

**Joint answer
to Written Questions E-3704/03, E-3705/03, E-3706/03,
E-3707/03, E-3708/03, E-3709/03, E-3710/03, E-3711/03, E-3712/03,
E-3713/03, E-3714/03, E-3715/03, E-3716/03, E-3717/03, E-3721/03,
E-3722/03, E-3723/03, E-3724/03, E-3725/03, E-3726/03, E-3727/03,
E-3728/03, E-3729/03, E-3730/03 and E-3731/03
given by Mrs de Palacio on behalf of the Commission**

(28 January 2004)

The Commission informs the Honourable Member in the context of the 25 written questions with regard to the Communes of Ancona, Carrara, Firenze, Livorno, Macerata, Massa, Perugia, Pesaro, Pisa, Pistoia, Prato, Siena and Terni that Altener II and SAVE II both ended in 2002, so no more projects were invited and presented since April 2003.

With regard to written question E-3716/03, the city of Pistoia had submitted one proposal for the Altener II programme in the Calls for proposals 2001. This proposal 'Resred' did not succeed and was not granted support, because the independent experts' evaluation concluded that the proposal did not demonstrate sufficient European added value and replication potential, focussing on pre-feasibility studies mainly in Italian and Greek municipalities; in addition, other problems regarding the proposed approach, project team, budget, etc. led to the negative result.

(2004/C 84 E/0124)

WRITTEN QUESTION E-3719/03

by Cristiana Muscardini (UEN) to the Commission

(10 December 2003)

Subject: Evaluation of the risk inherent in zinc

The manufacturing sectors involved have been waiting for years for the report on evaluating the risks of zinc in accordance with Regulation (EEC) No 793/93⁽¹⁾ and Regulation (EC) No 1488/94⁽²⁾, which lay down the principles. In its answer to the previous question on the same subject (of 29 October 2001) the Commission said that the technical meeting of the Commission had set a deadline of 18 months from September 2001 for acquiring further information and/or evidence to be incorporated in the final report on evaluating the risks. The 18 months have now passed and this further delay is causing economic damage to the industry concerned.

Can the Commission say:

- what obstacles are continuing to delay the completion of the dossier;
- by what date the file may finally be closed?

⁽¹⁾ OJ L 84, 5.4.1993, p. 1.

⁽²⁾ OJ L 161, 29.6.1994, p. 3.

Answer given by Mr Busquin on behalf of the Commission

(26 January 2004)

The zinc industry has finalised its additional research in the context of the risk assessment for zinc according to the timescale that was agreed at the Technical Meeting of the European Chemical Bureau

(ECB) on existing substances (Regulation (EEC) No 793/93 of 23 March 1993) in September 2001. The results of this research were presented in March 2003.

The 'rapporteur' for the zinc dossier, the Netherlands, as well as the Member States experts expressed their appreciation for this work but needed more time to study the full contents of all study reports. Subsequently, several discussions have taken place at the Technical Meetings related to the way the study results on the bio-availability of zinc should be incorporated and used in the final risk assessment report. This discussion was finalised at the last Technical Meeting in December 2003. The 'rapporteur' will now produce a full risk assessment report in early 2004 which is planned to be discussed at the next Technical Meeting in March 2004. The Commission expects that the Member States experts will be able to finalise the discussions on the zinc dossier at that meeting.

(2004/C 84E/0125)

WRITTEN QUESTION E-3778/03

by Jürgen Zimmerling (PPE-DE) to the Commission

(11 December 2003)

Subject: Protection of personal rights

The extent to which personal rights are protected varies greatly within the EU. In some Member States the burden of proof is on the legal or natural person who makes statements which constitute an invasion of privacy, whereas in other Member States this is not the case. In certain Member States, protection of the privacy of contemporary public figures is almost entirely neglected in favour of freedom of the press, and a case on this issue is currently pending at the European Court of Human Rights.

Does the Commission consider it necessary to put forward proposals on achieving a sufficient level of protection in all Member States, and does it believe it is in a position to do so? Does it consider that legislation should be proposed laying down appropriate fines for violations of personal rights, based on Article 7 of the proposal for a regulation on non-contractual obligations?

Answer given by Mr Vitorino on behalf of the Commission

(30 January 2004)

The Commission agrees with the Honourable Member's analysis of the divergences in the substantive civil law of the Member States regarding violations of personal rights and the protection of privacy.

For the moment the Commission has no plans to propose harmonisation of the Member States' substantive law of civil liability regarding personal rights where non-material damage predominates and the evaluation by the courts depends heavily on the local socio-economic context. Council discussions on the Commission proposal for a Rome II instrument on the law applicable to non-contractual obligations have shown that all Community initiatives which impinge on press freedom are highly sensitive on account of the close link with the Member States' concepts of public order and constitutional principles.

While the Rome II proposal does not seek to approximate the substantive law, it does seek to improve the degree of equality as between victims of a violation of personal rights since it proposes that the same law be applicable irrespective of the Member State whose courts are seized. The purpose of the initiative is thus to improve the foreseeability of legal situations of victims engaging in cross-border litigation.
