

This annual report is still not available and there are rumours that the action programme is merely to be included in the European Commission's general annual report.

1. Will the European Commission honour its promise to report separately on this action programme?
2. If not, why did it promise to do so earlier?
3. How does the European Commission define the word 'shortly'?

Answer given by Mr Nielson on behalf of the Commission

(19 November 2002)

The Commission is currently finalising an extensive analysis of the Programme for Action, 18 months after its adoption. As the Programme for Action entails a series of new and important policy, programming and implementation initiatives, reporting will indeed be done this time separately from the Annual Report on the Development Policy.

The report is expected to be adopted in January 2003. The Commission will therefore keep its promise.

Reporting has been delayed mainly due to the Commission investing time and resources in the Global Fund to fight human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS), tuberculosis (TB) and malaria, the follow-up to the Doha Declaration on Public Health and Trade Related Intellectual Property Rights (TRIPs), the establishment of the European and Developing Countries Clinical Trials Platform, the discussions in Parliament and Council on the Regulation for a special budget line for the Programme for Action, all of which are actions defined in the Programme for Action.

(2003/C 222 E/028)

WRITTEN QUESTION E-2871/02

**by Charles Tannock (PPE-DE), Neil Parish (PPE-DE)
and Theresa Villiers (PPE-DE) to the Commission**

(11 October 2002)

Subject: France's illegal ban on the import of British beef

The French government is reported to be considering lifting its illegal ban on British beef. This ban has been in place for over two years. Does the Commission plan to impose a fine on France even if the ban is lifted, and, if so, will it be retrospective?

Can the Commission confirm that if the Commission fails to impose a penalty on France the British government is entitled under the European Treaties to petition the Court of Justice for redress?

Answer given by Mr Byrne on behalf of the Commission

(11 December 2002)

Under Article 228 of the EC Treaty, if a Member State fails to take the necessary measures to comply with a judgment of the Court of Justice within the time-limit laid down by the Commission, the Commission may again bring the case before the Court. In the second case the Commission specifies the amount of lump sum or penalty payment which it considers should be imposed on the Member State in default. If the Court in its judgment in the Article 228 proceedings finds that the Member State has not complied with its ruling in the original case it may impose a lump sum or penalty. This may not necessarily correspond with the proposal of the Commission.

The Commission duly opened the procedure provided for in the Article 228 against France in the beef case mentioned by the Honourable Members and specified to the Court what it considered to be an appropriate penalty payment. However, before the proceedings reached the judgment stage France adopted legislation to comply with its Community law obligations in the case. After careful scrutiny of the French legislation the Commission took the view that compliance with the relevant requirements of Community law had been achieved. In consequence, the Commission has withdrawn its proceedings against France asking for the costs of the whole procedure to be paid by the Member State.

The Commission has recently decided, taking into account experience gained in recent cases (including the one mentioned by the Honourable Member), to re-examine its approach to the application of Article 228 in order to examine the way and means to improve the effectiveness of the Court judgments using all the possibilities offered by the application of lump sums or penalty payments.

Article 227 of the EC Treaty allows a Member State which considers another Member State to have failed to fulfil a EC Treaty obligation to bring the matter before the Court of Justice. However, proceedings under this Article even if concluded by a favourable judgment of the Court, would not result in the provision of financial redress to the Member State initiating the procedure.

(2003/C 222 E/029)

WRITTEN QUESTION P-2873/02

by Mogens Camre (UEN) to the Commission

(7 October 2002)

Subject: EU financial support to the Palestinian Authority

For a number of years, the EU has provided the Palestinian Authority with financial support to enable it to carry out the tasks incumbent upon it, which have also been regarded as a prerequisite for peaceful development in the region.

A number of articles have appeared in the daily press claiming that Yasser Arafat has had personal control over most of the funds sent to the Authority and that he has appropriated much of them for his personal use. Parliament has received reports concerning the great difficulties involved in carrying out an EU-funded hospital project in the Palestinian territories. The international press frequently carries reports that the Authority's activities have been marked by corruption and a failure to carry out tasks financed by foreign aid.

There is a need for clarification as to how much money the EU has granted the Authority year by year. It is also important to know to what extent the Commission can check that the funds are used for their intended purposes.

Will the Commission provide details of the amount of aid granted and how it has been spent, and will it say whether it considers the Palestinian Authority capable of managing aid in accordance with the criteria normally applicable to Member States' bilateral aid?

Answer given by Mr Patten on behalf of the Commission

(18 November 2002)

The Union has provided over EUR 1,6 billion in grant assistance and loans to the Palestinians over the period 1994-September 2002. The Community financial aid is delivered through development assistance projects, humanitarian assistance (via the Humanitarian Aid Office – ECHO), budgetary support to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and direct budgetary assistance to the Palestinian Authority (PA).

A summary table of the Community's financial assistance provided to the Palestinians since the conclusion of the Oslo agreements in 1993 is sent direct to the Honourable Member and to Parliament's Secretariat.