

(2003/C 137 E/138)

WRITTEN QUESTION E-2807/02**by Gabriele Stauner (PPE-DE) to the Commission**

(7 October 2002)

Subject: Unlawful supplements to Commissioners' salaries

In its answer to my Written Question P-1805/02 ⁽¹⁾, Mr Kinnock once again refuses to provide information about the extent to which he has benefited from the so-called 'weightings', the application of which to Commissioners' salaries was halted only as a result of my Written Question P-1233/02 ⁽²⁾.

If the Vice-President of the Commission has been having part of his salary transferred not to an account in Brussels but to London, he could according to press reports have received an estimated monthly supplement of Euro 3000 during the period up to June 2002. If Mr Kinnock's total time in office to date in Brussels is taken into account, a cautious estimate of the overall sum accumulated in this way could be around EUR 150 000.

Why does Mr Kinnock nevertheless maintain that additional payments on such a scale are not increases of salary?

Why does Mr Kinnock give the impression that the European Court of Justice has approved the salary transfers in question? Is he not aware that the Court of Justice has also halted such transfers?

If, as maintained by the Commission, these transfers were entirely lawful, why then is the question as to who benefited from them being kept secret by the Commission? How is such secretiveness compatible with the Commission's duty of democratic accountability?

Can the Commission confirm that Commissioners not originating in the United Kingdom were also able to transfer part of their salary to London, for example, in order to finance on fabulous terms (with a supplement of more than 60 %) the acquisition of property there?

⁽¹⁾ OJ C 309 E, 12.12.2002, p. 164.

⁽²⁾ OJ C 277 E, 14.11.2002, p. 162.

Answer given by Mr Kinnock on behalf of the Commission

(10 December 2002)

The Honourable Member repeats a number of questions relating to the legality of the weighted transfer system which are broadly similar to those put in her Written Questions P-1805/02 ⁽¹⁾ and P-1233/02 ⁽²⁾. The Honourable Member is referred to the Commission's answers to those questions, which set out in full the legal reasons demonstrating that the system is lawful, and does not lead to a net increase of salary.

As the Honourable Member knows, the Commission takes the view that the weighted transfer system is in full conformity with the principle of parallelism contained in the Council Regulation on Members' remuneration ⁽³⁾. Furthermore, the suggestion that weighted transfers are increases of salary is erroneous. The application of the weighting factor in respect of permanent officials and Members of the Court of Justice, Court of Auditors and the Commission is intended to reflect the difference in the cost of living between the place of employment and the place where the official or Member continues to have to meet financial obligations. It is therefore an instrument intended to ensure, within limits, equality of purchasing power.

No Commission decisions were taken 'as a result of' a Question from the Honourable Member. As the Honourable Member knows from the answer to her Question 1233/02, the Commission was informed by the Court of Auditors on 17 May 2002 that Members of the Court decided on 16 May to suspend their use of the weighted transfer system from 1st July and to continue that suspension unless and until the legal base for such weighted transfers was clarified. The Commission took note of that information and decided on 5 June to follow the same course from 1st July. That decision was duly implemented and it remains in force.

The reference made by the Honourable Member to 'impressions' related to the Court of Justice appears to overlook the letter of 15 July sent to her by the Court which confirmed the opinion of that Institution that the weighted transfer system defined in the Staff Regulations also lawfully applies to Members of the Commission, the Court of Auditors and the Court of Justice. The Commission understands that on 12 June the Members of the Court of Justice followed the same course as members of the Court of Auditors and of the Commission and suspended use of the weighted transfer system.

In a letter of 9 October 2002 to Vice-President Kinnock, however, the Court of Justice informed the Commission that, following reflection, it had reaffirmed its view that the weighted transfer system as applied to Members of the Institutions always has been, and continues to be, legal and in full conformity with the rules. Accordingly, the Court of Justice has ended its suspension of the weighted transfer system, and has consequently decided to apply the weighted transfers for its Members on the same conditions as those applicable to officials. A copy of that letter will be sent to the Honourable Member and to Parliament's Secretariat.

The Commission confirms that no Member of the Commission who is not a national of the United Kingdom has carried out transfers to that country.

⁽¹⁾ OJ C 309 E, 12.12.2002, p. 164.

⁽²⁾ OJ C 277 E, 14.11.2002, p. 162.

⁽³⁾ Regulation No 422/67/EEC, 5/67/Euratom of the Council of 25 July 1967 determining the emoluments of the President and members of the Commission and of the President, Judges, Advocates-General and Registrar of the Court of Justice, OJ 187, 8.8.1967.

(2003/C 137 E/139)

WRITTEN QUESTION E-2808/02

by Graham Watson (ELDR) to the Commission

(7 October 2002)

Subject: Common fisheries policy reform — 12-mile exclusive zone

Has the Commission considered instigating permanent exclusive use of the 0-12-mile zone for national fishing vessels?

Indigenous inshore shellfisheries urgently need protection to safeguard them from over-fishing. Can the Commission explain briefly what measures it is taking in this regard and indicate the timescale to which they are working?

Answer given by Mr Fischler on behalf of the Commission

(21 November 2002)

The Commission's intention is to maintain in the future exactly the same conditions relating to access to the 0-12 mile zones which exist today and have existed for many years. As such, therefore, there is no specific reference to exclusive use of this zone for national fishing vessels.

However, existing conditions leave some parts of the 12-mile zone of some Member States to be fished only by vessels of those Member States. Where it has been agreed that vessels of other Member States have access, the species which might be exploited are specified.

If inshore shellfisheries need protection, there are opportunities for doing so currently under Article 46 of Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁽¹⁾ where possibilities for autonomous action by Member States are laid down. The Commission intends that Regulation (EC) No 850/98 will be replaced with a new Regulation on the same topic but within the new Regulation, the Commission intends to maintain the conditions giving autonomy to Member States to enact additional technical measures for local stocks.

⁽¹⁾ OJ L 125, 27.4.1998.