

**Question for written answer E-008173/2011
to the Commission**
Rule 117
Carl Haglund (ALDE)

Subject: Wrongly charged fairway dues

In 2006 Finland revised its legislation concerning fairway dues in Finland as a result of the infringement proceedings initiated by the Commission in 2002. Prior to the law being amended, the dues charged for domestic traffic were significantly lower than those for foreign traffic.

The Finnish authorities have not refunded the fairway dues that were wrongly charged. Finland's Supreme Administrative Court rejected all applications by private operators concerning the suspension of previous customs decisions under which the fairway dues were charged, although the Court did accept that the legislation was discriminatory.

The principles of EU law insist that any dues that have been wrongly charged should be refunded, but Finland has not yet taken any measures to pay them back. The situation has led private operators to pursue civil cases and they have also turned to the Commission with their complaints.

I have learnt that many of those who brought their cases to the administrative courts have refrained from pursuing civil cases. I also understand that the authorities and administrative courts in Finland have often ignored the rights of private operators by terminating cases on procedural grounds.

1. Does the Commission consider that, in the light of EU law, Finland should refund fairway dues that have been wrongly charged?
2. Does the Commission intend to take any action in this matter?