

WRITTEN QUESTION E-0455/00  
by Elisabeth Jeggle (PPE-DE)  
to the Commission

Subject: Health inspection fees for meat - Directive 85/73/EEC

Application of Directives 85/73/EEC<sup>1</sup> and 64/433/EEC<sup>2</sup>, in conjunction with the ECJ judgment of 9 September 1999, is causing major problems in Germany with regard to competition law owing to the ambiguities and contradictions contained in those legal bases, and this has resulted in a number of court cases. The Commission is requested to answer the following questions in order to provide legal certainty on this issue.

1. Pursuant to the ECJ decision of 9 September 1999, the authorisation granted in Chapter I(4)(b) of the Annex to Directive 85/73, as amended by Directive 93/118<sup>3</sup>, to collect a special fee which is higher than the standard amounts laid down in Chapter I(1) may be used unconditionally, but subject to the general proviso that the special fee does not exceed the actual costs. In the light of this, will the Commission explain:
  - whether the decision applies also to the wording of Chapter I(4)(b) of Annex A to Directive 85/73, as amended by Directive 96/43<sup>4</sup>?
  - whether the basis for assessing the level of fee that covers actual costs is to be determined by the competent authority at its discretion, and what is meant by 'actual costs'?
  - whether a 'fee' within the meaning of Chapter I(4)(b) of Annex A to Directive 85/73, as amended by Directive 96/43, means an average fee calculated on the basis of costs country-wide, that is to say across the territory of the competent authority?
  - whether, pursuant to Chapter I(4)(b) of Annex A, it is possible to levy fees that are differentiated according to category of business?
  - whether fees may be levied on the basis of a combination of the provisions of Chapter I(4)(a) and (b) of Annex A?
2. Do the standard amounts pursuant to Chapter I(1)(b) and (c) of the Annex already include the proportion of costs attributable to trichinosis testing?

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<sup>1</sup> OJ L 32, 5.2.1985, p. 14

<sup>2</sup> OJ 121, 29.7.1964, p. 2012

<sup>3</sup> OJ L 340, 31.12.1993, p. 15

<sup>4</sup> OJ L 162, 1.7.1996, p. 1