which obliges an individual employer to conclude a collective agreement.

4. The Commission is currently examining the national measures transposing Directive 1999/70/EC. Should these examinations reveal that the transpostition is incorrect or incomplete, it will start infringement procedures if necessary.

(2004/C 65 E/266) **WRITTEN QUESTION P-2974/03**

by Helena Torres Marques (PSE) to the Commission

(6 October 2003)

Subject: Spain's lack of commitment to building the motorway linking Salamanca with Portugal

Anyone driving from the heart of Europe to Salamanca in Spain has four-lane roads at their disposal all the way.

From Salamanca onwards, there are only two narrow lanes, which means that everyone has to travel at the speed of lorries.

Where the road leaves Salamanca in the direction of Portugal, there are huge billboards announcing the building of a new four lane road co-funded by the EEC. In reality, until about half way to Ciudad Rodrigo (the last Spanish town before the Portuguese border), work is proceeding so slowly, that at the point where it stops it consists of nothing more than earth moving.

From Ciudad Rodrigo on, there is no work whatsoever being done, while as soon as the Portuguese border is crossed, the entire road to A Guarda is being converted to four lanes.

Can the Commission answer the following:

— what is the scheduled timetable for opening the four lane road between Salamanca and A Guarda;

— what can the Commission do to get Spain to get on with building the approximately 30 km of new road linking Ciudad Rodrigo with the Portuguese border?

Answer given by Mr Barnier on behalf of the Commission

(30 October 2003)

The link between Salamanca-Fuentes de Oroño-Vilar Formoso-A Guarda is part of the trans-European transport network (TEN-T) for road. It is also included in one of the 14 priority projects of the TEN-T, project number 8, Multimodal link Portugal-Spain-Central Europe. Furthermore, it is to be noted that in the framework of the High Level Group on trans-European transport network chaired by Mr Van Miert [1], composed by representatives of each Member State, year 2010 was agreed as date for start of operation for the whole link Lisboa-Valladolid.

The Commission is informed that as regards the Spanish national road N-620, between the French and the Portuguese borders, which forms part of the European network E80, there is a four lane expressway all the way between Irún and the north of Salamanca. The section between Salamanca and Fuentes de Oñoro on the Portuguese border still remains to be converted to four lanes. The section west of Salamanca between Aldehuela and Martín de Yeltes is already operational.

Currently, a large project concerning the construction of a four lane road between Martín de Yeltes and Ciudad Rodrigo has been approved for Community financial support under the European Regional Development Fund (ERDF), in the framework of the Operational Programme for the Spanish Region of Castilla y León. The works cover a section of 32,9 kilometre (km) and are planned to be finalised in October 2004. The section between Ciudad Rodrigo and Fuentes de Oñoro (approximately 29 km) remains to be upgraded. Furthermore, the Commission is informed that the Spanish authorities have already drawn up the plans for the corresponding projects for the full distance between Salamanca and Fuentes de Oñoro.

The planning of the works being the exclusive competence of the national and regional authorities, the Commission has no further information regarding the timetable of this project.

[1] http://europa.eu.int/comm/ten/transport/revision/hlg_en.htm

(2004/C 65 E/267) **WRITTEN QUESTION P-2977/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(6 October 2003)

Subject: High prices and inadequate veterinary inspections in Greece

According to Greek consumer organisations and the Greek Ministry of Development prices watchdog body, consumer prices have increased steeply over the past year, while wholesalers (particularly in the agricultural sector) are coming under growing criticism for purchasing products cheaply in situ and selling them at very high prices, doubling or tripling the final amounts paid by consumers in Greece.

According to the most recent Eurostat data, per capita income in Greece amounts to scarcely 67 %-69 % of the Community average while salaries and pensions there are among the lowest in the EU.

Added to this, the strike by veterinarians and related professions in the livestock sector has left enormous gaps in the Greek meat marketing sector, legal livestock slaughtering having come to a halt in Greece (without the necessary veterinary inspections) and large quantities of meat are being imported (mainly from third countries) regarding which it is impossible to establish whether adequate inspections were carried out in the countries of slaughter.

What immediate action can the Commission take to ensure that the Greek authorities introduce price inspections which are effective (and not purely nominal as has been the case until now) and to impose heavy fines for price speculation? Is the Commission aware of the situation regarding meat marketing in Greece in view of repeated observations by Commissioner Byrne to the effect that health standards in Greek slaughterhouses and meat markets fall far short of those in other EU Member States?

Answer given by Mr Byrne on behalf of the Commission

(4 November 2003)

The Commission is continuing to monitor the hygiene conditions in meat markets and slaughterhouses in Greece and refers the Honourable Member to replies already given this year to his Written Question E-1709/03 [1], and Written Questions E-691/03 by Mr Hatzidakis [2] and P-558/03 by Mr Papayannakis [3]. The Commission has no special knowledge of the impact of the circumstances described in the Honourable Member's written question. It is writing to the Member State concerned to request information and will inform the Honourable Member of its findings.

Community consumer law does not provide for means to control prices for goods offered to consumers. It only stipulates by Directive 98/6/EC that the indication of the selling price and the price per unit of measurement offered by traders to consumers improves consumer information and facilitate the comparison of prices. Inflationary price increases however are not covered by Community consumer law.

[1] OJ C 11 E, 15.1.2004, p. 217.
[2] OJ C 222 E, 18.9.2003, p. 228.
[3] OJ C 161 E, 10.7.2003, p. 226.

(2004/C 65 E/268) **WRITTEN QUESTION E-2981/03**

by Mihail Papayannakis (GUE/NGL) to the Commission

(9 October 2003)

Subject: Breach of Directive 89/48/EEC

Can the Commission list the law diplomas awarded in the Member States on completion of higher-education studies of at least three years' duration (or those awarded by any other university college, higher-education establishment or other establishment with the same level of training) which are covered by the provisions of Directive 89/48/EEC [1] and which, in accordance with that Directive, grant access to the profession of lawyer in a Member State other than that in which the diplomas were acquired?

[1] OJ L 19, 24.1.1989, p. 16.

Answer given by Mr Bolkestein on behalf of the Commission

(17 November 2003)

The Commission does not have a list of the diplomas which give access to the profession of lawyer in the different Member States and can be recognised in accordance with Directive 89/48/EEC [1]. This Directive leaves Member States free to regulate professions within their territories and to establish the level and type of qualifications required for a given profession. To the Commission's knowledge, some Member States grant access to the profession of lawyer by their nationals conditional not only on possession of a law degree but also on completing a period of supervised practice and on passing an additional examination. Information on the diploma required in each Member State, can be obtained from the national 'contact

points' for diplomas and professional recognition: the list of these contact points is published on the Commission's website: http://europa.eu.int/comm/internal_market/en/qualifications/index.htm. Lastly, Directive 98/5/EC [2], although it does not list the diplomas required for access to the profession of lawyer, contains a list of the titles of lawyer existing in all Member States.

[1] Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration.

[2] Directive 98/5/EC of the Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained, OJ L 77, 14.3.1998.

(2004/C 65 E/269)

WRITTEN QUESTION E-2987/03

by Erik Meijer (GUE/NGL) to the Commission

(9 October 2003)

Subject: Inadequate monitoring of maximum residue levels (MRL) of toxic substances and combinations of toxic substances in nectarines and grapes originating in the EU

1. Is the Commission aware that research carried out by the Dutch organisations Stichting Natuur en Milieu ('Nature and Environment Foundation'), Vereiniging Milieudefensie ('Association for the Defence of the Environment') and the alternative consumers' association Goede Waar & Co ('Good Produce & Co') has revealed excessively high levels of toxic residues and of even more dangerous combinations of toxic substances in nectarines and grapes from Spain, Italy and Greece, all EU Member States, which are principally sold in branches of stores run by international practitioners of predatory pricing?

2. Has the Commission paid particular attention to fruit which is eaten unpeeled and from which, therefore, any toxic substances remaining are introduced into the human digestive system in greater concentrations than from peeled fruit?

3. Can the Commission confirm that the treatment with toxic substances of fruit trees and bushes in the EU is increasing again, as is the possibility of the presence of toxic substances in fruit imported from inside or outside the EU?

4. According to the current findings of national and Community-coordinated programmes to monitor residue levels of pesticides in cereals, vegetables and fruit respectively, by what percentage is the maximum residue level (MRL) presently being exceeded?

5. What are the Commission and the Member States doing — with the assistance of the Rapid Alert System and with the application of harmonised guidelines — to bring about further improvements in Member States' notification of pesticide-residue MRLs in food of vegetable origin and to intervene regularly with a view to providing all consumers in the EU with maximum protection?

6. Is the Commission intending to take supplementary measures in order to put a stop to any possible decline in food safety and to improve monitoring of food safety standards?

Source: the 24 September 2003 edition of 'De Volkskrant', a Dutch newspaper

Answer given by Mr Byrne on behalf of the Commission

(19 November 2003)

The Commission is not aware of the research mentioned by the Honourable Member.

In the risk assessment performed when setting Maximum Residue Levels (MRLs), and when evaluating findings in the framework of the Rapid Alert System for Foodstuffs, the Commission makes a distinction between fruit that is consumed with the peel and fruit consumed without the peel.

In the Community coordinated report on Pesticide Residues, available on the Commission website, the percentage of violations of MRLs varies between 2 and 5 percent. There is no significant trend pointing to an increase of incorrect uses of plant protection products either in or outside the Community.

The results of the latest Community coordinated report for the year 2001 shows an average of 3,9 % of violations, ranging in the Member States between 1,3 and 9,1 percent.

It should be noted that MRLs are not toxicological limits and a violation of a MRL is not necessarily a food safety issue. MRLs are set, based on (i) evidence that the correct use of a plant protection product leads to a residue on the harvested produce and (ii) that the presence of this residue does not lead to a risk to the consumer. In most cases the MRL represents a level that is significantly below the level of concern. When, in the framework of the Rapid Alert System for Foodstuffs an MRL violation is notified, a risk assessment is carried out. If an immediate risk to the consumer is established, an Alert notification is issued. The Commission, through the Food and Veterinary Office, systematically addresses the issue of notifications when making inspections in the Member States.

In addition, the Commission proposal for a Regulation of the Parliament and of the Council on the setting of maximum residues limits in food [1] includes proposals to increase monitoring and control measures in the Member States.

[1] COM(2003) 117 final.

(2004/C 65 E/270) **WRITTEN QUESTION E-3000/03**

by Geneviève Fraisse (GUE/NGL) to the Commission

(14 October 2003)

Subject: Follow-up to the 'women's sport' resolution adopted by the European Parliament on 5 June 2003

On 15 September 2003, at the time of the Women's Football World Cup, it was announced that the American Women's Football Championship had been abolished. Despite clear progress, women's sport, across the board (schools, leisure and professional) needs to be supported.

In June 2003, the European Parliament, on my initiative, adopted a resolution dedicated to the issue of women and sport (P5-TA(2003)0269). The text's 46-odd proposals call on the European Union, the Member States and the sporting movement to put the issue of the effective equality of women and men in sport on their political agenda. The Commission has, thus far, done nothing to follow up this EP resolution.

The draft European constitution provides for a legal base for supportive action in the field of sport (Article 16), so as to promote the European dimension of sport, with particular regard to its social and educational role (Article III-182).

How does the Commissioner for sport, Mrs Viviane Reding, intend to follow up the EP resolution on women and sport? Will the Commission use the new legal framework for sport to make a favourable response to the demands set out in the resolution, and draw up the study of the situation of women in sport within Europe suggested by the Council of Sports Ministers meeting on 12 November 2001?

What initiatives are the Commission, and more particularly, its DG EAC going to take to promote women's sport and raise Member States' awareness of this policy issue (Community programmes and/or actions, Communication, White Paper, etc.)?

Could the European Union not seize the opportunity offered by the European location of the forthcoming 2004 Olympic Games to set out its vision of what sport is, by taking an active stance, as it did in the fight against doping, for equality between the sexes in sport, in terms of both access and practice?

Answer given by Mrs Reding on behalf of the Commission

(30 October 2003)

The Commission is aware of the need to promote women's participation in sport and equal access for men and women to the sport of their choice. It realises that much remains to be done to ensure that women's sport achieves the position it deserves and therefore warmly welcomed the resolution on women in sport [1] adopted on the initiative of the Honourable Member.

However, the powers provided for in the EC Treaty do not allow the Commission to follow up the majority of the proposals in this resolution, most of which are addressed to the Member States and sports organisations. In terms of the future, the Honourable Member is correct in stating that sport is one of the areas where the draft constitution states that 'the Union shall have competence to carry out actions to support, coordinate or supplement the action of the Member States, without thereby superseding their competence in these areas' [2].

If the inclusion of sport in the EC Treaty were to be confirmed at the Intergovernmental Conference, the proposals to promote sport for women could then be used to prepare a Community measure in this area.

With regard to conducting a study, the Commission takes the view that a great deal of information on this subject is already available and that another study would be unlikely to add any new information. However, it plans to fund four sectoral studies on education and sport in 2003-2004, taking into account the aspects relating to women in sport. 2004 has been declared the 'European Year of Education through Sport', and one of its main aims is to promote sporting values. The issues raised by the Honourable member will be included among the objectives of the Year, and the projects organised over the Year will contribute to promoting the educational aspect of sport.

Most of the issues raised by the Honourable Member will therefore be tackled in the context of the European Year and these four studies.

[1] P5_TA(2003)0269.
[2] CONV 850/03 of 18.7.2003.

(2004/C 65 E/271) **WRITTEN QUESTION P-3009/03**

by Arlene McCarthy (PSE) to the Commission

(8 October 2003)

Subject: Fireworks

Across Europe thousands of people are injured, property is destroyed, animals terrified and money wasted on emergency services responding to a completely preventable danger.

There is no specific Community legislation on the safe use of fireworks. They were explicitly excluded from the scope of Directive 93/15/EEC [1] of 5 April 1993 on the harmonisation of the provisions relating to the placing on the market and supervision of explosives for civil uses. The Commission has not been convinced that a Community directive on the marketing and use of fireworks would be a more effective solution in terms of prevention of accidents than rules developed at a local level.

1. The Commission stated in answer to Written Question P-4053/97 [2] that the level and seriousness of accidents depends on local customs for public use of fireworks. Given the discrepancy between Member States on the marketing and use of fireworks, does the Commission agree that a specific Community directive would be more effective in both protecting public health and ensuring a level playing field in the marketing and use of fireworks?

2. Is the Commission not of the view that restricting the sale of fireworks to licensed displays would reduce the discrepancies between states?

3. Some fireworks are more dangerous than others. Fireworks placed on the Community market are subject to Council Directive 92/59/EEC [3] of 29 June 1992 on General Product Safety. Not all Member States share the same position on which products meet this Directive. Would it not be more appropriate if product safety standards were clarified by legislation particular to fireworks?

4. As with all goods that are approved for legal use in one Member State, fireworks are typically able to circulate freely within the Community (Article 28 (ex Article 30) of the EC Treaty). Under Article 30 (ex Article 36) of the EC Treaty, cross-border transfer of fireworks may be prohibited on grounds of public policy or public security. Does the Commission agree that it is easier to illegally import a product into a EU State with tighter product control once it has been legally imported into a Member State with weaker restrictions, than attempting to directly import the banned product from a third-party nation? Thus is it not more suitable to harmonise legislation concerning which fireworks are legal in the EU?

5. What is the Commission doing to stop illegal fireworks being imported into Member States across the EU?

([1]) OJ L 121, 15.5.1993, p. 20.
([2]) OJ C 187, 16.6.1998, p. 116.
([3]) OJ L 228, 11.8.1992, p. 24.

Answer given by Mr Liikanen on behalf of the Commission

(31 October 2003)

Work is currently ongoing to develop a proposal on Community legislation on harmonised rules for the approval and categorisation of fireworks for consideration by the Commission. Such rules should provide consumers with a high level of protection ensuring that only approved fireworks are placed on the Union market. The proposed legislation would include essential safety requirements with which fireworks must comply. This would lead to the development of harmonised safety standards on fireworks by the European Committee for Standardisation (CEN).

The Commission is not convinced that Community measures should be taken in relation to restricting the sale of fireworks to licenced displays. However, the proposed legislation would categorise fireworks with certain categories of fireworks being restricted to professionals only. Such measures would be a proportionate response to providing consumers with a high level of protection.

There are wide differences throughout the Union on local customs for consumer use of fireworks. These differences extend to aspects such as the times of year when fireworks are most in demand and their charcteristics (visual and sound effects). As a result, the planned measures would provide that the Member States should adopt any necessary provisions in relation to the use of Union approved fireworks consistent with these local customs.

In the meantime, the EC Treaty provisions and principles regarding the Internal Market apply and consequently national measures that may lead to restrictions on intracommunity trade of such goods are assessed in the light of Articles 28 to 30 of the EC Treaty.

The control of illegal import of fireworks into the Union is a matter for the Member States. The adoption of harmonised legislation on fireworks at Community level would mean that imported fireworks would be subject to the same rules as those of Union origin.

(2004/C 65 E/272)

WRITTEN QUESTION E-3016/03

by Ilda Figueiredo (GUE/NGL) to the Commission

(14 October 2003)

Subject: European Year of People with Disabilities

Given that the European Year of People with Disabilities is now coming to an end, and that criticism is mounting from organisations representing people with disabilities about the lack of support and financial resources both at national and at Community level — and specifically from Portuguese organisations such as CNOD — to allow them to take part in various activities of interest to people with disabilities,

and that one of their major demands is for a proposal for a directive, pursuant to Article 13 of the Treaty, to combat discrimination on grounds of disability, something which was, moreover, envisaged in my report on implementing the Social Policy Agenda (A5-0247/2003), adopted by the European Parliament on 3 September 2003,

would the Commission provide details of the action and measures it plans in response to these demands?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(20 November 2003)

Article 2 of the Council Decision 2001/903/EC of 3 December 2001 establishing the European Year of People with Disabilities (EYPD) [1] defines the objectives of the European Year. These include awareness raising, exchange of good practice and reinforcement of co-operation between the various stakeholders. Article 11 stipulates EUR 12 million as the available budget for the EYPD.

It can already be said now that the EYPD is successful in achieving its objectives. The enthusiasm of non-governmental organisations (NGOs) and other stakeholders is reflected through thousands of activities that are being implemented in 2003. One consequence of the great interest in the EYPD is that not all activities could be supported within the given financial framework.

The EYPD is, however, not an end in itself. The Commission as well as all Member States are dedicated to making sure that the EYPD is properly followed up. Portugal for example intends to present a new fundamental and general law on disability and chronic illness; a law on non-governmental organisations representing people with disabilities and people with chronic illnesses and a national action plan promoting accessibility (2004-2011).

The Commission has issued a Communication on the follow up to the EYPD that introduces a rolling multi-annual Action Plan with the time horizon of 2010. The goal of the Action Plan is to mainstream disability issues into relevant Community policies and develop concrete actions in crucial areas to enhance the integration of people with disabilities. Three overall objectives are central to the proposed approach: achieving full application of Council Directive (2000/78/EC) [2], reinforcing mainstreaming of disability issues in relevant Community policies, and improving accessibility for all.

With regard to a Disability Directive based on Article 13 the Commission considers — as outlined in the response to Written Question E-2112/2003 by Mr de Rossa [3] — that the current priority is to ensure that the existing Community legislation (Directive 2000/78/EC) is fully transposed into national law.

In so far as the future of Union anti-discrimination policy is concerned, the Commission intends to launch a public consultation (Green Paper) in spring 2004 on the future strategy to combat discrimination. This paper will take stock of progress made in Union anti-discrimination policy and will raise issues/questions

regarding future policy development. It will also address the new challenges posed by the enlargement of the Union and will help to map out the way ahead for Union action on equality over the next five years or more.

(1) OJ L 335, 19.12.2001.
(2) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, OJ L 303, 2.12.2000.
(3) OJ C 11 E, 15.1.2004, p. 248.

(2004/C 65 E/273) **WRITTEN QUESTION E-3027/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(17 October 2003)

Subject: Discrimination against employees of OTE (Telecommunications Organisation of Greece)

Certain undertakings discriminate against workers on the basis of the age of recruitment. One of these undertakings is the Telecommunications Organisation of Greece (OTE), which in its advertisements aimed at recruiting staff with experience in the specialisation of telephone operator imposes an age-limit of 30 or 26 years for fixed-term part-time employment contracts. This practice means that a large number of workers, primarily women (95 % of workers in this field are women), who have been employed for decades are prevented from continuing to work and putting their experience to use because once they have passed the specific age limit they cannot renew their contracts.

This practice contravenes Article 5(1) of Directive 97/81/EC (1) by placing obstacles in the way of opportunities for part-time employment, and Directive 76/207/EEC (2) on the implementation of the principle of equal treatment for men and women, as stated in the Court of Justice's ruling in Case C-77/2002, which pointed out that many more women than men work part-time and, consequently, under the provision in question, are disqualified from the part-time employment system because of their age.

Could the Commission say whether the existence in a job advertisement of a provision which at first sight seems neutral, such as that concerning the age limit, constitutes discrimination, given that it operates to the detriment of those who are employed and wish to renew their contracts?

(1) OJ L 14, 20.1.1998, p. 9.
(2) OJ L 39, 14.2.1976, p. 40.

Answer given by Mrs Diamantopoulou on behalf of the Commission

(20 November 2003)

The Honourable Member is asking the Commission if the application of recruitment age limits by the Telecommunications Organisation of Greece amounts to indirect discrimination on grounds of sex given that it affects mainly women.

Articles 2(1) and 3(1) of Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions prohibit direct and indirect discrimination on grounds of sex. In accordance with the definition of indirect discrimination in Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex and the jurisprudence of the European Court of Justice, indirect discrimination exists where an apparently neutral provision, criterion or practice disadvantages a substantially higher proportion of members of one sex unless the provision, criterion or practice is appropriate and necessary and can be justified by objective factors unrelated to sex.

The Honourable Member may also wish to note that Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation [1] must be implemented by the Member States by 2 December 2003 at the latest. This Directive outlaws discrimination on grounds of religion and belief, disability, age or sexual orientation in the employment field. However, Article 6 of the Directive provides that differences of treatment on grounds of age shall not constitute unlawful discrimination if, within the context of national law, they are objectively and reasonably justified by a legitimate aim, such as labour market policy.

The deadline for the implementation of Directive 2000/78/EC has not yet passed, and the Commission has not yet received notification from Greece of its implementing measures. Once these have been received the Commission will study whether they are in conformity with the Directive, and in particular whether the practice mentioned in the Honourable Member's questions would be justified by the exception contained in Article 6 of the Directive.

As the Telecommunications Organisation of Greece is a public body, the Commission will, in the interim, contact the Greek authorities in order to obtain further information in relation to the practice referred to by the Honourable Member with a view to determining whether the practice amounts to indirect discrimination against women. The Commission will be in contact with the Honourable Member as soon as the necessary information is received.

[1] OJ L 303, 2.12.2000.

(2004/C 65 E/274) **WRITTEN QUESTION P-3033/03**

by Marianne Thyssen (PPE-DE) to the Commission

(8 October 2003)

Subject: Structural Funds — Objective 2 region — province of Limburg, Belgium

On 1 October 2003, the European board of the automobile manufacturer Ford announced the company's plans to reorganise its European production network. The production capacity of Ford's plant in Genk (province of Limburg, Belgium) is to be cut drastically in the near future, with disastrous social consequences, given that 3000 employees will lose their jobs. Job losses in firms supplying components are put at many thousands. This represents a further severe blow to the economic and social fabric of the province of Limburg.

In the past, the Commission recognised the province of Limburg as an Objective 2 region (involving three priorities and nine measures) and approved a development programme for the province for the period 2000-2006 funded in the amount of EUR 214 million. Measures and projects can be implemented on the basis of financial support from the European Regional Development Funds (ERDF) and the European Social Fund (ESF).

Can the Commission state what scope there is for releasing additional financial resources with a view to tackling more promptly the structural, economic and social problems facing the province of Limburg? Has the Commission received a request to that effect from the Flemish Government? Does the Commission itself intend to take such a step?

Answer given by Mr Barnier on behalf of the Commission

(3 November 2003)

On 28 June 2001 the Commission approved the single programming document for the province of Limburg under Objective 2 for 2000-2006 covering a total cost of EUR 240 482 000. The municipality of Genk is covered by this programme.

The Structural Fund contribution is EUR 92 696 000, i.e. 38 % of total programme expenditure.

The first priority under the programme ('Initiatives to promote the economy and employment'), for example, accounts for more than 50 % of total expenditure, which should enable the region's restructuring problems to be addressed. However, in line with the principle of subsidiarity, the managing authority for the programme (in this case the Ministry of the Flemish Community) has sole responsibility for selecting those projects which it wishes to approve, taking account of the purpose of the measures and budget availability.

It should also be pointed out that the region is also eligible for part of the ESF funding granted under the Objective 3 programme for the Flemish Region. This programme includes measures for the reintegration and training of those seeking employment and training for those already in work. The ESF contribution for this is EUR 376,2 million out of a total budget of EUR 894 million over the period 2000-2006.

As regards the possibility of releasing additional Community financial resources, there is a performance reserve of 4 % of the commitment appropriations provided for in each national allocation. The reserve is assigned to programmes on the basis of an assessment of their performance in terms of their impact on the ground using indicators reflecting effectiveness, management and financial implementation.

(2004/C 65 E/275) **WRITTEN QUESTION E-3034/03**

by Marianne Thyssen (PPE-DE) to the Commission

(17 October 2003)

Subject: Term of patents for computer-implemented inventions

At the sitting of 24 September 2003 Parliament voted at first reading on the proposal for a directive on the patentability of computer-implemented inventions.

Pursuant to Article 8(b) of the proposal, as amended by Parliament, the Commission is required to submit to Parliament and the Council a report on the issue of whether the rules governing the term of patents and the determination of patentability requirements, and more specifically novelty, inventive step and the proper scope of claims, are adequate.

Can the Commission state whether it regards the standard patent term (20 years) as suitable for software-related inventions? Does the Commission not regard a shorter period as desirable for this kind of high-technology invention? Does the Commission not take the view that such a decision might foster competition on the European market in software-related inventions?

Answer given by Mr Bolkestein on behalf of the Commission

(18 November 2003)

It is a long-standing feature of patent law that the term of protection is the same for all inventions, in all fields of technology. This principle has been enshrined as a firm legal obligation at the international level in the Trade Related Intellectual Property Rights (TRIPS) Agreement. The only deviation from this rule currently practised is to allow for an increased term of protection for certain products which are subject to lengthy regulatory approval procedures and which would therefore be subject, in the absence of such a provision, to a relatively short period of effective protection in the marketplace.

Nevertheless, the Commission is aware of arguments to the effect that the standard term of protection of 20 years is not appropriate for all fields of technology, and for this reason has agreed, in its response to the amendments made at first reading to the proposal, to examine the question. This examination would naturally take account of the need to encourage innovation and competition. It must, however, be appreciated that there would be considerable legal and technical challenges involved in making any change

in this area, not the least of which is the practical difficulty in defining, in sufficiently precise and watertight legal terms, the boundaries of the subject-matter to which different terms of protection might be applied. Moreover, even if it should be concluded that it is desirable and feasible to make such a change, for the reasons mentioned above, this would need to be pursued as a policy objective through international negotiations.

(2004/C 65 E/276) **WRITTEN QUESTION E-3040/03**

by Jo Leinen (PSE) to the Commission

(17 October 2003)

Subject: Application of Directive 2000/35/EC (deadlines for payment) to payments in connection with projects covered by the European Development Fund

Is it true that Directive 2000/35/EC [1], which was to be transposed by the Member States into national law by 8 August 2002 and laid down a 30-day deadline for the payment of invoices, also applies to payment transactions between EU authorities (such as the European Development Fund) and their contractual partners?

In response to an inquiry, a member of the EDF administrative staff told us in March 2003 that she was unaware of the Directive and that the EDF continued to apply a 90-day deadline to the settlement of its accounts. What will the European Commission now do in order to avoid giving the impression that the Union issues generally binding rules which their own bodies feel do not apply to them?

[1] OJ L 200, 8.8.2000, p. 35.

Answer given by Mr Liikanen on behalf of the Commission

(20 November 2003)

Directive 2000/35/EC of the Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions, does not harmonise the payment period at 30 days. The contracting parties may define the payment period as they wish. Article 3(1) of the Directive stipulates that interest shall become payable from the day following the date or the end of the period for payment fixed in the contract. If the date or period for payment is not fixed in the contract, interest automatically becomes payable 30 days following the date of receipt of the invoice or the date of receipt of the goods or services.

The Directive regulates all commercial transactions, including those between undertakings and public authorities, the latter as defined by the Public Procurement Directives [1] 92/50/EEC, 93/36/EEC, 93/37/EEC and 93/38/EEC. The Commission has undertaken to apply the terms of Directive 2000/35/EC [2] to its own contracting procedures, following the provisions set down in the Implementing Rules of the Financial Regulation applicable to the general budget of the European Community [3].

Article 106 of the Implementing Rules states that sums due shall be paid within no more than 45 calendar days from the date on which an admissible payment request is registered by the authorised department of the authorising officer responsible. The payment period shall be 30 calendar days for payments relating to service or supply contracts, save where the contract provides otherwise.

However, the Implementing Rules apply only to the general budget. The European Development Fund (EDF) is not included in the budget but organised and financed on an inter-governmental basis. It has its own specific Financial Regulation adopted on 27 March 2003 and applicable to the 9th European Development Fund [4]. The EDF Financial Regulation has to respect the obligations of the Community contained in the Partnership Agreement with the African, Caribbean and Pacific (ACP) States signed on 23 June 2000 in Cotonou (Benin) [5].

In Annex IV of the Agreement, Article 37 (6) lays down that the procedures for clearance, authorisation and payment of expenditure must be completed within a period of 90 days from the date on which the payment becomes due.

Under the Cotonou Agreement, financial management is decentralised to the authorities of the ACP countries. Their National Authorising Officers (NAO) manage EDF programmes. Under the terms of Article 37(6) mentioned above the NAO has 45 days to process and deliver the payment authorisation to the Commission's Head of Delegation responsible for the country concerned. The Commission then has, within the overall 90-days limit, 45 days to complete its internal procedures and make the payment.

This rule contained in the Cotonou Agreement was taken over in Article 67 of the EDF Financial Regulation.

([1]) Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts, OJ L 209, 24.7.1992 Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts, OJ L 199, 9.8.1993 Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts, OJ L 199, 9.8.1993 Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors, OJ L 199, 9.8.1993.

([2]) Directive 2000/35/EC of the Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions, OJ L 200, 8.8.2000, 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.

([3]) OJ L 357, 31.12.2002.

([4]) OJ L 83, 1.4.2003.

([5]) OJ L 317, 15.12.2000.

(2004/C 65 E/277) **WRITTEN QUESTION E-3041/03**

by Stavros Xarchakos (PPE-DE) to the Commission

(17 October 2003)

Subject: Serious defects in Greek ambulances

The 'New Democracy' party has repeatedly brought up in the Greek parliament the question of the provision of ambulances belonging to the National Emergency Aid Centre (EKAB), the specifications which should be met, transparency in the choice of the vehicle makes bought and the equipment that they should have in order to be able to carry out their difficult tasks.

Workers at EKAB have on many occasions pointed out that many of these ambulances lack the requisite portable artificial respiration equipment (which is designed to give the first supplies of oxygen to an injured person), as well as another acutely essential piece of equipment, the defibrillator, which ought to be in every ambulance to administer repeated electrical shocks to a patient who has had a heart attack.

The 'New Democracy' party has repeatedly pointed out (through the social issues coordinator responsible for this area, our former European Parliament colleague Nikitas Kaklamanis) the problem of lack of transparency in the choice of ambulances makes bought from time to time (thanks to the second and third Community support frameworks).

Could the Commission set out the exact total amounts which have been made available by the EU from 1994 until the present, and indicate precisely which operational programmes (either via the CSF or Community initiatives) apply to the provision of ambulances and other emergency medical care transport units? Has the Commission been informed of the above-mentioned defects in ambulance equipment? What is the Commission's position with regard to the allegations by workers at EKAB that for a city such as Athens (with five million residents) there are only 72 ambulances, amounting to one ambulance for every 70 000 city residents; hence the recent incident (on 30 September 2003) of the injured motorcyclist in Athens who waited for two hours in a heap on the road for an ambulance to arrive?

Answer given by Mr Barnier on behalf of the Commission

(11 November 2003)

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

(2004/C 65 E/278) **WRITTEN QUESTION E-3047/03**

by Elspeth Attwooll (ELDR), Heinz Kindermann (PSE), John McCartin (PPE-DE) and Willi Görlach (PSE) to the Commission

(17 October 2003)

Subject: Recreational fisheries and tourism statistics

The Commission and Council are aware that there is a need to improve the common statistical base on tourism. A common platform of know-how is a precondition for benchmarking, for change of views, for learning and for addressing strategic problems in the tourism sector. Also that there is a need to develop statistically valid and comparable data on tourism. A common goal is to initiate the implementation of national Tourism Satellite Accounts (TSA) in the Member States. Recreational fisheries (angling tourism) are a significant part of the European tourism sector.

Will the Commission make sure that recreational fisheries are measured and their figures mentioned in their own right within the overall frame for tourism statistics?

Answer given by Mr Solbes Mira on behalf of the Commission

(18 November 2003)

The Commission would like to draw the attention to the usefulness of the existing statistical legislation (Directive 95/57/EC) [1] for the production of internationally comparable statistics in the field of tourism. Its implementation in the Member States has led to constant progress in the availability of valid and comparable data on tourism. This data is published regularly by the Commission. As regards the Acceding Countries, major progress has been made, so that they can provide the same level of information as the present Member States at the moment when they will be joining the Union on 1 May 2004.

In the above-mentioned Directive, many breakdowns of the data are already requested, such as breakdowns by nationality, by length of stay or by principal mode of transport. No breakdown is requested concerning the type of holidays. As a result, it is not possible to distinguish recreational fisheries (or any other type of holiday) in the tourism statistics. In order to limit response burden, an introduction of additional breakdowns is not foreseen.

[1] Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism, OJ L 291, 6.12.1995.

(2004/C 65 E/279) **WRITTEN QUESTION E-3063/03**

by Hiltrud Breyer (Verts/ALE) to the Commission

(17 October 2003)

Subject: European Parliament and Council Directive 2001/83/EC on the Community code relating to medicinal products for human use

It has been scientifically proven that medicines affect women and men differently, yet women are underrepresented in clinical trials and the data gathered is not systematically treated as gender-specific.

North Rhine-Westphalia's Commission of Inquiry, 'The future of women-friendly healthcare in North Rhine-Westphalia', has put forward suggestions for a women-friendly implementation of Directive 2001/83/EC [1]. It considers that the directive needs to be amended to take women into account in research.

1. Is the Commission planning to amend the directive accordingly for the whole EU, so that women and men are equally represented in clinical research and the data collected is consistently recorded separately for each gender?

2. Or will the Commission ensure that the Member States implement the directive in a way that is suitable for both genders?

[1] OJ L 311, 28.11.2001, p. 67.

Answer given by Mr Liikanen on behalf of the Commission

(19 November 2003)

The Directive 2001/83/EC, as amended by Commission Directive 2003/63/EC of 25 June 2003 [1], sets out in its Annex I the analytical, pharmacotoxicological and clinical standards and protocols in respect of the testing of medicinal products for the purpose of granting a marketing authorisation.

In Part I point 5.2. (f) of this Annex, it is foreseen that the clinical observations shall be summarised for each trial indicating:

(1) the number and sex of the subject treated;

(2) the selection and age-distribution of the groups of patients being investigated and the comparative tests …

…

(6) details concerning patients who may be at increased risk, e.g. elderly people, children, women during pregnancy or menstruation …

The general rule, as foreseen in Directive 2001/83/EC, is therefore that an appropriate study design should be chosen and the clinical trial must be conducted in a way that the results of the trials, including the statistical assessment, must provide a positive efficacy of the indication, which supports a marketing authorisation of the medicinal product without a gender specific restriction.

Exceptions to this general obligation are only accepted for marketing authorisations of medicines with gender specific indications.

[1] OJ L 159, 27.6.2003.

(2004/C 65 E/280) **WRITTEN QUESTION P-3078/03**

by Bart Staes (Verts/ALE) to the Commission

(14 October 2003)

Subject: European standard EN-1078

Two Flemish professors at the Catholic University of Louvain (CUL) have carried out a study of 86 cycling accidents and have come to the conclusion that when a rider falls it makes little difference whether or not he or she is wearing a helmet. They go on to argue for helmets to be completely redesigned.

The academics acknowledge that it is safer to wear a helmet when cycling. However, current helmets do not prevent the cranial vibrations which can be caused by a fall and fail to provide full protection for the temple area.

Cycling helmets must comply with European standard EN-1078. The two academics describe that standard as too vague and as not being based on reliable scientific data, with the result that helmets fail to meet the purpose for which they are designed.

Is the Commission aware of the study carried out by the two CUL professors?

Does it share their conclusion that European standard EN-1078 is too vague and not based on reliable scientific data and, if not, what arguments can it put forward to counter that view?

Is the Commission prepared to release resources to fund scientific studies into the production of the safest, most comfortable and cheapest cycling helmets possible, and if not, why not?

Answer given by Mr Liikanen on behalf of the Commission

(11 November 2003)

The standard EN 1078 was elaborated by the European Committee for Standardisation (CEN) which means that a group of international experts had developed this product standard in the light of the technical state-of-the-art and that the standard had been voted by the CEN signatories after due verification.

The Commission published the reference of this standard in accordance to Article 5.4 of Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Members States relating to personal protective equipment [1] (PPE). Thus the standard was accepted for supporting the implementation of this Directive since it directly addressed the essential health and safety requirement of its Annex II.

So far no research results challenging the protective performance of the standard have been mentioned by any of the Member States representatives which meet twice a year with the Commission in two different groups, the Expert Group 'PPE' and the Group of administrative co-operation related to market surveillance: the Commission service responsible for the Directive mentioned above is not aware of the study quoted by the Honourable Member.

The Commission would also like to emphasise its interest to be informed about research finding concluding that a product standard is not fully satisfying and thus potentially exposing the European citizen to safety and health hazards.

The Commission will put this issue on the agenda of the forthcoming meeting of the Member State's market surveillance authorities scheduled for December 2003 in order to investigate about the European dimension of the problem raised.

The Commission will also discuss the issue with CEN directly in order to explore the need for action. The issue could be tackled within the routine revision of product standards organised by CEN. Alternatively, it could be included in the Commission's mandates to CEN, using the framework within which the Commission funds substantially the European standardisation work.

[1] OJ L 399, 30.12.1989.

(2004/C 65 E/281) **WRITTEN QUESTION P-3093/03**

by Harald Ettl (PSE) to the Commission

(14 October 2003)

Subject: Inclusion of the active substance paraquat on the positive list in Directive 91/414/EC

At the meeting of the Standing Committee on the Food Chain and Animal Health on 2 and 3 October 2003, a decision was taken to include the herbicide paraquat on the positive list (Annex I) set out in Directive 91/414/EC [1] concerning the placing of plant protection products on the market.

Paraquat is extremely toxic for human beings and animals. It is also persistent and accumulates in the soil with repeated use. In view of its toxicity, there is a general ban on the use of paraquat in seven countries, and in other countries its use is strictly limited.

Despite the dangers which paraquat poses for human health and the environment, the Commission has proposed including the herbicide on the positive list, allowing it to be placed on the market in the EU and other countries. Relaxing the current restrictions on paraquat would frustrate efforts to achieve higher health and safety standards in agriculture, encouraging instead agricultural production methods that are unsustainable from a social and environmental point of view.

It is of particular importance to the European Parliament and citizens to learn what has made the Commission and the Council expose the people of Europe to this toxic and dangerous herbicide.

(1) OJ L 230, 19.8.1991, p. 1.

Answer given by Mr Byrne on behalf of the Commission

(12 November 2003)

Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market creates a harmonised framework for the authorisation and placing on the market of plant protection products. Active substances to be used as plant protection products are assessed and authorised at Community level and are listed in Annex I to the Directive. Subsequently, individual plant protection products containing active substances are assessed and authorised by Member States under harmonised rules.

Article 5 of the Directive provides for a listing of active substances in Annex I to the Directive when, in the light of the current scientific and technical knowledge, it is demonstrated that they satisfy, in principle, its safety requirements for human health and the environment.

For paraquat the data submitted by industry were evaluated by the Member States and the Commission within the framework of the Standing Committee on the Food Chain and Animal Health. The documents and information were also submitted to the independent Scientific Committee for Plants with a request to comment on the relevance of the possible risks for consumers and operators and on potential risks for the environment (in particular soil organisms, birds and hares).

In its opinion (1), the Scientific Committee concluded that when paraquat is used as a plant protection product as recommended under prescribed good working practices, its use does not pose any significant health risk for operators. It also noted that uses at recommended field rates are unlikely to pose a significant risk to soil-dwelling organisms. However, it requested a more detailed appraisal of the likely effects of paraquat on the rate of degradation of organic material in soil. This information was subsequently delivered and evaluated by the Rapporteur Member State and considered to be acceptable. It also concluded that available studies indicated a hazard to ground-breeding birds but that further information on realistic exposures would be needed for a definitive assessment of the risk. This information was also subsequently provided and the evaluation within the Standing Committee on the Food Chain and Animal Health concluded that, even though there are scenarios where exposure may occur, there are several situations where exposure to ground nesting birds is negligible. In this case the evaluation within the Standing Committee on the Food Chain and Animal Health concluded that the risk would be acceptable, provided appropriate risk mitigation measures are applied. Finally, the Scientific Committee concluded that paraquat may be expected to cause lethal and sublethal effects for hares, but that the available data are inadequate to estimate the proportion of hares affected. The views of the Scientific Committee were taken into consideration when drafting the inclusion Directive and the Review Report.

Overall, the evaluation within the Standing Committee on the Food Chain and Animal Health concluded that the risk would be acceptable if appropriate risk mitigation measures are applied and that therefore the requirements of Article 5 of the Directive were met and that paraquat should be included in Annex I to the Directive.

Nonetheless, decision-making for paraquat was difficult because of its recognised toxicity. Therefore, the draft considered by the Member States in the Committee includes restrictive provisions as well as a mandatory monitoring and reporting programme and a proposed review of the efficacy of the risk mitigation measures.

The discussions also addressed the frequent use of paraquat in suicide attempts and in accidents in developing countries. However, the draft inclusion Directive would only be applicable in the Community. It contains technical specifications to minimise the possibility of accidental or even deliberate ingestion. To address these concerns the notifier has undertaken to use the Community's specifications for its global sales and to organise a stewardship programme worldwide. This programme will involve training in safe use, a monitoring programme of possible accidents and the development of formulations which are safer for the user.

The Commission is of the opinion that the risks connected with the use of paraquat can be managed in such way that its use is acceptable. Moreover, it is also to be expected that the risks connected with the use of plant protection products containing paraquat will be reduced on a world-wide scale.

It is also important to stress that inclusion in Annex I is not an encouragement to use paraquat and that the inclusion would not relax existing restrictions in the Community. It simply means that Member States may authorise the use of products containing paraquat. In fact, compared to the present situation, inclusion will most likely increase the protection of workers and the environment because of the extra restrictions (above and beyond those already in place) that will be obligatory on those Member States that decide to continue authorising products containing paraquat.

Moreover, after five years the Commission shall submit to the Standing Committee on the Food Chain and Animal Health a report on the application of the Directive on paraquat indicating whether the requirements for Annex I inclusion continue to be satisfied and may propose any amendment to it, including if necessary the withdrawal of paraquat from Annex I.

(1) Opinion of the Scientific Committee on Plants on specific questions from the Commission regarding the evaluation of paraquat in the context of Council Directive 91/414/EEC; SCP/PARAQ/002 adopted on 20 December 2001.

(2004/C 65 E/282) **WRITTEN QUESTION P-3125/03**

by Monica Frassoni (Verts/ALE) to the Commission

(17 October 2003)

Subject: Structural aid for Valencia

The Commission's reply to my question E-2398/03 [1] on structural aid for Valencia and the diversion of water from the Ebro, stated that on 26 March 1999 the Commission only had statistical data for GDP in the Valencian Autonomous Community for 1994, 1995 and 1996. When Objective 1 regions were selected, calculations on the basis of the data for those three years put Valencia below the 75 % threshold. However, the Commission acknowledges that the data were subsequently revised, and Valencia moved above the 75 % for the same three years. The issue is therefore more serious than what the Court of Auditors describes in its Special Report No 7/2003. The Court says that if the most recent statistics (1996, 1997 and 1998) had been used, the Valencian Autonomous Community would not have been entitled to Objective 1 subsidies from the Structural Funds for 2000-2006, since the GDP was above 75 % of the Community average, while the Commission is now stating that a revision of those same years 1994, 1995 and 1996, showed Valencia already above the 75 %.

How can such a mistake have been made in calculating GDP for 1994, 1995 and 1996? Why, on 26 March 1999, were no data more recent than 1996 available?

Can the Commission verify whether the data were manipulated so as to place Valencia below the 75 % limit on 26 March 1999?

(1) OJ C 58 E,6.3.2004, p. 164.

Answer given by Mr Barnier on behalf of the Commission

(14 November 2003)

Following reform of the Structural Funds in 1988 the list of regions lagging behind in development qualifying for Objective 1 was twice adopted by the Council acting on a Commission proposal, on the first occasion for the 1989-1993 and on the second for the 1994-1999 programming period.

It was for the 2000-2006 programming period that the Commission was for the first time charged, by the Berlin European Council, with determining the list of Objective 1 regions.

The rules [1] on determination of these regions are very precise:

— strict application of a threshold of 75 % of the Community average per capita gross domestic product (GDP) measured in purchasing power parities;

— use of Community data only;

— a cut-off date of 26 March 1999 for the figures to be used.

It was by applying these rules that in July 1999 the Commission, immediately after adoption of the new Structural Fund Regulations, determined the list of Objective 1 regions [2]. The GDP per capita figures used were those available on 26 March 1999, which covered the years 1994 to 1996. Eurostat's practice in agreement with the national statistical institutes is to calculate preliminary data for the year T at the end of month T+12 and final data at the end of month T+24. Thus in March 1999 the latest figures available were for 1996. These time lags are included in the rules in force for compilation of the national accounts.

As are the very great majority of statistics, the sets of statistics in question are periodically revised. This is standard procedure and not a consequence of error, Valencia not excepted.

There are three reasons for such changes:

— methodological improvements yielded by the switch from ESA 79 to ESA 95. All the data used by the Commission for the purposes of its decisions was compiled by Eurostat using a set of Community methods named System of Economic Accounts 79 (ESA 79). This set of methods was subsequently upgraded by a Council Regulation instituting ESA 95 incorporating a number of improved methods. Under Article 7 of that Regulation ESA 95 applies for the data to be transmitted from April 1999 onwards.

— updatings of the indicators underlying GDP estimates; these include census findings;

— changes in the economic situation in the regions and Member States.

There is no legal basis for reexamining any region's Objective 1 eligibility. To provide stability for planning structural assistance Article 6 of Regulation (EC) No 1260/1999 maintains the Objective 1 region list unchanged until 31 December 2006. Since the Regulation makes no provision for reexamining the list during the 2000-2006 programming period the Commission is unable to envisage any rescheduling of Comunidad Valenciana or any other region lagging behind in development covered by Objective 1.

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[1] Article 3 of Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds, OJ L 161, 26.6.1999.

[2] Commission Decision of 1 July 1999 drawing up the list of regions covered by Objective 1 of the Structural Funds for the period 2002-2006.

(2004/C 65 E/283) **WRITTEN QUESTION P-3154/03**

by Michael Cashman (PSE) to the Commission

(20 October 2003)

Subject: Mobile telephone safety

Given the findings of recent studies which show that the new generation of mobile telephones can interfere with many types of heart pacemaker, can the Commission detail what measures are being taken to prevent harm to the health of EU citizens?

It would seem that newer pacemakers that are fitted with a ceramic filter are immune. Can the Commission confirm that steps are being taken to introduce these models across the industry and to ensure that the public are aware of the risks of using the old models?

Can the Commission also detail what information it has provided regarding the safety of using mobile telephones in conjunction with a pacemaker since 1994?

Answer given by Mr Liikanen on behalf of the Commission

(3 November 2003)

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

(2004/C 65 E/284) **WRITTEN QUESTION P-3161/03**

by Raffaele Costa (PPE-DE) to the Commission

(20 October 2003)

Subject: Italian proposal for adapting Directive 97/24/EC to technical progress

In 2000, the Italian Government proposed that a procedure be launched for adapting Directive 97/24/EC [1] to technical progress with the aim of introducing the separate type-approval of replacement catalysts. This adaptation would enable all manufacturers of replacement catalytic converters to obtain type-approval for their products. Three years have passed since this proposal was presented, and it is still with the relevant departments at the Commission.

Could the Commission indicate what stage those departments have reached in their work, whether they have set themselves a deadline for completion of the work and whether on adoption the draft directive will take the form of a technical directive?

[1] OJ L 226, 18.8.1997, p. 1.

Answer given by Mr Liikanen on behalf of the Commission

(18 November 2003)

The Commission is presently working on a very large package of amendments with respect to motorcycle emissions through reference to Articles 5-8 of Directive 2002/51/EC [1] (amending Directive 97/24/EC [2]). That package includes replacement catalytic converters and the Commission has worked closely with the Italian authorities, other Member States and stakeholders on this specific issue.

It was originally foreseen that the Italian proposal on replacement catalysts could be dealt with through the Committee for Adaptation to Technical Progress (CATP). However, the proposal needed more time for consideration by stakeholders and for the preparation of acceptable amendments. It should also be noted that the inclusion of requirements for replacement catalysts in Directive 97/24/EC will extend the scope of that Directive and this should not be addressed through CATP.

Replacement catalytic converters will therefore be dealt with in the overall package of measures to be proposed to the legislators through co-decision. This package of measures is subject to an extended impact assessment that will provide an evaluation of the Commission proposal to be presented to the Parliament and Council during the beginning of 2004.

(1) Directive 2002/51/EC of the Parliament and of the Council of 19 July 2002 on the reduction of the level of pollutant emissions from two- and three-wheel motor vehicles and amending Directive 97/24/EC, OJ L 252, 20.9.2002.

(2) Directive 97/24/EC of the Parliament and of the Council of 17 June 1997 on certain components and characteristics of two or three-wheel motor vehicles.

(2004/C 65 E/285) **WRITTEN QUESTION E-3172/03**

by Caroline Jackson (PPE-DE) to the Commission

(27 October 2003)

Subject: Fire safety in hotels

A consumer survey from May 2002 showed that 82 % of 80 hotels inspected were unsafe in the event of a fire, due to management faults (misuse of emergency stairwells for storing maintenance equipment, fire doors, fixed, open locking of emergency exit doors) and structural faults (single unprotected escape routes, lack of fire and smoke compartments, incomplete and unclear orientation/guidance systems).

As the Commission has recognised that not all Member States have implemented the recommendation on hotel fire safety, will the Commission, based on the consumer survey's findings, now finally proceed with a directive?

Has the Commission considered whether the proposed new legislative framework for 'safety of services' (1) could be applicable to hotels, and would this make the recommendation on hotel fire safety superfluous?

(1) COM(2003) 313.

Answer given by Mr Byrne on behalf of the Commission

(20 November 2003)

The Commission is aware of the survey conducted in 80 hotels by consumer associations from five Member States. Although it was not based on Council Recommendation 86/666/EEC on fire safety in existing hotels (1), the Commission feels that it reinforces the analysis presented in its report on the application of Recommendation 86/666/EEC (2).

The Commission therefore intends to continue as follows, in accordance with the guidelines set out in this report:

— in the cases provided for in Recommendation 86/666/EEC, to make greater provision for alternative solutions where the technical guidelines cannot be implemented;

— to clarify issues related to the monitoring by Member States of implementation of the Recommendation;

— given the time which has passed since its adoption, to check whether the technical guidelines set out in Recommendation 86/666/EEC need to be updated and/or improved;

— to consider the advisability and potential means of identifying and disseminating best practice in fire prevention.

In line with these guidelines, the Commission does not at this stage envisage submitting a proposal for a specific directive on this subject.

The Commission also considers it to be of the utmost importance to have, as far as possible, objective and full knowledge of the situation on the ground. To this end, it intends to complete its assessment of existing regulations in this area in the Member States and to compile an inventory of hotel fires in the Community between 1986 and 2003, including an analysis of their causes and consequences. These two measures will allow a better evaluation of risks, thus creating a stronger basis and a clearer course for Community action.

With regard to the discussions under way on a Community legal framework for service safety, it would be premature to speculate on its scope in relation to hotel fire safety. However, the Report from the Commission to the European Parliament and the Council on the safety of services for consumers ([3]) makes it clear that tourism, leisure and sports activities will be priority sectors for the Community, and hotels will be included in this.

([1]) OJ L 384, 31.12.1986.
([2]) COM(2001) 348 final.
([3]) COM(2003) 313 final.

(2004/C 65 E/286) **WRITTEN QUESTION P-3194/03**

by Säid El Khadraoui (PSE) to the Commission

(22 October 2003)

Subject: Carcinogenic substance in baby food

Producers of baby food should replace the lids on their jars as quickly as possible. The lids contain low doses of semicarbazide (SEM), a substance that can cause cancer in mice, according to the European Food Safety Agency (EFSA). Research shows that a dose 40 000 times higher than a baby's daily intake can cause tumours in mice. According to the EFSA, the risk to babies is very small but, on the other hand, no research has ever been carried out on human beings. The problem also arises with some brands of fruit juice, jam, vegetables, mayonnaise and other foodstuffs packed in bottles and jars.

What is the Commission's view of the EFSA's research findings? How serious does it consider the risk to babies, children and adults to be?

What action does the Commission intend to take? Can the Commission say exactly what measures will be introduced and on what timescale?

Answer given by Mr Byrne on behalf of the Commission

(18 November 2003)

The European Food Safety Authority (EFSA) is an independent authority with the task to provide the Community Institutions and Member States with scientific advice and technical support in the area food and feed safety. The risk assessment on semicarbazide (SEM) carried out by EFSA concludes that the risk to the consumer and babies in particular is very small but that it would be prudent to reduce exposure to SEM as swiftly as technological progress safely allows. The Commission is acting on this basis.

As soon as the Commission received the statements of EFSA concerning the safety assessment of foods and in particular baby foods in glass jars and bottles, it convened a meeting with the Member States within the Standing Committee on the Food Chain and Animal Health, which took place on 14 October 2003.

At this meeting the phasing out of the use of the blowing agent azodicarbonamide as quickly as technically and legally possible was agreed. To this effect, the Commission will present a draft amendment of Directive 2002/72/EC [1] (the Plastics Directive) to the Standing Committee on the Food Chain and Animal Health by the end of 2003.

At the request of the Commission, the Member States will continue to monitor the presence of SEM in packaged foods, in particular baby foods, and will report the results to the Commission for onward transmission to EFSA. On the basis of these results, a re-evaluation will be carried out if needed.

Furthermore, the Commission has asked EFSA to assess, with high priority, the risk of SEM levels currently reported in various food products and to complete the assessment of the risks posed by semicarbazide from various origins and in all types of food.

[1] Commission Directive 2002/72/EC of 6 August 2002 relating to plastic materials and articles intended to come into contact with foodstuffs, OJ L 220, 15.8.2002. Corrigendum, OJ L 39, 13.2.2003.

(2004/C 65 E/287) **WRITTEN QUESTION E-3202/03**

by Alexandros Alavanos (GUE/NGL) to the Commission

(30 October 2003)

Subject: Ban on the use of paraquat

At a recent meeting of the Standing Committee on the Food Chain and Animal Health, a Commission proposal was adopted regarding the use of paraquat as a pesticide. This substance is known to be exceedingly dangerous and can cause irreversible damage to human health. Given its highly toxic nature, coupled with the absence of any antidote, it may prove fatal and it is particularly harmful to animals and birds. In certain Member States the use of paraquat has been prohibited and many non-governmental organisations have called for a ban on its use both in the EU Member States and in the developing countries.

Why has the Commission recommended the continued use of such a highly toxic substance? Is it aware that by authorising the widespread use of paraquat, it will encourage its use in countries where it is already banned and in developing countries? Will it reconsider the matter, given the availability of safer alternatives?

Answer given by Mr Byrne on behalf of the Commission

(18 November 2003)

The Commission would refer the Honourable Member to its answer to written P-3093/03 by Mr Ettl [1].

[1] See page 266.

(2004/C 65 E/288) **WRITTEN QUESTION P-3290/03**

by Claude Moraes (PSE) to the Commission

(3 November 2003)

Subject: Work-related illnesses

Could the Commission please give the reasons for its request to Member States to widen their lists of official work-related illnesses in its 19 September approval of a draft Recommendation on professional health risks?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(20 November 2003)

The Commission adopted the Recommendation concerning the European schedule of occupational diseases [1] on 19 September 2003. This Recommendation updates and replaces an existing Recommendation of 22 May 1990 [2] on the same subject, because of the need to take account of data arising from scientific and technical progress in this field, to have an up-to-date instrument in the run-up to the European Union's forthcoming enlargement, and to do justice to the special emphasis which the 'new Community strategy on health and safety at work 2002-2006' [3] places on enhanced prevention of occupational diseases.

The new Recommendation calls on Member States to 'introduce as soon as possible into their national laws, regulations or administrative provisions concerning scientifically recognised occupational diseases liable for compensation and subject to preventive measures, the European schedule in Annex I'.

In addition to the agents and diseases linked directly to occupation and already included in the previous Recommendation, Annex I to this Recommendation contains a further 16 diseases on whose occupational origin there is a broad scientific consensus.

During the time since the 1990 Recommendation was issued, scientific and technical progress has led to a greater understanding of how certain occupational diseases emerge and of the causal relationships involved.

The Commission would like to draw the Honourable Member's attention to the fact that the Member States were closely involved in the preparatory work for the adoption of the Recommendation by the Commission, particularly in relation to Annex I, the European schedule of occupational diseases.

In addition, the experience acquired since 1990 by monitoring the above Recommendation in the Member States has highlighted various aspects which could be improved in order to attain more fully the Recommendation's objectives, particularly in relation to prevention and to the collection and comparability of data in this field. These aspects too have been included in the new Recommendation.

The Commission feels that this new Recommendation should be the preferred instrument for effective prevention of occupational diseases in the European Union.

[1] OJ L 238, 25.9.2003.
[2] OJ L 160, 26.6.1990.
[3] COM(2002) 118 final.

(2004/C 65 E/289) **WRITTEN QUESTION E-3504/03**

by Hiltrud Breyer (Verts/ALE) to the Commission

(24 November 2003)

Subject: Information on the level of EU funding granted to Rhineland-Palatinate between January 1997 and December 2002

1. For what measures was EU funding paid to Rhineland-Palatinate between 1997 and 2002, and what were the sums involved from the following programmes and funds:

(a) the European Social Fund;

(b) the Fifth Framework Programme for Research;

(c) the European Regional Development Fund;

(d) EU environmental and energy programmes;

(e) the European Agricultural Guidance and Guarantee Fund (Guidance Section and Guarantee Section);

(f) other EU programmes?

2. How much was paid from the programmes and funds for cross-border projects involving Rhineland-Palatinate and, respectively, Luxembourg, Belgium, Lorraine and Alsace? What are the projects involved in each case?

Answer given by Mr Prodi on behalf of the Commission

(2 December 2003)

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

(2004/C 65 E/290) **WRITTEN QUESTION E-3505/03**
by Hiltrud Breyer (Verts/ALE) to the Commission

(24 November 2003)

Subject: Information on the level of EU funding granted to Saarland between January 1997 and December 2002

1. For what measures was EU funding granted to Saarland between 1997 and 2002, and what were the sums involved from:

(a) the European Social Fund;

(b) the Fifth Framework Programme for Research;

(c) the European Regional Development Fund;

(d) EU environmental and energy programmes;

(e) the European Agricultural Guidance and Guarantee Fund (Guidance Section and Guarantee Section);

(f) other EU programmes?

2. How much was paid from the individual programmes and funds for cross-border projects involving Saarland and, respectively, Luxembourg, Belgium and Lorraine?

Answer given by Mr Prodi on behalf of the Commission

(2 December 2003)

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