

WRITTEN QUESTION P-0966/04
by Hiltrud Breyer (Verts/ALE)
to the Commission

Subject: Chimney sweep monopoly

The regional monopoly of chimney sweeps that pertains in Germany is in breach of the EU rules on freedom of establishment (Article 43) and freedom to provide services (Article 49) in the EC Treaty. The author welcomes the fact that the Commission has launched infringement proceedings.

1. Can the Commission give an estimate of when the infringement proceedings will end, given that it may even be necessary to bring a complaint before the Court of Justice of the European Communities?
2. Can affected parties in the Federal Republic invoke existing EU law and already now contract out directly to service providers from other EU countries provided that they give guarantees that the emission and fire protection laws in force in the Federal Republic are complied with?
3. Since this is of particular relevance to border areas such as the Saarland, will the Commission say whether it is possible, for the abovementioned competition reasons and also for reasons of consumer protection, to contract out to service providers such as those from the neighbouring country of France, provided that German fire protection and emission laws are complied with, particularly where the Member State in question refuses to transpose current EU legislation, so that the people in question are not disadvantaged as a result of failure to transpose legislation in a Member State?