

ORAL QUESTION WITH DEBATE O-0052/03

pursuant to Rule 42 of the Rules of Procedure

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to the Commission

Subject: Discriminatory trade barrier problems with regard to the German deposit and Belgium ecotax systems

The introduction in Germany of a mandatory deposit system on one-way containers for soft drinks, beer and water on 1 January 2003 has led to severe indirect discrimination against importing companies. The same is about to happen on 1 July 2003, when the Belgium ecotax system on one-way drink containers comes into force.

German deposit system

The introduction of a mandatory deposit on cans and one-way plastic and glass bottles has prompted German retailers to remove these containers from their shops because the collection thereof is complicated, unhygienic and costly. During the weekend of 14 and 15 June, almost all retailers sold the final one-way containers.

As a result, imports of soft drinks, waters and beer have almost completely ceased. Foreign companies can deliver their products on the German market only in one-way packaging because of the transport distance and the structure of their companies. German companies are maintaining or even increasing their market share because they can deliver in refillable packaging which does not suffer from the new mandatory deposit rules.

Belgium ecotax system

The Belgium ecotax system provides for the imposition a levy of almost € 0.12 per litre on one-way drinks containers and comes into force on 1 July 2003. An exemption will be made with regard to refillable packaging and to one-way packaging which includes 50% of recycled material.

Belgian retailers are likely to react in the same way as the German retailers, i.e. they will avoid one-way packaging which involves the ecotax. Because of the lack of sufficient control agencies, exemptions will not be authorised in time. Because of the lack of recycled content, many foreign companies will not be able to benefit from the exemption, and that will lead to their products being avoided. Some sorts of packaging – for instance, cans and cardboard containers – cannot meet the 50% criterion on hygienic or production strategy grounds.

1. Is the Commission aware of this situation which has already led to a complete cessation of imports of soft drinks, beer and waters in Germany and will lead to severe trade distortions in Belgium as from 1 July?
2. Are the German system and, as from 1 July, the Belgian ecotax system in line with the principles of the free movement of goods, when – albeit indirectly – importers are banned from the market?
3. What action will the Commission take to end these severe distortions of competition on the internal market?
4. Is the Commission planning to start immediate infringement procedures against the two Member States concerned?

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