

THURSDAY, 15 JANUARY 2009

IN THE CHAIR: MR COCILOVO

Vice-President

1. Opening of the sitting

(The sitting was opened at 10.05 a.m.)

2. Animal transport (debate)

President. – The next item is the debate on the oral question to the Commission by Mr Parish, on behalf of the Committee on Agriculture and Rural Development, on animal transport (O-01 34/2008 - B6-0496/2008).

Neil Parish, author. – Mr President, I rise here today to ask this oral question on behalf not only of the Committee on Agriculture and Rural Development but also of the Animal Welfare Intergroup, because I believe that we have a very strong agriculture in the European Union. However, in order to have a strong agriculture, we must also have a strong welfare policy, because I believe the future of European agriculture is very much of a high-quality product and one that has very good welfare standards. We can use this to promote our products in a positive way, and this is why transport of animals is not only a motive but it is essential to have the right legislation in place.

In many ways, I want to concentrate this morning on the fact that we have legislation in place. We can argue whether this is sufficient or not, but the main thing at the moment is to check this legislation and be absolutely sure that Member States are complying with it, because we know, for instance, that there are problems in some Member States between national governments putting the legislation in place and the regional governments having to implement it. Then there are problems. At the end of the day, it is the animals that suffer.

I could highlight many things, but one particular thing we have problems with in Europe is horse transport. A lot of horses at the end of their careers land up in salami in Italy and they do not travel under the best conditions in any respect. We have had many of these vehicles followed through our own Member States of the European Union where the rules have not been complied with, the lorries have not stopped at the right times, the vehicles have not been of the right type and they have not had proper air conditioning or proper water, and these things cannot be allowed to go on.

I often stand up and tell the Commission not to add costs, but in many ways, when animals are going to slaughter, if the cost of transport is greater because they have to do a good job, they have to have the right vehicles and they must not overcrowd those vehicles, then I say, well, so be it! Because many times, instead of the animals for slaughter travelling long distances, they should be killed in the Member State and travel as chilled meat. Therefore, we have much to do on this.

I also would say to you that Mr Kyprianou, the previous Commissioner for DG SANCO, also gave us the reassurance when he was Commissioner that not only would he implement the present legislation properly but also he would revisit the situation at the end of the term. We are moving very fast now towards the end of this parliamentary session and the end of this present Commission and I would call on Ms Vassiliou, who has been a very good replacement for Mr Kyprianou, to honour that commitment, because animal transport is one of those things that we have to take incredibly seriously.

We have made these points many times before, but we are a civilised society and in many ways a civilised society is judged very much in the way it treats not only its people but also its animals. Therefore, I cannot, as I have said, emphasise this enough.

My final points are on the oral question itself and that the Animal Transport Regulation has been in force since 2007. The Commission should, therefore, have received the first annual reports from the Member States on the enforcement of the regulation. Can the Commission give an account of which Member States have forwarded their reports? Has the Commission already carried out a preliminary analysis of the reports which would allow some statements to be made on the shortcomings and difficulties, but also on the major achievements, in the enforcement of legislation? Will the Commission consequently prepare a report on enforcement processes of the regulation in the Member States? Such an analysis would be essential in the

context of planning a revision of the Animal Transport Regulation. Therefore, Commissioner, I would like answers to these questions.

Vladimír Špidla, *Member of the Commission*. – (CS) Mr President, ladies and gentlemen, I quite agree with the opinion of Mr Parish that the way we treat animals, including livestock, is a question which undoubtedly involves both ethics and civilisation. The Commission is aware that the transportation of animals for commercial purposes may cause serious suffering to animals. Such suffering is inflicted particularly on so-called low-value animals such as animals for slaughter. The enforcement of laws on long distance transport is not satisfactory. In recent months the Commission has obtained reports on cases of cruelty to animals. The Commission continues to support the best available options for improving the situation. The ultimate aim is a better enforcement of EU laws and thus, healthier animals and decent living conditions for the relevant animals. A study carried out by the joint research centre concluded that new and more effective control systems, such as monitoring transport with the help of satellite positioning systems, would help to improve the situation and enable a more transparent implementation of the rules. The use of these new technologies would also help to reduce the administrative burden on intra-state authorities and organisations.

Before this mandate expires, the Commission is also considering proposing new standards based on the results of scientific research relating to transportation times, numbers of loaded animals and numbers of loaded animals in vehicles. The Commission is assessing the implementation of EU law based on reports provided by the Member States under existing EU regulations. The information contained in these reports is combined with the results of on-the-spot checks performed by veterinary experts in the Member States. The results of these checks performed by Commission experts are published on the Commission's website. An assessment is also under way in respect of data from reports published by international non-governmental organisations active in this area.

Most Member States have already submitted reports on animal transportation in 2007 to the Commission. At the end of 2008, reports were still outstanding from Cyprus, Lithuania, Malta, Bulgaria and Luxembourg. They were reminded by the Commission of their obligation and the situation will be monitored closely. However, Regulation (EC) No 1/2005 does not require the Commission to produce a report on progress with enforcing the regulation in the Member States. The Commission agrees that enforceability is a key aspect of any proposed law. The Commission is consequently paying close attention to an analysis of the Member State reports and a possible future amendment of the Community's regulations in this area.

Struan Stevenson, *on behalf of the PPE-DE Group*. – Mr President, let us first of all look at the background to this. The eight-hour mandatory time limit for animals in transport was agreed in December 2004 and entered into force in January 2007 across all 27 Member States, with special derogations applying to longer journeys where it could be demonstrated that vehicle standards had been upgraded, providing animals with access to water, temperature control, adequate ventilation, and where frequent rest periods were incorporated into the journey time.

Special derogations were also permitted for remote rural areas and islands, like Orkney and Shetland in my own constituency, for instance, where longer journey times are unavoidable. In these cases, however, special bedded units with access to water have been designed so that the animals can be transported in relative comfort. In addition, a complete transport ban was introduced on certain animals such as calves under 10 days old and lambs less than one week old.

I report with some satisfaction that these transport rules have been strictly observed, particularly in countries like Scotland, where we continue to maintain some of the highest levels of best practice in the whole of the EU. But I am concerned at reports that, as Neil Parish has told us, these rules are not being similarly observed in other parts of the EU, particularly in some of the southern Mediterranean Member States and in some of the new East European accession states and particularly, again as Neil Parish stressed, where the transport of horses for slaughter is concerned.

Animal welfare NGOs are still producing evidence of horrific abuse, with horses and sometimes other livestock being transported over vast distances in searing heat, with no access to water or proper ventilation, with no rest periods, packed into overcrowded trucks. As their journeys progress, these animals become increasingly exhausted and dehydrated, some succumb to heat stress and can be seen desperately panting and gasping for air and, in the worst cases, many die. This practice has to be stopped and strict adherence to the regulation must be observed in all Member States.

I support the terms of Neil Parish's oral question today, which seeks to check on the level of compliance with these measures. I hope that the Commission can now provide us with this information and reassure us that

steps are being taken to ensure the rigorous implementation of the eight-hour transportation limit for animals, with the appropriate derogations that I mentioned, and to stop the cruel breach of the existing EU regulations that still goes on.

Rosa Miguélez Ramos, *on behalf of the PSE Group*. – (ES) Mr President, ladies and gentlemen, for some European countries, depending on their geographical location – as Mr Stevenson indicated – as well as their land area and the size of their trade flows, the transport of animals is a subject of particular importance.

Commissioner, I would like to refer to two specific issues. Firstly, it still seems clear to me that the Commission encounters difficulties in conducting an analysis of the situation throughout Community territory. Although, by virtue of the current regulation, Member States should – as we have seen – produce a report each year of the inspections conducted in the previous year, the regulation does not lay down a minimum number of inspections and neither does there appear to be uniformity in relation to the statistical basis. This prevents a comparison of the data reported by the various countries. Commissioner, I think that for the benefit of all concerned, this situation should be rectified as soon as possible.

However, a second matter also concerns me. In your speech, you described animals being transported for slaughter as of low value. Commissioner, I absolutely disagree with you. Personally, I consider them to be of high economic value and I am sure that the industry agrees with me. As this is the case, and this meat has a high economic value, correct transport conditions are essential whatever the final destination – even if it is the slaughterhouse – and whatever the distance travelled. In other words, it is a significant – in fact the major – concern that these animals are transported under favourable conditions.

I would ask you, therefore, to take these considerations into account in the proposed changes to the regulation upon which the Commission is working. We know that, as well as new technologies, the reform will address changes in respect of the maximum transport time – as has been said here – and the maximum and minimum temperatures for transporting animals.

I ask you again Commissioner, and I ask the Commission, that, before amending such fundamental features, a solid scientific basis for the changes proposed should be sought and found. Furthermore, I would ask you that, as long as we do not have this solid scientific basis, which is currently lacking for some of the issues, we should refrain from surreptitiously introducing the proposed amendments to the prevailing regulations in reports that have nothing to do with transport – I am talking about the protection of animals at the time of slaughter, a report upon which we are now working. I think that in matters of such importance and significance, we should all – Commission and Parliament – put our cards on the table.

Anne E. Jensen, *on behalf of the ALDE Group*. – (DA) Mr President, Commissioner, I would like to say that I am a little disappointed that after four years, we still have not seen a proposal from the Commission as to how we can tighten up the legislation on animal transport. There have been good intentions and constructive cooperation between Mr Kyprianou, and now also Mrs Vassiliou, and Parliament. However, when will we have a proposal? This is something I would very much like to know. It is also important that we achieve proper enforcement of the legislation. It is important to ensure that we actually restrict the transport time for slaughter animals to eight hours. However, we should go further still. We should not simply talk about a time limit. Research has shown that one hour can be too much if the animal is not strong enough to be transported, and longer journeys can be fine if the animal is strong and healthy and is transported under good conditions. We will probably continue to transport breeding animals over long distances and, in this connection, Parliament has, of course, proposed a pilot project for rest stations, where the animals have to rest after 24 hours. I would like to know how this rest station project is progressing. The intention is, of course, to bring together operators of control stations, veterinary authorities, researchers and animal welfare organisations to allow them jointly to define good practice in this area. It is difficult to get such a project off the ground but it is worth the attempt because it is important for our knowledge and research on animal welfare during transport to also be reflected in legislation and in practice.

Janusz Wojciechowski, *on behalf of the UEN Group*. – (PL) Mr President, Mr Parish rightly reminded us of something to which we have referred many times in this chamber, namely the fact that the way in which we treat animals reflects on us – on how ‘cultured’ and civilised we are. There is a lot of cruelty to animals during transport. Certain improvements have been made, by introducing higher standards for transporting animals, but these measures still fall short of the mark.

In my opinion, the appropriate solution, and one which was first proposed a long time ago, would be to limit to the travel time for animals to eight hours, and the total time that animals spend in transit and at the

slaughterhouse to twelve hours. We aim to put forward this proposal within the framework of the current work on the Regulation on the protection of animals at the time of slaughter.

Honourable ladies and gentlemen! Arguing for humane measures is one thing, but there is also another argument, namely a financial one (which is more appealing to certain people). The point is that these long-distance transports increase costs which are, ultimately, passed on to the consumer. We should estimate these costs and use them as an argument to finally, after years of debate, place restrictions on animal transports and alleviate the suffering of animals.

Carl Schlyter, *on behalf of the Verts/ALE Group*. – (SV) Mr President, a civilisation's level of development can be judged by how it treats the most defenceless living creatures found in that civilisation. Judging by how we treat our animals, we are still barbarians.

I remember when Sweden joined the EU what is soon to be fifteen years ago. Many of the discussions before we joined were about animal transport. This was an area in which we were to improve the situation. Then came the first directive in 2005. Yet the conditions for the animals did not improve and we were instead told, at that point, that the monitoring would work *from now on*, that GPS systems would be introduced *from now on*, that the drivers would be trained *from now on* and that the lorries would work better *from now on*. Five countries have not even bothered to submit a report. I demand that the Commission fines these countries immediately. As regards the other 22 countries, how many checks have they carried out? How have they complied with the rules? Is it working? The answer in many cases is unfortunately not.

Then Mr Kyprianou promised us that he would come back here before the end of his mandate if it was necessary – it is necessary – and if there is public opinion – and there is public opinion! Many of the new Member States are, in fact, small and there is perhaps no need for a 24-hour journey followed by another 24-hour journey. We will have a new slaughter directive which allows mobile slaughterhouses and which will reduce the need for travelling.

We need to revisit the conditions for animals during transport. How many of us would appreciate having four cows or ten sheep in their double bed for 24 hours? That is how densely packed the animals are at present. Or imagine, the chickens on the top level in the lorry are not, in fact, totally prohibited from letting their faeces drop down onto those below. Who would want to be transported under such conditions? I invite all of the EU's agricultural ministers to come with me on a journey from Stockholm to Brussels under the same conditions as the animals. I wonder how many will accept that invitation. Perhaps they would rather amend the legislation.

We talk about costs. The highest cost in this regard is the cost to the environment as a result of the long journeys. There is also a cost in terms of the animals' suffering in connection with the long journeys. However, these long journeys also result in poorer quality meat. They result in a very real reduction in value. An animal that is stressed will produce a much poorer quality meat, and the suffering thus works its way right down the whole chain. Think of the farmer who has put a lot of effort and money into producing a good animal that is then spoilt in the last part of its life.

No, we need a new proposal before the elections. I do not understand how we are to be able to conduct an election campaign if we do not at least have a proposal from the Commission that demonstrates that we will now – finally – improve conditions for animals.

Jens Holm, *on behalf of the GUE/NGL Group*. – (SV) Mr President, the starting point for this discussion is, of course, the fact that animals are sentient beings. Animals have the ability to feel pain, stress and suffering in precisely the same way as we do. We must take account of this when we lay down legislation. This is not currently being done.

More and more animals are being transported within the EU. This is a direct consequence of the internal market. The internal market leads to specialisation. Animals are reared in one place, they are slaughtered in another place and the meat is transported to a third place. Member States are not even permitted to prohibit animal transport for the sake of animal welfare. That really is unacceptable. A Swedish study established just how many animals in total were transported across the borders within the EU. For the EU-15, it was determined that 22 million quadrupedal animals, such as pigs, horses and cows, as well as 500 billion poultry, were transported each year in all directions between the Member States of the EU. This was when the EU comprised 15 Member States. You can only imagine what the figures will be with 27 Member States. They will, of course, be very much higher.

I would like to ask the Commission when we will have the new Animal Transport Directive. Mr Kyprianou did, of course, promise that we would have a new directive during this parliamentary term. Is the Commission able to give us the promise that we in the European Parliament are after, namely a maximum limit of eight hours for animal transport? I would also like to ask Mr Špidla a couple of questions. You say that five Member States have not submitted reports, a state of affairs which is, of course, quite shocking. What do you in the Commission do with these reports from the Member States? Do you analyse them in any way? We in Parliament would like an analysis, a report from the Commission, in which you summarise everything and clearly indicate measures that will enable the conditions under which animals are transported to be changed. So, when will we have the new directive with an eight-hour limit, and can we have an analysis of the reports from the Member States?

Godfrey Bloom, *on behalf of the IND/DEM Group*. – Mr President, it is fascinating as always. No sense of irony again in this Chamber. One of the biggest problems that we have, particularly in the United Kingdom, is the monstrously stupid avalanche of rules and regulations that came to slaughterhouses 10 years ago which managed to close over 1 000 abattoirs in the United Kingdom and gave rise to much longer journey times for animals.

My brother-in-law is a butcher. He owns an abattoir in Yorkshire and at one stage – and this got into the *Private Eye* magazine – there was a visiting vet supervising a vet supervising a meat inspector supervising two slaughtermen! That is the sort of nonsense that you get when you are dealing with this organisation's rules and regulations. The problem is journey times. Now from Bridlington in my constituency, pigs, sheep and cattle are being transported right the way across England to Manchester because of all these closures of slaughterhouses. That is what we need to address.

I am also talking about the transportation of horses. My colleague, Nigel Farage, tells me that there are countries in the European Union which actually regard horses as food! As an Englishman, I find it absolutely incredible that people would eat their horses. An Englishman would no more eat his horse than he would his dog or his children, but then I suppose that just shows the enormous cultural divide that there is between us and the other countries of this Union.

(Laughter)

Jim Allister (NI). – Mr President, following that may not be easy! Let me say that I have no difficulty whatsoever with efficient and proper rules governing animal welfare, but I am becoming concerned that we are getting ourselves onto a treadmill, where we are going to so tighten the noose around our agricultural industry that its practical functioning will be rendered impossible. I do see signs of such a development emerging from the Commission consultation on reviewing the maximum travelling times and stock densities in transporting animals.

The Commission, let us recall, failed to get its way in the 2005 Regulation. However, less than two years after it came into effect, it is trying again with an attempt to remove the repeatability of the eight-hour limit. I must say that, for my constituency of Northern Ireland, it would be ruinous, because to export animals – which we do – we are required to undertake a sea journey and if only one period of eight hours is allowed, that would be utterly inadequate and utterly unacceptable.

I would remind the House that such onerous conditions would not compare at all with the huge distances that animals are transported in South America, from whence we happily import! So, yet again, we would be in the business of punishing our own farmers, while caring nothing about what affects the imports we receive.

I have to say that we have to get to a point of getting rid of this obsession of cutting off our nose to spite our face.

Elisabeth Jeggle (PPE-DE). – *(DE)* Mr President, Commissioner, ladies and gentlemen, this is another subject on which the discussion very quickly reveals that strong emotions are involved, on the one hand, but also stark realities on the other. I should like to express my particular thanks to the Chairman of our Committee on Agriculture and Rural Development, Mr Parish, for this question. It is an important one – not in order to convey emotions, but to ask the Commission the following quite specific questions. What has happened? How can these developments be verified? Do you have any proof, and if so, what? What figures do you have?

You mentioned a couple of figures, Commissioner, but I firmly believe that discrepancies exist between Member States that go way beyond the fact that some Member States have submitted reports and others

have not. What is the situation with regard to implementation? How are the long journeys monitored? How are they monitored in the individual Member States?

Another major problem area requiring urgent discussion is the problems that have arisen as a result of our defining agriculture as merely an economic field and equating things we should possibly be regarding as different. For example, what additional professional training in transport matters should trained farmers be undergoing? How should this be organised, and who would provide such training? Where must farmers show this in order to obtain their qualifications?

To reiterate: farmers are trained to deal with animals, whereas hauliers employ drivers who have possibly never dealt with animals in their whole lives. These are two things that cannot be equated, but to an extent we have been doing so.

The second circumstance that causes major problems is the following. When farmers transport their own calves, they can do so for up to 50 km. Permit me to say at this point that we must indeed give further consideration, as a matter of urgency, to how we can help smaller abattoirs operate economically and thus reduce the need for further journeys.

So, then, farmers are permitted to transport their own animals for 50 km but face problems if they take a neighbour's animal along. That, too, requires some thought. Is the limit set correctly at 50 km, or should we perhaps be seeking the cause of these developments in the abattoirs, too? If farmers transport a horse for leisure purposes, there is no problem, and this Regulation does not apply, but if they transport it to market, the Regulation does apply, and they must meet the requirements. These questions should be discussed and answered in further debates.

Luis Manuel Capoulas Santos (PSE). – (PT) The question of animal transport and welfare is one that, as Mr Parish and others have stated very well, has to be seen essentially from a perspective of civilisation. Limiting animal suffering as far as possible is an ethical imperative that forms part of our cultural heritage, in spite of the apparent paradox that we are seeking to protect their welfare at a time that, for many, will be their last journey.

On the other hand, it must not be forgotten that the price to pay for the implementation of the demanding and financially costly rules in force are problems that distort competition and have a strong impact on the rural development of some regions of the European Union.

Regions and Member States that do not have the capacity to supply certain species from their own markets and are more distant from the centres of production, as is the case with my own country, now have greater difficulties of competitiveness in their industries linked to slaughter and processing, whereas regions and Member States with surpluses are experiencing increased advantages because it has become easier for them to sell products that are already processed, with the inherent advantages in terms of employment and added value.

Once this legislation has been in force for two years, it is fully justifiable that the Commission should supply an assessment that is as extensive as possible, not only on the specific issues of the strict implementation of the regulations concerning transport, but also on the economic and social consequences for the regions and Member States with a low production capacity for some animal species that are important for human consumption.

I think, therefore, that the Commission should respond to these questions as quickly, objectively and fully as possible.

Mojca Drčar Murko (ALDE). – (SL) A large amount of live animal transport passes through Slovenia, mainly originating in Eastern Europe and destined for Italy. In the experience of our veterinary authorities, the applicable European legislation is fairly comprehensive, but somewhat unwieldy and complicated to implement.

The biggest problem in Slovenia concerns inspections, because, now that internal European borders have been abolished, it is difficult to check whether or not lorry drivers are actually stopping at the pre-determined staging posts. I should point out that, because of the size of its territory, Slovenia is not required to have its own staging posts and that it has put arrangements in place with Hungary and Italy instead. We urgently need a uniform solution and one which is uniformly implemented.

Bearing in mind the disastrous situation as regards the transportation of animals over long distances on European roads, the review of the 2005 Regulation should be used as an opportunity to raise standards in animal welfare. Transport is closely linked to the treatment of animals before slaughter, and I agree with those of my fellow members who have taken the view that there are no grounds for permitting transports of a duration in excess of eight hours.

I am, therefore, arguing in favour of the determination of a strict upper transportation limit, but I also support the proposal for the introduction of mobile abattoirs.

Andrzej Tomasz Zapalowski (UEN). – (PL) Mr President, the Regulation on the protection of animals during transport is extremely important, and this kind of information is vital. At this juncture, it should be stressed that a large proportion of the imported meat consumed by the citizens of the European Union is not covered by similar regulations. This Regulation is one of the more reasonable regulations on the breeding and slaughter of animals.

I realise that large food corporations often fail to respect labour rights, let alone treat animals in an appropriate way. It is precisely in large companies that the worst kinds of animal abuse take place. This problem rarely affects small or medium-sized businesses. The only solution is to ensure stricter police control, as well as border controls, and to release the names of companies which violate animal rights to the public, so that consumers might avoid them.

Kathy Sinnott (IND/DEM). – Mr President, it is very important that animals are transported to ensure safety and to prevent avoidable suffering. I use this term because animals, as a rule, find any motorised transport frightening. It is important to minimise that where possible.

When regulating for this safety and prevention of suffering, we tend to look at time and distance. This is natural, but it is simplistic in the case of Ireland, which, I remind you, is an island and also a major animal exporter. Time limits and distance when crossing the waters that separate us from the continent and from our markets cannot be the absolute. We heard a recommendation of eight hours, but it takes more than eight hours to get an animal boarded and across water. There is no possibility of taking an animal out to graze in the middle of the Channel.

So I would recommend to you that we look at the conditions under which the animals are transported, particularly in the case of Ireland, rather than just time and distance.

Lydia Schenardi (NI). – (FR) Mr President, although the Animal Transport Regulation has been in force since January 2007, Member States do not appear to be systematically complying with this regulation, since they are failing to submit the annual reports requested. A comprehensive analysis is therefore problematic since a large amount of the necessary information with regard to the resources allocated for the undertaking of inspections is missing. As a member of animal welfare associations and the Intergroup on the Welfare and Conservation of Animals, I am particularly interested in this issue.

Associations fought relentlessly for decades up until 2007 when directives were finally established in this area in which Member States can now be seen to be displaying a certain degree of laxity. I would even go so far as to say unwillingness because in short, as we know, carrying out checks and inspections is not all that difficult. We know where the abattoirs are, we know where the animals are reared, and we know the routes along which the animals are transported, so where is the problem?

I think that it is important, in this day and age when the public are quite rightly taking a growing interest in animal welfare on the farm, at the slaughterhouse and during transport, that Member States respect these views.

Since I have been given the opportunity to speak, I should like to add that, with regard to transport, irrespective of the length of journeys made, it is essential that local climate conditions are taken into consideration. A journey lasting several hours made in the Netherlands in spring is very different from a journey of the same length made in the middle of summer in a country such as Greece. Should we not make night-time transport obligatory in the latter case?

I should be grateful if you would consider this proposal in the future.

Mairead McGuinness (PPE-DE). – Mr President, in terms of legislation, we are looking at a relatively new regulation on the protection of animals during transport, because it only came into operation in January 2007. While I think we would all hope that everybody was compliant from day one with the many demands

of this regulation, it would be quite miraculous were that the case, because it is very detailed and makes huge demands – and rightly so – on Member States and operators.

I welcome today's oral question by Neil Parish, Chair of the Committee on Agriculture and Rural Development, because we want to see whether this regulation works. However, we need, first of all, to know that it is being implemented, because we care about how animals are moved around the European Union.

For countries like Ireland with a huge livestock sector, there has been an enormous amount of work done to implement this from day one, both within the sector itself and on the part of those who monitor – the Department of Agriculture and other authorities. Licensed operators have invested large amounts of money to upgrade their transporters and to meet the training and competence requirements of this regulation. In fact, I note that, just this month in Ireland, a number of training courses are under way for drivers of vehicles transporting cattle, sheep, goats, pigs, horses and poultry – a point raised by Ms Jeggle – and perhaps other Member States need to do the same.

It is interesting that the regulation applies only to the transport of animals undertaken in connection with an economic activity. I have a concern that we ignore the welfare of domestic pets, because I have seen examples of people who think that they know how to look after animals doing very badly on that front and yet, very often, these are the same people who insist on particular rules for farming and for economic activity. That is an area we need to look at.

I believe that, in general, established transporters of animals are licensed and authorised and comply with best welfare standards – because it is in their vital interests to do so: they need to transport animals to arrive in good condition so that they meet the needs of those who are purchasing. The problem is with the unregulated sector, where some people are untouched by these rules, and that is what we need to focus on. Who are the people who are outside the box, and how can we catch them and put them out of business?

Let me say in relation to time limits and the eight-hour rule that the reason why Europe had a real problem in getting this regulation into place was because many Member States, including Ireland, know that we need to transport our animals for longer durations, but we also know how to look after them in so doing. So I would disagree with those who want to reduce the time duration, but I agree that we need to make sure that welfare is a priority.

On horses, I often say to myself that I wish I were a thoroughbred, because they travel first class. Obviously, people look after animals with a high economic value, and in the economic downturn we are going through, I worry about the welfare of horses, full stop. I would say: no more rules. We have perhaps too many already that are choking the sector that is complying with them. But let us apply the rules to everybody, and let us get those who are not meeting the rules out of the system.

Robert Evans (PSE). – Mr President, I would like to congratulate Mr Parish on bringing this forward. Despite our political differences, and notwithstanding his very obvious deficiencies as a human being, I think he is actually very sound on this and I support him. We need this regulation to be a success and we need it to be universally in force, but I have a number of reservations and I disagree with some colleagues who spoke this morning.

Mr Stevenson said that longer journeys were unavoidable – I say: not so. Mrs Jensen spoke of 24-hours transport – not necessarily. Mr Allister, the agricultural industry has to ask questions itself. As a civilised society, we need to look at the whole question, the whole purpose, the whole idea of transporting animals long distances and then killing them. If I were a meat eater, I would be asking how can the suffering en route which we know about, the dehydration, the stress and – to our Irish colleagues North and South – the sea journeys, possibly improve the quality of the product at the end?

To my mind, it makes no economic sense. It does not make humanitarian sense. This is why I favour a complete ban on the transport of animals, which, I believe, would support rural economies. It would encourage local producers, yes, small- and medium-sized enterprises as someone spoke of, and it would enable consumption of food as near the point of production as possible.

In the absence of that, and I know it is not going to happen in the near future, I think we need proper realistic enforcement of what we have at the moment, the regulation, and I urge the Commission to use all the agencies across Europe – police forces on motorways if necessary – to stop and check lorries to see whether they are carrying out the full requirements of this legislation.

Fiona Hall (ALDE). – Mr President, has the Commission considered the human health implications of poor implementation of animal welfare regulations? Transport, especially transport over long distances with a lack of space, produces stress, and stress means more susceptibility to disease. This is particularly true for horses, where scientific studies show that transport makes horses become shedders. That means they excrete a lot more than they would normally, which greatly increases the likelihood of the spread of disease. Many transported animals are going to slaughter – 320 million of them in the EU each year – so that means there is a greatly increased risk of diseases like salmonella entering the food chain.

Given the very poor level of implementation of current rules and the stress involved in long journeys, even with proper rest stops, especially for horses, does the Commission plan to come forward, where necessary and on the basis of scientific evidence, with a finite absolute journey time limit? That would be in the interests of animal welfare and of human health.

Zdzisław Zbigniew Podkański (UEN). – (PL) Mr President, Commissioner, the problem of animal transports is very important and it is a good thing that Parliament is addressing the issue again. However, what is less positive is the fact we are failing to implement the regulation effectively.

I welcome the fact that, during the course of our debates today, we are continuing to focus on the transport of horses. This is welcome news not only because I breed horses, but also because standards are definitely not being upheld in this area. I would like to take this opportunity to say that horses can understand humans. However, although horses always understand us, we cannot always understand them. Horses, like people, feel apprehension, fear, and are able to trust humans. I remember an incident where a seriously ill horse in a clinic would not let the vets do anything to him in my daughter's absence. As soon as my daughter arrived, they were able to do what they wanted to him. He quite simply trusted her. Just as we human beings do not always trust doctors, that horse did not trust the vets, but he did trust a familiar person. I therefore think that humans also fail to understand horses when they are scared, or when they try to defend themselves. Instead, people treat this behaviour as disobedience. The owner beats the horse. The horse, for his part, knows why his owner is upset and knows how to yield to him. That is why I am obliged to all the MEPs who are also able to approach this problem from the point of view of what is good, to view it as an issue involving a living creature, and to view it with a certain amount of humanity.

Esther de Lange (PPE-DE). – (NL) Mr President, we are once again discussing the transport of animals in this House, and we will once again reach a two-fold conclusion. Firstly, current legislation is lagging far behind Parliament's ambitions as set out in the report of my predecessor Albert Jan Maat, who, to my mind, was right to draw a distinction between animals intended for slaughter and other cattle. Indeed, steps have been taken in the area of training drivers, better transport conditions and the use of GPS, but these are certainly not enough.

Secondly, monitoring remains the Achilles' heel of this legislation. Monitoring by Europe leaves something to be desired and is still very much organised at national level. There is an urgent need, therefore, for agreements on handling complaints and gathering evidence across borders. I should also like to see the Food and Veterinary Office step up its monitoring efforts. My amendment to make more funds available for this in the budgetary procedure has been rejected by, *inter alia*, the European Commission. Even now, the European Commission refers to national reports which it will be assessing on paper. Would the European Commission prefer to wash its hands of this matter than to guarantee actual European-wide monitoring, *ad hoc* inspections by European inspectors and European supervision?

Other improvements that need to be made to current legislation are: more and better-equipped resting places within the European Union and beyond, more specific climate conditions for the different animal species and, finally, we have to start working on the compulsory use of satellite systems, with access by authorised personnel to a central database.

Despite an incomplete European overview of the actual implementation of this legislation, we do, of course, pick up certain rumours, from Austria for example, where a local inspector reportedly sees many empty lorries drive in the direction of Poland and the Czech Republic, for example, but he does not see the full vehicles returning, heading towards southern Europe. Does this mean that, once these lorries are full, they decide to make a detour around Austria, perhaps to avoid the stricter monitoring rules that are in place there in comparison with the surrounding countries? For me, that is an indication that the legislation is being applied very differently by the Member States.

Another problem is the role of the vets who need to sign for transport. Commissioner, in some cases, these vets have become nothing but stamp machines. Surely nobody in their right mind could sign off a transport

schedule for horses from Romania to southern Italy that was due to last 24 hours? The last 500 km of this transport would, according to the transport schedule, take 2.5 hours. This makes you wonder whether these animals were to be transported in a Ferrari.

Finally, young animals, particularly puppies, for example, are now being ferried across the whole of Europe without there being any legislation in place. I would therefore like to urge the European Commission to look into this.

We have done our homework in this House; we are now looking forward to the Commission proposals that we expect before the forthcoming elections for this House.

Elizabeth Lynne (ALDE). – Mr President, like some other colleagues, I am going to concentrate on the transport of horses. There is now overwhelming evidence showing that EU rules meant to protect the welfare of horses during long-distance transport are being flouted, resulting in inhumane conditions and needless suffering. In some cases, horses are packed like sardines into steel lorries, where temperatures can be over 40 °C. In some cases, those horses are transported for thousands of miles without food or water, causing injury or even death.

Does the Commission have any information as to how many transgressions of Regulation (EC) No 1/2005 have been taken to court by Member States since it came into effect on 5 January 2007 and whether the EU regulations on harmonised GPS monitoring of vehicles will be enforced? Is there any way individuals can get access to data extracted from traces on movement of animals within Member States? I know the Commission can access that, but individuals cannot. I would like answers to those three specific questions please.

Den Dover (PPE-DE). – Mr President, it gives me pleasure to speak on this most important debate this morning and I would emphasise how very important to the North West of England the transportation of live animals is. As the Chair of the Committee on Agriculture said, we would much rather have these animals slaughtered and then transported after they have died for processing away from the base if the movement of the meat is needed; but in the North West, we have a lot of horses, a lot of sheep and a lot of cattle – lots of movements of animals.

I was a national Member of Parliament for 18 years. This was a continuous problem, raised time and again with me by my constituents. I submit that things have not really improved over the last 10 or 20 years.

I am delighted that this question has been tabled. The first year was 2007 and reports had to be in by June 2008, but I submit that we are behind programme. I have listened to what the Commissioner has said – that he will have a look at the advantage of satellite monitoring. That is a good idea. But I put it to the Commissioner that there are many detailed checks engrained in the Regulation, quite rightly – things like the fitness for transport of the animals, transport practices, means of transport, sea containers, integral journey times, resting periods, space allowances – which are all matters that cannot be viewed by satellite. They need detailed inspections, and lessons need to be learned.

I would have hoped that in his final remarks, there would be a date by which he hopes to wind up and submit his proposals and conclusions at this early time in the implementation of the Regulation because, the sooner something is done to improve the situation, the better.

It is appalling that these long journey times have to be faced by animals in their last few days of life. Consumers want to see, as they want to with free-range hens and eggs, that we are being humane in our treatment, and they will pay an added price for the meat because they want to see us caring for these animals that are so precious and necessary for our food needs.

IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ

Vice-President

Samuli Pohjamo (ALDE). – (FI) Mr President, Commissioner, my thanks go to Mr Parish for this debate.

Guaranteeing the welfare of animals is something that is very important. The Commission needs to ensure that the Animal Transport Regulation is implemented and monitored consistently throughout the EU.

EU legislation on the transport of animals is strict. Recurrent serious problems with animal transport are due to gross breaches of the law. The current regulations on the time limit for animals in transport and their

derogations are adequate if they are properly monitored and if, at the same time, top quality transport fleets are maintained. These need to have proper ventilation, temperature control, a drinking water system and a satellite navigation system. In addition, drivers have to be trained, and there need to be guidelines drawn up on the proper conditions for animal transport, as is now being done in many Member States.

I think it is important that the present Animal Transport Regulation is properly implemented everywhere in the EU and that the experiences gained from it are taken account of prior to any drafting of new regulations.

Agnes Schierhuber (PPE-DE). – (DE) Mr President, Commissioner, ladies and gentlemen, a community can work together constructively only if everyone abides by the laws and rules. Farmers, in particular, attach the highest priority to ensuring that animals are transported in such a way that, after slaughter, the meat that reaches consumers is of the best quality and affected as little as possible by stress. Black sheep must be named and shamed, as these violations are unacceptable and bring the whole industry into disrepute.

We have to successfully reduce the transport of live animals for slaughter. I hope that we can arrive at a comprehensible state of affairs in this regard at long last, and also that there is a scientific basis. Commissioner, I wish to reiterate my call for third-country imports failing to comply with the rules to be treated and punished in exactly the same way as animal shipments within the EU.

Richard Corbett (PSE). – Mr President, this debate has shown that there are, at the very least, huge doubts as to whether the current legislation is working, whether it is properly enforced across all Member States, and even whether it can be properly enforced. Is it possible to enforce this legislation when there is international transport of animals?

We will have to examine whether we have to go back to the idea of a strict eight-hour limit with no derogations and without exceptions – except perhaps for sea transport from islands but, otherwise, no derogations at all.

Colleagues may be interested to know that there is a new website campaigning precisely for this, with a petition being gathered. It is: www.8hours.eu. Many Members and others listening to this debate may be interested in visiting this website.

Sylwester Chruszcz (UEN). – (PL) Mr President, much has been said today on the subject of humane treatment, and to what extent we are a civilised society. I agree that, in general, our debates and the points we are making are a step in the right direction. This debate is very necessary.

I would just like to point out that, although the direction we have taken is quite justified and correct, we should not place any artificial or unnecessary burdens on farmers and businesses, something which I am certain we can avoid. I simply appeal to the Commission and to us all, at the European Parliament, to ensure that we do not lead this good project into certain unnecessary difficulties. Since, today, we are firmly stressing these entirely justified solutions, I would also appeal to you to avoid adopting a selective approach later on. All of us, namely all the countries in the Community, in the European Union, need to treat them equally. Today, for example, I am concerned about the....

(The President cut off the speaker)

Constantin Dumitriu (PPE-DE). – (RO) Animal experiments represent an important stage in biological and medical research. As part of this activity, however, particular attention must be focused on the care given to the animals used for scientific or other experimental purposes. Indeed, the European Union must give an example on how to house and care for these animals.

European Commission Directive 86/609 is more than 20 years old and regulates these aspects only in a vague, open-minded fashion. According to the statistics, approximately 235 million animals have been used in experiments throughout the whole of Europe during this period, with more than 12 million being killed every year in the laboratories of the European Union.

Providing care involves a whole set of material and other conditions which must be guaranteed for the animals being used. Every aspect, from the trade in animals, transportation and surgery to killing and destroying the life of an animal, must be carried out in strict compliance with international and national provisions relating to the species, the category of animal and circumstances in order to prevent them, as far as possible, experiencing any physical and mental suffering.

This care requires

(The President cut off the speaker)

Maria Petre (PPE-DE). – (RO) The new Member States, and I will specifically refer to my country, Romania, need, as has already been expressed here, support in reinforcing the powers of the authorities responsible for verifying the application of the Regulation we are debating today concerning animal transport.

From this point of view, it is still very difficult for the veterinary authorities in Romania to inspect animal transport without calling on the police, which is the only authority competent to stop means of transport in transit.

The second issue specific to Romania is the continuation, obviously on a much smaller scale, of transhumance, a practice which should be treated, in my view, as a separate issue in itself and preserved as far as possible.

The third and last issue I want to talk about is the concern we should have about the powers associated with the inspections and reports which we are discussing.

(The President cut off the speaker)

Avril Doyle (PPE-DE). – Mr President, I am strongly of the opinion that the quality of the vehicle and skills of the driver are as important as, if not more important than, the length of journeys. Two hours in a banger or clapped-out vehicle driven at excessive speed, especially when cornering, have far more serious welfare implications than eight or ten hours in a comfortable, properly equipped modern lorry, driven with care and consideration for the animal occupants.

The welfare of horses for slaughter continues to be a serious concern, and there is on-going evidence of some Member States ignoring – perhaps choosing to ignore – the legislation in this area. Commissioner, have you received last June's annual report from Ireland? Which countries have failed to file the report? Will these reports be available on the internet? And do you have details of the number of proceedings being brought in each Member State? Please give me answers to those four questions.

Czesław Adam Siekierski (PPE-DE). – (PL) Mr President, the European Union places great value on the proper treatment of animals during the entire period of breeding, from birth to the slaughterhouse. As we know, the quality of the meat depends on the way the animals are treated during breeding and during transport.

Animal protection standards during transport need to be established for specific animal species, on the basis of scientific evidence. We therefore need to review this Regulation. Due to trade needs, animals are transported over specified distances which are often too long, and which require a significant amount of time to cover. It is therefore important to respect prescribed principles and standards. That is why the question regarding how, and whether, EU legislation on the transport of animals is implemented, was entirely justified. We should assess the situation in specific Member States. We should remember that this all has an impact on costs and on productive competitiveness. The citizens of the European Union are very sensitive....

(The President cut off the speaker)

Neil Parish (PPE-DE). – Mr President, I shall be very brief because I am the author of this question. Could I just say to the Commissioner before he sums up, that of the three questions here, he has answered the first one inasmuch as he mentioned the Member States that have not yet produced a report. What I really want to know is: has the Commission already carried out a preliminary analysis of the reports and what is happening? Also, is the Commission going to bring forward a report on the Regulation in the future? That is what we need urgently.

We also need to have best practice because Slovenia, for instance, follows the vehicles through their country. Many countries are doing good work and others are doing bad work, to put it bluntly. Is the Commission going to do a proper analysis of all this, and when is it going to come forward with it?

Vladimír Špidla, Member of the Commission. – (CS) Mr President, ladies and gentlemen, Roman law defines an animal as an object. I recall a military regulation which stipulated that a single wagon could carry 8 horses or 48 men. This indicates that during the course of civilisation, it has begun to be understood that there is a greater affinity between human beings and animals than between human beings and objects. In my opinion, the development of civilisation has led us to understand that animals are not objects, that they are living beings which have intrinsic rights and we have expressed this view in our laws. I think it can be said that European regulations have now been formulated and that they undoubtedly represent progress for civilisation.

On the other hand, the debate has clearly shown that they are not applied consistently and that reasons could be found for further improvements in their structure.

The Commission agrees with these general statements and in its activities will also seek to improve the system for implementing checks and monitoring the situation. We are thus now in the process of drawing up new regulations that will try to take into account the latest scientific findings from a broad range of areas because, as this debate has also shown clearly, this is a complex problem. It is not a simple matter, it is not enough to say 'good, let us take one or two measures, and the matter will be resolved'. In my opinion, the debate also showed clearly that the idea of protecting livestock and animals generally constitutes an idea which is not based just on practical considerations relating to consumer protection. We are inclined to take certain protective measures even though they have no real significance for consumers and bring no real benefit, simply because this is a very significant ethical matter.

I would like to try and answer some specific questions. A whole series of questions have been asked and we are, of course, ready to respond to individual MEPs in more detail over the questions I do not touch on now. One of the questions concerned the countries which have not submitted reports and I have mentioned these in my introductory speech. As this is such an important matter, however, I will mention that these countries were Cyprus, Lithuania, Malta, Bulgaria and Luxembourg. This question therefore did not apply to Ireland, which has fulfilled its obligations. Other questions related to access to information. I would like to mention that it is theoretically possible to publish the various national reports but the regulation allows Member States to refuse on the grounds of confidentiality. However, no Member State has done so. In the event of a request to publish a report, the Commission will then ask the Member States whether they wish to apply the confidentiality rule. As I do not expect this to happen, the report can then be published in full and, in my opinion, this would stimulate further debate. The annual reports are studied by the Commission's own experts and, at the same time, they are supplemented with the findings obtained by Commission officials on the ground, thus creating a basis for further comments on compliance with the terms of the regulation and for further ideas on the development of the EU's legal and organisational system in this area.

Concerning the question of a further draft directive for the amendment of the legal system, I have already stated that the Commission is working on such drafts and is attempting to apply the most up-to-date scientific knowledge. A question was put forward as to how many infraction proceedings are currently under way. Currently, there are two infraction proceedings under way and two or three claims have been made against Andalusia or rather Spain. A total of six Member States were inspected in detail in 2008. These are some more specific facts relating to the questions that have been raised. Ladies and gentlemen, I would like once more to thank you for a debate which has been comprehensive and which has shown clearly that the positions of the Commission and of the Parliament are very close. In my opinion, this is a promising sign for further progress in this exceptionally sensitive area.

President. – The debate is closed.

Written statement (Rule 142)

Neena Gill (PSE), in writing. – Mr President, once again it seems the laws we pass here are not being implemented across all Member States. The Animal Transport Regulation has been in force for 2 years now, yet there are still massive breaches of animal rights, particularly in the transportation and slaughter of horses. I would ask the Commission what they are doing to ensure that horses are slaughtered in their countries of origin, without having to undergo long and distressing journeys to consuming countries.

A major concern for me and the people I represent is that these animals travel in inhumane, crowded, filthy conditions, with limited food and water. This is unnecessary. While we cannot stop the meat being consumed, if animals are to be slaughtered, they must be slaughtered in their countries of origin and transported to other countries as carcasses. Furthermore, consumers must be told if the meat they are eating is not local but comes from hundreds of miles away.

Mr President, for the welfare of these horses, all the efforts we have made here in this Parliament for the rights of transported animals must not continue to be ignored.

3. Mediterranean diet (debate)

President. – The next item is the oral question to the Commission by Mr Parish, on behalf of the Committee on Agriculture and Rural Development, on the Mediterranean diet, a diet which, incidentally, the President of this plenary sitting adheres to in a reasonably strict manner with more than acceptable results.

Neil Parish, author. – Mr President, I am delighted that you follow the Mediterranean diet and see it is very successful for you!

What this morning has shown me here, as the Chair of the Committee on Agriculture and Rural Development, is that we have a very varied range of subjects to talk about. One minute we are talking about animal transport – a very important subject – and now we are talking about another very important subject: the Mediterranean diet.

One of the jobs that has come to me, as Chair of the Committee on Agriculture, and which we are particularly trying to get to grips with, is that, on the occasion of the Council of Ministers held in Brussels on 16 July 2007, the Commission reiterated its full support for the nomination of the Mediterranean diet as Intangible Cultural Heritage of Humanity by UNESCO. This nomination will be examined in 2009 – in fact, it now has been – by the responsible UNESCO committee. Is the Commission planning to set up a specific and coordinated strategy to support this nomination, because we are moving on very fast now?

I represent, as I said, the Committee on Agriculture here, but I probably represent all Members when we talk about diet, because one of the great things about Europe is its diversity and culture and part of that diversity and culture is, of course, our food.

The Mediterranean diet is a very good one. What is the Mediterranean diet? I am sure we could talk a great deal about that this morning, but it is generally a diet rich in oily fish, olive oils, fruit and vegetables. It is without doubt a very tasty diet, and you can see by the size of me that I am a very big fan of it. It is also a healthy diet: it is a rich source of essential fatty acids and antioxidants, a combination that can help improve cholesterol levels and protect heart health. Recent medical research has also suggested it may help cut the risk of conditions such as dementia.

When you go to Mediterranean countries, you can see that people enjoy it, and not only those who live there but also many of us who travel to Mediterranean countries, especially when we want some sunshine and also some very good food.

It is something that we need to take seriously in a world where everything seems to be uniform. We see the new generations being bombarded by the fast-food chains – I will not name them all here today – which are spreading throughout the European Union. We should remember that, yes, there is a role for a fast-food chain, but it would be a terrible thing if, in years to come, all we found when we travelled through Europe was fast food. Travelling through parts of America – especially on the west coast – there seems to be nothing but fast-food chains, and that is the last thing we want here in the European Union.

As I said, we need to support Mediterranean food, and it is a very good idea for culture and diversity. I think that in the future, we will have to look at other forms of diet across the European Union, because what I want to say to you quite clearly this morning is that while I am a great supporter of the Mediterranean diet, I do not come here as the Chair of the Committee on Agriculture just to support the Mediterranean diet, because there are other diets across Europe that are equally as good but have different qualities and different food.

So this is the start of many things to come and, as I said, I really want to know from the Commission how it intends to actively support this bid throughout this year, because we are looking forward to an award for the Mediterranean diet and we are also looking forward to having some very good Mediterranean food in the future.

Vladimír Špidla, Member of the Commission. – (CS) Mr President, ladies and gentlemen, I would like to start by emphasising the importance of a healthy diet for the prevention of disease. As MEPs, you will know that the White Paper entitled 'A Strategy for Europe on nutrition, overweight and obesity-related health issues', which was adopted by the European Commission on 30 May 2007, brings together all of the Community policies that can contribute towards improving eating habits and preventing obesity. It mainly involves measures in the areas of public health, catering, transport, regional policy, sport, education and statistics, as well as agricultural policy.

One of the best examples is the Commission initiative comprising a pan-European programme to supply fruit and vegetables to schools. The aim of the programme is to help make it easier for our children to get a healthy start in life. It will be launched at the start of the 2009/2010 school year with an annual budget of EUR 90 million for purchasing and supplying fresh fruit and vegetables to schools.

As concerns the specific question raised by one MEP on the request to have the Mediterranean diet included on the world cultural heritage list of UNESCO, the Commissioner's predecessor, Markos Kyprianou, raised this topic at a Council agriculture meeting in July 2007. The Commission welcomes this initiative, as it can help to encourage healthy eating habits throughout the EU.

The European Commission, of course, has no formal powers to support such a request within the framework of UNESCO, since it is not a member of UNESCO and it cannot therefore participate in the decision-making process. I hope, nevertheless, that the participating states succeed in their application to UNESCO and that they will receive proper support for this from the other EU Member States.

Rosa Miguélez Ramos, on behalf of the PSE Group. – (ES) Mr President, first of all, I would like to thank the Commission for its repeated express support with regard to the nomination of the Mediterranean diet as Cultural Heritage of Humanity by UNESCO.

Having heard the Commissioner's response, it is important to remember that the diet is a cultural asset and that the concept of diet is much broader than just the type of food one eats. Of course, as Mr Parish said, the Mediterranean diet, as a type of food, has a very important role in a healthy lifestyle including in the prevention of illnesses related to incorrect diet or the lack of physical exercise.

However, the concept of the Mediterranean diet goes further than that, and in this respect my comments complement his. It encompasses a specific way of life, a way of sharing food and enjoying it in company that is linked to a certain type of landscape and territory as well as to societies that, over the centuries, have developed culture, art, traditions and festivals around the concept of the Mediterranean diet.

Having clarified what the Mediterranean diet means to me and the majority of the people involved in this field and the reason behind the nomination, and with the confirmation of the Commission's willingness to cooperate, let us consider, Commissioner, that, although the Commission is not a member of UNESCO – as we already know – nor does it participate in its decision-making processes – as we are also aware – the Commission can support the nomination with indirect actions which would doubtless have a positive effect on the perceptions of those involved in the voting procedure.

Among the options, I would suggest a formal statement of support by the European Commission for the nomination, as other international organisations such as the FAO, the World Health Organisation and the scientific and academic communities are making such statements of support.

With regard to the future management plan, of course we think that the Commission should become involved, by supporting or joining in with specific transnational actions that may be proposed. This has been the year of intercultural dialogue and one of the states contributing to the nomination is a Mediterranean neighbour of ours, the Kingdom of Morocco. All this is particularly important considering, as you said, the Commission's interest in promoting healthy diets and lifestyles for Europeans.

The Commission could also help in seeking support and collaboration and could undertake diplomatic efforts, given the respect afforded the Commission, especially in Mediterranean countries outside the EU, as well as outside the Mediterranean area and the European Union. Of course, Commissioner, the Commission could show itself to be available to organise or collaborate on potential activities that may come about in these months in some fields of work.

Jorgo Chatzimarkakis, on behalf of the ALDE Group. – (DE) Mr President, many thanks to Mr Parish for his question, and thank you also to the Commissioner for his answer. Europe has many things that are envied around the world: our fashion, our lifestyle, our social-security systems – and, increasingly, our diet. We in Europe would do well to draw attention to the healthiest diet, namely the Mediterranean diet.

To clarify the definition: the Mediterranean diet has its origins in the dietary patterns typical of large parts of Greece, including the island of Crete, and of southern Italy – hence its name. Its main component – as the Commissioner has already said – is olive oil. This is yet another reason – and I address this not only to Commissioner Špidla but also to the whole of the Commission – to accord this original European product even greater protection.

The Mediterranean diet still consists of high-fibre bread, large amounts of fruit and vegetables – which is why we welcome the Commission's School Fruit Scheme – fish, dairy products in moderation, and wine too. It has been scientifically proven – this conclusion was reached in a September 2008 edition of the *British Medical Journal* – that the Mediterranean diet helps to reduce the incidence of cardiovascular diseases, of type 2 diabetes – the contemporary European epidemic – and of cancer, and to decrease the effects of Alzheimer's disease and Parkinson's disease. This is illustrated by a visit to graveyards in Crete, the island my father hails from: seeing the age people live to there really brings this home to you.

Therefore, we must do our utmost to increase the number of devotees of the Mediterranean diet in Europe and beyond, and its inclusion on the World Heritage List is an important step in this regard. I wish to thank the Commission for its efforts.

However, we must also realise that, if China and India adopt the American diet, as they are increasingly doing, the adverse effects will be threefold. Firstly, the health of the world's population will decline. Secondly, there will be an increase in intensive livestock farming, with all its adverse effects on the environment, and the third effect concerns methane production, as most of the meat will be beef. Cattle produce methane, and that is bad for the global climate. This is why it is so important to take this particular step. Thank you again, Mr Parish.

Sebastiano (Nello) Musumeci, *on behalf of the UEN Group*. – (IT) Mr President, Commissioner, ladies and gentlemen, the decision by the European Union to support the recognition of the Mediterranean diet as Cultural Heritage of Humanity by UNESCO reminds us, above all, of the right to protection of the identities of peoples in their close relationship with their lands. However, the institutional commitment displayed by Italy, Spain, Greece and Morocco cannot be limited solely to achieving this prestigious recognition.

I think that we must reconstruct the link, nowadays increasingly weak and fragile, between agricultural produce and food for everyday consumption; that is to say, we must encourage consumers to be knowledgeable about the principles of a healthy diet and the seasonality of produce. Produce must return to being natural and free from additives and chemical preservatives. The international scientific community assures us that the consumption of such produce significantly reduces mortality rates. I am thinking, for example, of extra-virgin olive oil, wine and fruit and, in particular, Sicilian blood oranges, unique in the world for their pigment that is rich in antioxidants.

In conclusion, I hope this objective can be shared with other Mediterranean countries and, as a specific strategy is required, only the Commission can take a lead role and act as interpreter in this.

Pedro Guerreiro, *on behalf of the GUE/NGL Group*. – (PT) Initiatives that seek to promote and safeguard the cultures of people, particularly in relation to food, are to be welcomed. An example is the nomination of the Mediterranean diet as Intangible Cultural Heritage of Humanity, which is to be examined by the responsible committee within UNESCO in 2009.

The realisation of such an objective may contribute to preserving, raising awareness of, and promoting a diet that predominates in the Mediterranean countries and which has been shown to be healthy by various nutritionists and other specialists. This diet is based, as has been mentioned here already, on traditional products of the Mediterranean region, such as fruit and vegetables, olive oil, fish, cereals, nuts, aromatic herbs, dairy products, sheep and goat meat and wine.

However, the number of people who maintain these healthy dietary habits has been falling.

Thus, among other consequential and necessary political initiatives, we consider that effective measures must be taken to support traditional Mediterranean production, particularly within the framework of common agricultural policy and common fisheries policy. Such measures should be directed at small-scale agriculture and family agriculture, as well as the fishermen of these regions, to guarantee their production. The measures should give added value to traditional and artisanal products and encourage the development of local markets.

Essentially, measures are needed to counter the growing decline of agricultural activity and the reduction in the population who, with their knowledge, carry on and safeguard the production of these traditional quality products.

All of these issues and measures come within the remit of the European Commission.

Luis Manuel Capoulas Santos (PSE). – (PT) Mr President, ladies and gentlemen, it is not common for a single topic to combine, at the same time and in a positive way, the three very important issues of health, culture and economics. The Mediterranean diet achieves this in full.

From the health perspective, it appears there are no remaining scientific doubts about the advantages to human health of a diet based on fresh and natural food. As already mentioned here, this includes cereals, rice, legumes, nuts, fruit and vegetables, frequent consumption of fish, olive oil as the main dietary fat and moderate consumption of wine.

From a cultural point of view, the systems of production and the processing and consumption of these products are associated with ancestral techniques and traditions that go back further than Greco-Roman culture and that, in many respects, are still present in the practices, customs and techniques of the communities of the Mediterranean basin.

From the perspective of the economy, the activities connected, in particular, to the agriculture, fishing and rural tourism sectors, which are so important in preventing depopulation and maintaining the vitality of the rural and coastal zones, continue to have a very considerable socio-economic impact. At the same time, and curiously in the case of agriculture, they represent the most competitive forms of production in the European Union, and have always benefited from the least financial support under the common agricultural policy.

For all of these reasons, the initiative of the Spanish authorities to have the Mediterranean diet recognised by UNESCO as Cultural Heritage of Humanity deserves to be warmly welcomed, and I think it is the duty and obligation of the European Union to do what it can to influence this decision, because it is not in the specific interests of one country or group of countries; it is in the interests of the whole Union.

Salvatore Tatarella (UEN). – (IT) Mr President, Commissioner, ladies and gentlemen, obesity is becoming a serious and, I would say, major problem throughout Europe, particularly among the young. According to the experts, if we want to look after the health of our children, the best way to achieve this is to return to the traditions of Mediterranean cuisine on a daily basis, the only life insurance that financial crises can never affect.

The approach of Alfonso Iaccarino, a well-known Italian chef and member of the expert committee on the recognition of the Mediterranean diet as Intangible Cultural Heritage of Humanity, is to return to natural, simple foods and to tradition, diversity and quality in cooking. The Mediterranean diet is not just a lot of bread and pasta, it also involves movement, physical activity and lifestyle. The Mediterranean diet, based on extra-virgin olive oil and good wine, has an excellent effect on health: olive oil reduces blood cholesterol levels and wine, in moderation, has an antioxidant effect.

The Mediterranean diet has helped Italians break the record for longevity in Europe and Italy leads the ranking for best body mass index, which is the relationship between height and weight. In conclusion: the Italian Senate recently unanimously approved a paper in favour of the recognition of the Mediterranean diet as heritage of humanity. I hope that the European Parliament is of the same opinion and that the Commission acts accordingly.

(The President cut off the speaker)

Vincenzo Lavarra (PSE). – (IT) Mr President, Commissioner, ladies and gentlemen, first of all, I would like to express my thanks to the Chairman of Parliament's Committee on Agriculture and Rural Development, Mr Parish, for having sponsored this question after the valuable expert hearing held by the Committee.

It is undeniable that Mediterranean food is part of the historical and cultural heritage of our continent. The healthy basis of the diet is also undeniable. The Commission's White Paper on obesity identified the Mediterranean diet as an excellent natural medicine.

The health benefits have been scientifically demonstrated and have an excellent reputation abroad, in particular, in the United States. This has meant that the concept has been broadened to the point of distorting its original nature. Recognition by UNESCO would encourage a definition to protect this particular diet. I would say to Mr Parish that, in relation to specific diets in European gastronomic culture, we are currently talking about Mediterranean food, but this is certainly not the only specific diet in the very rich European gastronomy.

Commissioner, you have maintained your predecessor's commitment to recognising the importance of this initiative, and I thank you for that. You have stressed that you do not have decision-making powers with

respect to the UNESCO procedure. However, I think that you could issue a statement and undertake diplomatic efforts ...

(The President cut off the speaker)

Alessandro Battilocchio (PSE). – (IT) Mr President, Commissioner, ladies and gentlemen, we are well aware of the concept that the Mediterranean diet, as confirmed by many studies, can help in the battle against obesity and cardiovascular disease and, in general, is very positive for human health in many different ways.

However, the point here is not to try to impose the Mediterranean diet throughout the EU or attempt to favour it over other diets that are better adapted to non-Mediterranean climates and regions. We do, however, have the task of protecting it and defining its content and characteristics in order to defend it from external imitation and contamination that could damage its image and value.

Thus, the diet should be valued in the same way as all the other expressions of European culture that deserve to be protected and promoted globally. Attempts have been made around the world to imitate the model and, for this reason, it is important to define the particular nature of the diet and protect it to avoid a wholly European heritage being lost in the sea of globalisation.

Czesław Adam Siekierski (PPE-DE). – (PL) The Mediterranean diet also deserves to be protected and promoted for other reasons. Today, in a world that is dominated by supermarket food and fast food, Mediterranean cuisine is a commendable exception, as it is popular and healthy. It was not invented by nutritionists, but is the product of many centuries of tradition, passed down through generations.

Over half of the population of the European Union are overweight. As many as 15% are obese. I am also affected by this problem. These statistics are alarming. We should take action to combat this negative trend. One of the ways of addressing the problem is through promoting healthy eating habits, and the Mediterranean diet certainly falls into this category. Scientific research has shown that it contributes to lowering the risk of cardio-vascular disease, especially ischaemic heart disease and various cancers, and also has a positive impact on the average lifespan.

Marios Matsakis (ALDE). – Mr President, diet is known to be an important contributor to good health. There is now indisputable scientific evidence that the Mediterranean diet – based on the traditional dietary intake of citizens of the southern parts of Europe, such as Crete and Cyprus – leads to a longer and healthier life, whereas the American-influenced junk food diet – such as industrially processed hamburgers, chips and sweets – leads to a shorter life and one more affected by disease. Good diet is especially important in children. So, will the Commission do more – far more – in order to make sure that Member States effectively promote the Mediterranean diet in schools and even ban the use of diets proven to cause damage to children's health in such institutions?

By the way, Mr Commissioner, I did not quite understand why the EU is not a member of UNESCO? Should it not be?

(The President cut off the speaker)

Ewa Tomaszewska (UEN). – (PL) Mr President, it is better to eat a healthy diet and avoid illness, than to undergo even the most effective modern medical treatment. Medical treatment, including complicated surgery required by patients with excessively high cholesterol levels, is also more expensive than simple, traditional foods. This approach is sensible, as it is based on good, tried and tested traditions. The Mediterranean diet brings us health and the joy of living, and also prevents excessive weight gain. I welcome the fact that UNESCO has placed the Mediterranean diet on its world heritage list.

Jean-Claude Martinez (NI). – (FR) Mr President, I am pleased that it is a Briton, Mr Parish, who has tabled this text. It just goes to show you that two thousand years ago, those Roman soldiers did the right thing in going to Great Britain with their amphora of olive oil and wine. Well then, two consequences inevitably flow from this. That it is rather odd from a symbolic point of view to establish the Food Authority in Helsinki, and that it is unreasonable for the European Commission not to revisit the following issues: firstly, to re-establish aid for almond trees, then to stop the attacks on olive trees, particularly in Andalusia and throughout Europe; to stop the attacks on blue fin tuna fishermen in the Mediterranean and the attacks on the European vineyards where vines are being torn up. I, myself, would like to suggest to the Commissioner and Mr Barroso that they organise a huge banquet in Portugal and serve lamb's milk cheese and Samos wine.

(The President cut off the speaker)

Vladimír Špidla, *Member of the Commission*. – (CS) Ladies and gentlemen, based on the strategy set out in the White Paper, the Commission supports all proposals and all processes which encourage healthy eating habits. The Commission actively backs these initiatives. However, it cannot support just a narrowly defined set of eating habits as there are significant differences between individual Member States and between individual regions, as well as differences between, for example, individual Mediterranean countries. Of course, this does not, in any way, invalidate what I have said in my introduction about the Commission supporting the proposal to recognise the Mediterranean diet as part of Cultural Heritage of Humanity. We are making progress in this direction and it is of course clear that even though we are not a member of UNESCO, there are surely ways of supporting this proposal.

Ladies and gentlemen, I would like to respond to one speech in particular with which I profoundly disagree. I see no reason why we should reconsider the location of the agency in Finland. I have no doubt that people grouped around the agency there are fully able to defend and fulfil the mandate given to the agency. In my opinion, the location was decided correctly and reasonably.

President. – I do not know if there are great differences between Member States or groups, but what is certain is that, in the debate we have had here, no difference could be noted; from Germany to Poland, from the United Kingdom to Portugal, Spain or Cyprus, I believe there has been considerable unanimity in support for the initiative.

Thank you very much everyone. We will suspend the session for a few minutes. We have managed to finish the debate on time and, above all, in the calm atmosphere required so that we can all listen to each other. This is a good start to the year in our plenary sittings. The sitting will resume at 12 noon for the votes.

(The sitting was suspended at 11.50 a.m. and resumed at 12 noon)

IN THE CHAIR: MR PÖTTERING

President

Francis Wurtz (GUE/NGL). – (FR) Mr President, ladies and gentlemen, I unfortunately have to inform you that we have just learned that the headquarters of the United Nations agency responsible for assisting refugees in Gaza has just been hit by shells fired from Israeli tanks. Three people have been injured and the UN has decided to shut down all its operations.

Bearing in mind the vote that is going to take place shortly, I think it important that each of you be aware of this fact.

(Applause)

President. – Many thanks for that information, Mr Wurtz. If it is true, it makes the vote that we are about to hold all the more pressing.

4. Communication of Council common positions: see Minutes

5. Restoring NTDTV Television broadcasts to China via Eutelsat (written declaration)

Marco Cappato (ALDE). – (IT) Mr President, ladies and gentlemen, thank you on behalf of those who supported this initiative. I would like to thank the more than 440 members who added their signatures. This Parliament requests Eutelsat to restore NTDTV broadcasts in China: the freedom to obtain information and knowledge is a basic human right. This Parliament is demonstrating, as it has done over the Sakharov Prize, Hu Jia and the invitation to the Dalai Lama, that when we criticise China or the EU over human rights, we do this to promote the freedom of the Chinese people.

6. Voting time

President. – The next item is voting time.

(For results and other details of the vote: see Minutes)

6.1. Budgetary control of EU funds in Afghanistan (A6-0488/2008, Véronique Mathieu) (vote)

6.2. Equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (A6-0491/2008, Teresa Riera Madurell) (vote)

6.3. Situation in the Middle East/Gaza Strip (vote)

– *Before the vote:*

Martin Schulz (PSE). – (DE) Mr President, I am obliged to you for giving me the floor. With your permission and that of my fellow Members, I should like to make two comments, the first on the resolution being put to the vote, and the second a personal statement regarding a Member of this House.

On the subject of the resolution, my group discussed this again yesterday evening. The discussion was very in-depth and very passionate, but also very thoughtful. I believe that, this morning, as we prepare to vote, we are all shaken by what Mr Wurtz has just told us. When armed hostilities escalate such that international institutions are no longer secure, the situation is extremely serious. An appeal must be made to Israel in particular, in this case, to respect the bodies of the international community, as failure to do so puts the humanitarian infrastructure at risk, which is certainly not consistent with international law.

We have decided to support this resolution, however, as – following yesterday's lengthy discussion – we believe that it is right and vital to adopt it now, and that it is necessary for us, for the European Parliament as an institution, to send out such signals. One thing is quite certain, however, and that is that when violence escalates such that it does not even spare schools and kindergartens, it is a matter not for regret, but for condemnation in the strongest terms. Although this is not contained in the resolution,

(Loud applause)

we do want to emphasise it here, as we believe that this reflects the feelings of many of our fellow Members, including those from other groups.

Allow me to say a few words today about a colleague who, throughout his political career, has made a particular contribution to peace in the world and in the European Union. This is the last plenary sitting my colleague Mr Rocard will be attending. For us in the Socialist Group in the European Parliament, but I believe for us all ...

(Standing ovation)

President. – Many thanks, Mr Schulz. Since I was unable to take part in yesterday's reception owing to the visit by the President of the Council, Czech Prime Minister Mirek Topolánek, I wish to say the following to Mr Rocard. Mr Rocard, I should like to express my friendship and my deep respect for you, and to wish you happiness and success in all your future plans. I hope that we shall continue to see each other frequently, and I wish to thank you for the great contribution you have made to European integration. You have my sincere thanks, Mr Rocard!

(Loud applause)

– *Before the vote – concerns paragraph 3:*

Michael Gahler (PPE-DE). – (DE) Mr President, in agreement with my group and also the other groups, I wish to propose the following amendment:

To replace 'a special responsibility' with 'an important role', so that it would read: 'which implies an important role for Egypt'.

(The oral amendment was accepted)

President. – Ladies and gentlemen, I wish to inform you that, in my capacity as President of the Euro-Mediterranean Parliamentary Assembly (EMPA), I shall now attempt to bring about a similar resolution in the EMPA Bureau, as this House has just decided.

(Applause)

6.4. Situation in the Horn of Africa (vote)

– Before the vote:

Ana Maria Gomes (PSE). – (PT) I would like to propose a new paragraph before paragraph 1 that states as follows:

‘Notes that the current situation in the countries of the Horn of Africa is not in conformity with the essential elements of cooperation stated in Article 9 of the Cotonou Agreement;’.

This is a sentence that was already in the report that our three colleagues, who visited the region, recently gave to us.

(The oral amendment was not accepted)

6.5. EU strategy towards Belarus (vote)

– Before the vote – concerns paragraph 9:

Jan Marinus Wiersma (PSE). – We propose to delete the last sentence of paragraph 9, which reads: ‘calls on the Belarusian authorities to end their practice of issuing exit visas to their citizens, in particular, children and students’. We want to delete this because the authorities have already abolished this system of exit visas, so it is obsolete.

(The oral amendment was accepted)

6.6. Commemorating 11 July as a day of remembrance for the victims of the massacre in Srebrenica (vote)

– Before the vote – concerns paragraph 3:

Doris Pack (PPE-DE). – (DE) Mr President, ladies and gentlemen, everyone has agreed to an addition to paragraph 3. We should like to add the following phrase to this paragraph, which concerns the work of the International Criminal Tribunal for the Former Yugoslavia in The Hague:

‘reiterates in that regard that increased attention needs to be paid to war crime trials at domestic level;’.

(The oral amendment was accepted)

7. Explanations of vote

Oral explanations of vote

– Riera Madurell report (A6-0491/2008)

Daniel Hannan (NI). – Mr President, the field of equal pay and gender equality has been perhaps the supreme example in the European Union of judicial activism, of the Treaty saying one thing and then the European Court interpreting that in an expansive and creative way.

The Treaty of Rome has one sentence on the subject which you would have thought is very easily understood: ‘Men and women shall be given equal pay for equal work’. But in a series of contentious judgments – Defrenne v. Sabena, Barber v. Guardian Royal Exchange, and others – the definition has been progressively widened, first so as to include holiday entitlements and pensions and so on, and then so as to include work of equivalent value.

It is not at all clear how an employer is supposed to assess work of equivalent value, whether he is required, for example, to factor in the availability of suitably qualified applicants. My point is not really to do with gender equality, it is to do with the fairness of Member States thinking that they have signed one Treaty, and

then finding that it is interpreted in the courts by judges who give it a meaning that it could not possibly have been intended to have.

Before we open the door to massive new extensions through the Treaty of Lisbon, we should put it to a referendum. *Pactio Olisipiensis censenda est!*

IN THE CHAIR: MR ONESTA

Vice-President

Philip Claeys (NI). – (NL) Mr President, I cannot identify with Mrs Riera Madurell's report, and not because I am opposed to the principle of gender equality. Quite the contrary, of course, but the problem with this report, and all similar reports, in fact, in this politically correct House, is its patronising tone. How could one possibly applaud the reversal of the burden of proof, for example, even though it is a key principle of the rule of law that people should be proven guilty instead of innocent?

Why are businesses saddled with the annual obligation to submit a business plan for gender equality? This is very patronising, burdening businesses, as it does, with bureaucratic nonsense simply to hammer home a number of principles that are universally accepted but are not always easy to implement in practice. How can we force a business to recruit equal numbers of men and women instead of simply looking at who is most suited for the job?

- Motion for a resolution B6-0051/2009 (Situation in the Middle East/Gaza Strip)

Laima Liucija Andrikiienė (PPE-DE). – (LT) I voted for the resolution on the situation in the Gaza Strip, as many of the things which are important to the residents of Lithuania who delegated me to this Parliament are included in this resolution.

Most importantly, an immediate and permanent cease-fire. The statistics broadcasted yesterday by the world's news agencies are appalling – more than 1 000 dead, hundreds of injured, maimed, crying children. This cannot continue.

As a member of the European Parliament's Subcommittee on Human Rights, human rights violations and the humanitarian situation in the Gaza Strip are particularly important to me. There should be no obstacles to humanitarian aid. Aid must be given to those who have been allocated it and who need it most – civilians.

I welcome this European Parliament resolution. It was greatly needed. The European Parliament is never silent and must not be silent when people are dying.

Mairead McGuinness (PPE-DE). – Mr President, it seems rather futile to welcome this motion for a resolution on Gaza which, of course, I do, because thus far, words have not been heard above the noise and din of rocket fire, bullets and the cries of men, women and children who have been wounded and who have died in the region. But it may be that today, there will be further movements towards a cease-fire in the region, which would be most welcome.

In that respect, we support the efforts of Egypt to broker a cease-fire. While Egypt and the Arab leaders may bring influence to bear on Hamas, when it comes to Israel, I think it is the US which carries that influence, although I hope that this motion for a resolution, which was resoundingly supported in Parliament today, will add further to the pressure for immediate and effective humanitarian aid, for a cease-fire and for a lasting peace in the region.

Daniel Hannan (NI). – Mr President, firstly I was delighted to see that no action was taken against Members who decided to demonstrate during this vote with their 'Stop the war' placards and their Palestinian flags. I hope we have now set the precedent that, unlike those who demonstrated for a referendum, we accept the right to make a peaceful point in a suitable manner as part of the democratic process.

Like everybody else in this Chamber, I am, of course, horrified by what has been happening in the Middle East. The losers are not one side or the other but people of good will throughout the region. There are Gazan families peaceably trying to bring up their children, who are horrified at the hell unleashed on them by the rocket launches. There are Israelis who understand that one day an independent Palestine will be their neighbour and that actions of this kind are unlikely to make it a benign neighbour. In the current circumstances, however, nobody wants to listen to such voices.

I would just say that I am puzzled by the resolution's insistence on proportionality. I am not sure what proportionality means. Would critics of the Israeli Government be happier if it had rained an equivalent number of rockets randomly on Gazan villages? I see your gavel raised so I will simply say that I hope that the cease-fire is quickly negotiated and that we can get back to talking and to finding a peaceful resolution.

Bernd Posselt (PPE-DE). – (DE) Mr President, I should like to thank the President-in Office of the Council, Czech Minister for Foreign Affairs, Karel Schwarzenberg, and the External Relations and European Neighbourhood Policy Commissioner, Benita Ferrero-Waldner, for participating in our debate yesterday, and also my fellow Members for today's vote, which was almost unanimous.

The EU is indeed much more united than people say. If we remain so, we can achieve something in the Middle East, and so we must continue in this direction.

The components are clear: 'yes' to the right of Israel to exist, 'no' to war and bloodshed, 'no' to Hamas' rocket fire, 'no' to Hamas' terrorism and, crucially, 'yes' to negotiations on the bones of contention, including the problem of the settlers, as this, alongside the unacceptable terrorism on the part of Hamas, is at the heart of the matter.

The fundamental components are on the table, therefore, and so the task of the EU is to drive things forward with energy and determination instead of degenerating into a disunited talking shop, which – unfortunately – we have been in recent years in the matter of Middle East policy.

Hannu Takkula (ALDE). – (FI) Mr President, I believe that all of us in the European Union and the European Parliament want peace for that region – peace and a cease-fire. Moreover, for a cease-fire to come about, we need to make a tremendous effort to ensure that the terrorist organisation, Hamas, is completely disarmed.

In my opinion, more could have been made in this motion for a resolution of the nature of Hamas as a terrorist organisation, but I know that when a compromise like this is being put together between the various parties, it can be difficult to bring off. In any case, we as Europeans need to remain impartial and objective and, above all, we must always uphold the principles of democracy, human rights and freedom of speech and oppose terror in all circumstances. That is most important of all. We must also remember that all of this began with a terror attack, and now we have to root out the terror element.

Kristian Vigenin (PSE). – Mr President, I am pleased that our Parliament was able to adopt this resolution by such an impressive vote, with no votes against. We, and I personally, supported this resolution because the European Parliament has to have a clear position and to find common ground, even if the resolution adopted today does not correspond fully to the position of the Socialist Group.

Let me reiterate that the Socialist Group expresses its deepest outrage at the violence in the Gaza Strip, the consequences of the disproportionate use of force by the Israeli Army and the military escalation that is causing many hundreds of victims – most of them civilians, including many children – and that we strongly regret that civilian and UN targets have been hit.

We stress again that any upgrading of political relations between the EU and Israel must be strongly conditioned on respect for international humanitarian law, on real commitment to a comprehensive peace settlement, on an end to the humanitarian crisis in Gaza and the Occupied Palestinian Territory and on respect for full implementation of the EC-PLO Interim Association Agreement.

- Riera Madurell report (A6-0491/2008)

Astrid Lulling (PPE-DE). – (FR) Mr President, I should quite simply like to make a clarification, since in an oral explanation of vote, one of my fellow Members said several things and claimed that the resolution contains things which it does not contain. There is no obligation on employers to produce plans. We have removed all these obligations, all these requests from the report as it had been adopted by the Committee on Women's Rights and Gender Equality. We tabled a common resolution and I hope that my fellow Member is not opposed to the highlighting of the need to encourage social dialogue between social partners, in order for the principle of equality to be applied, or to Member States being invited to encourage employers to regularly provide their employees and their representatives with information relating to compliance with the principle of equality. Everything that was criticised therefore no longer appears in the resolution adopted and I wanted to make this clear.

- Motion for a resolution RC-B6-0028/2009 (Belarus)

Laima Liucija Andrikiienė (PPE-DE). – (LT) I voted for our resolution on the European Union's strategy towards Belarus. I believe that the document reflects perfectly the changes which have taken place in this country over the past six months which need to be assessed.

Of course, the first cuckoo does not necessarily indicate the arrival of spring, but Belarus is a great and important state, a neighbour of the European Union, and undoubtedly we are delighted by any positive changes. The release of political prisoners, the repeal of certain restrictions on press freedom and dialogue with the European Union on energy, environmental and other matters are positive changes.

Today I would like to express my conviction that the time has come for a European Parliament delegation to visit Belarus, and this resolution speaks clearly on this important matter. I hope that the time is nearing when Belarus will be able to take advantage of the positive opportunities offered by the European Neighbourhood Policy. Only let us not stop half-way: this applies both to Belarus and the European Union.

Roberto Fiore (NI). – (IT) Mr President, ladies and gentlemen, I voted against the resolution even though it contained balanced and acceptable elements. I think there are no longer sufficient reasons to retain the system of sanctions in dealings with Belarus. In terms of economic, political and religious freedom, it is a country that has almost entirely complied with the tenets of liberty in which we believe.

I think it is necessary, instead, to initiate genuine, proper relations with Belarus in order to integrate this country into Europe, above all, in an era in which we find ourselves needing to open relations with Russia. Belarus could be an excellent bridge between Europe and Russia and I think that, rather than threatening sanctions, a genuine, profitable relationship should be initiated with this country.

Written explanations of vote

- Mathieu report (A6-0488/2008)

Laima Liucija Andrikiienė (PPE-DE), in writing. (LT) I voted for the report on financial control of EU budget funds allocated to Afghanistan and European Parliament resolutions on this matter prepared by my colleague, Véronique Mathieu.

It is an exhaustive, well prepared document, in which no less than three European Parliament Committees gave their opinions, including the Committee on Budgets, whose opinion I prepared.

Once again, I would like to draw attention to the most important things upon which the results of our aid to Afghanistan depend. These include, above all, the coordination of financial support, not just between EU Member States and the European Commission, but among the Member States themselves, as well as coordination with other donors.

Secondly, I would like to stress the importance of priorities. I am convinced that the development of infrastructure, support for alternative sources of livelihood, which would help reduce poverty and replace opium production with other alternative activities, and finally health and educational bodies, should be on the EU's list of priorities.

Robert Atkins (PPE-DE), in writing. – I and my British Conservative colleagues are fully supportive of EU and international efforts to promote peace, democracy and prosperity for the people of Afghanistan. The future stability of Afghanistan is of crucial concern to the security of EU Member States and wider afield.

We support funding for development and the promotion of good governance in Afghanistan, but equally believe this funding must be effectively monitored. Transparency in the use of taxpayers' money is of great concern and any evidence of misappropriation or misuse must be dealt with properly.

We wish to make clear that our support for this report in no way implies recognition of the Treaty of Lisbon, which is mentioned in Recital 11 of the report. We oppose the Treaty of Lisbon in principle.

Călin Cătălin Chiriță (PPE-DE), in writing. – (RO) I voted in favour of the report presented by Véronique Mathieu on the budgetary control of EU funds in Afghanistan. It is a well-considered report of great significance because the success of the financial, political, civil and military efforts to stabilise Afghanistan is especially important to the EU and the whole democratic world.

Romania is contributing to these international efforts in Afghanistan with 721 soldiers as part of the ISAF mission (under the auspices of NATO) and 57 soldiers involved in the *Enduring Freedom* operation (coalition type mission). During these missions, several Romanian soldiers have been killed or injured, causing grief to their families and Romanian society. We do not want their sacrifice to be in vain. What we want is for Romania's financial, military and human contribution to the European and international effort to result in long-term stability in Afghanistan and the elimination of terrorist hot spots.

Dragoş Florin David (PPE-DE), in writing. – (RO) I voted in favour of the report as the Commission needs to increase the resources allocated to the fight against drug trafficking.

The aid granted by the EU during the 2004-2007 period is made up of direct and indirect aid. Between 2002 and 2007, direct Community aid accounted for 70% (EUR 970 million) of the total Community aid, while indirect Community aid, managed by international organisations, accounted for 30% of Community aid (EUR 422 million).

However, the lack of coordination at international level between the donor countries needs to be recognised. This situation also exists between different European Union Member States and the Commission at a time when they could play a unifying role. As a direct consequence of this, the cost/efficiency ratio is much lower than it should be and there is the conviction that the Afghan population could have benefited to a much greater extent from the international and Community funds allocated to this country.

Koenraad Dillen (NI), in writing. – (NL) The EU is one of the largest donors of development and humanitarian aid to Afghanistan. Between 2002 and 2007, the European Commission assigned a total of EUR 1 400 000 000 in aid to that country.

This is an excellent report, because it is based on correct propositions and makes a number of sound recommendations. For example, controls of EU funds must be extended and more drastic efforts must be made to address the rampant corruption in that country. (In fact, does this not apply to all developing countries that receive our aid?)

The European Parliament also argues in favour of more development support and an extension of the Commission's delegation in Kabul to carry out the necessary verifications, audits and inspections.

As Afghanistan will make or break the fight against international terrorism, additional budgetary efforts are more than welcome.

Carl Lang (NI), in writing. – (FR) The content of the report on budgetary control of EU funds in Afghanistan once again shows that interventionism by the West in these regions has changed nothing. Our presence only prolongs the war and the resulting suffering, rather than eliminating them.

To talk of democracy and the equality of the sexes in a country where customs sometimes border on barbarism, is typical of the blissful ignorance of ultra-Europeans who still prefer to get involved in international issues rather than dealing with Europe's problems.

The ethnic groups in Afghanistan, where wars have raged for centuries, will never accept any foreign occupation, no matter how 'humanitarian'. It only strengthens the positions of the Taliban and other extremist factions, rather than enabling a strong and capable legitimate power to emerge and stabilise the country.

Europeans must withdraw as quickly as possible from the Afghan wasps' nest.

Bogusław Liberadzki (PSE), in writing. – (PL) Mr President, I am voting in favour of adopting the report on the Implementation of Community Funds in Afghanistan (2008/2152(INI)).

Mrs Mathieu is quite right to point out that Afghanistan's social indicators are dramatically low. There is continuing conflict or war, as well as tribal and international clashes, drug trading and corruption. As a result, Afghanistan needs international aid.

I would like to express my support for aid to Afghanistan. I welcome the long-term commitment to action aimed at providing support to this country and I think that the priorities described in the Commission's Country Strategy Paper 2007-2013 satisfy the requirements of Afghan society.

Alexandru Nazare (PPE-DE), in writing. – (RO) The European Union is one of the main donors in Afghanistan, contributing to stabilising and improving security in the area, with tangible effects such as the rise in life expectancy.

The EU needs to continue the support being given to Afghanistan. However, it cannot ignore the wasteful expenditure of the money allocated from the Community budget, which ultimately comes out of the taxpayer's pocket. This is why I consider that this report is welcome as an instrument for streamlining the allocation of EU assistance in Afghanistan and for maximising the funds' financial impact. In this sense, coordinating and controlling the development assistance funds granted to Afghanistan are three elements which are instrumental in helping to achieve the purposes this money is intended for.

The report being proposed summarises a number of problems involved with granting EU funds to Afghanistan and suggests a number of viable recommendations. I would like to express my support for this report and I hope that it will be followed by the implementation of a series of specific measures aimed at increasing the impact from the use of EU funds and ensuring tighter control on spending them. While also bearing in mind the current economic situation in most of our countries, I believe that it is the EP's duty, as an entity with budgetary functions in the European Union, to guarantee maximum efficiency in using public money.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I voted in favour of the report by Mrs Mathieu on budgetary control of EU funds in Afghanistan.

The report presents very clear conclusions on the results achieved by Community aid from the time of signing of the agreement until the present: although they could have been more far-reaching, these results have been positive and noteworthy. I refer, in particular, to the reduction in the rate of infant mortality, the improvement in access to basic healthcare and the significant increase in the number of children attending school. I also join the rapporteur in considering that there should be increased efforts to improve coordination between Community and international donors in order to avoid duplication and possible sources of corruption in the country.

Furthermore, more than ever, it is essential that, where financial assistance is offered to a country severely affected by social and political problems, the system of control is effective; otherwise, the risk is that, rather than improving the situation, it will be made worse. For this reason, I hope that the system of control, in particular *ex-ante*, is improved and more fully enforced than it has been up to now.

- Riera Madurell report (A6-0491/2008)

Robert Atkins (PPE-DE), *in writing*. – I and my British Conservative colleagues are fully supportive of the principle of equal treatment for men and women in all aspects of life, including access to employment, vocational training and promotion, and working conditions.

However, we believe these matters are primarily ones for Member States to pursue and not for the European Union. We have therefore decided to abstain on this report.

Gerard Batten, Godfrey Bloom, Derek Roland Clark, Nigel Farage, Michael Henry Nattrass and John Whittaker (IND/DEM), *in writing*. – UKIP fully supports equality for men and women. However, the UK already has equality legislation and can change and improve it as and when required to by our Parliament and people. Further legislation and bureaucracy imposed by the EU is therefore unnecessary. Furthermore, the EU is undemocratic and not a safe guardian of anyone's rights, including those of women.

Koenraad Dillen (NI), *in writing*. – (NL) I voted against this politically correct report – the umpteenth one – that is being put to us in this Parliament for approval. First of all, I should like to point out that as gender equality in the EU has been in place for many years, this report is totally unnecessary. Moreover, I object to the reversal of the burden of proof, applauded in this report (paragraph 20), which does not befit any country under the rule of law, while total omnipotence is granted to organisations that are asked to carry out this directive (paragraph 19).

The fact that Member States will be obliged to require businesses to develop annual business plans for gender equality and to guarantee a balanced gender distribution on corporate boards of management is diametrically opposed to the freedom of running a business. For businesses facing difficulties caused by the international financial crisis, the additional paperwork that this requirement entails could well prove devastating. In a free market of healthy businesses, quality, be this male or female, will always prevail, as we have seen many times before.

Constantin Dumitriu (PPE-DE), *in writing*. – (RO) During this current economic crisis, women are among those most affected by unemployment or salary cuts. At European level, we need Member States to implement

the provisions of Directive 2002/73/EC and the European Commission to monitor these actions and update the European Parliament on a regular basis.

As Mrs Madurell's report also indicates, one of the biggest problems in combating gender discrimination on the labour market is also the lack of information about the rights which the victims of discrimination have. The responsibility for this is shared equally among the Member States, European institutions, such as the European Institute for Gender Equality, and employers. Civil society organisations also have an important role to play in this. They can use information campaigns and monitoring reports to make up for the lack of activity at national or European level.

The Commission is obliged to monitor that Member States take measures aimed at establishing a work-life balance, reducing the pay gap between women and men, as well as providing women with access to management posts. In Romania, it was the regulations adopted at European level which helped us to put in place an institutional system guaranteeing that 'rights for men also mean rights for women'.

Edite Estrela (PSE), in writing. – (PT) I voted in favour of the Riera Madurell report on transposition and application of Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, as I consider it important to apply the principle of equal treatment for men and women in the matters covered by this directive.

Among the various faults in the transposition of the directive, I would emphasise the fact that the legislation of various Member States does not make specific reference to gender discrimination. As the rapporteur mentions, the wage gap remains high, with women earning wages that, on average, are 15% lower than men's. This gap narrowed by just 1% between 2000 and 2006. In the context of the Lisbon Strategy, it is essential that this *status quo* should change, and therefore I agree with the rapporteur on the importance of recommending that the European Commission actively monitor the transposition of the Directive and the compliance of the national legislations with it.

Mieczysław Edmund Janowski (UEN), in writing. – (PL) I voted in favour of Mrs Madurell's report on equal treatment for men and women as regards access to employment, vocational training and promotion. Equal treatment, irrespective of gender, race, religion, etc. is a fundamental human right. Of course, we cannot forget the natural biological differences which exist between men and women.

In my opinion, the automatic application of a 50/50 gender balance policy across the board is not really a sign that we are concerned about gender equality. In the case of difficult physical jobs such as mining, work in a steelworks, etc., this approach merely leads to ridiculous situations, just as it does in the case of nurses or teachers. Equally, we cannot force girls to take up technical studies. In order to maintain a fifty-fifty balance. Fundamental issues include access to education at all levels, filling managerial roles (including those in political institutions), implementing the principle of 'equal pay for equal work', adequate access to social security and benefits, as well as medical treatment (taking into account maternity leave). Trade unions should play an important role in this field. It is an important issue at local, regional and national level, as well as at the level of the European Union institutions.

I would like to take this opportunity to draw your attention to court rulings which discriminate against men by nearly always automatically granting women custody of the children in divorce cases.

Jörg Leichtfried (PSE), in writing. – (DE) I voted in favour of the report by Mrs Riera Madurell on the transposition of the Directive on equal treatment.

In my opinion, it is high time that women were treated as equal to men in all, not just some, respects.

It cannot be said – not by a long chalk – that equal opportunities exist in access to careers or day-to-day working life. As regards the income gap between the sexes, in some Member States, this is closing extremely hesitantly, whereas in others it is even widening again.

The implementation of this directive is particularly important to me because of these obvious injustices and particularly because, as a family person, I value and respect women greatly.

Astrid Lulling (PPE-DE), in writing. – (FR) The Committee on Women's Rights and Gender Equality is concerned about enforcement of the Directive on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

In the absence of a report from the European Commission, our committee conducted its own survey amongst national parliaments and equality organisations. Letters of formal notice have been sent to 22 Member States. Some definitions have been incorrectly transposed in 15 Member States. As of 5 October 2008, nine Member States had yet to notify the Commission of measures taken to transpose the directive.

Our own-initiative report is an alarm bell and a warning to Member States. Unfortunately, exaggerated declarations and claims were passed in committee. I had therefore tabled an alternative resolution.

We have managed to agree on a common resolution, which I voted for, while awaiting the implementation report, which we will receive in the first half of 2009. This will enable a thorough analysis to be conducted, so that the consequent actions necessary to ensure compliance with the Treaty and legislation in the area of equal treatment and opportunities for men and women can be determined.

Nils Lundgren (IND/DEM), in writing. – (SV) Discrimination and harassment have no place in a liberal society. This report reminds us of the horrifying fact that many Member States still have a long way to go to make men and women equal in life and work. However, the responsibility for fighting injustices on the labour market, for example, does not rest with the EU institutions but is, and should remain, a matter for responsible citizens and their political and union representatives in the Member States. I am absolutely opposed to those wordings that seek to use these injustices as arguments for increasing supranationalism at the expense of the self-determination of the Member States. Increasing the distance between those who govern and those who are governed is not the way to a liberal society founded on the principle of the equality of all people.

The primary aim of the report is, however, to illustrate how discrimination and harassment can still destroy people's chances in life and prospects of empowerment. This is so important that I have chosen, despite everything, to vote in favour of the alternative proposal for a resolution.

Iosif Matula (PPE-DE), in writing. – (RO) I voted in favour of the report on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

Although gender equality is a fundamental right in the European Union, official statistics show, however, that differences still exist in terms of employment rate, especially in those countries which have recently joined the European Union.

Bearing in mind that equal treatment for women and men is still a structural problem, the Lisbon European Council of March 2000 assigned the European Union the target of raising the employment rate of women to over 60% by 2010, which needs to be monitored closely in the new Member States.

I believe that it is vital for us to implement the European directive to ensure that discrimination against women on the labour market is eliminated, at a time when additional efforts are required to change the attitude towards this issue, especially in rural areas.

Nicolae Vlad Popa (PPE-DE), in writing. – (RO) I voted in favour of this report as I believe that the request the report is making to the Commission to closely monitor the transposition of Directive 2002/73/EC and compliance with the legislation adopted after the implementation process is legitimate and necessary.

In adopting this report, the European Parliament has provided Member States with a useful instrument for consolidating Member States' national legislation concerning equal treatment for men and women on the labour market.

However, based on the statistics supplied, there is still a 28.4% difference in employment rates between men and women, highlighting that gender inequality on the labour market is still a problem that needs to be dealt with.

This is why I believe that Member States must make every effort necessary to implement the strategies intended to promote gender equality.

Luca Romagnoli (NI), in writing. – (IT) Mr President, ladies and gentlemen, I declare my vote in favour of the report by Mrs Riera Madurell on equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

I agree with my fellow Member in considering that the principle of equality in the employment market is still far from being enforced in practice, despite the efforts of the European Union to increase the percentage

of women at work under the Lisbon objectives. I concur with the rapporteur's opinions with regard to the transposition of Directive 2002/73/EC by Member States and on the need for all of them to implement the instruments that this Directive provides in order to reinforce national legislation on the equal treatment of men and women in the employment market: gender equality in employment is not only a worthy principle in ethical terms but is, and will be, the foundation for the sustainable, durable, economic development of the European Union as a whole.

Catherine Stihler (PSE), in writing. – Equality between men and women is a fundamental principle of the European Union. There is still much to be done to achieve this principle and I hope that we will make this a political priority in all areas of our work in the European Parliament. It should not be just the Committee on Women's Rights which raises these issues.

Andrzej Jan Szejna (PSE), in writing. – (PL) In spite of the fact that gender equality is a fundamental right, gender inequality on the labour market, in terms of salaries, employment rates and quality of employment, remains a serious structural problem. Unfortunately, we see that a higher level of education does not always lead to smaller differences between the salaries of male and female workers.

Mrs Madurell's report reveals the Member States' shortcomings in terms of the transposition and implementation of Directive 2002/73/EC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

Above all, the rapporteur stresses that many Member States have not correctly transposed the definition of discrimination into their legal systems. In many countries, the only binding definition is a general one, which does not mention gender discrimination. In other countries, no reference is made to sexual harassment, or it is only included in a general definition of harassment (in Poland, sexual harassment is defined in Section 6, Article 183a of the Labour Code), which makes it much more difficult for injured parties to pursue their rights.

Grassroots initiatives, which aim to raise awareness in society, as well as those which aim to help victims of discrimination, are extremely important in the fight against discrimination.

- Motion for a resolution B6-0051/2009 (Situation in the Middle East/Gaza Strip)

Marco Cappato (ALDE), in writing. – (IT) In order to distinguish the position of the Partito Radicale from those who express reasons opposed to ours in this Chamber, we drew lots for those of us who would abstain and those who, instead, would not participate in the vote. The solution that the EU is promoting for a long-term, structural peace in the Near East, reiterated today here in Strasbourg by President Pötte, is for two sovereign, independent states.

The founders of Europe had an opposite belief: in order to achieve peace, absolute national sovereignty has to be renounced. This is what the Ventotene Manifesto said.

Today, we must listen to the vast majority of Israeli citizens who seek the accession of Israel to the EU and are disregarded by the Israeli, and also European, ruling classes.

The 'inclusive' Europe of the post-war period, open to accessions and a point of reference for neighbouring states, has been a factor for peace, even if in an inadequate manner. The 'exclusive' Europe of nation states, which aspires to having European 'borders' and 'Judeo-Christian roots', is a Europe that leads to wars, in the Near East as well as in the Balkans and Caucasus, and that produces tensions, as in the Urals, Turkey and the Maghreb.

As the Non-violent Radical Party, we consider that the structural solution for peace is called European federalism, a United States of Europe that opens the doors to Turkey, to Israel and, prospectively, to democratic states that renounce their own absolute sovereignty.

Proinsias De Rossa (PSE), in writing. – I unconditionally condemn the indiscriminate and brutal killing of civilians in Gaza, as I do the callous and indefensible killing of Israeli civilians by Hamas rockets.

I voted for the European Parliament Resolution on Gaza because it explicitly supports the UN Security Council resolution calling for an immediate cease-fire. It also draws attention to the decision by Parliament in December to defer the upgrading of EU relations with Israel. While the language of the resolution is weaker

than I would have wished, nevertheless a resolution carried by an overwhelming vote of the parliament is more likely to influence the decisions of Israel and Hamas than individual Political Group resolutions.

I oppose the upgrading of EU relations with Israel and believe the trade agreement with Israel should be suspended until it complies with Human Rights norms and engages in constructive and substantive negotiations with its neighbours to implement the Two-State solution to the conflict. All Member States should now agree to cancel their earlier decision to upgrade relations with Israel as a means of bringing them to the table with realistic proposals.

Manuel António dos Santos (PSE), in writing. – (PT) I opted to abstain on the motion for a resolution on the situation in the Middle East/Gaza, for the sole reason that I do not consider a resolution of the European Parliament to be justifiable at the moment.

I think that discussion of the matter, without a vote, would be a more effective way of involving the European Parliament in this issue.

Koenraad Dillen (NI), in writing. – (NL) *Une fois n'est pas coutume*, this is a very even-handed resolution that deserves all our support because it clearly asks both parties in the conflict not to resort to violence. Nevertheless, we should not harbour any illusions about the impact Europe, and *a fortiori*, the European Parliament, can have on how the situation in the Middle East develops. Before we can look for a solution, Hamas must stop its rocket attacks on Israel. At the same time, Israel must scale down its disproportionate levels of violence, to which innocent children and citizens fall victim. Despite my support for this resolution, I would remind this House that the terrorist organisation Hamas remains the main cause of the escalation.

Glyn Ford (PSE), in writing. – I voted for the joint resolution even although it was less rigorous in its condemnation of Israel's action in Gaza than I would have liked.

Hamas random rocket attacks cannot be supported, yet it was not entirely the responsibility of Hamas that the cease-fire ended. The Israeli action is entirely disproportionate and its targeting of innocent civilians – men, women and children – is a form of collective punishment that is in contravention of international humanitarian law.

The attacks on UN offices and its aid provision seem deliberately aimed at cutting off aid to the needy and removing independent observers of Israel's barbaric actions.

Mathieu Grosch (PPE-DE), in writing. – (DE) I think it is right and proper that the European Parliament is speaking with one voice. We must direct our endeavours towards making clear to both Israel and Hamas that we oppose any form of violent hostilities and demand absolute respect for peacekeeping forces and aid agencies.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) In spite of calling for a cease-fire, which is an urgent issue, with which we are in agreement, the resolution approved by Parliament on the extremely serious situation in the Gaza Strip is highly inadequate, containing even negative aspects, particularly when compared with the resolution of the Human Rights Council of the UN (UNHRC) of 12 January. In Parliament's resolution:

- Despite the brutal aggression, crimes and violations of the most basic human rights, there is not one word of condemnation of Israel.

- It reaffirms its ambiguity, concealing the fact that in Palestine there is a coloniser and a colonised, an aggressor and a victim, an oppressor and an oppressed, an exploiter and an exploited, and covering up Israel's responsibilities.

- It whitewashes the responsibilities of the EU, which is complicit in the impunity of Israel. Consider the recent decision to strengthen bilateral relations with this country or the shameful abstention by the countries of the EU on the resolution adopted by the UNHRC.

- Furthermore, in a situation that is as serious as the current one, it does not criticise Israel's violation of the UN resolutions, the end of the occupation, the illegal settlements, the segregation wall, the murders, the detentions, the innumerable humiliations inflicted on the Palestinian people, or even its inalienable right to a state, with the 1967 borders, with its capital in East Jerusalem.

Jens Holm and Eva-Britt Svensson (GUE/NGL), in writing. – (SV) We welcome the fact that the resolution demands an immediate stop to Israel's killing of the inhabitants of Gaza. However, we regret the fact that

the resolution does not demand the suspension of the Association Agreement with Israel and an end to the upgrading of relations with Israel. These are obvious demands that should be made of a country that so blatantly violates the undertakings it has made, namely to respect human rights and international law.

We also question the claim that Israel's assault was initiated as a response to rocket fire from Hamas. Israel has constantly broken the cease-fire, including on 4 November last year when Israeli troops crossed into the Gaza Strip and killed six Palestinians, as well as the collective punishment of the Palestinian people by means of embargoes, shutting off the electricity, extending settlements, building walls, kidnapping leading Palestinian politicians, and so on.

In spite of this, we welcome the joint resolution and the demand for Israel to cease its killing immediately.

Mikel Irujo Amezaga (Verts/ALE), *in writing*. – (ES) President Pöttering has been hasty in asserting that there were no votes against. I voted against this resolution. Although I admit it contains very positive elements, especially use of the term 'the collective punishment' of the people of Gaza, I consider it to be insufficient. The only practical thing that this Parliament can do is to seek the freezing of the association agreement with Israel; anything else is just talk – positive and attractive – but just talk. In politics, fine words do not count for anything: action is needed and NOTHING will change in Gaza after this resolution. If we had been talking about any other state than Israel, the resolution would have been much more forceful. I believe that Israel has the right to exist in peace, but it is not the case that anything goes, and Israel has to know that. Moreover, the only thing that this offensive will achieve is to intensify the conflict. This is not a good day for this Parliament because it has chosen talk instead of action.

Carl Lang (NI), *in writing*. – (FR) The text tabled by all the groups in this assembly, which is intended to represent the interests of European peoples, does indeed contain some excellent recommendations, such as a call for the fighting to stop, but it does not make any reference to the importing of this conflict into Europe. As well as their concomitant violence, two images from the demonstrations against the Israeli intervention were particularly shocking.

One was of the demonstrators, the majority of whom were immigrants, brandishing Palestinian, Algerian, Hamas and Hezbollah flags, and banners with inscriptions in Arabic.

The other was of the French extreme-left leaders, Besancenot from the Revolutionary Communist League, and Buffet from the Communist Party, marching with the imams.

These images illustrate two worrying developments: the gradual takeover of the immigrant masses from the Muslim world by Islamist associations and the collusion between Islamist movements and the extreme communist left, two revolutionary movements who seek to destroy our civilisation. Now more than ever, the safeguarding of the identity and freedom of the European people demands that such demonstrations be banned and a policy implemented to reverse migratory flows.

Roselyne Lefrançois (PSE), *in writing*. – (FR) In view of the seriousness of the situation in Gaza, the European Parliament could not remain silent. I have therefore given my support to this resolution which calls for an immediate and permanent cease-fire, including the ending of military action on the part of Israel in the Gaza Strip and an end to the firing of rockets by Hamas on Israel.

However, I am sorry that no firm and unreserved condemnation has been included of the attacks by the Israeli army, which have already left more than 1 000 people dead, mainly civilians. Although I agree with what Martin Schulz, Chairman of the Socialist Group in the European Parliament, said before the vote when he reiterated that these attacks are inadmissible, I would have preferred this indignation to have been expressed in writing.

Similarly, although the motion asks the Israeli authorities to guarantee uninterrupted delivery of humanitarian aid and free access by the international press to Gaza, it does not, as I would have wished, go as far as to make the upgrading of EU relations with Israel conditional on compliance by the State of Israel with humanitarian law.

Europe has a major role to play in the resolution of this conflict, but an agreement for lasting peace between the Israelis and the Palestinians can only be achieved, in my opinion, with the creation of a viable Palestinian State, recognising and recognised by Israel.

Willy Meyer Pleite (GUE/NGL), *in writing*. – (ES) The common resolution on Gaza does have positive aspects, such as the request for an immediate cease-fire, recognition of the 1 000 deaths caused by the Israeli

army, including women and children, as well as recognition that the embargo on Gaza by Israel represents a breach of international humanitarian law.

Despite this, I was not able to vote in favour because the resolution affords Hamas the same degree of responsibility as Israel. It does not recognise that it was the Israeli army that broke the truce of 4 November with its land incursion and various aerial attacks, but rather lays the blame on Hamas for the breakdown of the cease-fire. The resolution is clearly insufficient by not asking the Commission and Council for vigorous measures. The EU should freeze the current EU-Israel Association Agreement for violation of its Article 2, which states that respect for human rights is a conditioning factor of the Agreement. Furthermore, the common resolution does not demand an end to the Israeli blockade of Gaza nor does it demand that the 27 EU Member States cancel all arms exports to Israel.

Alexandru Nazare (PPE-DE), in writing. – (RO) This resolution has managed to bring the main political groups in the European Parliament together to make a declaration which is absolutely necessary, given the current humanitarian and security situation in the Middle East.

Regardless of the developments which led to the outbreak of this conflict, it is already having adverse effects of significant proportions on the civilians in the area and on the United Nations' presence in Gaza. I, too, along with my other fellow Members, believe that we are at the point where sustainable results can only be achieved through dialogue, which is only possible with a cease-fire agreement.

Furthermore, Romania's consistent positions on this subject feature to an influential extent in this document. I am pleased to have the opportunity to vote in favour of a document which expresses both the point of view of the European political family I belong to and that of my country.

Vural Öger (PSE), in writing. – (DE) I welcome the adoption of the resolution on the situation in the Gaza Strip. It is imperative that the European Parliament express its views on the crisis. It is the duty of Parliament to condemn this humanitarian disaster, laying claim as it does to moral leadership on respect for human rights. It is precisely because of this that Parliament can no longer remain silent. That is why I voted in favour of this resolution. Nevertheless, Parliament could have sent out a stronger signal; the resolution remains too weak on some points. It is important that we call for a lasting cease-fire and condemn the suffering of the civilian population. It is also our duty to suggest practical solutions for ending the war and to call on the EU to commit itself to these in its role within the Quartet. As the United States is currently in a state of paralysis on account of its change of president, the EU must further increase its sense of duty. A pause in the negotiations on enhancing relations with Israel is called for in view of such excessive military action. Unfortunately, there is no mention of this in the resolution. If Israel does not want to negotiate directly with Hamas, it is up to the EU to work to ensure that others talk to Hamas. The continuation of the military offensive is costing too many lives. Lip service is insufficient in the face of such a severe humanitarian crisis.

Athanasios Pafilis (GUE/NGL), in writing. – (EL) The joint resolution turns a blind eye to the causes of Israel's aggressive and barbaric war, considering it to be a response to the rocket attacks by Hamas. Everyone knows that the war was pre-planned and the causes lie in the Israeli occupation and Israel's refusal to apply the UN Resolutions on an independent Palestinian state with its capital in East Jerusalem. It is the result of Israel's aggressive policy, supported by the USA and the EU, of illegal settlements and its refusal to return to the 1967 borders.

Although it talks of stopping the war, the resolution sits on the fence, calls for no measures by the EU, not even that the new preferential relations should be frozen in order to exert pressure on Israel. It does not condemn Israel's aggressive policy; on the contrary, it intervenes in the Palestinians' internal problems.

The forces which have signed it are calling for and agree to a stronger role for the EU, which has to do with its imperialist ambitions in the region. They are strengthening the US/NATO plan for the 'broader Middle East' with which the EU has agreed and the aim of which is for the imperialists to subjugate the entire region.

It is for these reasons that the Communist Party of Greece did not vote for the joint resolution by the political groups and calls for the anti-imperialist fight to be reinforced, noting that there is no such thing as good and bad imperialism.

Dimitrios Papadimoulis (GUE/NGL), in writing. – (EL) I refused to vote for the joint resolution by the European Parliament on the situation in the Gaza Strip because, although it has positive points, it does not roundly condemn the military over-reaction leading to humanitarian disaster. The shock and regret expressed by the European Parliament on the attacks on civilians and impeded access to humanitarian assistance do

not suffice. Europe must stand up to its responsibilities and demand a definitive end to Israeli aggression and start making an effort to find a viable long-term solution. Unfortunately, this strong political will is missing from the compromise resolution adopted by the European Parliament.

Luís Queiró (PPE-DE), in writing. – (PT) The right of Israel to exist in peace and security is inalienable. The right of the Palestinians to live in a free territory, administered by itself, in peace, democracy and respect for human rights is also inalienable. Any solution for the region has to guarantee that the threats to these rights are set aside.

The confrontation in Gaza reveals, through the opposite situation on the West Bank, that the relationship between the parties, although tense and conflictive, is possible, if both are willing to accept the existence of the other. That is not the case with Hamas, which uses the territory that it took control of to pursue its declared objective: to prevent the existence of Israel.

These circumstances, however, do not make the deaths in Gaza any less tragic. Hamas, we know, without any consideration for the life of the Palestinians, uses the population as human shields against the attacks by Israel and their deaths as weapons of propaganda. Israel, determined to legitimately guarantee its security, continues with the fighting in spite of this tragic result. The process is inevitable if the international community, including Arab countries, does not promote the viability of one side and the security of the other as the objective of the peace process in the Middle East.

Luca Romagnoli (NI), in writing. – (IT) Mr President, ladies and gentlemen, I declare myself in favour of the motion for a resolution on the tragic situation in the Gaza Strip.

I fully share the concerns that the conflict is not yet nearing a conclusion in spite of the desire for a cessation of hostilities expressed by the entire international community. I join my colleagues in expressing my profound regret for the suffering of the civilian population in Gaza and I believe that the only possible solution, not only in this territory, but throughout the Holy Land, is dialogue, negotiation and diplomacy, and never war, which can only exacerbate hatred.

The European Union can and must play a prominent role in this process, both in achieving a cease-fire as well as in opening channels for humanitarian purposes. For this reason, I am voting in favour of the motion for a resolution and I hope that the efforts for reconciliation result in concrete progress towards peace as soon as possible.

Martine Roure (PSE), in writing. – (FR) The conflict between Israel and Gaza has simply gone on too long.

When deaths are now being counted in their thousands, it is our overriding duty to ensure the fighting stops immediately.

The policy of isolation of Gaza has failed, radicalising the population who have been its first victim.

No military solution to the Israeli-Palestinian conflict is possible.

The only possible settlement is a lasting and comprehensive peace settlement between the parties. That is why we are asking for an international conference, instigated by the Quartet and with the participation of all the stakeholders in the region, to be organised as soon as possible, on the basis of the Arab League Initiative, the previous agreement between the Israelis and Palestinians.

Meanwhile, we think that any upgrading of political relations between the EU and Israel must be strictly conditional upon respect for international humanitarian law. We therefore remained opposed to the vote in support of Israel's increased participation in Community programmes.

Flaviu Călin Rus (PPE-DE), in writing. – (RO) I voted in favour of the European Parliament resolution on the situation in the Gaza Strip for an immediate cease-fire in this area.

I believe that, regardless of the positions held by the conflicting parties, dialogue is the only way to resolve any problems for the common good.

Olle Schmidt (ALDE), in writing. – (SV) The resolution that the European Parliament voted through today concerning the situation in Gaza contained no condemnation of the terrorist organisation Hamas, which broke the cease-fire in December and uses civilians as human shields. Despite the fact that this was absent from the resolution, I considered it important to vote in favour of a call for a cease-fire in the region, which was why I voted in favour of the resolution.

Brian Simpson (PSE), in writing. – The situation in the Gaza Strip is deplorable. Hundreds of innocent civilians have been killed and thousands presently face death on a daily basis. Yes, I accept Israel should be allowed to live in peace. Yes, rocket attacks across the border are unacceptable and should stop.

But the response by Israel is totally disproportionate and cannot be supported.

The Israelis have failed to respect the international community. They have shelled the UN compound, they have attacked schools and children. This is totally unacceptable and must stop. We must have a cease-fire immediately.

I will vote in favour of this resolution because the European Parliament needs to have its voice heard so that innocent Palestinians trapped in Gaza will not be forgotten.

Israel: you have the right to live in peace. You do not have the right to practise wanton destruction and to be the delivery body of death and destruction on innocent civilians. Your actions mean that you have become the aggressor, not the victim.

Bart Staes (Verts/ALE), in writing. – (NL) I have approved the compromise that is before us, even though it lacks the punch and boldness that I would have liked to have seen. I am dismayed and angry about the large-scale, disproportionate offensive by the Israeli air force and ground troops in a densely populated area.

I feel solidarity with and concern for the fate and safety of the 1.5 million Palestinians held in Gaza, for whom it is impossible to leave the Gaza strip, and for the humanitarian situation of the Palestinians on the West Bank who, despite cooperation from the Palestinian National Authority, see no improvement in their living conditions.

It is unfortunate that the compromise does not mention the problematic upgrade of relations between the EU and Israel. I would urge the Council to freeze the upgrade of relations with Israel until a complete and permanent cease-fire has been agreed by all sides and Israel grants unrestricted access for humanitarian aid.

Relations between the EU and Israel can only be upgraded if human rights and international humanitarian law are respected, the humanitarian crisis in the Gaza Strip and the occupied Palestinian territories are brought to an end and an all-out effort is made for a comprehensive peace deal and for the complete implementation of the EC-PLO interim association agreement.

Catherine Stihler (PSE), in writing. – I support the resolution on Gaza and support calls for an immediate cease-fire.

- Motion for a resolution B6-0033/2009 (Situation in the Horn of Africa)

Alessandro Battilocchio (PSE), in writing. – (IT) Thank you, Mr President. I vote in favour. The situation in the Horn of Africa continues to be extremely concerning. The interweaving of problems and conflicts is such that the EU must pay constant attention in order to avoid a dramatic deterioration of the situation. I believe, as does my group, that the situation in the Horn of Africa requires an urgent, comprehensive approach.

As has been said, the main difficulties arise from the numerous conflicts between the various countries of the region. For this reason, it is absolutely essential to work on security and its many interrelationships, such as how changes of government should be monitored; those governments should be urged to make a proactive commitment to improve human rights.

Marie-Arlette Carlotti (PSE), in writing. – (FR) The Horn of Africa is currently suffering from cumulative scourges:

- war, both civil and regional,
- the absence of democracy and freedom,
- famine and the food crisis.

The acts of piracy, reminiscent of another age, are only the latest product of this chaos.

Faced with these tragedies that are tearing apart the region and spreading bloodshed, we do not have to remain silent or claim impotence.

It is now, more than ever, when the international community is showing signs of being fatigued by a seemingly never-ending crisis, that the EU must take a leading role.

By launching Operation 'Atalante' to protect vulnerable ships and the delivery of food aid to Somali refugees, the Union has demonstrated that it can find real and effective solutions when confronted with an emergency.

However, it also has to find responses to the general political crisis in the region.

It must construct the 'EU regional political partnership for peace, security and development in the Horn of Africa' which the Committee on Development launched when it adopted its report in April 2007.

Let us not allow the Horn of Africa to become an area of lawlessness where no development takes place.

Nils Lundgren (IND/DEM), *in writing*. – (SV) Since it is my firm belief that the European Parliament should not involve itself in foreign policy, I have voted against the resolution in its entirety. This does not mean, *per se*, that I consider everything in the resolution to be wrong or undesirable. On the contrary, the report also includes positive elements that I would have wholeheartedly supported if it had been a statement by the Swedish Government, for example. Such an example is provided by the case of the Swedish-Eritrean journalist Dawit Isaak, who has been imprisoned without trial since 2001.

Alexandru Nazare (PPE-DE), *in writing*. – (RO) The chances of the EU and the international community changing the basic reality in Somalia are slight. However, tackling one of its consequences, piracy, is much more within our grasp. We must not forget that piracy is primarily a means of generating an income for the groups living in the south and middle of Somalia. This income is used in turn to fuel the conflicts being waged within the country and region.

A stronger naval presence in the region may have a positive influence on the security environment in Somalia and, consequently, in the region as a whole. The EU must therefore support the moderate elements in the Somali leadership, who are firmly committed to stability and peace in the region. Combating piracy is an option available to the European Union, which has the necessary military capability and can contribute not only to restoring the safety of a vital transit route, but also to establishing stability and peace in the region.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I am voting in favour of the motion for a resolution on the situation in the Horn of Africa.

The delicate situation in this African region means that European institutions must take a decisive stance. For this reason, I approve of calling on the Council to appoint a special EU representative or envoy for the Horn of Africa region. Ethiopia, Eritrea, Somalia and Djibouti must co-operate if they want to overcome the current stalemate.

That is why the Eritrean Government must reconsider its current withdrawal from participating in IGAD. That is why Djibouti must do its best to ensure the better legal protection of trade union rights. That is why Ethiopia must rescind the proclamation on the registration and regularisation of civil organisations and charitable institutions. That is why Somalia needs to put an end to one of the worst humanitarian and security crises in the world.

- Motion for a resolution RC-B6-0028/2009 (Belarus)

Alessandro Battilocchio (PSE), *in writing*. – (IT) It appears that finally, although still in a tentative manner, the Lukashenko regime is sending out signals that it is opening up to the international community. Let us take note of this and quickly work towards a shared process to improve relations with this country, which is so close to our borders. However, we cannot give an inch on our demands with regard to respect for human rights and guarantees of freedom of expression and information. The images of the repression of several attempted peaceful democratic demonstrations by the opposition are still vivid.

I would furthermore ask for a greater effort in agreeing common rules on the sensitive subject of visits by Belarusian children to host families in the EU during the summer months. Every year, the Belarusian Government changes its strategy on this matter, often leading to very difficult situations that have a negative effect, in particular, on the children themselves, who are already disadvantaged in other ways. The current progress is welcome, but the road to be followed is still very long: we hope that Mr Lukashenko, after many false starts, wants to move down this road, at least in part, together.

Martin Callanan (PPE-DE), in writing. – Belarus remains largely ostracised by the European Union due to President Lukashenko's authoritarian rule. In the past five years, the European Parliament has twice awarded the Sakharov Prize to Belarusian dissidents, and others have been shortlisted. This represents an explicit recognition that human rights and political freedoms are suppressed in Belarus.

Nevertheless, there are signs that Mr Lukashenko is slowly warming to the West. Naturally, the situation in Belarus still remains serious, but we need to recognise that one way of coaxing Belarus towards the European Union is to recognise and respond to Mr Lukashenko's overtures. In short, it is a carrot-and-stick situation.

As someone with a deep interest in the former Soviet republics in Central Asia, I see parallels between that region and Belarus. This resolution does not hold back on criticism of Mr Lukashenko, but it sets out a kind of road map for him to normalise relations with the EU.

We should not be under any illusions about Belarus and we should not hesitate to break off dialogue if the situation deteriorates. But this resolution offers some hope that relations can improve over time, and for that reason I voted to support it.

Koenraad Dillen (NI), in writing. – (NL) I have voted in favour of this resolution. The European Parliament welcomes the fact that the restrictions on the freedom of the press have been relaxed somewhat in Belarus and that a few political prisoners have been released. It has also been pointed out, though, that other dissidents are still behind bars. In order to improve relations, this resolution argues that Belarus should become a country without political prisoners, that the government should guarantee the free expression of opinion, and so on. Legislation should also be changed and Belarusians should be given freedom of movement.

Even though everyone is in favour of this, I should like to put the following to you. Should the European Parliament not open these resolutions up to countries with which Europe does maintain cordial relations? China springs to mind, where the human rights situation is at least as dramatic as in Belarus. Or is it perhaps commercial considerations that stop us from doing this?

Alexandru Nazare (PPE-DE), in writing. – (RO) The resolution continues an on-going and productive dialogue with the government in Minsk and is indicative of the concerns of the European Parliament and the citizens it represents about the situation on human rights and about developments in Belarus in general.

The Belarusian authorities have made some progress, which is commendable, but we hope that they will initiate a process of democratisation and not simply make some temporary cosmetic gesture. This resolution is sufficiently firm, but also finely nuanced so that it expresses our satisfaction on the first issue as well as our concern about the second.

Current events in the region highlight once again the importance of transparency in the business of government and of the democratic responsibility of governments to the citizens they represent. The democratic values which have been adopted are linked to stability and development for both societies and markets, including the energy markets. This resolution is a step forward in reaffirming these values.

Zdzisław Zbigniew Podkański (UEN), in writing. – (PL) Relations between the European Union and Belarus depend on both parties. If there is common good will, then dialogue will be possible, as will a suitable neighbourhood policy and an Eastern Partnership. Partnerships cannot be built on prohibitions and orders, which is why I welcome the European Commission's recent initiative to improve relations with Belarus. Objectively speaking, we must admit that Belarus has also done a lot to foster understanding. Examples of this include registration of the 'For Freedom' movement, permission for the publication and distribution of opposition newspapers, and openness to the Eastern Partnership initiative. The European Union has greater expectations. There are, of course, good reasons for this. However, there are also good reasons for many of Belarus' expectations.

There is a need for symmetry and understanding between the partners in many fields. For example, since we are calling on the Belarusian authorities to stop issuing exit visas to their citizens, especially children and students, why does the European Union not take steps to simplify and liberalise visa procedures for the citizens of Belarus? These problems are particularly important to those of us who live in border regions, which are linked by both cultural and family ties.

In addition to cultural matters and the issue of nationality, the economy and trans-border cooperation are also important. Here, too, the Commission and the Council could, and should, do more.

Luís Queiró (PPE-DE), in writing. – (PT) The current context and the future of relations with Belarus present a challenge to the foreign policy of the European Union. Some gestures from Minsk justify a resumption of some relations. However, it is clear that the energy factor, in the current context, plays a significant role in driving this process. This is understandable. Realism is an integral part of foreign policy. However, realism cannot, need not and should not be divorced from values and strategy. The promotion of democracy in Belarus is a question both of values and of strategy. This perception of the medium- and long-term European interest must be central in this new phase of the relationship. Otherwise, we will produce a future dependency in which values come second to short-term strategies, with reduced success.

Luca Romagnoli (NI), in writing. – (IT) Mr President, ladies and gentlemen, I would like to communicate my vote in favour of the motion for a resolution concerning the attitude of the European Union in dealings with Belarus.

I am pleased that the Belarusian Foreign Minister has confirmed that his country intends to participate in the Eastern Partnership with other Eastern European countries. It is, however, necessary for Belarus to closely observe international safety standards and requirements in constructing a new nuclear power station and to conform to the Convention on Nuclear Safety.

Finally, I am saddened by the fact that Belarus remains the only country in Europe to retain the death penalty. If the future enlargement of the Union is to be considered, this barbaric punishment must be abolished.

Flaviu Călin Rus (PPE-DE), in writing. – (RO) I voted in favour of the EU resolution on Belarus as I feel that any move capable of introducing more democracy in any country in the world is a positive step.

The process of democratisation in Belarus will promote respect for the rights and freedoms of this country's citizens.

This resolution is welcome because I hope that, through this measure, an ever-growing number of Belarusian citizens will have easier access to visas for European Union states so that they can learn from us about our values and tradition. I also hope that very soon, Belarus will no longer have political detainees or people held under house arrest.

Charles Tannock (PPE-DE), in writing. – I and my British Conservative colleagues fully support the need for the democratic opposition in Belarus to be involved in the process of gradual re-engagement between the EU and Belarus. Currently President Lukashenko, who is the local strongman running an authoritarian regime, is making overtures to the EU and distancing himself from Moscow, a process which we should encourage by improving our political relations with Minsk.

We also support the calls for the Government of Belarus to uphold and respect human rights, which is an important part of the process of improving relations between the EU and Belarus.

For these reasons, and to stress the importance we place on a democratic future for Belarus, we have decided to support this joint resolution. We also wish to make clear that, with regard to paragraph 16 of this joint resolution, the death penalty issue is a matter of conscience for British Conservative MEPs.

- Motion for a resolution RC-B6-0022/2009 (Srebrenica)

Alessandro Battilocchio (PSE), in writing. – (IT) I voted in favour.

Srebrenica is a wound that has left a deep scar on the history of Europe. Those who survived still recount how, between April 1992 and April 1993, thousands of refugees, in an attempt to save themselves from Bosnian Serb incursions, hid in cellars, garages and even houses abandoned by the Serbs; how they only had roots to eat; how they were infested with fleas; how, frozen during the long winter of 1992, they warmed themselves by burning tyres and plastic bottles; and how the bodies of those who died of starvation and exposure were eaten by dogs. Seventeen years after the massacre, hundreds of bodies have yet to be identified.

Thus, I believe that establishing a day of commemoration would ensure that we do not forget, would express solidarity with the family members of the victims of this nonsensical massacre and would revive, in a more decisive manner, our policies for a Europe of peace, social justice and freedom, in the certainty that a respect for equality can only be achieved through the acknowledgment of differences.

Glyn Ford (PSE), *in writing*. – This resolution tragically reminds us that ‘Man’s inhumanity to man’ is not something that ended after the Holocaust of World War II. It continued in Europe with Srebrenica and it continues today in Gaza!

Erik Meijer (GUE/NGL), *in writing*. – (NL) I endorse the annual day of commemoration for the genocide in Srebrenica, precisely because the intervention of the EU and its Member States had created a false sense of security, as a result of which the residents were unable to flee in time. Those in favour of military interventions will not enjoy hearing this criticism. During last night’s speech, I was silenced in mid-flow by the President, perhaps on account of the irritation felt about the content of my speech. The last bit, that was hardly audible because the President was hammering away with his gavel, fits in with this report.

Srebrenica is also a symbol for the failure of optimistic notions about humanitarian interventions and safe havens. It should have been made clear from the start that a foreign military presence could only offer false illusions. It turned Srebrenica into an operating base against the Serbian environment, whilst it was inevitable that it would eventually be swallowed up by that self-same environment.

Without a Dutch army in Srebrenica, there would not have been a situation of war and there would not have been a need for revenge on the part of the Serbs. The victims are not only the reason for bringing Mladić and Karadžić to justice, but also for thinking about the failure of military interventions and of all attempts to bring unity to an ethnically divided Bosnia.

Athanasios Pafilis (GUE/NGL), *in writing*. – (EL) The joint resolution by the European Parliament on Srebrenica is an attempt to distort history and to conceal or shift responsibility for the crimes by the American and European imperialists, the dismemberment of the country and the barbaric war unleashed against it by NATO, with the EU’s help, to the victims in former Yugoslavia.

At the same time, it attempts to increase the standing of the despised American-inspired Special Court in The Hague, before which the imperialists want to try their victims and which has already been used to physically eliminate the Yugoslavian leader Slobodan Milosevic.

Calling the events in Srebrenica the biggest post-war crime and the proposal to recognise a day to commemorate it in the Member States of the EU, while there are still serious questions as to what actually happened there, is a gross misrepresentation of history, because in fact, the biggest post-war crime to date in Europe has been the slaughter of the people of Yugoslavia by the American and European imperialists.

The Communist Party of Greece refuses to support the adoption of such unacceptable resolutions, especially at a time when we are all witness to the daily killing of hundreds of children and civilians in Palestine by Israel, with the support of the same imperialist forces now turning a blind eye, and the people of Yugoslavia were not party to the resolution in question.

Luís Queiró (PPE-DE), *in writing*. – (PT) The black history of Europe, the human capacity to reveal the worst of itself, has not ended. Srebrenica and its terrible tragedy are not only the most recent instance of human horror. They are a reminder, if such were needed, that destruction is always possible, that the human condition is a permanent struggle for peace, and that nothing we acquire is permanent. However, the memory of this massacre, the commemoration of this tragedy, is also the tribute that evil pays to good.

For us Portuguese, who are geographically and culturally distant from the places of the main European horrors of the 20th century, and who have another history, it is even more important to remember them. Geography and culture offer us different histories, but they do not distinguish our human condition. The memory of what we could have witnessed should be an integral part of our heritage.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I am voting in favour of the motion for a resolution that would establish 11 July as a day of commemoration for the victims of the Srebrenica massacre.

The tragic month of July 1995, when Serb troops led by Ratko Mladić massacred over 8 000 Bosniaks, still lives in all our hearts. The best way to honour the victims of the atrocities of the war in the former Yugoslavia is to announce a day of commemoration so what happened can be remembered.

Further efforts and sacrifices are also required to ensure that those guilty of the genocide are brought to justice (the most important of whom is General Ratko Mladić) in deference to the fathers, mothers, children, brothers and sisters of the innocent victims who died in those years, and also in deference to the Europe that wants to live in freedom.

8. Corrections to votes and voting intentions: see Minutes

(The sitting was suspended at 12.35 p.m. and resumed at 3.00 p.m.)

IN THE CHAIR: MR ONESTA

Vice-President

9. Approval of the minutes of the previous sitting: see Minutes

10. Debates on cases of breaches of human rights, democracy and the rule of law(debate)

10.1. Iran: the Shirin Ebadi case

President. - The next item is the debate on five motions for resolutions on Iran.⁽¹⁾

Marios Matsakis, author. – Mr President, the persecution of Nobel Prize Laureate Mrs Shirin Ebadi is only one example of many that are taking place in Iran currently, and such persecution should come as no surprise to us considering the blinkered vision of the anachronistically theocratic rulers of that country.

Nor should we be surprised by the fact that the regime in Iran will take no notice whatsoever of this resolution. They will laugh at it and throw it in the bin in exactly the same manner that they have dealt with all previous resolutions of this Parliament. And who can blame them? They know that our resolutions are just words, not deeds, and in their estimation they are not worth the paper they are written on.

If we really want to help bring change in Iran then we must match our words with action. For example, we can remove the PMOI from our terrorist list, or we can stop lucrative contracts between EU Member States and applicant countries and Iran. If we take such action, then we can be sure that the authorities in Tehran will take us seriously and will think twice about continuing with the persecution of their democracy-seeking citizens.

So, it seems to me that we should have had a second motion for a resolution in addition to this one, calling on the governments of some EU Member States, such as the UK and France, and applicant countries, such as Turkey, to stop their hypocritical stance on Iran and start taking real action against it immediately and effectively.

Catherine Stihler, author. – Mr President, the story of Shirin Ebadi, Nobel Peace Prize-winning lawyer, the first Muslim woman and first Iranian to receive the prize, may be well known to most of us here today. She was the first female judge in her country but was forced to resign due to the Iranian revolution.

She defended the rights of Iranian women and children, fighting to change divorce and inheritance laws in Iran. She stood up to defend religious minorities and their rights, and most recently she has defended seven members of the Bahá'í faith who have been collectively arrested and who face persecution like many others of faith in Iran. But it is her work on human rights and her courage and determination which has gained her the respect of all of us in the Chamber.

She, along with other human rights activists, bravely founded the Centre for the Defence of Human Rights in Tehran. Its purpose was to report human rights violations in Iran, to provide representation of political prisoners and to help their families. However, right from the start, the authorities have tried to close the office down. Those who work there have been threatened, imprisoned and intimidated. Shirin Ebadi has personally faced numerous death threats, and the international community has, for some time, expressed its concern for her safety. Then, just before Christmas, as those at the centre were about to commemorate the 60th anniversary of the Universal Declaration of Human Rights, Iranian security officials closed the centre down.

The centre must be reopened immediately. We must put pressure on the Commission, the High Representative, the Czech Presidency and our own Member States to take this case up and see the centre reopened.

⁽¹⁾ See Minutes.

It is hard for us sitting here in this Chamber to truly comprehend the bravery, the courage and strength required by human rights activists like Shirin Ebadi to function in Iran and stand up to the dictatorship. However, the work of human rights lawyers and activists is needed to shine a light on what is happening in Iran, to give hope to those like the Alaei brothers. Arash and Kamiar Alaei are both doctors helping those with HIV and AIDS who have been charged with cooperating with an enemy, when all they have been doing is trying to help the sick.

I hope that we will see the re-opening of the human rights centre and that this Parliament will do all it can to help Shirin Ebadi. After all, as fellow human beings, her struggle is also our struggle.

Jean Lambert, *author*. – Mr President, I think it is important for us to support human rights defenders, whether we think that governments are going to be listening to us or not. People have often told us they take great courage from external voices recognising the threat that they are under.

As has been said, this is a serious case, because an attack on such an internationally renowned defender of human rights signals that people questioning the state or exercising their fundamental rights, such as those to the freedom of belief, will not be safe, so they have to conform to the state or face the consequences.

Shirin Ebadi herself has faced death threats on many occasions, not least because she has defended the seven-member leadership of the Bahá'í faith in Iran, who themselves face significant persecution. We have seen further arrests in the last 24 hours of people who have worked with her and indeed other members of the Bahá'í faith.

When we look at what we do here, we also need to realise that we are actually seeing a shift in the recognition of human rights by certain governments throughout the world, and that this has an impact on countries with which the European Union has dealings. They now feel that they do not have to pay so much attention to human rights because they can trade and work with countries that really do not care. I think, therefore, that makes it even more important for us to make sure that we try to uphold those standards and that, as has been said, we do not look to increase trade with countries whose human rights records are abysmal, but make every effort to support those working for human rights and those democrats opposing the undemocratic forces.

Tunne Kelam, *author*. – Mr President, the situation of Iranian citizens who live under the oppressive dictatorship of Tehran's mullahs is alarming and has been deteriorating in all areas since 2005. Therefore, I urge the Commission to continue to monitor the human rights situation there and to present a comprehensive report on the situation during the first half of this year.

Today, we protest against the harassment of a Nobel Peace Prize winner, Ms Shirin Ebadi, and her Centre for the Defence of Human Rights. It has often been asked what is the result of these protests. This question should also be addressed to the Council and the Commission.

The Iranian regime is potentially the biggest threat to world peace and the rule of law. In all likelihood, in the nearest future, Tehran will have nuclear warheads – it already has the missiles to deliver them. Iran, too, is a big exporter of terrorism – to Iraq for example, it is a supporter of Hezbollah and Hamas.

At the same time, the EU is still hoping to convince this dictatorship through compromises and has, until recently, been helping the terrorist regime in Tehran to tie the hands of the main democratic opposition, ironically labelling it as a terrorist organisation.

So we need a clear and forceful stand on human rights and also to have the human rights situation in Iran as a priority in dealing with Tehran.

Erik Meijer, *author*. – (NL) Mr President, Mr Matsakis is right. Shirin Ebadi's persecution is not an isolated incident. Under the regime's critics, she enjoyed a privileged position for years. The existence of its human rights centre created the impression that things were not that bad in Iran.

The majority of the victims of the theocratic regime in Iran are unknown. Holding a different political opinion, protests on the part of discriminated-against ethnic minorities and religious minorities, homosexuality and fighting against the disadvantaged position of women, are all reasons for being locked up or murdered. Many things that we take for granted in Europe can get you killed in Iran. Some victims are hung from tall hoisting cranes as an example in the presence of large crowds.

Despite this, the outside world, including Europe, is not terribly interested in this appalling situation and the way in which this can be brought to an end. International attention tends to focus on other things. Whilst it would like to see Iran's military power restricted and stop the application of nuclear energy, the international community mainly attaches importance to the continued delivery of petroleum and the maintenance and/or extension of good trade relations.

As a result, Iran has been under a constant threat of war, while criticism of the lack of human rights is not expressed. It even leads to a situation where cooperation with the Iranian regime is bought by constantly placing the main exiled opposition groups on the list of terrorists. We must put a stop to the bizarre situation in which, every time there is a judicial ruling declaring this placement on the list of terrorists to be illegal, a new, identical decision is taken by the Council on behalf of the European Union.

Unlike most other victims of persecution in Iran, Shirin Ebadi is not anonymous but internationally known and respected. So far, the status of the Nobel Prize-winner has, at times, secured her a limited degree of freedom. The fact that this status is now coming to an end indicates the need for international support for those forces that seek change.

Bernd Posselt, *on behalf of the PPE-DE Group*. – (DE) Mr President, my office in Munich is situated on a street that is home to many Christian Armenians from Iran. They are members of one of the most ancient Christian communities in the world and are, at the same time, patriotic Persians. This shows that Iran/Persia has an ancient tradition of tolerance, not only towards different religions but also towards the many peoples comprising its large empire.

It runs entirely counter to the Iranian/Persian spirit to rule as intolerantly as this mullah regime is doing. It runs counter to the best, most noble traditions of one of the most ancient countries on earth. Therefore, it is in the interests of the Iranian people and its future that we be clearer in our denunciation of these abuses.

Ms Shirin Ebadi, who has denounced these abuses at great personal risk, and who won the Nobel Peace Prize as a result, continues to do so on behalf of all ethnic groups and all religious communities. We cannot tolerate such dreadful, abominable persecution of Ms Ebadi. She needs our solidarity. Therefore, I appeal to the Czech Council Presidency to apply its sound human rights policy in this matter, too.

Józef Pinior, *on behalf of the PSE Group*. – (PL) Mr President, Commissioner, first of all, I would like to draw your attention to the absence of the representative of the Czech Presidency during the course of this debate. I very much regret this fact, as the Czech Republic is heir to the democratic tradition of the struggle for human rights in the whole of Central and Eastern Europe. I repeat: it is deeply regrettable that there is no representative of the Czech Presidency attending this debate, although other Council presidencies, such as the German Presidency, have always sent a representative.

Today, we are discussing human rights in Iran, which is an important country in the Middle East and one which will have a decisive impact on the political situation in that region. The Iranian Government should therefore be even more strongly bound to absolutely respect human rights and international standards in the field of humanitarian law.

We defend the Nobel Prize winner Shirin Ebadi and oppose the recent actions of the authorities and the government campaign, intended to turn public opinion against Shirin Ebadi. I would also like to draw your attention to further arrests of university students in Shiraz. This week, while the European Parliament has been in session in Strasbourg (on 12 January to be precise), a further six people were arrested. We must defend the independence of the student movement in Iran. I would also like to draw your attention to the repression and harassment of doctors involved in AIDS research.

Commissioner, there is only one conclusion that can be drawn: the human rights situation in Iran must be further monitored by the European Commission and the whole European Union.

Leopold Józef Rutowicz, *on behalf of the UEN Group*. – (PL) Mr President, in Iran, where the principles of fundamentalism are supported by a large section of society, the activities of all democratic institutions which are based on different cultural precepts encounter a great deal of opposition and intolerance. This is the sort of example that Iran provides.

Although the politicians in power in Iran, in order to improve their image, may sign up to commitments resulting from international agreements, everyday reality is very different. The case of Shirin Ebadi, Nobel Peace Prize winner and Director of the Centre for the Defence of Human Rights, may serve as an example. The fact that her activities are persecuted is due to the weakness of the ruling class which, fearful for its status,

cannot discipline the fundamentalists involved in anti-democratic activities. We support the Resolution. I think that more radical action needs to be taken in this field.

Alexandru Nazare (PPE-DE). – (RO) Iran provides perhaps the least documented cases of human rights violations within the international community. At the moment, there is no sign of the situation improving. In this respect, the persecution of Mrs Shirin Ebadi is a very serious matter, and I can also say the same about the situation of the six students which was mentioned earlier.

It is encouraging that several resolutions have been proposed on this subject, initiated by several political groups. I do believe, however, that the resolution put forward by the European People's Party fulfils our obligation to defend human rights much better. As a citizen of a country which has recently experienced both a totalitarian regime and the freedom of speech guaranteed by a democratic regime, I cannot help but sympathise with the cause of this woman fighting for human rights, and I am sure that this matter will be taken into consideration.

This constructive criticism can only help relations between the European Union and Iran.

Paulo Casaca (PSE). – (PT) I would not only like to support this resolution but, in particular, to support the position of all the friends of a free Iran who, like Mr Matsakis and others, have made a point of emphasising that the main problem is the policy of appeasement towards the Iranian regime. It is a policy under which oil and commercial contracts are more important than principles.

Placing the People's Mujahedin of Iran on the list of terrorist organisations was a scandal from the outset. It turned what was an extraordinarily important real problem into a policy that is the contrary, which is to do favours for those who, in fact, pursue terrorist policies.

For this reason, I would once again urge the Council to immediately bring an end to this situation and remove the People's Mujahedin of Iran from the list of terrorist organisations.

Janusz Onyszkiewicz (ALDE). – (PL) Mr President, Zbigniew Brzeziński describes the arch of instability which stretches from Egypt to Pakistan as the main threat to global stability and future prospects for global development. According to him, the main country in this arch, a sort of linchpin, is Iran. If we do not resolve the problem of Iran, if we do not ensure that it becomes a predictable and democratic country, it will be very difficult to think about eradicating the danger of which Mr Brzeziński speaks.

However, we cannot introduce democracy or stability to Iran. The Iranians themselves must perform this task. By Iranians, I mean those living in Iran itself, such as Mrs Ebadi, as well as émigré Iranians, such as Miriam Rajavi. That is why it is important to support precisely these democratic movements and to finally acknowledge that the Mujahedin is not a terrorist organisation.

Zbigniew Zaleski (PPE-DE). – (PL) Mr President, ironically enough, the situation in Iran is similar to the situation in Gaza when Hamas was elected, namely that the government has been elected by the people.

This is a problem for us, as there is little we can do. Something needs to change in Iran. We can only speak out before the whole world and send our message to Iran, namely that we condemn the violations of human rights and the lack of democracy, whether they like it or not. Perhaps in this case, words will serve as our weapons and, at the same time, offer aid to the people in Iran who are fighting for real freedom, which I hope they will achieve.

Vladimír Špidla, Member of the Commission. – (CS) Mr President, ladies and gentlemen, the European Commission is closely monitoring developments in the situation faced by Mrs Shirin Ebadi and it regards as unacceptable the threats made to her and her colleagues following the search carried out at their office in Tehran on 29 December. The search of the office is the latest in a series of acts of intimidation aimed at Mrs Ebadi which have included, for example, the closure in December of the Centre for the Defence of Human Rights, an organisation which she led.

The European Commission therefore fully supports the French Presidency of the Council of the Union in presenting two declarations regarding Mrs Ebadi's case on 31 and 22 December last year. The Commission especially emphasises the fact that the Iranian authorities must comply with their international obligations in the human rights area and in particular the right of peaceful assembly set out in the International Pact on Civil and Political Rights. Iran has signed and ratified this Pact and hence it must allow the offices of the Centre for the Defence of Human Rights to be reopened and it must provide them with the legal status they have been requesting for many years.

In 2009, just as in the past, the Commission will not forego any opportunity to apply pressure on the Iranian authorities to provide protection for Mrs Ebadi and other human rights defenders (individuals or organisations) and to allow them to continue operating in the country without interfering in their legitimate activities.

As you all know, the issues of nuclear power and human rights greatly limit the scope of our activities in Iran. Despite this, the Commission will continue in 2009 with cooperation in areas of common interest, especially in the fight against the drugs trade. We have also managed to maintain some programmes supporting human rights and the proper administration of public affairs, for example a project to support children's rights in cooperation with UNICEF and projects in support of judicial reform.

We are also pursuing initiatives aimed at strengthening cooperation and exchanges in the area of education and culture – exchanges within the framework of the Erasmus Mundus programme, the recent visit of several Iranian journalists to Brussels, or the broadcasting of television programmes in Persian which the Commission wants to launch before the end of this year. Despite this, it is clear that our relations will not be able to develop in a normal way unless the human rights situation in Iran improves dramatically.

President. – The debate is closed.

The vote will take place at the end of the debates.

10.2. Guinea

President. – The next item is the debate on six motions for resolutions on the situation in Guinea.⁽²⁾

Marios Matsakis, author. – Mr President, Guinea has had a very troubled past history, with European countries being involved in one way or another in its tragic past. It was taken over by the Portuguese in the 15th century and its citizens were subjected to the European slave trade in the 16th century and beyond. In 1890, it was colonised by France. After independence in 1958, firm ties were formed with the Soviet Union. Its post-colonial period was largely dominated by presidential totalitarianism, with its rulers being backed by its admittedly rather primitive army.

Guinea, although blessed with very rich mineral deposits, including iron, aluminium, gold, diamonds and uranium, is nevertheless one of the poorest countries in the world. These minerals are being exploited by companies from Russia, Ukraine, France, Britain, Australia and Canada.

Heavy corruption of officials is well known to occur, and the governments of the countries to which such companies belong seem to care very little about the welfare of Guinea's citizens, and only start complaining about the appalling human rights situation in the country when their financial interests are disrupted or threatened.

Be that as it may, presently there is yet another dictator in power in Guinea, a young junior army officer called Captain Camara. He heads a junta that has pledged to rid the country of corruption and to improve living standards for its 10 million citizens. To this end, a 32-member National Council for Democracy and Development was set up to govern the country.

I have no idea whether Captain Camara is genuine in his endeavours, or whether he will succeed in improving matters in Guinea. One thing is certain, however: things cannot get worse than they have been for the last few decades, during which Europe and the rest of the world were happy just to sit back, watch and enjoy the benefits of the mineral exploitation of Guinea. So, although I oppose military dictatorships *a priori*, I can only hope that, after a short period of time, a transition to democracy might occur.

Jean-Pierre Audy, author. – (FR) Mr President, Mr Špidla, ladies and gentlemen, on 22 December 2008, the President of the Republic of Guinea, Lanzana Conté, died at the age of 74. Over the course of that night of 22 and 23 December, his close relatives were busy making arrangements for the interim period amidst rumours of a coup d'état.

At that very moment, were they sincere, those men running a country deemed by *Transparency International* to be one of the most corrupt in the world and relying on a rule of law and a democracy that have never actually existed? At that very moment, were they recalling how, 24 years ago, General Lanzana Conté seized

(2) See Minutes.

power when the father of independence in 1958, the Marxist President Sékou Touré, died in 1984? At that very moment, were they thinking that a simple officer in charge of fuel procurement for the army would be able to seize power? At that very moment, were they regretting not having worked hard enough to establish true rule of law and real democracy that would have enabled those precious elections to have been organised within 60 days, as laid down by the constitution?

If they did indeed have these regrets, Captain Moussa Dadis Camara's feelings and those of his friends were to change to remorse within a few hours. On Wednesday 24 December, the unknown captain declared himself the President of the Republic, he was cheered by thousands of Guineans and, on 25 December, he made a display of the allegiance offered by the civil government, who agreed to his ultimatum. He promised to fight corruption and to organise elections before 2010. He appointed a decent man as Prime Minister, an Egypt-based international civil servant. He happily reported that nobody in Guinea was condemning him; the opposition political parties, civil society, accepted this situation.

Should the coup d'état be condemned in these circumstances? Yes, ladies and gentlemen, we have to condemn it! The Group of the European People's Party (Christian Democrats) and European Democrats, on behalf of whom I am honoured to speak, condemns this coup d'état although we are not naïve; we know that political solutions are never simple when a country is emerging from a dictatorship. We call on you to vote in favour of the joint resolution of the six political groups.

Erik Meijer, author. – (NL) Mr President, on 15 February 2007, we discussed the state violence of dictator Lansana Conté in Guinea as a matter of urgency. This dictator came to power following a coup d'état in 1984 and has been in power ever since. He considered that country his own private property that was of particular significance on account of its natural deposits of gold, iron and bauxite. Most parties did not take part in the elections that were organised under his control, and the official opposition that was temporarily represented in the parliament was later forced to leave.

Consequently, the trade union confederations CNTG and USTG became the main force in the fight for democracy. The presidential security force, led by the dictator's son, responded to their protest rally on 22 January 2007 by killing 59 people and wounding 150 others.

This appalling regime came unexpectedly to an end when the dictator died in December last year. The junta put a banker forward as its next Prime Minister. The question now is what exactly the military junta that subsequently took over power has made room for. Is this a step towards democracy and equality for all residents, or will this new coup d'état clear the way for a new dictator who is, once again, mainly interested in the country's natural resources and in the prospect of lining his own pockets?

The reaction from the outside world is one of confusion. The West-African cooperative bloc, ECOWAS, has condemned the latest coup d'état. The Nigerian President praises the late dictator but, fortunately, he does demand a swift transfer of power to a democratically elected government. France and Senegal, too, are applying pressure for elections to be held within a year.

My group has, over the years, always supported the demands of Guinea's democratic opposition, which still appears to be out of the game. We do not condemn the changeover of power, but we do condemn the possible continuation of a lack of democracy in the near future. There is, as yet, no reason to penalise or isolate Guinea, but we should remind the new leaders that their moment in the limelight can only be very short-lived. That country does not need another dictator, but the restoration of democracy.

Filip Kaczmarek, on behalf of the PPE-DE Group. – (PL) Mr President, Commissioner, the time has fortunately passed when the only known way to topple a government in West Africa was by means of a military coup. While in countries which share a border with Guinea, namely Sierra Leone, the Ivory Coast, Senegal or Liberia, a political thaw is taking place, military regimes have collapsed and a young democracy is emerging, Guinea remains stuck in the past. The late President Conté himself seized power in a military coup, and now there is a sense of déjà vu. Twenty-four hours after the President's death was announced, the military seized power in Guinea and suspended the constitution.

The only good news is that the coup has been condemned by other African states and by the African Union. Further European Union aid for Guinea must undoubtedly be linked to re-establishing constitutional order and calling presidential elections as soon as possible. Independent international organisations should observe the election process and monitor the fairness of these elections. If Captain Camara wants, even in the slightest, to be a Guinean Obama, then corruption and poverty in that country would have to be radically reduced.

Ewa Tomaszewska, *on behalf of the UEN Group*. – (PL) Mr President, the day after the death of President Lansana Conté, on 23 December 2008, a military junta, led by Captain Camara, took power in Guinea, suspending the constitution and the right to political activity and dissolving the government. The junta has declared war on corruption and intends to hold presidential elections by December 2010, although previous legislation had, until that point, stipulated that elections must be held 60 days after the end of a term.

However, one cannot fail to notice that the population of Guinea supports the new government. On 29 December, the African Union suspended Guinea's membership, giving the country six months to re-establish constitutional order. The European Parliament should call on the Guinean government to re-establish civil law and to hold democratic presidential elections as soon as possible. I hope that the European Commission will provide humanitarian aid to the civilian population and begin a process of dialogue with the government of Guinea.

Charles Tannock (PPE-DE). – Mr President, President Lansana Conté was the archetypal African strong man, a corrupt dictator who ruled the people of Guinea with an iron fist. In fact, Guinea has never enjoyed true democracy in its half-century of independence.

The death of Mr Conté offered an opportunity for Guinea to turn the page but any hopes of transition to genuine democracy were extinguished by the military coup. Predictably, the African Union's response to the coup has been lamentably lacklustre. The AU cannot expect to be taken seriously internationally while it continues to prevaricate and procrastinate. Why should we in the West go to such lengths to address this issue when African governments appear so indifferent?

The EU should consider invoking the provisions of the Cotonou Agreement relating to sanctions. Captain Camara and the coup leaders need to understand that the EU expects certain basic standards of governance in return for a trade-and-aid relationship. Guinea's only path to prosperity is through democratic, civilian government.

Zdzisław Zbigniew Podkański (UEN). – (PL) Mr President, Commissioner, we have before us another case where a group of officers has seized power. Military juntas behave in a similar way: first there are arrests, then the constitution is suspended, and later there is an announcement that democratic elections will be called. In this case, the elections are to be held in two years' time. However, in practice, the officers start to exercise power and find that they like it. This then leads to social oppression and revolts, as well as violations of human rights and democratic principles. We have reason to suspect that the same might happen in Guinea, although we all hope that things will be different this time, that events will take a turn for the better and that the outcome will be more positive.

I think that the announcement made by the Economic Community of West African States and the African Union that they were suspending Guinea's participation in their work exerts a certain pressure and appeals to common sense. I think that, in view of the social situation, i.e. the constantly falling per capita income, the European Union, and therefore the European Commission, will also take appropriate and considered, but also courageous, action to ensure that normality returns to this country as soon as possible, for the good of its people, and in order to prevent genocide and human rights violations.

Laima Liucija Andrikiienė (PPE-DE). – (LT) Today we are discussing the coup d'état in Guinea, one of the most corrupt countries in Africa. In addition, the social and economic situation in Guinea is unenviable, people's living conditions are extremely harsh, there is a lack of basic foodstuffs, human rights are blatantly violated and all this creates an environment favouring a seizure of power by illegal means.

On the other hand, we know very well that seizures of power by means of a military coup have become a tradition in Guinea. Parliamentary elections were not called when the term of the National Assembly ended two years ago. All this undoubtedly is of concern to the international community. In any country, such a situation sooner or later leads to rioting, instability and often also the spilling of blood.

Therefore, I agree entirely with the resolution we are debating, which urges the organisation of parliamentary and presidential elections, the observance of international standards and help from the African Union and the Economic Community of West African States. In addition, freedom of the press, speech and assembly must be guaranteed before the elections, otherwise the elections will become an electoral farce.

Leopold Józef Rutowicz (UEN). – (PL) Mr President, the coup d'état in Guinea has followed the same pattern as the majority of similar coups in Africa and on other continents. It took place immediately after the death of President Conté, who came to power following a coup 24 years earlier. The economic and

political situation in this extremely poor country incites the people to protest. These protests are then pacified by the armed forces, which consolidate a corrupt government and the division of the country into those who prosper and those who are dying of hunger.

The fact that the African Union and the African Economic Community has suspended relations with the junta is a positive step in this case. External pressure might force the junta to call democratic elections. The lesson to be learned from this situation is that, in order to support democracy in Africa, the African Union needs an action plan, which would prevent coups that result in enormous losses for the citizens of this poor region of the world. I support this Resolution.

Vladimír Špidla, *Member of the Commission*. – (CS) Mr President, ladies and gentlemen, the news of the death of Guinean President, Lansana Conté, which arrived on the morning of 23 November 2008, was followed several hours later by a military coup led by a junta which established a National Council for Democracy and Development and which declared the suspension of the constitution and the dissolution of government institutions.

The European Commission wholeheartedly supports the declaration of the EU Presidency condemning this violent takeover of power and calling on the authorities in Guinea to return to civilian, constitutional and democratic government as quickly as possible. The positive reception accorded to the military regime by the Guinean public, especially by political parties and trade unions, clearly shows that the standard of living for the Guinean people has deteriorated so much that even a military coup is viewed as a change for the better and as an event creating optimism for the future. It also shows that the former regime had lost the trust of the Guinean people to such an extent that they preferred the government to be taken over by military units rather than official successors.

In this confused situation, it is important to welcome the rapid and effective initiatives undertaken by the Economic Community of West African States (ECOWAS) and its chairman, Mr Chambas, as well as the determination and decisiveness of the Community and the African Union, which have suspended Guinea's membership in their organisations and have condemned the violent takeover of power. The Commission is determined to support the efforts of ECOWAS and the African Union and to support their efforts to enable the quickest possible return to a civilian, constitutional and democratic government through free and transparent elections.

The challenge facing the international community in the following months is to support Guinea in its transition to democracy and in the arrangement of free and democratic elections for a law-making assembly and a president.

Ladies and gentlemen, as you know, in March 2004, following elections which did not respect democratic principles and which violated fundamental elements of the Cotonou Agreement, we decided to begin consultations between Guinea and the European Union under Article 96 of the Agreement. Progress was achieved in the following areas: general elections to follow in 2006, media liberalisation, election system changes to be carried out jointly by the government and the opposition and improvements to the macroeconomic framework.

We are not losing hope. We firmly believe that the election process which was started in October last year can be successfully resumed. Currently, a joint mission of the Presidency and the Commission is leaving for Guinea this Wednesday. The mission includes groups from ECOWAS and the African Union and its aim will be to assess the situation in the country and to propose appropriate measures for supporting Guinea in its transition to democracy.

President. – The debate is closed.

The vote will take place at the end of the debates.

10.3. Press freedom in Kenya

President. - The next item is the debate on six motions for resolutions on press freedom in Kenya.⁽³⁾

⁽³⁾ See Minutes.

Marios Matsakis, *author*. – Mr President, freedom of the press is synonymous with freedom of expression and democracy. This does not, of course, apply in an ideal fashion in our society, in which media barons as well as government and political party media interference are not unheard of, but is rather prominent in some western countries, not excluding the USA and some EU Member States. However, at least as far as legislation is concerned, the media in our societies are given the theoretical protection of the law they need to function as near properly as possible.

This is where we beg to differ with the Kenyan Government, which is introducing legislative measures that can be used for possible repression and persecution of the press by the state. We therefore call on the Kenyan authorities to reconsider their stance on the matter and give their mass media the legislative freedom they need in order to try, at least, to function as democratically as possible. The Kenyan Government must understand and accept that the protection of the press is essential for their country's road to betterment of living standards for its citizens. We hope and trust that the plea we have made through this resolution will not be seen as interference but as friendly advice to the Government of Kenya, that it will be taken seriously into consideration and that there will be wiser reconsideration of what they have been doing so far.

Lidia Joanna Geringer de Oedenberg, *author*. – (PL) Mr President, Kenya has been in the throes of a serious political crisis for a long time. The current President, Mr Kibaki, is implementing measures which are clearly intended to restrict the freedom of speech and of the press. On 2 January 2009, he violated the provisions of the Declaration of Human Rights and the African Charter of Human Rights by sanctioning amendments to what is known as the Kenya Communications Bill of 1998, giving the national authorities new rights, including the right to dismantle broadcasting and communications equipment, as well as to control and alter the content of mass media publications. The international community unanimously declared this to be a further step towards media censorship in Kenya.

Moreover, in spite of earlier commitments arising from agreements signed to establish Kenya's grand coalition government, the President failed to consult the Prime Minister in office regarding either this decision or any further decisions. This exacerbated the crisis in Kenya, which had already lasted for over a year and which had claimed around 1 000 victims and left 350 000 people homeless. The European Union cannot stand by while fundamental freedoms are being blatantly violated.

We should welcome the Kenyan President's assurances that the amendments will be revised and that all political powers will be consulted on this matter, in order to give these amendments a new, democratic quality and ensure the broad support of Kenyan society. The European Union must support these measures and monitor them in detail, fostering pluralism during the process of building a civil society. At the same time, the Kenyan authorities should take stronger action to introduce a state of normality in the country, including the creation of a special committee, consisting of local and international experts, to punish those guilty of violence and of causing the crisis last year. There is a chance that these measures will stabilise the internal situation and prevent a humanitarian disaster, which inevitably threatens this Eastern African country with a population of ten million.

Colm Burke, *author*. – Mr President, I regret the signing of the Kenya Communications (Amendment) Bill by President Kibaki. This act disregards the rights to freedom of expression and press freedom as enshrined in the Universal Declaration of Human Rights and echoed by other international conventions, including the African Charter on Human and Peoples' Rights.

This act would give considerable powers to the Kenyan Information Minister to raid media houses deemed to be a threat to national security and to dismantle broadcasting equipment. The act will also give the state the power to regulate contents to be aired and published by electronic and print media respectively. I welcome, however, President Kibaki's recent move to revise this media law and his gesture to consider amendments to legislation proposed by members of the media.

Freedom of expression is a fundamental human right, as stated in Article 19 of the Universal Declaration of Human Rights. I call on the Kenyan Government to initiate a stakeholder consultation in order to build consensus on how to better regulate the communications industry without interfering with press freedom and without infringing rights contained within the Universal Declaration.

Finally, I would like to underline the need to adjust the culture of impunity in Kenya in order to bring those responsible for the post-election violence a year ago to justice. I call for the setting-up of an independent commission consisting of local and international legal experts who would carry out investigations and prosecutions into the violent events following the flawed elections in December 2007.

Erik Meijer, author. – (NL) Mr President, Kenya has a violent past. After the Second World War, when Europe slowly came to accept that the independence of African countries was eventually inevitable, Kenya was emphatically excluded, as was the country we now know as Zimbabwe. According to colonial rulers, there were too many foreign colonists and too many foreign economic interests in those countries to be able to leave them in the hands of the predominantly black populations.

Unlike other West African countries, independence in Kenya did not come about peacefully, but only following a protracted and violent struggle by the independence movement Mau Mau. This need for a violent struggle has laid the foundations for continued violence and intimidation. The victors mainly belong to one major tribe, the Kikuyu. Other population groups have always been kept in opposition, where necessary on the strength of rigged election results. The latest presidential elections proved once again that a non-Kikuyu cannot become President, not even if the majority of voters vote for him.

Thanks to a compromise, the opposition candidate is now Prime Minister and domestic peace seems to be restored. While, out of the two African countries with rigged presidential elections, Zimbabwe is considered the country with the bad compromise, Kenya has been praised as the country with the good compromise. For years, Western Europe and America considered Kenya to be a major success story. It was a country with relative prosperity, freedom for international businesses, friendship with the West and attention for tourists. Kenya has now lost that success-story image. A food shortage and a new press law have made for renewed tension. This food shortage is partly attributable to the fact that the President, in exchange for the construction of the port, has leased out 40 000 hectares of farm land to the oil state Qatar for food supplies.

The press law appears to be a lever which the President uses to restrict the power of the coalition government and to eliminate critical opponents. This is all the more shocking, given that this law came about without the Prime Minister even being consulted. The coalition compromise between the President and the Prime Minister is in jeopardy if the President is given the capability of bypassing the Prime Minister, restricting the role of the government and protecting his own role against the critical press.

Charles Tannock, on behalf of the PPE-DE Group. – Mr President, until last year's violence, Kenya had a reputation as one of Africa's politically more stable countries and had a tradition of a relatively free and robust press.

President Kibaki needs to realise that political stability and a free press are mutually reinforcing. This restriction of freedom of speech, as proposed, is unbecoming for a country led by a man who came to power promising a new era of openness and transparency. Unfortunately, it seems that many senior politicians in Kenya have still not developed a sufficiently thick skin to handle the inevitable barbs of a free press and a democracy. I hope that President Kibaki will take our advice and change his mind. That would reassure us of Kenya's purported commitment to a free society under a power-sharing coalition government. It would also strengthen Kenya's case for moral authority and leadership in an unstable region.

I welcome the President's pledge now to consider amendments to this bill and to consult more widely with the media. Given that Prime Minister Raila Odinga and the ODM, his party, are vigorously opposed to this legislation, it is also vital for the stability of the Government that it does not become even more of an inflammatory and divisive political issue.

Catherine Stihler, on behalf of the PSE Group. – Mr President, I am glad to have the opportunity to speak on this joint motion for a resolution on press freedom in Kenya. A year ago, like many others, I was dismayed and disappointed that, after flawed presidential elections in Kenya, street demonstrations led to riots and ethnic clashes that spread across the country, killing more than a thousand people and leaving another 350 000 people homeless. Those responsible for the post-election violence a year ago must be brought to justice and a period of reconciliation and tolerance is now essential for Kenya.

In this context, it is very bad news that, on Friday 2 January 2009, President Kibaki signed the Kenya Communications (Amendment) Bill 2008, which amends the Kenya Communications Act of 1998. This bill flies in the face of press freedom and disregards international conventions signed up to by the Kenyan Government. Two sections effectively introduce direct media censorship by the Government. Section 88 gives the Information Minister considerable powers to raid and dismantle broadcasting equipment from a media house that is deemed to be a threat to national security. Section 46 gives the state the power to regulate contents to be aired and published by both electronic and print media. Within Kenya, the bill has been opposed by journalists, by Prime Minister Odinga and by the ODM, and its passing highlights a serious lack of consultation within the current grand coalition. I regret the passing of this bill and urge that any revision of the media law takes account of the many, many reservations expressed.

Ewa Tomaszewska, *on behalf of the UEN Group*. – (PL) Mr President, as a member of Solidarność, and someone who has experienced martial law in Poland, I know that freedom of speech is the lifeblood of democracy. The Kenyan Government signed and ratified the Universal Declaration of Human Rights and other international conventions, including the African Charter on Human and Peoples' Rights. These conventions include the right to freedom of speech.

Today, the Eastern Africa Journalists Association informs us that the government intends to introduce censorship in Kenya. I hope that President Kibaki will refrain from any amendments to legislation concerning the media, which could infringe the freedom of speech. I call on the Kenyan authorities to relinquish their plans to introduce censorship, to build consensus in order to foster the freedom of the press and the public communications sector. I hope that the rights of religious and ethnic minorities will be respected in Kenya. A year ago, over a thousand people died during protests linked to the elections and 350 000 people fled their homes. I hope that those responsible for these incidents will be justly punished.

Tadeusz Zwiefka (PPE-DE). – (PL) Mr President, even if it is true that some of the private media in Kenya helped to instigate riots following the emotional election campaign, this is no justification for restricting the freedom of speech.

The attack on the freedom of the press in Kenya also involved the violation of the fundamental principles of parliamentary democracy. It is worth stressing that the new legislation was adopted by 25 out of the 220 members of parliament. This is an utterly inconceivable situation. What is worse is that, until that point, Kenya had boasted one of the most developed and pluralistic press networks in the whole of Africa. This will change after the new legislation is implemented, which will allow special services to interfere in the activities of the media, close down editorial sections and control the printed or spoken word. Restricting the freedom of the media sector in the name of national security can only have the opposite effect to the one intended.

Laima Liucija Andrikiienė (PPE-DE). – (LT) Why are we concerned with freedom of the press in Kenya? Why is the European Parliament debating this issue as a case of human rights violation as a matter of urgency?

Firstly because freedom of speech is a fundamental human right, as laid down in Article 19 of the Universal Declaration of Human Rights, to which Kenya is a signatory. Therefore, it, like other signatory countries, must not only observe its spirit, but follow it to the letter.

The demonstrations which took place almost a year ago after the Presidential elections in Kenya and grew into riots and ethnic conflict, in which more than 1 000 people were killed and tens of thousands were left homeless, is the strongest argument for not allowing similar events to be repeated. Therefore, the Kenyan Government and President should act together and honour their own obligations to respect freedom of the press, speech and assembly. In addition – and this is particularly important – they should fight impunity and call to account those who are responsible for the riots which took place a year ago.

Marios Matsakis (ALDE). – Mr President, while we are debating humanitarian issues and freedom of the press in third countries, I take the opportunity to inform the House that, according to media reports from Gaza, the offices of the UN which were bombarded earlier on today by the Israeli forces are completely ablaze and all the UN humanitarian aid which was stored there, much of it sent by the EU, has been completely destroyed. The same fate has befallen the offices of Reuters and of other international journalists in Gaza. I wish to record that I share the view of the UN Secretary-General, Mr Ban Ki-moon, currently in Israel, who is reportedly completely outraged at the Israeli authorities.

President. – Mr Matsakis, thank you for this declaration, but I am not supposed, in theory, to accept it because the rules require that when you ask to speak by catching my eye, it must be on the subject under discussion, which is, I would remind you, the freedom of the press in Kenya, even though the events to which you have referred are indeed dramatic, as everybody agrees.

Leopold Józef Rutowicz (UEN). – (PL) Mr President, the European Parliament's Resolution on press freedom in Kenya highlights an important issue. Dictatorships begin with restrictions on the freedom of the press and information, as well as civil rights. I hope that this process will be halted by international and internal action. I think that President Kibaki and Prime Minister Odinga will take appropriate action. The Resolution, which I support, will certainly help the process of democratisation in Kenya.

Janusz Onyszkiewicz (ALDE). – (PL) Mr President, during the Communist period, both in Poland and in other countries, one of the provisions of the criminal code stipulated that any person disseminating

information that could lead to civil disorder would be punished. This kind of provision was exceptionally useful as a stick for beating not only individuals but also, and above all, the press. Today, we see similar intentions behind the legislative endeavours in Kenya. One cannot state, as an argument or a threat, that the press must be muzzled as it might cause trouble in the country. That is no justification or explanation for this kind of censorship. The press is there to provide people with information, which is a real cornerstone of democracy.

Vladimír Špidla, *Member of the Commission*. – (CS) Mr President, ladies and gentlemen, I would like to begin by emphasising that freedom of expression, including television and radio, is one of the pillars on which the EU rests. This freedom is among the key European values and it cannot be called into question.

The ‘Communication Act’ of 2008 which became law in Kenya on 2 January 2009, includes some points which, in our opinion, might encroach upon media freedom. We therefore noticed with satisfaction the recent decision of President Kibaki on 7 January to revise some disputed sections of this Act. We are delighted that Mr Kibaki authorised the Minister for Information and Communications and the Attorney General to meet with media representatives in order to propose changes to this law that would eliminate these fears.

Freedom of expression and freedom of the press form part of public affairs administration in the broadest sense of the term and this, in itself, is at the centre of EU development strategy. I frankly take the view that a free and responsible press is an essential precondition for democracy and the legal state, which are integral components for sustainable development. Only on the basis of dialogue will the media and the Kenyan Government be able to develop a common understanding and build mutual respect. Thus, the European Commission looks forward with interest to the results of the various meetings which will take place in Kenya between the parties involved and it hopes that relevant parties will reach agreement on appropriate recommendations for proposals to amend the media law.

As far as the post-election violence is concerned, the Commission welcomes the report of the investigative commission on the violence (the Waki Report). It appreciates the undertaking of the Kenyan Government to implement the report recommendations, including the establishment of a special tribunal to ensure that the people responsible for the violence will have to answer for their acts.

President. – The debate is closed.

The vote will take place immediately.

Written statements (Rule 142)

Sebastian Valentin Bodu (PPE-DE), *in writing*. – (RO) At the start of 2009, democracy in Kenya suffered in the form of a blow against the freedom of the press. President Mwai Kibaki has signed a law, although he has subsequently had a change of heart, which grants the Kenyan authorities the right to carry out raids on editorial offices, tap journalists’ telephone calls and check the content of broadcasts on the grounds of ‘national security’. As if these abuses were not enough, the law also stipulates huge fines and terms of imprisonment for reporters found guilty of ‘anti-government’ practices. Although President Kibaki has ordered these provisions to be amended a week later, we are not aware as to what these ‘amendments’ envisage.

This law, in its initial form, is a reminder of the dark days of dictatorship, when the Kenyan press was brought to its knees. Kenya is currently a democracy and I firmly believe that no one, President Kibaki included, wants to return to those times. An attack against press freedom is an attack against democracy. The international community must continue to put pressure on the Kenyan authorities to treat civil liberties responsibly, especially press freedom.

Marianne Mikko (PSE), *in writing*. – (ET) Ladies and gentlemen, Kenya is acting in contravention of the Universal Declaration of Human Rights and the African Charter on Human and Peoples’ Rights. Such fundamental pillars of democracy as freedom of speech and freedom of the press are not respected. The free press is in serious danger.

State control and censorship were sections of a draft amendment to a communications bill. Through the ill-considered action of President Kibaki, these have now become law.

It is unheard of that the government should possess the right to organise raids on the editorial offices of newspapers and broadcasters and check what is broadcast and in what form. That is far from a democratic society.

It is essential that the existing legal provisions should be amended. It is possible to regulate the press without endangering freedom of speech and the freedom of the press. This must be done as soon as possible.

11. Voting time

11.1. Iran: the Shirin Ebadi case (vote)

11.2. Guinea (vote)

11.3. Press freedom in Kenya (vote)

12. Documents received: see Minutes

13. Decisions concerning certain documents: see Minutes

14. Written declarations included in the register (Rule 116): see Minutes

15. Forwarding of texts adopted during the sitting: see Minutes

16. Dates of forthcoming sittings: see Minutes

17. Adjournment of the session

President. - I declare the session of the European Parliament adjourned.

(The sitting was closed at 4.10 p.m.)

ANNEX (Written answers)

QUESTIONS TO THE COUNCIL (The Presidency-in-Office of the Council of the European Union bears sole responsibility for these answers)

Question no 6 by Brian Crowley (H-0973/08)

Subject: Seventh Research and Development Framework Programme

What political initiatives will the Council be pursuing this year, to promote to small and medium sized enterprises, the existence and impact of the Seventh Research and Development Framework Programme 2007-2013 noting that €52 billion in financial support is available to European businesses during the period?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The European Parliament and the Council established a clear objective in the legislative package of the Seventh Research and Development Framework Programme 2007-2013 (FP7)⁽⁴⁾, according to which particular attention is to be paid to ensure the adequate participation in the Programme of small- and medium-sized enterprises (SME).

Consequently this objective is at the core of the FP7 implementing measures, notably the "Cooperation" programme, which provides that a strategy should be established for SMEs for each priority theme and that the aim will be to enable at least 15% of the funding available under this programme to go to SMEs. The SMEs also benefit from a higher funding rate of 75% of eligible costs in FP7 (compared to 50% for larger companies). The collective financial responsibility that existed in FP6 was in FP7 replaced by the existence of the Guarantee Fund, which minimized financial risk for SMEs.

As the Honourable member is aware, the Commission is responsible for the implementation of the FP7 according to the objectives of the Programme therefore, the Commission should take all necessary measures to promote the participation of SMEs. One of such measures is the conference Research Connection 2009 organised by the Commission under the Czech Presidency in May 2009 in Prague. One part of this conference is directly dedicated to the participation of SMEs in FP7.

The Council would also like to draw the attention of the Honourable Parliamentarian to the important European Community initiatives in support of innovation, such as:

The Competitiveness and Innovation Framework Programme (CIP) of the European Parliament and of the Council of 24 October 2006⁽⁵⁾

The lead market initiative for Europe launched by the Commission, which the Council welcomed and encouraged in its conclusions adopted on 29 May 2008⁽⁶⁾.

(4) Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) (OJ L 412, 30.12.2006) and Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013) (OJ L 391, 30.12.2006).

(5) OJ L 310 of 9.11.2006

(6) Council Conclusions – A Fresh Impetus for Competitiveness and Innovation of the European Economy – (doc. 10174/08).

The regional innovation cluster policy, which the Council welcomed in its conclusions of 1 December 2008 as a tool to stimulate the SME potential and integration in high technology networks⁽⁷⁾.

Finally, one should also point out the European Investment Bank's recent decision to mobilise EUR 30 billion to support European SMEs in the context of the European Economic Recovery Plan.

These elements need to be mentioned together with the research activities provided for by the FP7, given that innovative SMEs conduct research and technological development activities not falling under the FP7 could develop with the help of these other innovation support schemes provided by the European Union.

I would like to ensure the Honourable Member, that the Czech Presidency is fully aware of the importance of small and medium enterprises (SME's) as drivers of research, its application and innovation. According to the Presidency a special approach towards SME's is needed in order to facilitate their participation in the FP7 – we believe that further simplification of procedures linked with participation of SME's in all framework programmes needs to be encouraged. The Presidency will also lend full support to the European Commission in its implementation activities.

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Question no 7 by Eoin Ryan (H-0975/08)

Subject: Effective distribution of European aid to developing countries

The European Union is the world's largest giver of aid to the developing world, yet a BBC Panorama programme broadcast in late November 2008 highlighted how this aid is too often misspent, inefficiently used, or fails to reach its target population. Among the many issues highlighted was the inefficiency of aid spent in the education sector, where money is spent on buildings rather than on training and wages, with the result that teaching standards can be low. There are often high levels of teacher-absenteeism as teachers are forced to work in multiple jobs to get by. Such trends could very easily lead to a very worrying and frankly unacceptable situation where the MDG 2 of universal primary education is superficially achieved, but with the education being of such a low standard as to be of little merit or value in changing the lives of the children involved. What measures or changes does the Council envisage to ensure that European aid is more effectively distributed and employed?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Council recalls that it is the responsibility of the Commission to programme the use of financial resources and support the management of Community aid, and the European Development Fund (EDF).

The Council would like to draw the attention on the two dimensions of the aid, i.e. (1) the specific provisions intended to monitor the delivery of aid and (2) the initiatives designed to improve the effectiveness of aid. On both aspects, the Council is and will continue to be vigilant and active.

1. Monitoring of aid delivery

All EC development cooperation instruments contain specific provisions intended to protect the EC's financial interests. The Commission and the Court of Auditors are entitled to perform audits, including document audits or on the spot audits of any contractor or subcontractor who has received Community funds.

Both the Council and the European Parliament have the possibility to assess the way in which EC external assistance has been implemented on a yearly basis through the Annual Report on the EC's Development and External Assistance Policies and their implementation that the Commission usually presents towards the end of June.

This being said, the Council believes that the proper management and implementation of development aid is not just the donor's responsibility: the principles of ownership, good governance and mutual accountability

⁽⁷⁾ Council conclusions – Towards world-class clusters in the European Union: implementing the broad-based innovation strategy – (doc. 14679/08).

must apply, and in this regard our eligible partners are also co-responsible. In its Conclusions of 27 May 2008, the Council reaffirmed the importance of implementing strengthened mutual accountability mechanisms at the country, regional and international level for ensuring more equal partnerships.

Finally, the Commission set up in July 2008 an Internet website offering comprehensive information on the management and implementation of all EC external cooperation programmes. It is managed by Europe Aid and is accessible to the wider public.

2. Aid effectiveness

The EU is firmly committed through both the Paris Declaration on Aid Effectiveness of March 2005⁽⁸⁾ and the EU Consensus on Development of November 2005⁽⁹⁾ to deliver more and better aid. In particular, the EU is committed to promote better donor coordination and complementarity by working towards joint multiannual programming, based on partner countries' poverty reduction or equivalent strategies and country's own budget processes, common implementation mechanisms including shared analysis, joint donor wide missions, and the use of co-financing arrangements.

Complementarity of donor activities is of paramount importance for increasing aid effectiveness, and thus for a more effective and efficient development assistance. In this sense, the Council and the Member States adopted in May 2007 an EU Code of Conduct on Complementarity and Division of Labour in Development Policy⁽¹⁰⁾. Finally, the Ministerial Declaration adopted in September 2008 after the third high level Forum on Aid Effectiveness (i.e. the Accra Agenda for Action) provides for a very ambitious approach of the EU and wanted strong, precise and measurable commitments as well as a timetable for implementation

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Question no 8 by Liam Aylward (H-0977/08)

Subject: Czech Presidency

Regarding the Spring European Council and the EU Strategy for Growth and Jobs, could the Presidency explain how it will push the European Union's competitiveness agenda to the top of its priorities, particularly in the current economic downturn?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

With regard to the Spring European Council and the EU strategy for growth and jobs, the Czech Presidency will indeed put the European Union's competitiveness agenda on top of its priorities, as it is well aware that the current economic downturn requires the EU to act, and to do so with strength and resolve. A significant economic slowdown underlines the importance of the Lisbon Strategy as a set of instruments to strengthen economic growth and resistance of economies to internal and external shocks. Therefore, the March Competitiveness Council will be dominated by the adoption of the Key Issues Paper⁽¹¹⁾ of the Competitiveness Council to the Spring European Council 2009, which will be all about growth and jobs. The rest of the Presidency will be dedicated as a priority to implementing the European Economic Recovery Plan⁽¹²⁾ and to fulfil such new European Council mandates as the European Innovation Plan.

⁽⁸⁾ In this conference, the EU agreed to provide all capacity building assistance through coordinated programmes with an increasing use of multi-donors arrangements; to channel 50% of government-to-government assistance through country systems, including by increasing the percentage of our assistance provided through budget support or sector-wide approaches; to avoid the establishment of any new project implementation units; and to reduce the number of un-coordinated missions by 50%.

⁽⁹⁾ Doc. 14820/08

⁽¹⁰⁾ Conclusions of 15 May 2007 (doc. 9558/07)

⁽¹¹⁾ 17359/08

⁽¹²⁾ 16097/08

The Presidency's intention is already quite clear from the motto it has chosen for its term, i.e. "Europe without Barriers", which is much more than a political catchword. In fact, it includes an ambitious programme to work towards effective strengthening of the single market and the knowledge triangle including research, education and innovation in order to preserve and stimulate growth and job creation, while keeping in mind necessity of administrative burden's reduction and simplification of legislation

The fifth anniversary of the most extensive EU enlargement creates an opportunity for an evaluation of its costs and benefits for all Member States. The Czech Presidency, in cooperation with European Commission and the OECD, will present a study that will identify remaining barriers in the internal market and will discuss it at the international conference "5 Years After", to be held in March 2009.

In this framework, the Czech Presidency intends to focus its activities and mobilise Member States on the following six major issues:

- A fully-functioning single market without barriers.
- Promoting seamless interaction within the knowledge triangle.
- Better regulation, focussing on a reduction of administrative burden
- Strengthening the backbone of European industry: support for small and medium enterprises (SMEs)
- Speed up the economic reform process in order to achieve a sharper focus on competitiveness and innovation
- Stepping up and improving investment in knowledge, research and innovation

These activities cover a short-term, a medium-term and a long-term perspective on Europe's competitiveness. In other words, we need to act now while thinking ahead. With this in mind, the Czech Presidency intends to centre discussions amongst Member States on these issues of the competitiveness agenda, and it firmly believes that a clear message on them should be sent to the heads of state and government leaders who will gather in March 2009 to discuss, among other subjects, the EU's economic situation.

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Question no 9 by Claude Moraes (H-0980/08)

Subject: Human trafficking

The document published in June 2008 outlining the 18-month programme for the French, Czech and Swedish Presidencies states that the fight against trafficking in human beings will remain a priority. Furthermore, in October the Commission called for an 'extraordinary effort' on the part of both the EU and Member States in the fight against human trafficking.

What specific measures does the Czech Presidency plan on introducing in this area during the next six months?

Question no 10 by Mikel Irujo Amezaga (H-1006/08)

Subject: Combating human trafficking

In its Resolution P6_TA(2006)0005 of 17 January 2006 on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation (2004/2216(INI)), Parliament deplored the fact that despite the adoption of Framework Decision 2002/629/JHA⁽¹³⁾ of 19 July 2002 on combating trafficking in human beings, which laid down the constituent elements and established a common definition of trafficking in human beings to be used by the Member States, the penalties applicable in the Member States for the sexual exploitation of women and children in particular still had not been harmonised.

Can the Council indicate what progress has been made since 2006 in harmonising the penalties imposed in Member States?

⁽¹³⁾ OJ L 203, 1.8.2002, p. 1.

Joint answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The fight against trafficking in human beings is among one of the present greatest challenges not only in the EU but world-wide as well. Trafficking in human beings is one of the most serious forms of organised crime and, due to the huge profits made by offenders through such activities, it is one of the most profitable forms of crime. As trafficking in human beings takes a range of forms, the measures adopted against it must be equally broad and comprehensive.

In its Legislative and Work Programme 2009⁽¹⁴⁾ under "Organised Crime Package: helping the victims", the Commission announced the submission to the Council of a legislative proposal for up-dating the Council Framework Decision 2002/629/JHA on combating trafficking in human beings⁽¹⁵⁾. Therefore it is firstly for the Commission to examine the possibility and the necessity of further harmonisation concerning such criminal law provisions. It is the intention of the Czech Presidency to initiate rapidly thereafter the discussions in the framework of the Council on such a proposal.

In the area of combating trafficking in human beings, the Czech Presidency intends to contribute mainly to the introduction of best practices with regard to the harmonisation of data collection. An expert Conference, titled "Joint Analysis, Joint Action" is scheduled in Prague on 30-31 March 2009. Among other topics, the conference will aim in particular at exploring possibilities for the creation of a network of national rapporteurs on trafficking in human beings in the European Union, as well as at the issue of protection of vulnerable victims and their position within criminal proceedings.

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Question no 11 by Marie Panayotopoulos-Cassiotou (H-0985/08)**Subject: Recognition of employment within the family**

Decisions are taken at European level to grant numerous rights and concessions to mothers and fathers, rights in respect of dependent family members (children, the elderly, the disabled) as well as decisions to facilitate the combination of work and family life, but only in relation to remunerated activities or self-employment. However, self-employment within the family, the implications thereof for the family and the family as employer have not been recognised by the EU. What are the proposals of the Czech Presidency on this subject?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

In addressing the question of work performed within the context of the family, and especially the recognition of that work, and its implications for the family, the Honourable Member has raised a highly important issue.

As you know, the European Parliament and the Council can only act in a legislative capacity on the basis of a proposal from the Commission. I would like to recall that the Commission has indeed recently tabled a proposal that addresses the concerns expressed by the Honourable Member. I refer to the proposal for a new Directive on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Directive 86/613/EEC⁽¹⁶⁾. The proposal aims at improving the social protection of self-employed workers, with a view to removing disincentives to female entrepreneurship. It also seeks to improve the social protection of "assisting spouses", who often work in the self-employed sector without enjoying the corresponding rights. As the Honourable Member knows, the vast majority of such "assisting spouses" are women, and many of them work in the agricultural sector.

⁽¹⁴⁾ COM (2008) 712 final.

⁽¹⁵⁾ OJ L 203 1.8.2002, p.1

⁽¹⁶⁾ 13981/08

The Commission's proposal aims also at enhancing the recognition of such self-employment within the family. By providing for maternity leave rights to be granted to "assisting spouses" who wish to have them, the proposal also seeks to redress the sometimes problematic implications that informal employment within family businesses can have for the family itself, especially when "assisting spouses" have children.

Turning to the broader implications of unrecognised work by "assisting spouses" in the long term, I would also like to assure the Honourable Member that the Council is aware of the particularly difficult situation faced by unsalaried women who depend on their husbands for their income and whose financial situation is often precarious when they retire, or if they divorce or are widowed. The Council expressed its concern with regard to this issue in December 2007, when it adopted a set of Conclusions on "Women and Poverty", including a set of statistical indicators developed by the Portuguese Presidency in the context of the Beijing Platform for Action⁽¹⁷⁾. In these Conclusions, the Council recognised that women were more vulnerable to income poverty than men and that the gender gap increased with age.

More recently, in December 2008, the Council adopted a set of Conclusions on "Women and the Economy: the Reconciliation of Work and Family Life", once again in the context of the follow-up to the implementation of the Beijing Platform for Action⁽¹⁸⁾. Here, too, the Council reaffirmed the importance of measures allowing women and men to reconcile their work and family responsibilities, and called for appropriate policies.

To conclude, the Council is actively addressing the concerns that the Honourable Member has raised with respect to self-employment within a family context. The Czech Presidency will continue with discussions on the above-mentioned legislative initiative and in this respect will follow development in the European Parliament.

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Question no 12 by Jim Higgins (H-0987/08)

Subject: Cross-border enforcement of road traffic offences

In the conclusions of its 2908th meeting in November, the Justice and Home Affairs Council indicated that it believes that existing systems are sufficient to deal with the problem of foreign drivers escaping punishment for breaking road traffic laws. However, practical experience shows that this is clearly not the case, with the majority of foreign drivers failing to be punished for road traffic violations. If the Council is unwilling to support new legislation, what measures is it working on to ensure that foreign drivers do not escape punishment under existing Community legislation?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Council shares Parliament's concerns in relation to the high number of road fatalities every year on European roads and the difficulty in punishing traffic offences committed by non-resident drivers.

The Council would like to point out that in September 2008, the French Presidency of the Council organised a seminar on the European coordination of road safety campaigns. During this seminar, possibilities were explored for making action on road safety more effective. As a follow-up to the conference, the Council adopted on 27/28 November 2008 conclusions on the coordination of police action on road safety. These conclusions aim to put in place a Europe-wide process of coordination of police forces involved in road safety. The Council also affirmed its determination to launch the necessary initiatives to improve strategic and operational cooperation to improve road safety on the basis of what already exists.

In this regard, the Council recalls its Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties⁽¹⁹⁾. This Framework Decision covers financial penalties imposed in respect of road traffic offences. The national legislation enacted in line with the Framework Decision

⁽¹⁷⁾ 13947/07

⁽¹⁸⁾ 17098/08

⁽¹⁹⁾ OJ L 76, 22.3.2005, pp 16-30.

should enable judicial authorities and, in certain cases, also administrative authorities to transmit a financial penalty to authorities in other Member States and have that penalty recognised and executed without any further formality.

The Council also recalls its Decision 2008/615/JHA on the stepping up of cross-border cooperation⁽²⁰⁾, particularly in combating terrorism and cross-border crime. This so-called "Prüm Decision" provides for cross-border co-operation in matters covered by Title VI of the EU Treaty, and inter alia facilitates the exchange of vehicle registration data between Member States.

Finally, the Council would point to the proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety of 19 March 2008. This proposal aims at improving road safety in the European Union by foreseeing the cross-border enforcement of sanctions for four road traffic offences, which provoke the largest percentage of deaths, namely speeding, drink-driving, non-use of a seat belt and failing to stop at a red traffic light, committed with vehicles registered in Member States other than the State of the offence. This proposal has been examined by the Council.

It is true that a large majority of its members is not convinced that the legal case proposed for adoption of these measures allows the Community to do so, it cannot be inferred from this position that the Council would be unwilling to support other proposals for new legislation that may be submitted to it. Indeed, the legitimacy of the objective of ensuring cross border enforcement of traffic offences has not been questioned as such by Council members.

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Question no 13 by Gay Mitchell (H-0989/08)

Subject: European coastguard

With greater defence cooperation being sought through the Lisbon Treaty, what are the prospects for a pan-European coastguard? Is there scope for an umbrella organisation, like an enhanced version of Frontex, made up of coast guards from Member States but with funding from the EU and enhanced cooperation, to allow small countries like Ireland to better patrol their large coastlines and sovereign waters much more efficiently against drug smuggling, people trafficking and other illegal activities?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The idea of setting up a European coastguard was put forward by the European Parliament and the Council in Article 11 of Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements⁽²¹⁾. In that Directive the Commission was asked to submit a feasibility study on a European coastguard dedicated to pollution prevention and response. That study has not so far been submitted. The question of whether a European coastguard should be set up is also one of the issues raised in the Commission Green Paper of June 2006 on an EU maritime policy⁽²²⁾.

As regards border controls and combating illegal immigration, the "Hague Programme: strengthening freedom, security and justice in the European Union"⁽²³⁾, approved by the European Council at its meeting on 5 November 2004, raises the possibility of creating a "European system of border guards". This idea was taken up in the European Pact on Immigration and Asylum⁽²⁴⁾, adopted by the European Council on 15 and 16 October 2008, which states that ultimately the setting up of such a system may be examined.

⁽²⁰⁾ OJ L 210, 6.8.2008, pp 12-72.

⁽²¹⁾ OJ L 255, 30.9.2005, p. 14

⁽²²⁾ Commission Green Paper of 7.6.2006 "Towards a future Maritime Policy for the Union: A European Vision for the Oceans and Seas" – COM(2006) 275 final

⁽²³⁾ OJ C 53, 3.3.2005, p. 1.

⁽²⁴⁾ 13440/08

It is a matter of fact that threats need to be addressed with appropriate measures and this concerns sea, land as well as air borders. Frontex plays a significant role in the management of operational cooperation of the Member States at the external borders and is still in a phase of developing the use of tools available based on the current mandate.

It should be noted that Article 62, point (2)(a) of the EC Treaty limits Community competence to the adoption of standards and procedures to be followed by Member States in carrying out checks on persons at external borders, which implies that responsibility for carrying out such checks lies with the Member States.

To date, no Commission proposal, either on the setting up of a European coastguard or on a European system of border guards, has been received by the Council.

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Question no 14 by Colm Burke (H-0991/08)

Subject: International travel ban on children travelling from Belarus

Considering that external relations are one of the key priorities of the Czech Presidency, can the Presidency outline what moves it would consider taking to encourage the Belarusian Government to lift its international travel ban on children travelling to Ireland and other EU Member States for rest and recuperation?

At the time of writing, it appears that an exemption has been agreed between Ireland and the Belarusian authorities to allow children to travel for Christmas. However, an official inter-governmental agreement to lift the ban entirely is still under discussion. Approximately 3 000 children come to Ireland annually as part of rest and recuperation programmes.

Instead of negotiating individual bilateral agreements between Belarus and other EU Member States, will the Czech Presidency make it a priority to pursue an EU-wide agreement with the Belarusian authorities, allowing children to travel from Belarus to anywhere within the EU?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Council is aware of the recent problems with regard to Belarusian children travelling on aid trips (Chernobyl charities) and holidays to various European countries, including Ireland, and is following the situation since the beginning.

The states concerned are currently holding consultations with the relevant Belarusian authorities to address bilaterally the concerns that have arisen in this matter. In this respect, the agreement reached on 8 December 2008 between Ireland and Belarus on future rest and recuperation visits for children affected by the Chernobyl disaster was a welcomed development.

Furthermore, it should be noted that in this regard a démarche by the local EU Troika had been carried out on 3 December 2008 at the Belarusian Ministry of Foreign Affairs in Minsk. On this occasion the importance of the continuation of these visits was stressed and had been received in constructive spirit by the Belarusian authorities.

The Council will continue to follow the issue closely, and raise it – if necessary – in its contacts with the Belarusian authorities.

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Question no 15 by Avril Doyle (H-0993/08)

Subject: Recyclate Market Collapse

Under the Packaging Waste Directive requirements, Ireland and other Member States have developed a set of targets and objectives for the packaging waste sector that are compatible with the waste hierarchy, as set

out in the Waste Framework Directive (2006/12/EC⁽²⁵⁾). The viability of the recycling sector, on which the realisation of the objectives depends, is determined by market-driven costs and prices.

However, this sector has come under intense pressure in recent months as a result of a collapse in the price of recycle materials on world markets. This has intensified to the extent that some markets are effectively closed and it is becoming economically non-viable for waste businesses to continue to operate in many cases. Given the importance of this sector for sustainable consumption and production in the EU, will the Council initiate an action to respond to the current urgent situation resulting from the collapse in the price of recycled materials, such as implementing measures to address market failures?

Will it implement – without delay – the recommendations set out in the Commission's own 'Report on the Taskforce on Recycling' (compiled in preparation for the Communication 'A Lead Market Initiative for Europe' COM(2007)0860)?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Council is aware of the problem raised by the Honourable Member. At the Council meeting on 4th of December 2008, the recent decline in commodity prices for recyclates was placed on the agenda under "other business" by Ireland and was addressed by several Members of the Council. Taking note of these concerns, the Commission stated that it would make an assessment of the situation and consider the options for further action, if needed. Finally, the incoming Presidency undertook to present to the Council for examination the results of the Commission's assessment and any suggested recommendations once available, without delay.

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Question no 16 by Mairead McGuinness (H-0995/08)

Subject: Laying hens

Directive 1999/74/EC⁽²⁶⁾ on minimum standards for the protection of laying hens prohibits from 1 January 2012 the rearing of laying hens in conventional or 'unenriched' cages. Speaking at a conference in Ireland last year, a leading food industry spokesperson stated that, unless the EU wants to make more than half of its poultry produce illegal, a dispensation would have to be given on the directive. Can the Council comment on this view and give an indication of whether it believes that a dispensation will be required, given that in 2006 almost 80 per cent of EU egg production came from caged systems?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

In July 1999, the Council adopted Directive 1999/74/EC on minimum standards for the protection of laying hens. The Directive provides that as from 1 January 2012, rearing of laying hens is no longer permitted in the EU in cages that do not meet the minimum welfare requirements set out in the Directive.

With stakeholders' concerns in mind, the Directive had mandated the Commission to submit to the Council a report, drawn up on the basis of a scientific opinion which takes into account the physiological, ethological, health and environmental aspects of various breeding systems of laying hens, and on a study of their socio-economic implications and their effects on the Community's economic partners. The report was to be accompanied by appropriate proposals taking into account the conclusions of the report and the outcome of the World Trade Organisation negotiations.

⁽²⁵⁾ OJ L 114, 27.4.2006, p. 9.

⁽²⁶⁾ OJ L 203, 3.8.1999, p. 53.

The report in question was submitted by the Commission to the Council in January 2008, together with a Commission Working Document citing the sources used. It was drawn up taking into account, inter alia, a socio-economic study containing Member States reports.

Based on this report, the Commission confirmed to the Council its intention not to propose any deferment of the date foreseen for the prohibition of conventional cages, nor any other appropriate proposals.

In accordance with Article 249 of the EC Treaty, Directive 1999/74/EC is binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

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Question no 17 by Silvia-Adriana Țicău (H-0997/08)

Subject: Increasing obstacles faced by Romanian and Bulgarian workers

In view of the repercussions of illegal migration, both for the local workforce in the Member States and for legal migrants, what measures does the Council envisage with a view to removing the barriers currently existing to the free movement of labour and thus favouring legal migration by workers both from the Member States and from outside? Can the Council also state what measures it will propose in order to eliminate the obstacles to recruiting Romanian and Bulgarian workers?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

As the Honourable Member certainly knows, the Accession Treaty with Bulgaria and Romania provides for a transitional period of up to seven years regarding the freedom of movement for workers. During this period, the EU-25 Member States may apply national measures regulating access to their labour markets by nationals of the new Member States.

The initial transitional period of two years from accession indeed expired on 31 December 2008. The Council is now called upon to review any transitional restrictions on the basis of a report from the Commission. The Council took note of the Commission's presentation of its report on 17 December 2008. The Report will be again on the agenda of the next Meeting of the EPSCO Council in March 2009. The Czech Presidency put the removal of any barriers in the Internal Market of the Union, including the barriers to free movement of workers, as one of its main political priorities with the objective of thorough political debate at various levels, for example at the Informal meeting of employment ministers in the Czech Republic, and encouraging Member States to remove barriers to mobility and free movement of workers where they prove useless and unsubstantiated. The Council will promote various measures which facilitate mobility and free movement of workers throughout the European Union.

However, national measures may continue to be applied until the fifth year after accession and may be prolonged for another two years in those Member States where would be serious disturbances on the labour markets.

In any event, it should be underlined that, according to the Accession Treaty, the decision on whether to continue applying national measures, as well as the nature of these measures, is a matter of national competence. However, such a decision should only be taken after serious reflection by the Member States concerned on the basis of an objective assessment of the situation on the ground.

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Question no 18 by Manuel Medina Ortega (H-1002/08)

Subject: Resumption of multilateral trade negotiations

On the basis of the agreements adopted at the recent G20 Summit in Washington on the reopening of multilateral trade negotiations (the Doha Round), how does the Council view the future and what proposals could it put forward to revive this process?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The motto of the Czech Presidency is Europe without barriers. Dismantling barriers is our aim not only in terms of internal, but also external policies. The EU exists in a world of relations and contingencies and as such it has never been a solitary player in the field of trade policies. The internal objectives of the EU, be it employment, high standard of living, development or security, are linked to a large extent to the capacity of European economic players to assert themselves beyond the borders of the EU itself. The Czech Presidency is aware of this fact and will actively contribute to the opening of more markets to products, services and investments from the EU - free trade is one of the tools for solving the contemporary crisis.

On 15 November, the members of the G20 emphasised the importance of reaching an "agreement on modalities that leads to a successful conclusion to the WTO's Doha Development Agenda with an ambitious and balanced outcome this year". In this context, the Council was briefed by the Commission on 8 December on the latest developments at the World Trade Organisation concerning the trade negotiations of the Doha Development Agenda, with a view to a possible ministerial meeting in Geneva by the end of December.

On 11-12 December 2008, the European Council in its conclusions indicated that it endorses the objective of arriving this year, within the World Trade Organisation, at an agreement on the modalities leading to the conclusion of the Doha Development Agenda with an ambitious, global and balanced result.

In this sense, the Commission and the Council were ready for an EU constructive participation at a Ministerial meeting if and when convened. However on 12 December 2008, the WTO Director General, at an informal meeting of heads of delegations, indicated that in the absence of "dramatic changes in the following 48 hours", he would not convene ministers to finalize modalities by the end of the year. On that occasion, he said that after a week of intensive consultations, he had not detected the sufficient political drive for a final push towards agreement and considered that holding such a meeting would have a high risk of failure which could have damaged not only the Round but also the WTO system as a whole, and so the Ministerial meeting took not place.

The European Union continues to stay fully committed to the multilateral trade system as well as to the conclusion of a balanced, ambitious and comprehensive agreement of the WTO Doha Development Round, especially in the present economic and financial circumstances. For the Czech Presidency the DDA is a tool for achieving transparent liberalisation of trade on the multilateral level, which will bring about long-term advantages. The Presidency will strive to renew discussion as soon as possible and will also support more intense negotiations within the framework of other WTO agendas, in particular in the services and TRIPS area. The Presidency supports the most extensive application of the multilateral trade system possible. For these reasons it will continue the process of the extension of the WTO membership base.

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Question no 19 by Dimitrios Papdimoulis (H-1009/08)**Subject: EU Presidency's draft declaration in the UN on the decriminalisation of homosexuality**

On 10 December 2008, the 60th anniversary of the Universal Declaration of Human Rights, the French Presidency of the Council proposes to table in the UN, on behalf of the European Union, a draft declaration calling on all governments worldwide to decriminalise homosexuality. The Vatican's observer to the UN has already stated that his country will oppose the declaration.

Bearing in mind the European Parliament's resolution (P6_TA(2007)0167) on homophobia in Europe, which calls for worldwide decriminalisation of homosexuality and full implementation of Community anti-discrimination legislation, whilst condemning homophobic phenomena in the Member States, will the Council say which countries worldwide criminalise homosexuality? What action will it take further to the French Presidency's declaration? What measures will it take to implement the European Parliament's resolution in full? Does it consider that, in examining applications for asylum, account should be taken of whether applicants are persecuted in their country of origin because of their sexual orientation?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Council strongly considers that discriminations based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation are incompatible with the principles upon which the EU is founded. The EU institutions have repeatedly rejected and condemned all manifestations of such discriminations.

The EU, within the limits of the powers conferred on it by the Treaties, determinedly pursues a clear policy of fighting these phenomena, both within its borders and in the context of its external action around 80 countries worldwide still criminalise homosexuality.

Article 13 of the Treaty establishing the European Community provides a legal base on which to develop "appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation". Using these powers, the EU unanimously adopted the Racial Equality Directive in June 2000 (2000/43/EC)⁽²⁷⁾ and the Employment Framework Directive in November 2000 (2000/78/EC)⁽²⁸⁾.

In the external relations context, the EU is actively engaged in efforts within the United Nations to tackle racism and discrimination, including discrimination based on sexual orientation. In this regard, the EU has fully and successfully supported in 2006 Lesbian Gay Bisexual Transgender (LGBT) rights groups to have UN consultative status in the NGO Committee of the UN ECOSOC. In addition, the declaration on sexual orientation and gender identity was presented in the General Assembly on December 18, 2008 on behalf of the (so far) 66 states as a part of the debate of the General Assembly agenda item 64b "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms". The declaration reaffirms the principles of universality and non discrimination (among other things) and "urge(s) States to take all the necessary measures, in particular legislative or administrative, to ensure that sexual orientation or gender identity may under no circumstances be the basis for criminal penalties, in particular executions, arrests or detention."

The EU has incorporated racism, xenophobia and discrimination issues in its political dialogues with third countries and constantly promotes the principle of non-discrimination which requires that human rights apply equally to every human being regardless of sexual orientation or gender identity.

Concerning applications for asylum, the Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted introduces the concept of persecution ground based on the membership to a particular social group. According to its Article 10 (d), a particular social group might include a group based on a common characteristic of sexual orientation. Member States shall take this element into account when assessing the reasons for persecution in the context of the decision to be taken concerning an application for international protection.

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Question no 21 by Pedro Guerreiro (H-1012/08)

Subject: Use of airports in Member States by CIA flights carrying illegally held prisoners

According to recent reports appearing in Spain, a official document has come to light which states that in January 2002 senior Spanish government figures were informed by the political-military attaché of the US embassy that his country wished to use Spanish airspace and airports for purposes of transporting 'prisoners' to the Guantánamo military base. Also requested was the use if necessary of Spanish military bases for transport back-up. The document, which until now was secret, states that the same procedure was being followed with other countries on the American planes' route, including Italy and Portugal. On accepting this

⁽²⁷⁾ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; OJ L 180 19.7.2000, pp 22-26.

⁽²⁸⁾ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation; OJ L 303 .02.12.2000, pp 16-22.

request the Member States concerned appear to have been informed that the US was going to use their airspace to transport illegally held prisoners to Guantánamo. The document, which has now been made public, confirms the view that the nexus of detention, kidnapping and torture promoted by the US, in breach of the most elementary human rights, could not have been maintained without the participation of a number of EU Member State governments.

What is the Council's position on this information now made public, and what explanations will it seek?

What measures will the Council propose to ensure that this never happens again?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The supervision of intelligence and security service activity on the territory of Member States is a matter of Member State competence. In the same vein controlling the territory (land, sea, and airspace) of the Member States, including authorisations to land in or depart from such territory, does not fall within the competence of the Council of the European Union.

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Question no 22 by Johan Van Hecke (H-1017/08)

Subject: Credit crunch

The agenda for the Czech Presidency includes further progress on a European and international approach to curb the credit crisis. But the ones being hit hardest by the credit crisis are the developing countries. Prices for raw materials are falling extremely fast, which means poor countries are receiving less revenue. As a result the flow of credit to developing countries is at risk of drying up.

Will the Czech Presidency be setting a good example and substantially increasing its official development aid, so as to fulfil the pledge of allocating 0.7 per cent of GNP to development by 2010?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Presidency is concerned about the global financial crisis and its potential repercussions on developing countries. An exchange of view on this issue among Development Ministers will take place at their informal ministerial meeting set to take place in Prague in a few days [on 29-30 January 2009].

As far as Official Development Assistance (ODA) is concerned, in the Council Conclusions adopted in May 2008⁽²⁹⁾, the EU strongly reaffirmed its long-term financial commitment with developing countries to achieve a collective ODA target of 0,56% GNI by 2010 and 0.7% GNI by 2015, as set out in the May 2005 Council Conclusions, the June 2005 European Council Conclusions and the European Consensus on Development in November the 22nd 2005.

In the context of Council Conclusions of May 2005⁽³⁰⁾, in particular, it was specified that Member States which had joined the EU after 2002 and that had not reached a level of 0,17% ODA/GNI would strive to increase their ODA to reach, within their respective budget allocation processes, that level by 2010, while those that were already above that level undertook to sustain their efforts. Moreover, EU Member States undertook to achieve the 0.7% ODA/ GNI target by 2015 whilst those which had achieved that target committed themselves to remain above that target; Member States which had joined the EU after 2002 will strive to increase by 2015 their ODA/GNI to 0.33%.

⁽²⁹⁾ 9907/08

⁽³⁰⁾ 9266/05 including Annexes I and II

The commitment of the Czech Republic should refer to the context of the collective ODA target which the EU undertook in order to achieve the targets as has already been reaffirmed at several occasions.

In its recent Conclusions adopted on 11 November 2008⁽³¹⁾, the Council, underlining that this issue falls within the competence of Member States, encouraged Member States concerned to work on national timetables, by the end of 2010, to increase aid levels within their respective budget allocation processes, towards achieving the established ODA targets.

We find of substantial importance that the essential tools and modalities of financing should aim at emphasizing the inevitability of aid effectiveness taking into account of the role of trade and the WTO in the development as well as the importance of the Aid for Trade Program. The responsibility for sound development policies of our partners in their respective countries in light with our accountability to tax payers for resources provided is vital both for the donors and receiving countries. These issues have been broadly discussed at the international forums. The recent ones in New York and at the HLF in Accra as well as the Doha Conference have stressed that discussions on strengthening of FfD follow-up mechanism will be initiated at the spring conference of the ECOSOC in April 2009. We believe that different modalities of the ODA should be considered as an effective way and thus consequently enable all actors become beneficiaries of the ODA commitments.

The actions of the Czech Presidency are and will be in accordance with the previously mentioned Council Conclusions. Similarly as a number of EU Member States, the Czech Presidency will strive to increase its ODA to the level of 0,17% by 2010 and to the level of 0,33% by 2015. In the current situation of global financial crisis we do not expect any substantive increase of our ODA.

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Question no 23 by Christa Prets (H-1020/08)

Subject: Killings of albinos in Tanzania

On 4 September 2008, the European Parliament adopted a joint motion for a resolution on the killing of albinos in Tanzania.

This resolution called on the Council to closely monitor the human rights situation of albinos in Tanzania. Can the Council provide information on the current situation facing Albinos in Tanzania, as the medical teams out there have yet to observe any improvements in the human rights situation of albinos?

What efforts were made under the French Council Presidency and what plans does the Czech Council Presidency have to improve the situation facing albinos in Tanzania, particularly with regard to medical care, and the achievements made to date?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Council follows up closely the human rights situation in Tanzania and has noted with great concern the deteriorating situation of Albinos in the country. In line with its human rights policy, the Council will raise the issue with the Tanzanian authorities, calling for further action to put an end to the phenomenon and for justice to the victims and their families.

In Tanzania Albinos have traditionally been victims of discrimination. In some regions, getting an Albino child was long perceived to be a curse for the entire community, and quite a number of them were killed at birth. However, the problem has recently taken another dimension and gruesome Albinos' murders now occurring are driven by sheer lure of money, killers taking advantage of poverty, despair and strong belief in witchcraft.

The Government of Tanzania has already taken some measures in order to put an end to these crimes and President Kikwete has instructed the regional commissioners to that effect.

⁽³¹⁾ 15480/08

Measures include improved security and protection of Albinos in Mwanza region and awareness raising. Among others Albino schoolchildren whose lives were threatened have been transferred to a special school in Misungwi district and other boarding schools in the region which are guarded by police force. A census of Albinos is on its way.

At the same time NGOs are actively involved in the field of awareness raising. In many concerned villages people have been sensitized against the killings of Albinos. All households with Albinos have been visited separately to sensitize them and to encourage them to report any suspected person to the police.

The Council will continue to closely monitor the situation.

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Question no 24 by Jolanta Dičkutė (H-1021/08)

Subject: Increasing HIV prevention, treatment and care

The ECDC Meeting Report on 'HIV testing in Europe: From policies to effectiveness' from January 2008 highlights the fact that many opportunities are missed to diagnose HIV infections in EU countries, particularly in healthcare settings. An estimated 30% of those infected with HIV in EU countries are unaware of their infection. Late diagnosis implies late initiation of antiretroviral therapy (ART), limited opportunities for drugs, increased mortality and morbidity rates as well as an increased risk of transmitting infection.

Following the leadership shown by the Luxembourg, German, Portuguese and recent French Presidency, will the Czech Presidency be undertaking any actions to increase HIV prevention, treatment and care?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Czech Presidency confirms its commitment to tackle the crucial challenge represented by the global HIV/AIDS pandemic. The efforts made so far have not been sufficient to stem the worldwide expansion of the HIV/AIDS pandemic, aggravated by poverty and social, economic and gender inequalities.

In this respect, the Council would like to recall its conclusions "Combating HIV/AIDS within the European Union and its neighbouring countries" adopted on 31 May 2007 as well as conclusions on combating HIV/AIDS adopted on 3 June 2005.

In particular, in its conclusions from 2007, the Council underlined the need for an integrated and coordinated focus on HIV/AIDS prevention, diagnosis, treatment, care and support, based on the promotion of human rights both of people with HIV and vulnerable groups of the population. The Council invited the Member States, among others, to promote appropriate screening and treatment methods to reduce as far as possible mother-to-child transmission of HIV and to promote universal access to evidence-based prevention and comprehensive harm reduction as the central part of a successful response to alleviating the impact of HIV/AIDS.

The CZ Presidency will promote this work, building on what has been achieved, so that the EU remain the world leader in respecting the commitment to put an end to the HIV/AIDS pandemic.

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Question no 26 by Laima Liucija Andrikienė (H-1027/08)

Subject: Gas pipeline projects and EU Common Energy Policy

The Nabucco pipeline project aims to bring Caspian gas to Vienna, while the Nord Stream gas pipeline project under the Baltic Sea is planned to bring gas from Russia to Germany. How does the Czech EU Presidency plan to reduce the Union's dependence on Russian gas? How can the planned Nabucco gas pipeline change the situation of gas exported to Europe? What is the position of the Czech EU Presidency concerning the Nord Stream gas pipeline project? What does the Czech EU Presidency plan to do to create and strengthen the EU Common Energy Policy?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

Energy belongs to one of the three main political priorities of the Czech Presidency. It is generally recognised that in the implementation of the European Council Action Plan (2007-2009), as agreed by the Spring 2007 European Council, an emphasis should be placed on energy security. This is where the Czech Presidency will concentrate its efforts to further and strengthen the EU Energy Policy. The recent interruption of gas import from Russia and transit via Ukraine have highlighted the weight of this issue on the EU agenda.

Regarding the imports of gas into the European Union, the Council recalls the aim stated in that Action Plan, namely to enhance security of supply through effective diversification of energy sources, suppliers and transport routes. The Czech Presidency has reiterated the need to reinforce confidence vis-à-vis existing suppliers, but at the same time to intensify cooperation with other complementary suppliers at the informal General Affairs Council, which took place in Prague on 8 January 2009. Energy security was one of three main topics of this informal meeting of Ministers of European Affairs and Foreign Ministers.

In February 2009, according to the Presidency's calendar, the Council is scheduled to adopt conclusions on the Communication "Second Strategic Energy Review – an EU energy security and solidarity action plan", which the Commission presented in November 2008. In the larger context of intra-EU energy security, this communication mentions the Baltic Interconnection Plan, along with the Southern gas corridor. These Council conclusions and the Communication itself will be submitted to the Spring 2009 European Council.

The Czech Presidency furthermore intends to signal the interest of the Community to gas producers and transit countries in the Caucasus region and in Central Asia at the "Southern Corridor Summit – East West Link", which will be held during its Presidency. The summit, the preparation of which is being pursued by the Presidency in close cooperation with the Commission and Member States, will be held at the heads of states level with the aim to launch a stable cooperation with countries of the region.

The diversification of gas resources will be improved by the construction of the LNG terminals too.

But this is a timely, financially and energetically demanding variant.

Apart from decreasing the dependence on gas imports, the repeated dispute between Russia and Ukraine over gas, which has held EU hostage to an unprecedented extent, has highlighted the importance of strengthening solidarity of all Member States in case of disruptions of supplies. This issue belonged to the topics of the extraordinary Energy Council convened by the Czech Presidency on 12 January 2009. Possible measures include revision of the Directive 2004/67/EC concerning measures to safeguard security of natural gas supply, which is currently the main legislative tool for implementing energy solidarity, investment into interconnections of energy infrastructure (so as to technically enable Member States to assist each other in need) or introduction of a transparency mechanism for sharing information in the field of energy between Member States (including contacts with third-country partners or planned investment into infrastructure projects).

As regards the Council's position on the Nabucco project and its effect on the export of gas to the European Union, the Council refers the Honourable Parliamentarian to its replies to Oral Question H-0590/07 on that subject.

As regards the Council's position on the Nord Stream gas pipeline project, the Council refers the Honourable Parliamentarian to its replies to Oral Questions H-0121/07 and H-575/07 on that subject.

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Question no 27 by Athanasios Pafilis (H-1028/08)

Subject: Refusal of asylum to refugees in the EU Member States

Information which has recently come to light refers to the systematic arrest of asylum seekers in Greece, their squalid conditions of imprisonment and the actions of the Greek authorities in forcibly expelling them from Greek territorial waters or hampering their asylum application procedures. Of the 25 111 asylum applications, in 2007 only 0.04% were accepted following the first the first interview and 2% on appeal.

Furthermore, under the terms of Regulation (EC) No. 343/2003⁽³²⁾ (- Dublin 2 -) rejection by the Greek Authorities of their asylum applications deprives migrants of any possibility of seeking asylum in any other EU Member State while at the same time they are unable to return to their countries of origin for fear of war or persecution. Similar information has emerged regarding other EU Member States.

What view does the Council take of this inadmissible state of affairs which has developed following the recent European agreement on migration, given that the development of Frontex is further limiting the rights of refugees?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The question put by the Honourable Member refers especially to the effects of the application of Council Regulation n°343/2003/EC establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin II Regulation). Art 28 of the said Regulation provides for the submission of a report by the Commission to the European Parliament and to the Council on its application, as well as of proposals for the necessary amendments, where appropriate. Accordingly, the Commission has presented in December 2008 a proposal intended to recast the Dublin Regulation. The aim of this proposal is mainly to strengthen the asylum seekers' set of rights and guarantees that fall under the scope of the Dublin II regulation.

Moreover, the Commission is expected to submit a proposal intended to recast asylum directives which will focus on improving the minimum standards that were adopted so far and which will aim at further building the common European asylum system. Great emphasis should be put on the initial stage of the asylum procedure, i.e. access to the procedure as such. The first proposals have already been published in December 2008 – proposal to recast reception conditions directive, Dublin II and Eurodac regulations. In spring 2009 proposals to amend qualification and procedural directives are expected. These ones also aim at strengthening the status of asylum seekers. It should be noted however that all EU Member States are bound by minimum standards on reception conditions for asylum seekers set out in Directive 2003/9/EC.

For both proposals, which will be considered by the Council in 2009, codecision procedure applies.

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Question no 28 by Konstantinos Droutsas (H-1030/08)

Subject: Workers in Mexico victims of lack of accountability of monopoly concern

Around three years ago on 19 February 2006, a major industrial disaster caused by a gas explosion at the Pasta de Conchos Mine in Mexico belonging to the 'Industrial Minera Mexico' Company claimed the lives of 65 miners. The remains of only two of them have been recovered while the others remain buried. Their employers and the authorities are refusing to allow their recovery, since this would reveal persistent infringements by the company of all safety regulations. Prior to the accident many employees had already expressed fears regarding a major risk of explosion because of gas leaks. The relatives of the victims, finally tired of waiting, have decided to collect the necessary funds to recover the bodies themselves.

What view does the Council take of the arbitrary decision by the national authorities to accept a blatant cover up of the irresponsible behaviour of the company in question?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Council has not discussed the issue.

⁽³²⁾ OJ L 50, 25.2.2003, p.1.

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Question no 29 by Georgios Toussas (H-1031/08)

Subject: Mass arrests of members of the opposition in Peru

In late November, the Peruvian Government arrested 14 leading members of the Communist Party and the opposition, including a candidate for president in the last elections, Ollanta Humala. The pretext for the arrests was 'data' found on a computer belonging to Raul Reyes of FARC. However, those arrested have not been allowed access to the 'data' which allegedly establishes their guilt. These arrests have provoked reactions from the people and the opposition parties who accuse the government of criminalising any form of dissent and the labour movement in general. The authorities have unleashed violent attacks on any form of protest by the people.

What is the Council's position on these serious violations of democratic freedoms in Peru, the criminalisation of political dissent and opposition and the fact of linking them with alleged terrorist organisations?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the January 2009 part-session of the European Parliament in Strasbourg.

The Council has not discussed the specific issue raised by the Honourable Member.

The EU has always expressed its attachment to the respect of the rule of law and the values and principles of democracy and human rights in Latin American countries, as declared in the Lima declaration of May 2008⁽³³⁾.

The Council reaffirms these principles in its meetings with the authorities of those countries at political level.

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QUESTIONS TO THE COMMISSION

Question no 38 by Claude Moraes (H-0981/08)

Subject: Crime prevention in the EU

Further to its answer to my previous question (E-3717/06), will the Commission report on any progress made with regard to the development of both a comprehensive European crime prevention policy and a system of comparable European crime statistics?

Furthermore, will the Commission indicate any specific measures it has taken to tackle violent street crime, and in particular knife crime in Europe?

Answer

(FR) The prevention of crime is of major importance in dealing effectively with its causes and effects. The Commission is committed to promoting the principle of prevention in the development of the strategic guidelines for each type of crime. Much progress has been made since 2006 in the creation of the EU action plan on statistics on crime and criminal justice. Indicators established by a group of experts can be used in the medium term to compare the data from the Member States.

Due to the principle of subsidiarity, the responsibility for preventing and fighting urban crime falls on the Member States and/or the regional and local authorities. The European Crime Prevention Network (EUCPN), whose secretariat is provided by the Commission, is a useful platform for exchanging information and best practice to contain urban violence.

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⁽³³⁾ Doc. 9534/08 (presse 128).

Question no 39 by Stavros Arnaoutakis (H-0982/08)**Subject: Progress of the Funds set up as part of the general programme 'Solidarity and management of migration flows'**

Can the Commission provide information concerning the progress of the new Funds which have been set up as part of the general programme 'Solidarity and management of migration flows' (European Fund for the Integration of Third-Country Nationals, European Refugee Fund, External Borders Fund and European Return Fund)?

How are regional and local stakeholders and NGOs involved in the planning and implementation of the Funds' operations?

Answer

(FR) The four Funds in the general 'Solidarity and management of migration flows' programme, namely, the European Fund for the Integration of Third Country Nationals, the European Refugee Fund, the External Borders Fund and the European Return Fund, have just been launched. The total value of the Funds is EUR 4.02 billion for the period 2007-2013.

To date, the vast majority of the programmes from those States participating in the Funds have been adopted by the Commission. For the Return Fund, for which credits only became available in November 2008, it is expected that the process of adopting the last programmes will be completed in the first quarter of 2009. At the end of this process, the Commission will have committed EUR 580 million to the launch of these four Funds. In 2008, three Member States also benefited from extra support to the value of EUR 10 million in the framework of the emergency measures in the European Refugee Fund: these countries are Greece, Italy and Malta.

The payment of sums to Member States for the financing of actions for the initial years of the programme is currently under way.

The launch of these Funds has required a major effort from the Commission and from national governments. This demonstrates the European Union's commitment to putting the solidarity principle into practice in the management of migration flows.

The Commission attaches particular importance to involving regional and local authorities, as well non-governmental organisations, in the implementation of the Funds. In fact, the Commission invited the Member States to organise a partnership with the authorities and bodies participating in the programmes and with others who could make a useful contribution to their development. These partnerships could include all competent public authorities, especially regional, local and municipal authorities, as well as international bodies and non-governmental organisations (NGOs) representing civil society. The constitution of the partnerships is the responsibility of each Member State and depends, among other things, on the characteristics of each Fund. In this framework, many NGOs should see, for example, their projects cofinanced by the European Union from the Integration Fund, the Return Fund and the European Refugee Fund.

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Question no 40 by Marie Panayotopoulos-Cassiotou (H-0986/08)**Subject: European strategy for protection of children's rights**

The EU has drawn up a strategy for the protection of the rights of children on its territory. What have European efforts achieved so far? Is there recognition at European level of the rights of the embryo – unborn child – whether healthy or disabled, and how are they implemented?

Answer

(FR) Since the adoption of the 2006 Communication 'Towards a Strategy on the Rights of the Child', the Commission has been committed to contributing concrete actions in the fight against any violation of children's rights.

The Communication provides for the presentation of a European strategy for 2010-2014. Consultation is already under way.

European action is based on including the rights of the child in all EU policies and in practical initiatives in the areas that fall within the Union's competence.

The Charter of Fundamental Rights of the European Union guarantees the principle of the inviolability of human dignity. The determination of the pertinence of the principle of the inviolability of human dignity to the embryo and the determination of its status as a legal entity falls within the competence of the Member States. The European Union has no competence in this issue.

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Question no 41 by Jim Higgins (H-0988/08)

Subject: MAOC-N

Could the Commission indicate if it currently provides funding for the recently established Maritime Analysis Operations Centre – Narcotics based in Lisbon and if the Commission is concerned that despite increased efforts to share information between Member States the lack of physical coastal monitoring due to under funding by governments such as Ireland will undermine the efforts of intelligence operations such as MAOC-N?

Answer

(EN) The Maritime Analysis and Operations Centre – Narcotics (MAOC-N) is a law enforcement supported military intergovernmental organisation set up by means of a Treaty signed on 30 September 2007 in Lisbon by seven EU Member States (UK, F, I, ES, PT, IRL, NL), MAOC undertakes high sea interdiction operations, by coordinating the exchange of actionable (maritime and aviation) intelligence, available assets and trained personnel to respond to the threat posed by trans-Atlantic drug trafficking.

The aim of the collection, exchange and analysis of information is to optimise the use of the naval and aerial assets of those Member States that are the contracting parties to this Treaty. Its operational area as defined by the contracting parties themselves comprises the eastern part of the Atlantic Ocean from Iceland to the Cape of Good Hope, including European and West African seabords.

Since January 2008 the Commission has the observer status, as has the United States (US) Joint Inter Agency Task Force – South (JIATF-S) based in Key West (USA) to which some EU MS take part due to its regional (Caribbean dimension) which covers some Member States' territories, notably some included under Chapter IV of the TEC), and Canada. Brazil has shown interest in becoming an observer too.

The Commission is co-financing MAOC-N activities, namely € 661.000 via the Directorate General JLS⁽³⁴⁾ ISEC budget line⁽³⁵⁾, as a part of the Prevention of and Fight against Crime Programme, to cover staff and equipment costs until September 2010.

As not all EU Member States are parties to MAOC-N it is important that its initiatives are neither overlapping, nor contradicting potential initiatives to be taken at EU level or by any EU Member States not party to MAOC-N. Therefore Europol is tasked to closely monitor the activities of this regional maritime law enforcement organisation, by participating in the MAOC-N Executive Board meetings which took place so far, as well as by appointing a liaison officer from January 2009.

The Commission considers Europol to be the suitable body of an EU based law enforcement cooperation, namely for intelligence exchange, to ensure coherence and interoperability and avoiding possible duplications of mandates, tasks and expenses.

Against this background therefore Commission (i) supports coherence of maritime law enforcement efforts with other maritime regional initiatives and (ii) closely monitors interactions with the extensive Community acquis in the maritime safety, security and environmental domains and foster potential cooperation with other actors notably European bodies such as Frontex and EMSA⁽³⁶⁾ that have to conform with different specific rules.

⁽³⁴⁾ Justice, Freedom and Security

⁽³⁵⁾ JLS/2007/ISEC/426

⁽³⁶⁾ European Maritime Safety Agency

In 2009 a pilot project will start that aims to test solutions for a more effective sharing of maritime surveillance information amongst maritime authorities in the Mediterranean and Atlantic approaches and a preparatory action will determine the effectiveness of space-based receivers for picking up AIS identification signals far from the coast.

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Question no 42 by Bernd Posselt (H-1000/08)

Subject: EU Agency for Fundamental Rights

What is the Commission's opinion of the work of the European Union Agency for Fundamental Rights in Vienna, which many experts claim is either duplicating the work of the Council of Europe or engaging in ideological agitation which has nothing to do with the traditional concept of human rights? What is the role in the Agency of the FRALEX Group, alleged to have arisen from the network to which the Agency's current director, Morten Kjærum, belonged, which has now apparently obtained a four-year consultancy contract with a budget of EUR 10 million?

Answer

(FR) The Commission supports the work carried out to date by the European Union Agency for Fundamental Rights under the mandate given to it by the Council and awaits with interest the result of other ongoing work.

The general question of any duplication of the work done by the Council of Europe has been resolved in the regulation founding the Agency. Mechanisms to avoid duplication were created in an agreement reached between the Council of Europe and the Community.

The Agency is independent of the Commission and it is up to the Agency to determine its working methods and internal organisation.

In July 2007, to enable it to meet its new, broader mandate, the Agency issued an invitation to tender to acquire the required legal expertise. In November and December 2007, the Agency signed framework contracts with a series of contractors selected against strict criteria, including FRALEX. These contracts were signed before June 2008, that is to say before the current Director arrived. They are valid for four years and could be worth up to an estimated EUR 4 million. Further information is available on the Agency's site.

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Question no 43 by Manuel Medina Ortega (H-1003/08)

Subject: Proposals following the Euro-African Summit on Immigration

On the basis of the results of the recent Second Euro-African Conference on Immigration that took place in Paris in November 2008, what proposals does the Commission intend to put forward to solve the problem of unaccompanied migrant minors living illegally on the territory of the European Union?

Answer

(FR) The Commission is aware of the difficulties facing Member States due to the arrival of many unaccompanied minors. In this matter, the Commission stresses that existing policies can be used to address this issue from different angles in the absolute respect of the child's best interests, even if it is not yet possible to provide an overall solution to the issue raised.

As regards internal policies, the Community instruments in force in the field of immigration and asylum include provisions to give stronger protection to the rights of minors, especially unaccompanied minors⁽³⁷⁾. The scope of the 'Solidarity and management of migration flows 2007-2013' Programme, and more

⁽³⁷⁾ See SEC(2006) 889 of 4 July 2006, section 1.1 – Asylum, immigration and external borders. For example, see, in particular, Council Directives 2003/9/EC of 27 January 2003, 2005/85/EC of 1 December 2005 and 2004/83/EC of 29 April 2004 (asylum) and Directives 2004/81/EC of 29 April 2004 (trafficking in human beings) and 2008/115/EC of 24 December 2008 ('return').

specifically, the Integration Fund, the European Refugee Fund and the Return Fund, also covers measures and policies aimed at unaccompanied minors.

As for the external dimension, this issue has recently been added to the priorities of the Cooperation Programme adopted at the Euro-African Conference in Paris on migration and development and to the Council's conclusions on the Global Approach to Migration.

Through the 'Aeneas' programme and its successor, the 'Migration' thematic programme, the Commission is already supporting several projects in this field aimed particularly at helping unaccompanied minors of Moroccan origin who have arrived in Spain and which, as far as possible, support their re-integration in their country of origin and prevent the departure of more illegal migrant minors. In addition, new initiatives in Morocco, Algeria and Senegal have been selected for financing in 2009.

It is evident, however, that more attention should be given to the issue of unaccompanied minors. This will be one of the priorities in the next call for proposals for the migration and asylum thematic programme (first half of 2009). In addition, this issue will appear in the migration clauses in EU agreements with third countries and on the agenda for policy dialogues with third countries. Finally, where appropriate, the situation of minors could be the subject of specific offers of cooperation in the framework of mobility partnerships.

As for future proposals in this field, it should be remembered that in Autumn 2009 the European Council will adopt a new five-year programme in the area of Justice, Freedom and Security, which will succeed the Hague Programme ('Stockholm programme'). Any new policy or measure should be proposed and discussed in the framework of the preparation of this new programme.

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Question no 44 by Marco Cappato (H-1004/08)

Subject: Drugs

The UN General Assembly is to discuss a declaration on international drugs policies in 2009, ten years after launching a set of initiatives under the banner 'A drug-free world – we can do it', which promised drastic cuts in the demand for, and supply of, substances made illegal under the respective UN Conventions. Most of the Member States have in the interim reinforced or introduced more pragmatic policies on drugs, while in the Netherlands mayors are calling for a move towards regulated cannabis production.

What stance will the European Commission adopt at the General Assembly's preparatory international conferences in 2009? Does the Commission not feel it necessary to evaluate the costs and benefits of international drugs policies, calling for amendments to international treaties where appropriate, as has been requested in many quarters?

Answer

(EN) In March 2009 the High-Level Segment of the Commission on Narcotic Drugs (CND) of the United Nations (UN) will finalise its review on the 1998 United Nations General Assembly Special Session Declarations on the World Drugs Problem, usually known as United Nations General Assembly Special Session (UNGASS) 98⁽³⁸⁾, by the adoption of a new Political Declaration.

In preparation to the UNGASS 2008 review, the Commission has been active in supporting the process, i.e. by providing funding for UN expert groups that provided advice to UNODC⁽³⁹⁾ on the implementation of the 1998 Declarations. Furthermore, the Commission has actively contributed to the EU Position Paper on the UNGASS review process that was adopted by the Council in October 2008⁽⁴⁰⁾.

Within this UN framework, the Commission has – with the exception of the field of drug precursors – no competence to represent the European Union and its Member States. The latter represent themselves while the European Union is coordinated by the EU Presidency whose object is to present as many common EU

⁽³⁸⁾ Political Declaration (S-20/2), Declaration on the Guiding Principles of Drug Demand Reduction (S/20-3), Measures to enhance International Cooperation to Counter the World Drug Problem (S-20/4);

⁽³⁹⁾ United Nations Office on Drugs and Crime

⁽⁴⁰⁾ 13501/1/08 – CORDROGUE 71, 3.10.08

positions as possible. The above mentioned EU position paper on the UNGASS represent such a common position

In this paper, the EU Member States conclude that although progress has been made in several areas of the implementation of the 1998 Declarations and attached Action Plans, there has been no containment or major reduction of the global drugs problem, which was the major target of the 1998 Political Declaration.

The position paper reconfirms the EU's commitment to the UN Drug Conventions from 1961, 1971 and 1988, while it reiterates the aims and objectives of the 1998 Declarations. At the same time, it calls for a serious assessment of experiences gained in the past decade and to incorporate lessons learnt. The paper also presents a number of key principles for future declarations and action plans, including:

Strengthening the balanced approach in UN drug policy, by enhancing drug demand reduction efforts and by recognising harm reduction as an effective and important element in drug policy.

Raising attention for the respect of human rights and proportionality in law enforcement interventions in drug policy and interventions in demand and supply reduction.

Strongly advocating sustainable alternative development, while not making this conditional on the prior eradication of drug crops.

A stronger emphasis on the need for evaluation, data collection and monitoring, to base policies on evidence (rather than ideology).

In early 2009, the Commission will furthermore publish the results of a broad study containing a 'Detailed analysis of the operation of the world market in illicit drugs and of policy measures to curtail it'. This study is one example of the Commission's contribution to the knowledge base that underpins European and international drug policies. Last September 2008, the Commission also introduced further proposals for action in the framework of the EU Drugs Action Plan (2009-2012), with specific emphasis on shared monitoring, data collection and evaluation in the field of drug supply reduction and law enforcement, areas in which little analysis has been done, or at least published.

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Question no 45 by Mikel Irujo Amezaga (H-1007/08)

Subject: Combating human trafficking

In its Resolution P6_TA(2006)0005 on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation (2004/2216(INI)) of 17 January 2006, Parliament considered that the actions of the Member States should be in accord with their political declarations and that the Member States should transpose the relevant Community legislation in a more efficient way, particularly by improving operational cooperation and the exchange of relevant data between themselves and with Europol and Eurojust.

Can the Commission indicate what progress has been made on operational cooperation in regard to the crime of human trafficking, and the exchange of relevant data between the Member States and with Europol and Eurojust?

Answer

(EN) Information transmitted by Member States early in 2008 indicates a positive trend concerning international cooperation in the fight against trafficking in human beings. In particular Member States, more than in the past, are ready to use Europol and Eurojust resources in order to improve the quality of the institutional response to trafficking.

In respect of the submission by the Member States of information and data to Europol, Analytical Work File (AWF) Phoenix was opened in June 2007 with a focus on trafficking. 22 Member States have signalled their support for this work file and the Analytical Work File is currently supporting a number of diverse investigations on trafficking for sexual exploitation, labour exploitation and child trafficking. Since September 2007, when Analytical Work File Phoenix became active, Member States have forwarded 131 intelligence contributions to the work file.

Beside these contributions, there have been 127 Member States contributions to the Europol Information System (EIS) on trafficking cases since the Information System went live in April 2006.

Regarding the role of Eurojust, 78 new cases of trafficking in human beings have been recorded in 2008. The trend shows a substantial increase, since 13 cases were recorded in 2004 and 33 in 2006. Eurojust also held 10 coordination meetings in 2007 specifically for cases dealing with trafficking and smuggling, which makes up more than 10% of Eurojust's coordination meetings.

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Question no 46 by Dimitrios Papadimoulis (H-1010/08)

Subject: Rights of immigrant children

The Greek Government has recently drafted a law regulating matters concerning nationality and immigration policy in relation to children. Children of immigrants, who were born in Greece, have reached the age of 18 and whose parents are legally resident in the country, may, under certain conditions, acquire the status of 'long-term resident immigrant' but not Greek nationality. The draft law does not take account of the case of children who were not born in Greece but are growing up there and studying at Greek schools or of similar cases of children whose parents are not legally resident in the country. The European Union is a signatory to the UN Convention on the Rights of the Child, while the Commission has also stressed in a communication (COM(2006)0367) that 'Another challenge is to ensure that the rights of children as immigrants, asylum seekers and refugees are fully respected in the EU and in Member States' legislation and policies.'

Does the Commission consider the above provisions to be consistent with Community law and human rights? What measures will it take to safeguard the rights of immigrant children as a whole?

Answer

(FR) Greece has exclusive competence in determining the conditions in which a citizen of a third country can acquire Greek nationality. This question is not covered by Community law.

As for the common policy on immigration, one of the main requirements of Directive 2003/109 for the status of long-term resident is to have five years' legal residency. The question refers to the situation of children of parents without legal residency. Pursuant to Directive 2003/109, these children are not automatically excluded from long-term resident status. This status may, in principle, be acquired by a minor under the age of 18 independently of its parents, where all the conditions set out in the directive are met. In addition, the conditions set out in the directive to benefit from the status of long-term resident are comprehensive. As there is no obligation to be born on the territory of a Member State, the introduction of such a condition by Greece would seem to be contrary to the directive. The Commission will therefore contact the Greek authorities for more information on these two issues.

As for children's rights, the Member States should respect fundamental rights as arising from the constitutional traditions of the Member States and from their international obligations. The Convention on the Rights of the Child, adopted by the United Nations in 1989 and ratified by all the Member States of the EU, obliges signatory states, for every child under their jurisdiction, to respect and guarantee the rights therein, irrespective, among other things, of the child's situation and, in particular, irrespective of the residence status of the child's parents.

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Question no 47 by Sarah Ludford (H-1014/08)

Subject: Profiling

Does the Commission envisage a Community instrument dealing specifically with the problem of data-mining and 'profiling' in regard to personal data, and in particular establishing safeguards against adverse effects such as unjustified invasions of privacy, discrimination and stereotyping?

Answer

(FR) At present, the Commission has no plan to present a legislative instrument focused explicitly on the question of profiling.

The conditions in which the processing of personal data may occur are laid down in Directive 95/46/CE on the protection of personal data, of 24 October 1995⁽⁴¹⁾.

This directive details the obligations of processing managers, whether these be companies or governments. It also details the rights of the individuals whose data are being processed and sets out the sanctions and recourse where these rights and obligations are infringed.

In particular, Article 15 of the Directive prohibits, unless exception has been made, recourse to automated decisions.

This provision stipulates that individuals may not be subject to decisions carrying legal consequences for them or significantly affecting them, that are based on a single automated data processing event. Human intervention is always required in arriving at such decisions.

The Council of Europe, for its part, is preparing a draft recommendation on profiling, broadly inspired by Article 15 of the Directive. The recommendation is expected to be adopted by the Committee of Ministers towards the end of 2009. The Commission is participating actively in this work, which will require coordination at EU level, once the draft is further developed.

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Question no 48 by Manolis Mavrommatis (H-1015/08)

Subject: Programme for the prevention of and fight against crime

In its answer to my Written Question P-6247/07 concerning the programme for the prevention of and fight against crime, the Commission stated that its total budget, amounting to 600 million euro, aims at providing financial support to activities under Title VI of the Treaty on the European Union regarding all types of crime.

What is the take-up rate of financial support to date? For what types of measures was finance granted and which Member States have applied for funding?

Answer

(EN) Types of measures:

As Prevention of and Fight against Crime (ISEC) is a very wide programme the range of activities covered by it is very wide. It includes actions such as:

conferences and seminars (e.g. High Level Conference on Establishing Co-operation Between National Asset Recovery Offices within the European Union organised by Europol);

joint operations (e.g. Joint Customs Operation ATHENA managed by French General Customs and Excise Directorate);

exchange of law enforcement officials (e.g. Exchange Programme for Senior Law Enforcement Officers organized by CEPOL⁽⁴²⁾),

support for the implementation of the Treaty of Prüm (e.g. Building up the technical capacity of the Police of the Czech Republic to implement the principles of the Treaty of Prüm) and many others (as described in the Annual Work Programmes);

support for crime victims (e.g. Crime Victims Support Network organised by polish Ministry of Justice);

fight against trafficking in human beings (e.g. Trafficking in Human Beings: Data Collection and Harmonised Information Management Systems project implemented by General Directorate of Internal Affairs from Portugal).

Consumption of the budget:

⁽⁴¹⁾ OJ L 281 of 23/11/1995, p. 31

⁽⁴²⁾ European Police College

In 2007 the total amount of €44,6 million was allocated to the Prevention of and Fight against Crime programme. The total amount of funds allocated in 2007 is €37,5 million.

In 2008 the total budget of the Programme amounted to €51 million. The consumption of the budget so far is €36 million.

The detailed breakdown of the budget in the annex.

Member States applying for funding:

In the course of 2007 and 2008 bodies from 25 Member States submitted applications for grants. 2 countries which did not do it were: Luxembourg and Slovenia. Nevertheless bodies from this Member States were engaged in the projects as partners.

For 2008 the statistics (for action grants and action grants within framework partnerships together) are as follows:

Number of applications submitted: 167 (selected: around 95 projects).

Split of submitted applications by country of the applicant:

AT	1	DE	23	FI	4	IT	31	PL	5
BE	2	DK	1	FR	9	LT	3	PT	1
BG	4	EE	1	GB	29	LV	3	RO	1
CY	1	EL	1	HU	4	MT	1	SE	11
CZ	3	ES	12	IE	1	NL	8	SK	7

Annex: Detailed breakdown of the budget (in million EUR)

2007	2008					
Envisaged the budget	inAwarded	Number projects	ofEnvisaged the budget	inAwarded	Number projects	of
Action grants	18,5	24	78	23,5	16,5	50
O p e r a t i n g grants	0,6	0	0	0,6	0	0
Action grants w i t h i n f r a m e w o r k partnerships	17	8,4	45	12	15,2	46
Grants to bodies in a m o n o p o l y situations	3,5	2,3	2	1,6	1,4	2
P u b l i c procurement	5	2,8	37	13	2,9	21
Total	44,6	37,5	50,7	36		

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Question no 49 by Justas Vincas Paleckis (H-1022/08)

Subject: Second-generation Schengen Information System

On 21 December 2007, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia joined the Schengen area. However, technical difficulties and missed deadlines meant that those

countries did not join not the second-generation Schengen Information System (SIS II), as originally planned, but the first-generation Schengen Information System (SIS 1+). The Commission had received the mandate to develop the new system, scheduled to begin operating in March 2007, on 6 December 2001. Following a number of delays, a new timetable was announced that provided for SIS II to become operational by 17 December 2008.

I should like to know what is the current situation regarding SIS II, and whether its implementation, particularly in the new Member States, will not weaken Schengen states' border controls.

Answer

(FR) The second generation Schengen Information System (SIS II) should in time replace the current SIS 1+ system, which relies on a platform designed in the 1990s. SIS II will use the latest technologies, offer new functionality and will offer the option of including biometric data. In addition to the technical advances, the legislative instruments relating to SIS II include provisions on strengthening data protection and transparency for Parliament.

Between November and December 2008, the Commission's main contractor on the SIS II development ran a set of tests to prove the functionality of the central system operating interactively with a given number of national systems.

The final test report and the analysis of the Commission's 'quality' contractor confirm, in essence, that the contractor had been unable to show the correct operation of a number of the functions required of SIS II. Therefore, they are unable to meet all of their contractual commitments.

This setback will also affect the project schedule. The objective of commissioning SIS II in September 2009 will have to be reviewed.

The difficulties SIS II faces, however, are not a problem for the operation of the Member States' borders, as SIS 1+ continues currently to play its role, guaranteeing a high level of security on the external borders of the Schengen area.

The priority for the Commission in the coming months will be to do everything possible to overcome the current difficulties and have an operational system in place that complies with the legal framework and fully meets user requirements.

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Question no 50 by Athanasios Pafilis (H-1029/08)

Subject: Brutality of the state and police authorities involving the killing of a 15-year old schoolboy in Greece

A few days ago Alexandros Grigoropoulos, a 15-year old schoolboy, was killed in cold blood by a police officer in Athens, unleashing a storm of protest and mass demonstrations in Greece, coming as it does in the wake of other similar cases, in which lives have been claimed in the course of decades of brutality by the police and state authorities in Greece and other EU Member States, for example the United Kingdom. Such cases are the natural and predictable consequence of the climate of terror and repression fostered by the unprecedentedly authoritarian laws being adopted by the EU and the Member States, which have created a leviathan of hitherto unrivalled proportions for the repression and suffocation of basic human rights and democratic freedoms, treating the people and organised popular protest movements as 'the enemy within'.

Does the Commission consider that this legal framework is breeding and nurturing brutality by the state authorities and arbitrary action by the police? Does it recognise that human rights and democratic freedoms must remain untouched by the instruments of state repression and will it take action to overturn the offending legislative provisions?

Answer

(FR) The Commission is saddened to learn of the tragic death of Alexandros Grigoropoulos and the circumstances in which it occurred.

According to the available information, a legal case has begun in Greece. It is up to the Greek courts to give a legal verdict on the facts that led to this schoolboy's tragic death once the investigation is complete.

The Commission points out its commitment to the respect for freedom of expression and freedom of assembly, which includes the right to demonstrate. At the same time, it can but firmly condemn the violent excesses of the demonstrations in Greece.

The Union is based on the principles of freedom, democracy, respect for human rights and fundamental freedoms and the rule of law, principles shared by all Member States.

In all its actions, the European Union respects and promotes fundamental rights as guaranteed by the Charter of Fundamental Rights of the European Union and the Convention for the Protection of Human Rights and Fundamental Freedoms.

The Commission thus firmly rejects the honourable Member's allegations that the incidents in Greece are the consequences of Union policies or legislation.

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Question no 54 by Brian Crowley (H-0974/08)

Subject: EU regulatory structure

Does the Commission believe that the EU can put in place a new regulatory structure in the coming months to govern the future operation of the global financial markets, particularly with President-elect Barack Obama and with the Governments of India and China?

Answer

(EN) The financial crisis has demonstrated how interlinked global financial markets are today. The G-20 process marks a new phase in international economic and financial co-operation, where advanced economies work more closely with emerging countries. This is key if we are to ensure a more stable global economic and financial system.

At the Washington Summit of 15 November 2008, the leaders of the G-20 approved an action plan to reform global financial markets following five common principles: (i) strengthening transparency and accountability of financial markets and align incentives in order to avoid excessive risk-taking; (ii) strengthen regulatory regimes, prudential oversight, and risk management, and ensure that all financial markets, products and participants are regulated or subject to oversight, as appropriate to their circumstances; (iii) promote the integrity of financial markets by bolstering investor and consumer protection, avoiding conflicts of interest, preventing illegal market manipulation, fraudulent activities and abuse, and protecting against illicit finance risks arising from non-cooperative jurisdictions; (iv) reinforce global cooperation on regulation, crisis prevention, management and resolution, and (v) reforming the International Financial Institutions (i.e., the Bretton Woods Institutions) in order to increase their legitimacy and effectiveness. The Action Plan includes a set of high priority actions to be completed prior to March 31 2009 as well as a number of medium-term actions. Europe is playing a full role in transforming these principles into practical and concerted action ahead of the next G-20 summit on 2 April 2009 in London.

While acknowledging that regulation is first and foremost the responsibility of regional and national regulators, the G-20 agreed that intensified international cooperation, strengthening of international standards and consistent implementation is necessary to protect against adverse cross-border, regional and global developments affecting international financial stability. The Commission strongly welcomes and is actively contributing to the international efforts to reform the world's financial systems. Key countries such as the United States, Brazil, India and China are part of these efforts, and the Commission is confident that this process will indeed strengthen financial markets and regulatory regimes, thereby reducing the possibility of similar crises in the future. As the Commission represents the EU in some key policy areas and prepares and enforces critical pieces of legislation in the area of financial services, it will continue to be an active and engaged partner in these international discussions.

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Question no 55 by Eoin Ryan (H-0976/08)**Subject: Proposals to encourage growth and entrepreneurship in the SME sector**

In the past few months the Commission, by introducing proposals on Member States' balance of payments, on deposit guarantee schemes, on the Capital Requirements Directive (COM(2008)0602) and on credit rating agencies, has taken action to both restore the stability to economies and market and to remove obscurities from the financial system. To further aid recovery, what proposals is the Commission coming forward with that will encourage growth, entrepreneurship and competitiveness in the real economy, especially in the SME sector?

Answer

(EN) On November 26th 2008, the Commission proposed a European Economic Recovery Plan⁽⁴³⁾ in order to provide the appropriate Europe-wide policy response to the current economic downturn. It presents a framework for actions to be taken both at the EU and Member states level. The European Council held in Brussels on December 11 and 12 2008 agreed upon this Recovery Plan and its main proposal for an immediate budgetary stimulus package amounting to € 200 billion (1.5% of EU GDP) along with a series of other priority actions grounded in the structural reforms of the Lisbon strategy aimed at strengthening the long-term growth and adjustment capacity of the EU economy.

The Recovery Plan includes measures both at Community and Member State level, aiming to restore growth and increase competitiveness of the real economy, especially for the Small and Medium-Sized Enterprises (SMEs). Member States were asked to bring forward national budgetary stimulus actions. In addition, a number of initiatives were proposed at Community and Member State level including:

A major European employment support initiative.

The enhancement of access to financing for businesses, notably through an European Investment Bank package of € 30 billion for loans to SMEs.

Proposals to increase and bring forward investments in Europe's infrastructure and promote high-speed internet connections.

Proposals to improve energy efficiency in buildings and increase the take-up of green products.

A key element of the Recovery Plan is the full implementation of the Small Business Act action plan⁽⁴⁴⁾ In particular, in order to significantly reduce administrative burdens on business, promote their cash flow and help more people to become entrepreneurs, the Community and Member States are invited to:

Ensure that starting up a business anywhere in the EU can be done within three days at zero costs and that formalities for the hiring of the first employee can be fulfilled via a single access point.

Remove the requirement on micro-enterprises to prepare annual accounts and limit the capital requirements of the European private company to one euro.

Accelerate the adoption of the European private company statute proposal so that from early 2009 it can facilitate cross border business activities of SMEs and to allow them to work under a single set of corporate rules across the EU.

Ensure that public authorities pay invoices for supplies and services within one month to ease liquidity constraints and to accept e-invoicing as equivalent to paper invoicing; any arrears owed by public bodies should also be settled.

Reduce by up of 75% the fees for patent applications and maintenance and halve the costs for an EU trademark.

The Recovery Plan also stresses the need to increase investment in Research and Development (R&D), Innovation and Education. It is indeed very important that industry and in particular SMEs are encouraged to maintain and even increase their activities in R&D and innovation. R&D spending should be seen as an investment and not as a cost to be decreased. Investing in R&D and innovation now will lay the foundations

(43) COM(2008) 800 of 26 November 2008

(44) Adopted by the Competitiveness Council on 1 December 2008. See more on the "Small Business Act" for Europe on: http://www.ec.europa.eu/enterprise/entrepreneurship/sba_en.htm

for a strong competitive position of the European industry in a short and medium term future. The Commission is continuing to support R&D activities for SMEs through the different actions under the 7th R&D Framework Programme. For instance, the dedicated scheme "Research for the benefit of SMEs" will be allocating an extra € 25 million in 2009 to fund more projects and the Commission is also providing support to Member States for improving the coordination of their support programmes for R&D in SMEs.

In addition the Commission put forward in the Recovery Plan, a number of initiatives to increase the competitiveness of its industry, in particular of the automobile and construction industries. The Commission will launch 3 major public-private partnerships to support innovation and prepare these sectors to face the significant challenges in the transition to the green economy.

In the automobile sector, a European Green Cars initiative will support research on Energy-efficient transport technologies and their market uptake.

In the construction sector, a European Energy-efficient Buildings initiative will promote green technologies and the development of energy-efficient systems and materials in new and renovated buildings with a view to reducing radically their energy consumption and CO₂ emissions.

Finally, a Factories of the Future initiative will help EU manufacturers across sectors, in particular SMEs, to adapt to global competitive pressures by increasing the technological base of EU manufacturing through the development and integration the enabling technologies of the future, such as engineering technologies for adaptable machines and industrial processes, ICT, and advanced materials.

The Community-level priorities for the Recovery Plan were further detailed in the Implementation Report on the Community Lisbon Programme⁽⁴⁵⁾ published on 16 December 2008 that will be discussed at the Spring European Council 2009.

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Question no 56 by Avril Doyle (H-0994/08)

Subject: Cross-border healthcare and the Internal Market

Following the recent publication of the Commission's proposal (COM(2008)0414) on Patients' Rights in Cross-border Healthcare, which has been preceded by the recent judgments of the ECJ confirming the rights of patients to access hospital care in another Member State, does the Commission foresee any difficulties or conflicts of interest in the implementation of this report with regard to Member States' competence in the provision of health care services?

Answer

(EN) The Commission proposal for a Directive on patients' rights in cross border healthcare⁽⁴⁶⁾ does not, in any way, affect Member States' responsibilities for the organisation and delivery of health services and medical care. Member States are fully responsible for determining what patients are entitled to in their country and how healthcare is to be provided.

As such, the Commission does not foresee any conflict of interest in the implementation of the proposed Directive with Member States' competence in the provision of health care services. The Commission's impact assessment suggests that the overall impact of the proposal on the national healthcare systems will be limited.

The purpose of the Commission's proposal for a Directive on patients' rights in cross border healthcare is simply to improve the situation for patients in specific circumstances, for whom cross-border healthcare is the best solution and to provide an additional option for patients who are not entitled to receive an authorisation to go for the planned treatment abroad under the terms of the Regulation 1408/71.

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⁽⁴⁵⁾ COM(2008)881 of 16 December 2008

<http://www.ec.europa.eu/growthandjobs/pdf/european-dimension-200812-annual-progress-report/COM2008881EN.pdf>

⁽⁴⁶⁾ COM(2008) 414 final

Question no 57 by Silvia-Adriana Țicău (H-0998/08)**Subject: Investment in transport infrastructures**

The economic and financial crisis is affecting many of the Member States, and every week brings more reports of new measures affecting thousands of employees in different Member States. Investment in transport infrastructures is one of the means by which Europe can tackle the economic crisis. Constructing transport infrastructures (rail, road, air, sea) requires major investment, and project implementation is only concluded in the medium or long term. If there is to be sufficient investment in transport infrastructures, the Member States will need to agree a corresponding increase in the TEN-T budget, or else allow their budget deficits to grow for a certain period of time. What measures are envisaged by the Commission with a view to enabling the Member States, at this time of economic and financial crisis, to achieve a significant increase in investment in transport infrastructures?

Answer

(EN) The Commission welcomes the emphasis of the Honourable Member on the role of investment in transport infrastructure as a means of tackle the economic crisis. Indeed, such investment results not only in stabilising macro-economic demanding and creating jobs, both directly and indirectly, but at the same time paves the way for sustainable economic growth and increased productivity in the future. It is essential for the whole of Europe to turn the challenge represented by the current crisis into an opportunity.

The European Economic Recovery Plan, which has been recently endorsed by the Council, is the Commission's direct response and calls for smart investment including infrastructure. In particular, to enable an increase in investment in transport infrastructure the Plan provides for four specific actions:

1. Reinforcing the capital base of the European Investment Bank and enabling a increased financing from the bank by some €1 5 billion over the next two years;
2. launching an equity fund which would target infrastructure as well as energy and climate change projects;
3. enabling a wider participation of the private sector in the infrastructure investments by clarifying the legal framework and eliminating administrative barriers for partnerships between the public and private sectors;
4. launching in 2009 an additional 500 million EUR call for proposals for Trans-European Network Transport (TEN-T) projects for which a Community grant would lead to construction beginning before the end of 2009.

The latter alone is expected to accelerate the delivery of the trans-European infrastructure and mobilise national investment of more than €3 billion. But it is apparent that a €500 million call is not going to satisfy existing demand. Works for several projects cannot advance due to funding limitations, particularly severe under the current economic circumstances. Many more concrete TEN-T projects could be accelerated immediately which would also usefully contribute to the recovery programmes of individual Member States, were additional budgetary funding available.

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Question no 58 by Saïd El Khadraoui (H-1001/08)**Subject: Ban on smoking in cafés and restaurants**

In line with European law, nearly all Member States of the European Union have adopted a ban on smoking in public places and at the workplace. Such a ban already exists or is planned for the near future in Sweden, Ireland, Malta, the Netherlands, Scotland, England & Wales, Belgium, Spain and France.

Since July 2008 our neighbours in the Netherlands have also had a ban on smoking in cafés and restaurants. The Commission recently launched vague plans to extend this to the whole of Europe in future.

When does the Commission propose this ban should take effect, and does it have a timetable for implementation?

Research in Ireland reveals that the drop in the number of café customers is due only to a very small extent to the ban on smoking.

Does the Commission possess any reports of positive or negative effects of the smoking ban on the number of café customers?

Answer

(EN) As a Party to the WHO Framework Convention on Tobacco Control, the Community and 26 Member States are bound by the commitment to provide for protection from exposure to tobacco smoke in all indoor workplaces and public places.

In 2006-2007, the Commission services participated in the work to formulate extensive guidelines on how to implement this obligation. The guidelines were adopted by all the Parties in July 2007. They formulate a "golden standard" that every Party should aim to achieve within five years of the Convention's entry into force for that Party – that is by 2010 for the EC and the majority of Member States.

To support Member States in adopting comprehensive smoke-free laws, the Commission intends to put forward a proposal for a Council Recommendation on smoke-free environments in 2009.

In addition, the Commission has decided to start consultations with the social partners at Community level on the need for additional measures to protect workers from risks to their health arising from exposure to environmental tobacco smoke at the workplace.

The evidence reported in the literature on the impact of smoke-free policies on revenues and employment in the hospitality sector appears mixed. Overall, there seems to be a largely neutral effect.

It is noteworthy that an international review of the studies on the economic effects of smoke-free policies on the hospitality industry found that 47 of the 49 studies that are best designed report no negative impact on objective measures such as taxable sales.

Importantly, there are reliable reports that the health of bar and restaurant workers has improved considerably within months of implementation of smoke-free regulations. The respiratory symptoms in hospitality staff have been shown to drop by up to 50% as a result of smoke-free policies.

The Commission will address this issue in detail in the Impact Assessment which will accompany the Commission's proposal on smoke-free environments.

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Question no 59 by Marco Pannella (H-1005/08)

Subject: ACTA

The European Union is negotiating the ACTA anti-counterfeiting treaty with Japan, the United States and other countries. Those negotiations are taking place in secret, without the European Parliament, national parliaments or the public being informed. In the leaked versions of the treaty, provision is made for a set of criminal and civil measures on breach of copyright, and for very extensive powers for border and airport security staff. It seems, in particular, that checks will be permitted on travellers' computers and digital music players, as will confiscation of their equipment and even their arrest.

Can the Commission confirm the above, and provide further information on ACTA? What guarantees are envisaged for travellers in respect of checks that are extremely privacy-invasive and safeguards on the presumption of innocence and the right to due process? What cross-checks have been made with the EDPS, the Article 29 WP and the EU Agency for Fundamental Rights? Does the Commission not feel that this treaty may violate the ECHR and the Charter of Fundamental Rights?

Answer

(EN) The goal of the negotiations on the Anti-Counterfeit Trade Agreement (ACTA) is to provide for improved international standards for action against large-scale infringements of intellectual property rights (IPR).

Counterfeiting now takes place on an industrial scale. It has become an extremely profitable business, generating income that can compete with narcotics and weapons trafficking, but at much lower risk. Obviously, this type of activity causes enormous damage to the EU economy, whose major comparative advantage consists of quality and innovation. This trend is particularly worrying also from the point of view

of consumer protection since many counterfeit products are clearly dangerous (fake medicines, spare parts, toys, food stuff etc.).

The EU is therefore working together with partners sharing its concerns such as the United States (US) and Japan, but also Mexico, Korea, Morocco and others on the negotiation of an anti-counterfeiting trade agreement (ACTA).

ACTA is first and foremost about tackling an activity pursued by criminal organisations which harm the economy or the consumers. ACTA is not designed to limit civil liberties or to negatively affect consumers. There is therefore no question that the ACTA current negotiations would result in creating new powers for border or airport security staff to check travellers' computers or digital music players.

The current EU regulation has a *de minimis* clause that excludes goods in traveller's personal baggage from the scope of the legislation, as long as these goods are no part of commercial traffic. The aim of ACTA is not to affect consumers negatively but to provide a clear basis for customs to act against commercial importations of fake goods and protect consumers from potentially dangerous products.

ACTA will not go further than the current Community *acquis* on the enforcement of intellectual property rights⁽⁴⁷⁾, which does not limit fundamental rights and freedoms and civil liberties, as consecrated by the Charter of Fundamental Rights. Additionally, this *acquis* in terms of IPR enforcement is without prejudice to national or Community legal provisions in other areas, in particular in the area of personal data protection [e.g. Data Protection Directive⁽⁴⁸⁾ and the Directive on privacy and electronic communications⁽⁴⁹⁾].

As is the case in any trade negotiation, the ACTA negotiators have to respect a certain level of confidentiality. This does not mean that these negotiations are secret or that the EU institutions are prevented from exerting their institutional prerogatives. The EU's objectives in the negotiations are very clear and both the Council and Parliament have been regularly informed of, and consulted on, the state of play of the negotiations. Discussions have also been held with civil society stakeholders.

The Council and Member States have been closely involved in the process due to the possible inclusion of matters of criminal policy, which are not yet harmonised at EU level. Consequently, the Presidency will be negotiating on this matter (and other non-harmonised issues which may arise, such judicial and police cooperation).

Also, the Commission has discussed the matter on a regular basis with European Parliament in particular in the INTA Committee⁽⁵⁰⁾, and will continue to do so. Of course, the Commission is prepared to appear before other Committees to give further information on these negotiations if so requested.

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Question no 60 by Göran Färm (H-1013/08)

Subject: Simplified rules for applications for EU research grants

Parliament's Committee on Industry, Research and Energy recently held a meeting with the Swedish Academy of Sciences' 'physics class', i.e. the group of researchers who award the Nobel prize for physics. The meeting heard a great deal of criticism of the administration of EU research resources. Many European researchers think that applications for research grants under substantial parts of the 7th framework programme, for instance, are subject to such complicated rules that European researchers prefer to seek private, national or US funding.

What is the Commission doing to simplify these application procedures?

⁽⁴⁷⁾ Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, OJ L 157, 30.4.2004.

⁽⁴⁸⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23.11.1995.

⁽⁴⁹⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector, OJ L 201, 31.7.2002.

⁽⁵⁰⁾ Committee on International Trade

Answer

(EN) The EU Framework Programme for Research and Technological Development is a major tool for research policy and research funding with a dedicated budget that has increased over time. Its European character, with the majority of projects carried out by multinational and multisectoral consortia, and the legal and financial framework governing all EU expenditure, bring about an intrinsic level of complexity that is somewhat higher than in national research schemes. The Commission must also ensure the sound financial management of public resources and comply with the obligations and reporting requirements of the legal base of the programme.

In this context, the Commission is striving for continuous improvement and streamlining of processes, rules, documentation and Information Technology (IT) systems to limit the administrative burden for participants. With the successful starting phase of the Seventh Framework Programme for Research and Technological Development (2007-2013) (FP7), the Commission can already identify a number of improvements in simplification compared with previous programmes:

The installation of a system for unique registration of participating legal entities, abandoning the need for repeated checking of existence and legal status of each participation. Legal documents now have to be provided only once, all information is stored in a central data base accessible to all Directorates-General implementing FP7.

By introducing a threshold of € 375,000, the number of required certificates on financial statements is reduced in FP7 to one tenth of that in FP6.

Much fewer ex-ante financial capacity checks and protective measures are required due to the introduction of the guarantee fund in FP7. Ex-ante checks are now only necessary for coordinators and participants requesting more than a € 500,000 EC contribution. This is of particular benefit for the participation of Small and Medium-Sized Enterprises (SMEs) and start-up companies.

Grant agreement negotiation and amendments: A new Web-based electronic system for negotiation, used by all research Directorates-General, was introduced by the end of 2007. The system allows online interaction between participants and Commission project officers. The guidelines for amendments are streamlined. Many changes can now be handled by simple information letters, i.e. they will not require a formal amendment procedure. A Web-based electronic system will also be used for the handling of all amendments.

The alleviation of burdens on project reporting and certification of financial statements: The structure of periodic and final technical reports was considerably streamlined and the Commission aims at extended reporting and payment periods (increasing the average period from 12 to 18 months), leading to a considerable reduction of the overall number of reports and payment transactions.

All these initiatives, together with the streamlining of guidance documents for participants contribute to the simplification of the procedures related to FP7. The Commission is committed to continuing the work in this direction. The eFP7 initiative, for instance, aims at a major improvement of the IT systems for all interactions between the Commission and participants. The Commission will also soon make proposals for implementing ex-ante certification of audit methodologies in order to extend the use of average cost reporting by certain beneficiaries. For the identification of further potential areas for simplification, the Commission seeks advice from many parties, including a sounding board of smaller research actors.

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Question no 61 by Zsolt László Becsey (H-1019/08)

Subject: Denial by Serbia of the 1944-45 genocide against Vojvodina Hungarians, Germans and Jews

As human dignity and in consequence humanity are such fundamental values of the European Union (see both the Nice and the Lisbon Treaty), if these values are constantly violated by Serbia in denying the 1944-45 genocide committed by the Titoist partisans, to which approximately 40 000 Vojvodina Hungarians, 260 000 Germans and Jews fell victim under the pretext of their 'collective guilt', thus denying rehabilitation to all the victims, why is it that the Commission does not raise this question as a crucial SAA and enlargement condition under the Copenhagen Criteria in its negotiations and actions with any government in Belgrade? Without admission of historic guilts and without requests for pardon no European nations could be reconciled in the Union – how then could Serbians, Hungarians, Germans and Jews?

Answer

(EN) The atrocities committed during the Second World War must not be forgotten by the current or future generations of Europeans.

Reconciliation is a slow and painful, but vital process that the countries have to go through to come to terms with the past. This process of reconciliation stems from the fundamental principle on which the EU is based.

The Commission is aware of the human suffering experienced by Vojvodina Hungarians and Germans in Vojvodina in 1944 and 1945, to which the Honourable Member refers. The Commission has not directly intervened on events committed during the Second World War but has focused on encouraging an open and inclusive debate throughout the region.

The Commission has encouraged the fostering of inter-ethnic relations in Serbia through political dialogue and confidence-building measures. The Commission has furthermore, supported several projects fostering Vojvodina's multi-ethnic identity, human and minority rights and civil liberties. It is also supporting common cultural and educational activities between Serbia and neighbouring countries including Hungary.

The Commission closely monitors the situation in Vojvodina through its office in Belgrade and reports on the political situation in its annual Progress Reports. It has intensive contacts with civil society organisations in the province engaged in reconciliation activities and the fight against impunity.

Ultimately, the process of coming to terms with the past must be led by the countries themselves in the spirit of open dialogue and mutual understanding of the suffering experienced by all sides both in the recent and more distant past.

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Question no 62 by Pedro Guerreiro (H-1023/08)**Subject: Application of the Structural Fund N+2 rule within the 2000-2006 financial framework - update**

Further to its answer to Written Question E-4746/08 on application of the rule on the automatic removal of commitment appropriations for the Structural Funds – termed the N+2 rule – which was introduced as part of the 2000-2006 financial framework and under which amounts authorised will be cancelled if they have not been implemented within two years, can the Commission answer the following questions:

What is the current amount of authorised expenditure which has been cancelled under the N+2 rule, by year and by country?

What is the actual amount of authorised expenditure under the 2000-2006 financial framework that would be cancelled in each country if the N+2 rule were to be applied up to the end of 2008?

The Commission states that, for the period 2000-2006, the assessment of authorisations made in 2006 and possible cancellations that may arise will be carried out when the programmes come to an end. What are the deadlines for each programme in each country?

Has it proposed or will it propose any measures to help ensure that the spending target for the Structural Funds is met, in particular the abolition of the N+2 rule for the 2000-2006 financial framework and the N+2 and N+3 rule for the 2007-2013 financial framework, in the interests of 'economic and social cohesion' and employment?

Answer

(EN) The attention of the Honourable Member is drawn to the attached Excel file giving the current amount of authorised expenditure which the Commission has been obliged to cancel so far under the n+2 rule, by year, by Member State and by fund (ERDF – FIFG – EAGGF – ESF).

The total amount to be decommitted under the n+2 rule for the programming period 2000-2006 will be finalised at the closure of the Operational Programmes (Article 105 (3) of Regulation

n° (CE)1083/2006).

As far as closure dates are concerned, the Commission is not in a position to give a detailed answer per operational programme and per Member State as each operational programme has its own end date of eligibility and this date is the basis to establish the closure date. Moreover, given the pressures arising from the current economic and financial crisis, the Commission is willing to consider constructively requests from Member States for an extension to the final date for the eligibility of expenditure of the operational programmes of period 2000-2006. However, in general, the estimated closure dates are the following:

End March 2009 for programmes for which the final date of eligibility is at the end of 2007 and without state aids.

End July 2009 for programmes for which the final date of eligibility is at the end of 2007 and include state aids.

End March 2010 for programmes with commitment in 2006 and without state aids;

End July 2010 for programmes with commitment in 2006 and with state aids.

End September 2010 if programmes under 4. or 5. request an extension.

End March 2011 for Greek programmes already benefiting from an extended eligibility date.

It should be recalled that the n+2 and n+3 rules are an integral part of the regulatory framework for the programming periods, 2000-2006 and 2007-2013, respectively, as approved by Parliament and the Council. The rules are an important incentive to managing authorities to accelerate the implementation of the operational programmes on the ground, in order to maximise impact on economic and social cohesion and employment. Accordingly, the Commission does not intend to propose the abolition of neither the n+2 rule for period 2000-2006 nor the n+2 and n+3 rule for the period 2007-2013.

Rather, in the light of the current economic and financial crisis, the Commission has proposed a recovery package that seeks to ensure that spending targets for the Structural Funds can be met. This means that additional advance payments will be made to Member States as soon as the proposed modification of Regulation n° (EC) 1083/2006 is approved, which should boost the implementation of the operational programmes by increasing liquidity in the system.

Similarly, in the fisheries area, the Council has adopted in July 2008 Regulation n° (EC) 744/2008 instituting a temporary specific action aiming to promote the restructuring of the European Community fishing fleet affected by the economic crisis. One of the measures adopted is the opportunity for Member States to request a second pre-financing in order to speed up the implementation of measures under the EFF operational programmes.

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Question no 63 by Mihael Brejc (H-1025/08)

Subject: Imports from non-EU countries

The EU has endorsed numerous documents on respect for human rights and in that context insists in particular on compliance with the conventions outlawing the exploitation of child labour. However, it imports substantial volumes of goods from Asia, Africa, and South America, where child labour is still being exploited on a large scale.

As far as imports are concerned, therefore, does the Commission ascertain that the conventions prohibiting child labour have been complied with?

Answer

(EN) The Commission is committed to the objective of eradicating child labour at a global level. This is reflected in its Communication "A Special Place for Children in the EU External Action"⁽⁵¹⁾ and in the EU Action Plan on Children's Rights in External Relations. Both were welcomed by the Council on 27 May 2008⁽⁵²⁾.

⁽⁵¹⁾ Doc. COM (2008) 55 final.

⁽⁵²⁾ SEC(2008)136.

The EU effectively encourages improvements in third countries' labour standards through incentives and cooperation, including via its bilateral trade negotiations and agreements (eg FTAs) and the Generalised System of Preferences (GSP).

The EU's GSP scheme is a key tool to encourage trading partners to improve their performance in this area. In particular, in the Special Incentive Arrangement for Sustainable Development and Good Governance (known as GSP+), the EU offers additional tariff preferences as an incentive to vulnerable developing country partners to ratify and effectively implement a set of international standards, including the relevant International Labour Organisation (ILO) Conventions on Child Labour (Convention 182 on the Worst Forms of Child Labour and Convention 138 on Minimum Age for Admission to Work and Employment) and the United Nations (UN) Convention on the Rights of the Child. At present (as of 1 January 2009), 16 countries have taken sufficient steps so as to benefit from additional preferences under GSP+. At the same time, the Commission may temporarily withdraw GSP benefits from any GSP beneficiary in the event of serious and systematic violations of core UN/ILO human and labour rights on the basis of the conclusions of the relevant international monitoring bodies.

This is actually the case for two countries, Belarus and Myanmar, where the Commission took action after carrying out detailed investigations and in the light of clear findings by the ILO.

Child labour is, in most cases, a structural and development problem in poorer countries closely linked to their individual development challenges, the lack of social structures and the access to education. A holistic approach through development policy, political dialogue and cooperation in the multilateral context – ILO and UN – are considered best tools to address child labour. The major programme of the ILO for the eradication of child labour (IPEC) is supported by the Commission. Mid-2008, a new programme under IPEC (TACKLE – Tackling child labour through education) was launched with the financial support of the European Community as part of an effort to accelerate the fight against poverty and the achievement of the Millennium Development Goals in 11 countries in Africa, the Caribbean and Pacific Region. The project aims at strengthening legal frameworks on child labour and education and increase institutional capacities for implementing strategies to eliminate child labour.

The Commission regularly raises with partners the issue of labour rights violations, and in particular child labour. Even though progress has been made so far, the fight against child labour remains a global challenge and continued efforts are required.

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Question no 64 by Kathy Sinnott (H-1026/08)

Subject: Home Choice Loan

The Irish Government's Home Choice Loan was introduced in the Budget of October 2008. The Choice Loan is to provide mortgages through a number of local authorities for first time buyers who cannot get sufficient finance from a bank or building society. The maximum amount provided will be €285 000, up to 92% of the 'market value.' It will apply only to newly built houses.

Does the Commission consider that this scheme is in breach of Community law? Does the Commission consider that this distorts the market, supporting prices as well as favouring developers of new housing in a market where there is a large oversupply of unoccupied new houses? Does it favour new buyers over those who for whatever reason have previously owned a house? Does it create a subprime mortgage programme? Will it commit new buyers to paying inflated prices in a declining market?

Answer

(EN) The Commission is fully aware of the measure raised by the Honourable Member. It has already been brought to the attention of the Commission by a large number of complaints. The Commission has invited the Irish authorities to comment on the allegations expressed by some complainants and the services of the Commission are currently examining the information supplied by the Irish authorities in reply.

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Question no 65 by Georgios Toussas (H-1032/08)**Subject: Deregulation of cabotage boosts shipowners' profits**

Bowing to pressure from shipowners, the Commission is pushing ahead with full implementation of Regulation (EEC) No. 3577/92⁽⁵³⁾ on maritime cabotage, while 36 coastal shipping vessels have been arbitrarily laid up and over 2000 seafarers laid off without pay, workers' rights have been trampled under foot, coastal shipping services are being dismantled, and the country is left 'maimed'. The shipowners complained to the Commission about infringements of the regulation, demanding the abolition of the basic obligation to operate vessels for ten months with a full complement of crew, the restriction of the Greek language requirement to crew members involved with safety, and the deregulation of economy class fares on services between islands, which have risen by 376% since 2001, and on subsidised routes.

Has the Commission accepted the coastal shipowners' complaints as legitimate? Will it ask the Greek Government to comply with their demands? Will it abolish the deregulation of cabotage, which has led to the deterioration of services and increases in fares resulting in enormous profits for the shipowners?

Answer

(FR) The Commission has already done everything needed for full implementation of the cabotage regulations⁽⁵⁴⁾, in all Member States, including Greece.

This implementation means that cabotage is liberalised: the Commission does not envisage the abolition of liberalised cabotage, but rather its completion. Similarly, any well-founded complaint from any plaintiff of incorrect application of the regulation in question has been considered to be valid and examined by the Commission.

Liberalisation of cabotage will allow Greece to take all the measures necessary to improve service and reduce prices in the long term. That being said, price trends for maritime transport are not solely determined by the regulatory system and this ought to be taken into account in any assessment of the effects of liberalisation.

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Question no 66 by Proinsias De Rossa (H-1033/08)**Subject: Transposition of gender equality in Goods and Services Directive**

Further to its written answer of 3 September 2008 to my oral question H-0604/08, what is the current situation with regard to the Commission's investigation into Ireland's transposition of the Directive prohibiting gender discrimination in the access to and supply of goods and services (Directive 2004/113/EC⁽⁵⁵⁾), specifically with regard to the Commission's assessment of Ireland's response to the letter of formal notice?

Answer

(EN) In its answer to the Honourable Member's previous question (H-0604/08), the Commission explained that the Irish authorities' reply to the letter of formal notice of September 2008 was being examined.

That examination has shown that the Irish authorities have adopted the national measures notified transposing Directive 2004/113/EC⁽⁵⁶⁾ into national law, namely the Civil Law (Miscellaneous Provisions) Act 2008 amending the Equal Status Acts 2000 to 2004.

The Commission has accordingly closed the infringement procedure against Ireland for non-communication of measures for the transposition of the Directive. However, the Commission will continue to monitor the implementation of Community law at national level, and should any Member State be found to have breached Community law, the Commission will make full use of the powers conferred on it under the EC Treaty.

⁽⁵³⁾ OJ L 364, 12.12.1992, p. 7.

⁽⁵⁴⁾ Council Regulation (EEC) 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), OJ L 364 of 12/12/1992.

⁽⁵⁵⁾ OJ L 373, 21.12.2004, p. 37.

⁽⁵⁶⁾ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services OJ L 373, 21.12.2004, p. 37–43

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