

# EUROPEAN PARLIAMENT

2004



2009

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*Session document*

FINAL  
**A6-0169/2005**

31.5.2005

## **\*\*\*I** **REPORT**

on the proposal for a regulation of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (COM(2004)0634 – C6-0130/2004 – 2004/0231(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Hans Blokland

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (COM(2004)0634 – C6-0130/2004 – 2004/0231(COD))**

**(Codecision procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2004)0634)<sup>1</sup>,
  - having regard to Articles 251(2) and 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0130/2004),
  - having regard to the UN/ECE Protocol on Pollutant Release and Transfer Registers,
  - having regard to Rule 51 of its Rules of Procedure,
  - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Fisheries (A6-0169/2005),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council and Commission.

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Text proposed by the Commission

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Amendments by Parliament

Amendment 1  
RECITAL 4

(4) An integrated and coherent PRTR gives industry, scientists, insurance companies, local authorities, non-governmental organisations and other decision-makers a solid database for comparisons and future decisions in environmental matters.

(4) An integrated and coherent PRTR gives ***the public***, industry, scientists, insurance companies, local authorities, non-governmental organisations and other decision-makers a solid database for comparisons and future decisions in environmental matters.

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<sup>1</sup> Not yet published in OJ.

### *Justification*

*One of the main reasons for which PRTR is created is that it will enable citizens to get up-to-date and accurate information on companies which are located in their vicinity.*

### Amendment 2

#### ARTICLE 1

This Regulation establishes an integrated pollutant release and transfer register at Community level (European PRTR) in the form of a publicly accessible electronic database and lays down rules for its functioning, in order to implement the UN-ECE Protocol on Pollutant Release and Transfer Registers (hereinafter “the Protocol”).

This Regulation establishes an integrated pollutant release and transfer register at Community level (European PRTR) in the form of a publicly accessible electronic database and lays down rules for its functioning, in order to implement the UN-ECE Protocol on Pollutant Release and Transfer Registers (hereinafter “the Protocol”) ***and facilitate public participation in environmental decision-making, as well as contributing to the prevention and reduction of pollution of the environment.***

### *Justification*

*This explicitly states and emphasises the contribution to public participation and prevention of pollution that PRTR will make. The added text is from the objective (article 1) of the PRTR Protocol itself.*

### Amendment 3

#### ARTICLE 2, POINT 16

(16) “Waste water” means urban, domestic and industrial waste water, as defined in Article 2 of Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment , and any other used water ***containing substances or objects subject to regulation by Community law;***

(16) “Waste water” means urban, domestic and industrial waste water, as defined in Article 2 of Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment , and any other used water ***which is subject, because of the substances or objects it contains, to regulation by***

**Community law;**

*Justification*

*The proposed wording goes too far, since Article 2, paragraph 14, of the Protocol defines 'waste water' as 'used water containing substances or objects that is subject to regulation by national law' (in this case Community law). However, the rules are intended to apply to the waste water, not to the substances or objects contained in it. This would include, for example, prior authorisation of waste water discharge into water or drains under Directive 76/464/EEC, Directive 80/68/EEC or Directive 91/271/EEC. The inclusion of all water for which substance-related rules exist at Community level would make the notification requirement unnecessarily far-reaching.*

Amendment 4  
ARTICLE 2, POINT 18

(18) "Recovery" means any of the operations provided for in Annex II, B of Directive 75/442/EEC. *(Does not affect English version)*

*Justification*

*This term should be the one used in Article 1, point (f) in the consolidated version of Directive 75/442/EEC.*

*This is a linguistic amendment which requires changes throughout the entire document as well as in the PRTR Protocol (Annex A, Article 2, paragraph 11) for some language versions.*

Amendment 5  
ARTICLE 4, PARAGRAPH 1, POINT (A)

(a) facility and its geographical location; (a) facility, **including when applicable its parent company**, and its geographical location, **including river basin**;

*Justification*

*Parent company is added to be in accordance with article 14 f. River basin is useful knowledge for knowing the flow of pollutants.*

Amendment 6  
ARTICLE 5, PARAGRAPH 1 A (new)

***1a. Releases of pollutants falling into several categories of pollutants as specified in Annex II shall be reported for each of these categories.***

*Justification*

*Some substances fall in multiple categories of Annex II. An operator could choose to spread the emission over these categories, which could lead to the situation that in none of the categories the threshold value is exceeded. To prevent this, the operator should be required to report the emission for all relevant categories.*

Amendment 7  
ARTICLE 5, PARAGRAPH 2

2. The information referred to in paragraph 1 shall include information on releases and transfers ***resulting as totals of all deliberate, accidental, routine and non-routine activities.***

2. The information referred to in paragraph 1 shall include information on releases and transfers, ***distinguishing between routine and accidental activities.***

*Justification*

*Unplanned, accidental releases of pollutants should be reported separately from the planned, routine releases. Distinguishing between regulated and uncontrolled releases provides important information to the public about the causes of pollution.*

Amendment 8



## ARTICLE 8, PARAGRAPH 1

1. The Commission shall establish the timeframe, the format and particulars needed for the collection and transmission of information existing in the Member States on releases from diffuse sources in accordance with the procedure referred to in Article 19(2).

1. The Commission shall establish the timeframe, the format and particulars needed for the collection and transmission of information existing in the Member States on releases from diffuse sources in accordance with the procedure referred to in Article 19(2), ***using internationally approved methodologies, whenever these are available.***

### *Justification*

*Calculation methods for the collection of data from diffuse sources already exist. To avoid double work and the collection of data which is incomparable to data derived from other sources, it would be useful to link up to internationally or European approved methodologies. For example, the INSPIRE project could be used as method for the collection of spatial data.*

## Amendment 9 ARTICLE 9, TITLE

Quality Assurance

Quality Assurance ***and Assessment***

### *Justification*

*The Protocol demands a plausibility control and not a full Quality Assurance Assessment which is a huge requirement (consider the difficulties with the EU Emissions Trading System). Moreover, specific requirements concerning quality assurance are already laid down by way of conditions imposed in operating permits.*

## Amendment 10 ARTICLE 9, PARAGRAPH 2

2. The competent authorities shall assess the quality of the data provided by the operators of the facilities, in particular as to their ***timeliness***, completeness, ***uncertainty, comparability***, consistency

2. The competent authorities shall assess the quality of the data provided by the operators of the facilities, in particular as to their completeness, consistency and ***credibility***.

and *transparency*.

*Justification*

*The phrasing of Article 9, paragraph 2 is not in line with the text of the Protocol, which only requires data to be assessed for their completeness, consistency and credibility. The timeliness of the data is already covered under article 7, and requirements relating to the uncertainty, comparability and transparency of data are covered under article 5.*

Amendment 11

ARTICLE 9, PARAGRAPH 4, SUBPARAGRAPH 1 A (new)

***These guidelines shall be in accordance with internationally approved methodologies, whenever these are available, and shall be consistent with other Community legislation.***

*Justification*

*To improve the comparability of data, it would be useful to establish guidelines for reporting and monitoring which link up to internationally or European approved methodologies. These guidelines should be consistent with other reporting and monitoring guidelines, for instance those established under the IPPC and Water Framework directives (96/61/EC and 2000/60/EC).*

Amendment 12

ARTICLE 10, PARAGRAPH 1

1. The Commission, assisted by the European Environment Agency, shall make the European PRTR publicly accessible by dissemination on the Internet according to the timeframe set out in Article 7(3).

1. The Commission, assisted by the European Environment Agency, shall make the European PRTR publicly accessible by dissemination ***free of charge*** on the Internet according to the timeframe set out in Article 7(3).

*Justification*

*According to the UN-ECE Protocol on which this regulation is based, the access to the information should be free of charge. The Commission has not stated that it intends to charge users of PRTR for the information services; on the other hand, they have also not stated that this will remain so in the future. Therefore it is appropriate to insert the principle of free access to the information into the regulation.*

Amendment 13

ARTICLE 11

***Whenever information is kept confidential by a Member State in accordance with Article 4*** of Directive 2003/4/EC of the European Parliament and of the Council, the Member State shall indicate in its report according to Article 7(2) of this Regulation for every reporting year separately for each facility claiming confidentiality what type of information has been withheld and for what reason it has been withheld.

***Access to information may only be limited on the grounds mentioned in Article 4(1) and (2)(b), (c) and (e)*** of Directive 2003/4/EC of the European Parliament and of the Council, ***and*** the Member State shall indicate in its report according to Article 7(2) of this Regulation for every reporting year separately for each facility claiming confidentiality what type of information has been withheld and for what reason it has been withheld.

*Justification*

*Directive 2003/4 explicitly seeks to limit any restrictions on public access to information regarding releases of substances into the environment to the absolute minimum. As the Directive enumerates those exemptions, which might justify confidentiality in the contexts of release of pollutants, only the relevant sections of Art 4 should be mentioned. The limitations and strict application of Art 4 foreseen in Directive 2003/4 should be mentioned in the present Regulation in order to give the MS guidance in how to apply the Regulation.*

Amendment 14

ARTICLE 17, PARAGRAPH 1

The Commission shall review the information provided by Member States according to *Article 7* and 16 and shall publish a report every three years based on the information from the last three reporting years available, six months after the presentation of this information on the Internet.

The Commission shall review the information provided by Member States according to *Articles 7* and 16 and shall publish a report every three years based on the information from the last three reporting years available, six months after the presentation of this information on the Internet. ***This report shall be submitted to the European Parliament and the Council, together with an assessment of the operation of the European PRTR.***

*Justification*

*It is essential to lay down provisions for monitoring the implementation of the Directive and assessing the operation of the PRTR.*

Amendment 15  
ANNEX I, POINT 3, LETTER (B), COLUMN 1

Opencast mining

Opencast mining *and quarrying*

*Justification*

*Mining refers not only to mines but also to quarries. This must be clarified by adding 'quarrying'.*

Amendment 16  
ANNEX I, POINT 3, LETTER (B), COLUMN 2

Where the surface of the area ***being mined*** equals 25 hectares

Where the surface of the area ***effectively under extractive operation*** equals 25 hectares

*Justification*

*Mines and quarries have land reserves, restored land after extraction and effective extractive operations. The existing definition is inaccurate and will lead to endless interpretations and irrelevant reporting. The 25 hectares should clearly apply to the surface under effective extraction.*

Amendment 17  
ANNEX I, POINT 4, LETTER (F) A, NEW ROW

***(fa) Installations for the storage of petroleum, petrochemical, or chemical products***

***With a capacity of 200,000 tonnes or more***

*Justification*

*Emissions from such storage facilities may be significant, indeed catastrophic in cases of accidents, and the public should have a right to know about releases from such events. These facilities are in Annex I of the parent Aarhus Convention and thus are already subject to public participation rules during their permitting.*

Amendment 18  
ANNEX I, POINT 5, LETTER (G), COLUMN 2

With a capacity of **10,000 m<sup>3</sup>** per day

With a capacity of **1,000 m<sup>3</sup>** per day

*Justification*

*Independently operated industrial wastewater treatment plants should be covered by the Directive already when they have a capacity of 1,000 m<sup>3</sup> per day.*

Amendment 19  
ANNEX I, POINT 7, LETTER (B), COLUMN 2

With a production capacity of **1,000 tonnes** of fish or shellfish per year

With a production capacity of **200 tonnes** of fish or shellfish per year

*Justification*

*The original proposal covers only the very largest aquaculture farms existing today. Considering the risk of the spread of diseases, antibiotics and other problems a larger share of the market should be covered.*

Amendment 20  
ANNEX I, POINT 9, LETTER (E), COLUMN 2

With a capacity for ships **100 m** long

With a capacity for ships **30 m** long

*Justification*

*It is difficult to find an easy measure of environmental impact of shipyards and it has not been possible to examine alternatives to the Commission proposal. However, since only a tiny fraction of fishing vessels are above 100m too many shipyards would be able to avoid informing about their pollution. 30 m would cover most industrial shipyards while avoiding small-scale yards used for marinas.*

Amendment 21  
ANNEX II, ROW 47

Text proposed by the Commission

47	PCDD +PCDF (dioxins +furans) (as Teq)	<b>0.001</b>	<b>0.001</b>	<b>0.001</b>
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Amendment by Parliament

47	PCDD +PCDF (dioxins +furans) (as Teq)	<b>0.0001</b>	<b>0.0001</b>	<b>0.0001</b>
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*Justification*

*A threshold level of 0.001 kg (1 g) will not give much information on the emission of these carcinogenic pollutants in the EU. Under EPER obligations, companies already have a requirement to report emissions if they exceed the 1 g level. This has resulted in only 86 reports from 10 countries.*

*As the emission of dioxins causes health and food safety problems around many waste incineration facilities, it would be better to lower the threshold level to 0.1 g. This would cover most of the waste incineration facilities that do not yet have effective flue gas clean systems. It would also cover about 70 percent of the large metal processing industries.*

Amendment 22

ANNEX III

Release data to air for the facility for each pollutant exceeding threshold value (according to Annex II)

Text proposed by the Commission

Pollutant 1 Pollutant 2 Pollutant N	M: measured; Analytical Method used C: calculated; Calculation Method used E: estimated	in kg/year
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Amendment by Parliament

Pollutant 1 Pollutant 2 Pollutant N	M: measured; Analytical Method used C: calculated; Calculation Method used E: estimated	<b>R: routine</b> in kg/year <b>A: accidental</b> <b>in kg/year</b>
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*Justification*

*This should also be applied to the sections on “Release data to water...” and “Release data to land...”. As discussed in Amendment 7, this would distinguish between planned, routine releases and those caused by accidental events.*

Amendment 23

ANNEX III

Release data to water for the facility for each pollutant exceeding threshold value (according to Annex II)

Text proposed by the Commission

Pollutant 1	M: measured; Analytical Method used	in kg/year
Pollutant 2	C: calculated; Calculation Method used	
Pollutant N	E: estimated	

Amendment by Parliament

Pollutant 1	M: measured; Analytical Method used	<b><i>R: routine</i></b>
Pollutant 2	C: calculated; Calculation Method used	in kg/year
Pollutant N	E: estimated	<b><i>A: accidental</i></b> <b><i>in kg/year</i></b>

*Justification*

*This should also be applied to the sections on “Release data to water...” and “Release data to land...”. As discussed in Amendment 7, this would distinguish between planned, routine releases and those caused by accidental events.*

Amendment 24  
ANNEX III

Release data to land for the facility for each pollutant exceeding threshold value (according to Annex II)

Text proposed by the Commission

Pollutant 1	M: measured; Analytical Method used	in kg/year
Pollutant 2	C: calculated; Calculation Method used	
Pollutant N	E: estimated	

Amendment by Parliament

Pollutant 1	M: measured; Analytical Method used	<b><i>R: routine</i></b>
Pollutant 2	C: calculated; Calculation Method used	in kg/year
Pollutant N	E: estimated	<b><i>A: accidental</i></b>



		<i>in kg/year</i>
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*Justification*

*This should also be applied to the sections on “Release data to water...” and “Release data to land...”. As discussed in Amendment 7, this would distinguish between planned, routine releases and those caused by accidental events.*

## EXPLANATORY STATEMENT

The proposal by the European Commission to establish a European Pollutant Release and Transfer Register (PRTR) consists of two parts: a proposal for a decision by the Council to accede to the UN-ECE protocol of 21 May 2003<sup>1</sup> and a proposal that aims at incorporating the relevant parts of the protocol in European law. This report concerns the last proposal.

### Goal

The goal of the UN-ECE protocol, and of the PRTR, is to have a better understanding of the amounts of polluting substances emitted by installations, and to make this information easily available to the public, by requiring operators to report their emissions. The Commission calls the PRTR in its proposal *“an essential tool to ensure public awareness on environmental issues and to promote better implementation of environmental legislation.”*

### Content

This proposal aims at an extension of the already existing European Pollutant Emissions Register (EPER)<sup>2</sup>. Compared to EPER, PRTR requires the reporting of more substances, by more companies and for more categories of emissions. Not only emissions into the air, but also into water, into the soil and as waste have to be reported for the pollutants listed in Annex II for which the threshold value is exceeded.

The PRTR will be managed by the Commission, while the Member States are responsible for the deliverance of the requested information. The Commission's intention is not to create a new agency or institute, but to convert the existing EPER into PRTR.

### Remarks

Your rapporteur agrees to the main part of the Commission's proposal. The PRTR would imply an improvement for the public compared to the current situation. It will become easier for citizens to find out which substances are emitted by installations falling under the scope of this proposal.

With regard to the costs for businesses due to the requirement to report, your rapporteur is of the opinion that the requested information in almost all cases is already available. According to existing European (e.g. EPER) and national obligations, these installations have to report the amount and content of their emissions.

As the Member States, with the exception of Slovakia and Malta, have signed the UN-ECE protocol, they already have an obligation to develop a national PRTR. The European PRTR established by this regulation would therefore give Member States the possibility to comply with the UN-ECE protocol at lower costs, due to efficiency and support from other Member States and the Commission.

### Improvements

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<sup>1</sup> COM(2004)635

<sup>2</sup> Established by Commission Decision 2000/479/EC of 17 July 2000 (OJ L 192, 28.7.2000, p 36)

On a limited number of subjects, your rapporteur is of the opinion that the Commission's proposal could be improved.

The most important amendment proposed concerns article 5, where your rapporteur suggests to add the requirement, for a pollutant falling into multiple categories according to Annex II, to report it in all these categories. An example of this is category 7 (*Non-methane VOCs*). Benzene could fall under this category, but is also listed separately (category 62). To prevent any misunderstandings about which category a substance falls under, it would be suitable to make this clear in the regulation itself. The best solution to this problem is the requirement to report a substance in all relevant categories, thus preventing operators from having to make this choice.

The other proposed amendments are for the main part aimed at improving the coherence and clarity of the text of the proposal.

### **Conclusion**

All things considered, your rapporteur is of the opinion that this proposal deserves the support of the Parliament as it will lead to an improvement in the availability of information to the public, while the costs connected to the establishment of a European PRTR are relatively low, and certainly less than the costs which would be connected to the creation of a PRTR for each Member State separately.

26.4.2005

## **OPINION OF THE COMMITTEE ON FISHERIES**

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a regulation of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC  
(COM(2004)0634 – C6-0130/2004 – 2004/0231(COD))

Draftsman: Carl Schlyter

### **SHORT JUSTIFICATION**

This proposal by the Commission would significantly enhance the public's access to environmental information by creating an EU-wide register of pollutants released into the environment. This is to be accomplished by replacing the current European Pollutant Emission Register by a new European Pollution Release and Transfer Register (EPRTR), thus fulfilling the Community's obligation to put into effect a UN Economic Commission for Europe convention. The proposal is thus to be welcomed.

It is important to note that the register would only facilitate and improve the access the public would have to information about pollution in the EU; it does not in any way impose further restrictions on emissions into the air, water or land. The register should, therefore, strive to be as inclusive as possible, by including the greatest percentage of pollutant emissions that is practicable, rather than concentrating on only a few of the larger sources. The register would then be a very valuable tool for informing the public and leading to improved decision-making.

There are many effects of pollution on fisheries, ranging from its impacts on ecosystems, fish health and reproduction to consequences for human health, due to consumption of contaminated seafood. The recent discussions over dioxin in certain fish provide a good example of the latter.

### **AMENDMENTS**

The Committee on Fisheries calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to approve the text proposed by Commission.



## PROCEDURE

<b>Title</b>	Proposal for a regulation of the European Parliament and of the Council on the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC		
<b>References</b>	COM(2004)0634 – C6-0130/2004 – 2004/0231(COD)		
<b>Legal basis</b>	Articles 251(2) and 175 EC		
<b>Basis in Rules of Procedure</b>	Rule 51		
<b>Date submitted to Parliament</b>	7.10.2005		
<b>Committee responsible</b> Date announced in plenary	ENVI 10.1.2005		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	ITRE 10.1.2005	AGRI 10.1.2005	PECH 10.1.2005
<b>Not delivering opinion(s)</b> Date of decision	ITRE 27.1.2005	AGRI 23.11.2005	
<b>Enhanced cooperation</b> Date announced in plenary			
<b>Rapporteur(s)</b> Date appointed	Hans Blokland 30.11.2004		
<b>Previous rapporteur(s)</b>			
<b>Simplified procedure</b> Date of decision			
<b>Legal basis disputed</b> Date of JURI opinion			
<b>Financial endowment amended</b> Date of BUDG opinion			
<b>European Economic and Social Committee consulted</b> Date of decision in plenary			
<b>Committee of the Regions consulted</b> Date of decision in plenary			
<b>Discussed in committee</b>	25.4.2005		
<b>Date adopted</b>	24.5.2005		
<b>Result of final vote</b>	for: 39 against: 0 abstentions: 1		
<b>Members present for the final vote</b>	Adamos Adamou, Georgs Andrejevs, Johannes Blokland, John Bowis, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Avril Doyle, Mojca Drčar Murko, Jillian Evans, Anne Ferreira, Karl-Heinz Florenz, Gyula Hegyi, Caroline Jackson, Dan Jørgensen, Christa Klač, Holger Krahmer, Urszula Krupa, Aldis Kušķis, Linda McAvan, Marios Matsakis, Riitta Myller, Péter Olajos, Dimitrios Papadimoulis, Guido Sacconi, Karin Scheele, Carl Schlyter, Richard Seeber, Jonas Sjöstedt, María Sornosa Martínez, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Åsa Westlund		
<b>Substitutes present for the final vote</b>	Margrete Auken, Giovanni Berlinguer, H�el�ene Goudin, Erna Hennicot-Schoepges, Kartika Tamara Liotard, Robert Sturdy		
<b>Substitutes under Rule 178(2) present</b>			

<b>for the final vote</b>		
<b>Date tabled – A6</b>	31.5.2005	A6-0169/2005
<b>Comments</b>	...	