

WRITTEN QUESTION P-0096/07
by Niels Busk (ALDE)
to the Commission

Subject: Directive 78/659/EEC - the Fish Directive

The Commission is asked to reply to the following questions concerning the Danish Government's administration of Directive 78/659/EEC - the Fish Directive:

1. Does the Commission agree that the Fish Directive's parameters as shown in Annex 1 to the directive - despite the content of Article 7(3) of the directive - do not apply in a situation where a national authority takes action against a polluting undertaking?
2. Does it consider that the setting of minimum requirements in the Fish Directive precludes a Member State from disregarding all the directive's parameters and instead using different ones irrespective of whether they might be more stringent than the parameters in the directive?
3. Does it consider that the setting by a Member State of parameters that are not mentioned in the Fish Directive and in Annex 1 thereto presupposes that the Member State documents that these parameters are more stringent?
4. Does it consider that it is lawful under the Fish Directive for a Member State to opt out of using the parameters referred to in Annex 1 to the directive and to replace them with different ones that are not mentioned in the Fish Directive or the annex thereto as long as this does not give rise to a situation where the Member State systematically allows pollution on such a scale that the Member State cannot comply with the objectives which the Member State has set in accordance with Article 3?
5. Does it believe, in more general terms, that a Member State may depart from a directive as long as this does not mean systematic disregard for the directive's objectives?