

The Commission has learned from the electronic press service of the Flemish Community that building permits were given on 18 March 2002 to continue the construction of the 'Deurganck'-dock pursuant to the Decree adopted on 14 December 2001.

The Commission holds the view that for public works which have to be realised for imperative reasons of public interest, which have a negative effect on a Natura 2000 site and for which no alternative can be found, it is required to take all the necessary steps to ensure that compensatory measures are carried in order to guarantee that the overall coherence of Natura 2000 is maintained.

The Commission wishes to point out that the compensation measures proposed by the Flemish authorities and mentioned by the Honourable Member are in the planning or concept stage, as are other compensation measures already proposed before in relation to the same cases. On the whole, none of these compensation measures have been yet realised and to the present day, the Commission has not received any information regarding the starting of works to realise any of them.

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(2003/C 92 E/041)

**WRITTEN QUESTION E-1085/02**

**by Konstantinos Hatzidakis (PPE-DE) to the Commission**

(18 April 2002)

*Subject:* Funding of Community support framework programmes in Greece

According to information published in the Greek press, the Greek Government has asked the Commission to accelerate funding (potentially in excess of the original stipulations on this point in Regulation (EC) 1260/1999<sup>(1)</sup> on the Structural Funds) of the CSF operational programmes, which it believes can advance more quickly in the future, in compensation for the non-funding of other programmes which are not sufficiently ready.

1. Is this information true?
2. How does the Commission intend to respond to the Greek Government's request?

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<sup>(1)</sup> OJ L 161, 26.6.1999, p. 1.

**Supplementary answer  
given by Mr Barnier on behalf of the Commission**

(3 July 2002)

Earlier this year, the Greek authorities requested changes in the financial profiles of four operational programmes under the Community support framework for Greece during the 2000-2006 period, with a view to facilitating the financing of transport infrastructures linked to the Olympic Games in 2004.

The Commission is aware of the importance of the Olympic Games for Greece and for the Union as a whole. It is current working closely with the Greek authorities as a matter of priority in order to determine the feasibility of a shift of funds from other projects to infrastructures linked to the Olympic Games, and the practical means by which this may be brought about in the context of the regulations governing the Structural Funds and Cohesion Fund.

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(2003/C 92 E/042)

**WRITTEN QUESTION E-1099/02**

**by Alexandros Alavanos (GUE/NGL) to the Commission**

(18 April 2002)

*Subject:* Tax rebate and judgment of the Court of Justice in case C-249/00

Following the judgment of the Court of Justice of 2 August 2001 in case C-249/00, Greeks who have worked abroad, Greek seafarers and Greeks resident abroad will no longer be able to benefit from a reduced rate of tax on the transfer of property where the property is purchased with foreign currency.

Since applications have been made for tax rebates by foreign nationals of Member States of the Union in relation to transfers of property at various periods of time, will the Commission say at what point a possible tax rebate would be justified in the above circumstances? On publication of the judgment, from the point at which the reasoned opinion was issued, or from another point in time?

**Answer given by Mr Bolkestein on behalf of the Commission**

(6 June 2002)

There has been no Court judgment, but only an administrative decision to withdraw the case from the register<sup>(1)</sup>. In fact, the Commission refrained from pursuing its infringement procedure before the Court after Greece eliminated the provisions which discriminated against non-Greek European citizens.

The Greek legislation of 1950, (modified partially in the area in question in 1997) provided for a preferential tax treatment of Greek nationals. This became incompatible with the EC Treaty when Greece joined the EC in 1981. However, the elimination of this preferential treatment only applies from the fiscal year 2001 and not retroactively to cases between 1981 and 2001.

Under the Community law principle of non-discrimination Union citizens may claim to be treated on an equal footing with Greek citizens. Therefore, for the years prior to 2001, they can in principle benefit from the tax rebate originally designed for Greek nationals only. However, as in all Member States, national rules limit the possibility of reopening closed cases. Normally taxes unduly paid (i.e. in relation to purchases made prior to 2001) can only be reclaimed to the extent that the respective assessments have been kept open (normally by an administrative or judicial appeal).

In any case, these national rules may not jeopardize or discriminate the enforcement of a claim based on Community law in comparison with the enforcement of a claim based on national law.

<sup>(1)</sup> OJ C 348, 8.12.2001.

(2003/C 92 E/043)

**WRITTEN QUESTION E-1124/02**

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

(18 April 2002)

*Subject:* Promeuro

Could the Commission please indicate how much money it has devoted to, and from which budget line it funds, the organisation Promeuro? Could it also please list the amounts for each of the past five years?

**Answer given by Mr Solbes Mira on behalf of the Commission**

(16 July 2002)

In reply to the question of the Honourable Member, hereby the overview of the Commission's contributions to Promeuro's projects over the last five years. They were financed on budget lines B3-306 and A 3021 respectively.

Community contributions to Promecu/Promeuro asbl over its existence

(in euros)

Year	Project	Language	Community Contribution	
			For school programmes	As organisation advancing the idea of Europe
1990-1994			0	0
1995	EC contribution to NGO			10 000