

## THURSDAY, 23 APRIL 2009

IN THE CHAIR: Mr McMILLAN-SCOTT

*Vice-President*

### 1. Opening of the sitting

*(The sitting opened at 9.00 a.m.)*

### 2. Documents received: see Minutes

### 3. Patients' rights in cross-border healthcare (debate)

**President.** – The next item is the report by John Bowis, on behalf of the Committee on the Environment, Public Health and Food Safety, on the proposal for a directive of the European Parliament and of the Council on the application of patients' rights in cross-border health care (COM(2008)0414 – C6-0257/2008 – 2008/0142(COD)) (A6-0233/2009).

As many of you know, John Bowis was taken ill recently in Brussels and was hospitalised. He had an operation, which I am pleased to say was a success, and he is now recovering, so he is an example of cross-border health care. His place is taken today by my friend and colleague, Philip Bushill-Matthews.

**Philip Bushill-Matthews, rapporteur.** – Mr President, I have a very difficult task and a very easy task. It is very difficult because this dossier is very complicated and very sensitive, and it is a dossier on which, personally, I have done very little work. It is very easy because it is a report by my distinguished colleague, John Bowis, who, as you say, is currently recovering from major heart surgery, undertaken a couple of weeks ago in Brussels.

He has done an amazing job in bringing this dossier to such a successful conclusion today and, indeed, in laying the foundations for this success in his original report on patient mobility way back in June 2005. I am sure he would also wish me to thank the Commissioner personally for her support, to thank the shadow rapporteurs and to thank our group secretariat, and indeed his own research assistant, for the huge efforts they have all made to secure broad agreement on so many of the controversial issues. With their help, John has sought to shed light on what has been a very murky area, and to bring clarity where uncertainty prevailed before, based consistently on the twin principles that the patient must always come first and that patient choice should be determined by needs and not by means.

For the last 10 years, European citizens have been going to the courts to fight for their right to go to another Member State for treatment. It is clear that patients want this right, and that they deserve this right and are entitled to this right. They should not have to go to court in order to achieve it. The proposal before us now is our chance to make this a reality. Now is the time for us, as politicians, to take our responsibility and to replace the need for the judges who have gone before, by creating legal certainty ourselves.

Most people will always want to be treated close to home. However, there will always be patients who wish to travel to another Member State for treatment, for whatever reason. If patients do choose this option, we must make sure that the terms under which they do so are transparent and fair. We must make sure that they know how much they will be charged, what quality and safety standards they can expect and what rights they have if something goes wrong. This report addresses all these issues.

Let me be clear that this right for patients should in no way be detrimental to Member States' ability to provide quality health care for all their citizens. This report does not tell Member States how they should organise their own health systems. It does not dictate what quality of care they should provide. In fact, it builds in safeguards for Member States to help protect their own national health systems, for example by choosing a system of prior authorisation in certain circumstances.

However, such prior authorisation must not be used to limit patient choice. Indeed, the increased availability of cross-border health care should in turn help stimulate national systems to provide increasingly better standards of health care themselves.

I look forward to the comments from colleagues in the debate which now follows.

**Daniela Filipiová**, *President-in-Office of the Council*. – (CS) Ladies and gentlemen, I feel very honoured to be able to join you here today and to participate in discussions on a number of important topics relating to public health which are on today's agenda. These include the application of patients' rights in cross-border healthcare, ensuring patient safety and joint EU action on rare diseases.

I would like to start by saying that all three issues are among the priorities of the Czech Presidency and they will also be on the agenda of the Council for Employment, Social Policy, Health and Consumer Protection on 7 June 2009 in Luxembourg. We therefore warmly welcome the forthcoming debate.

The Czech Presidency is fully aware of the important role played by the European Parliament in the legislative process in the area of public health, and it understands that close cooperation between the Council and Parliament is essential. Your reports on these three topics have therefore come at the right time.

I would now like to say a few words from the perspective of the Council concerning the proposed directive of the European Parliament and the Council on applying patients' rights in cross-border healthcare.

The Czech Presidency is fully aware of the need to provide legal certainty for patients receiving healthcare in another Member State, and it is building on the results of the French Presidency's work in this area. Our objective is to seek the approval of this text, which will be clear and comprehensible to EU citizens, which will respect primary law including the subsidiarity principle and which will fulfil the declared objective of establishing legal certainty for EU citizens concerning the application of their rights when receiving cross-border healthcare. However, at the same time careful thought must be given to possible impacts of the proposal's implementation on the stability of healthcare systems in EU Member States.

In view of the fundamental importance of the proposal very intensive discussions have taken place and are still continuing in the legal bodies of the Council. Therefore at present I am not able to tell you whether the Council will achieve political agreement at the end of the Czech Presidency, i.e. at the EPSCO Council in June. However, I can make a number of general conclusions at this point. The future directive should codify all of the case law of the European Court of Justice applying to the implementation of the principle of free movement of goods and services in the area of public health and it should also add a regulation on the coordination of social systems and provide Member States with the option of making healthcare provision in another Member State conditional on prior authorisation, or the option to apply a 'gate-keeping' system.

We find these principles in John Bowis's report on the proposed directive which you will be debating. It is also possible to identify other topics that the European Parliament and the Council have in common: the importance of providing full and correct information to patients about options for receiving cross-border healthcare or the emphasis on ensuring high quality and safety in the provision of care.

The Czech Presidency appreciates the care taken by Parliament in drafting this report, the wording of which has emerged from numerous difficult but fruitful discussions in a number of relevant committees. I am aware that the wording of the report represents a compromise between the various political groups and that finding this compromise has not been at all easy. I would therefore like to thank everyone who took part in creating it and the rapporteur John Bowis, to whom we all wish a speedy recovery, of course. This represents a valuable contribution, enabling the legislative process for proposed directive to continue further. The Council will review the text of the report in detail, as well as all of the amendment proposals, and will carefully consider incorporating them into the common position of the Council in order to support a second-reading agreement.

Mr President, ladies and gentlemen, as I mentioned earlier it is still too soon to say whether the June EPSCO Council will produce a political agreement on the proposed directive, as discussions based on the compromise proposal submitted by the Czech Presidency have not yet ended. In any case, the Council will discuss this topic further, taking into account the report approved by the European Parliament.

**President**. – I am sure Ms Filipiová will not object if I inform the House that she is, herself, a wheel-chair user.

**Androulla Vassiliou**, *Member of the Commission*. – Mr President, before I speak about patients' rights in cross-border health care, let me pay a special tribute to the rapporteur, Mr John Bowis, who unfortunately is not with us today, but to whom we owe so much on this file. I wish him a speedy recovery and also health and happiness after so many years of excellent service to European citizens.

(Applause)

I also want to thank all the shadow rapporteurs for their constructive work, and of course Mr Bushill-Matthews, who is speaking today on behalf of Mr Bowis.

Yesterday, here in Strasbourg, we celebrated European Patients' Rights Day. In doing so, we acknowledged the growing role of patients in health care and recognised the importance of patients having both confidence and knowledge about the care they receive.

The central question in this context is: what can the European Union do for patients? We have the opportunity this morning to take a major step forward towards building a Europe for patients, for each and every European citizen that you, honourable Members, represent.

First, I must say that I very much appreciate the hard work undertaken by Parliament on the examination of the proposal for a directive on patients' rights in cross-border health care which will shortly be submitted to your vote. Let me thank and congratulate you all for your interesting and often challenging debates and for a very efficient process.

Allow me to recall briefly the rationale behind this proposed directive, as well as its main objectives and principles. The origin of the proposal lies in a decade of jurisprudence of the European Court of Justice, which ruled that patients have the right to be reimbursed for health care received abroad, even if they could have received that health care at home.

This is important. This is a right that the Treaty directly grants to EU citizens. However, if the rulings were clear for the individuals concerned, the question of how they apply to all other cases was obscure. Therefore, the need for a legislative framework became apparent, so that all patients in Europe can exercise their right to reimbursement of cross-border health care.

This right should not only be for patients who have access to information that is not publicly available and who can afford a lawyer. Therefore, after in-depth reflection and broad consultation, the Commission adopted, on 2 July last year, its proposal for a directive.

First and foremost, its overall aim is to provide patients with better opportunities and access to health care across Europe. Patients are at the very heart of this draft law, which also fully respects the diversity of health systems across Europe. Let me be clear on this. I know many fears have been expressed, but this legislation will not impose changes in the organisation and financing of national health systems.

The proposed directive has three main objectives: first, to clarify the conditions under which patients will be reimbursed at the home country tariff for cross-border health care; second, to give assurance about the quality and safety of care throughout Europe; and third, to foster European cooperation among health-care systems.

On the basis of these three pillars, much can be done for our citizens, primarily for those who want to seek cross-border health care, but, beyond this, for all patients across Europe. I look forward to your debate.

**Iles Braghetto**, *draftsman of the opinion of the Committee on Employment and Social Affairs*. – (IT) Mr President, ladies and gentlemen, how can we define this directive? It represents an opportunity for patients to choose suitable treatment and fast access to services; an opportunity for regional health care systems to improve the quality and efficiency of their health service; an opportunity for greater European integration in the personal care services sector. European reference networks, technology standards and the development of telemedicine will bolster the cross-border cooperation that is already underway.

That requires a suitable information system, monitoring of the quality and efficiency of health care facilities, a guarantee regarding health workers' professional ethics, and a non-bureaucratic procedure for regulating cross-border mobility. The directive provides a measured response to these requirements.

**Françoise Grossetête**, *draftsman of the opinion of the Committee on Industry, Research and Energy*. – (FR) Mr President, Mrs Vassiliou, even though he is not here, I would like, first of all, to congratulate our colleague, Mr Bowis. I regret, moreover, his absence because he is so involved in his report on patients' rights that he really deserved to be here today.

Now, it is obvious that this is certainly not about a new directive on services. It is about rejecting the idea that the Court of Justice makes European law instead of the politicians. That is unacceptable.

Europe's citizens have the right to receive care in another Member State, subject to conditions. I wish to reassure those Members who are worried about potential future abuses: this directive fully respects the

sovereignty of Member States in relation to their health systems. Contrary, too, to what some of its opponents have said, this text is addressed to all patients and is re-establishing more justice and more fairness, since, up to now, only the wealthiest have had access to cross-border care.

With this directive, every citizen could receive such care, provided that, in the case of hospital care, prior authorisation is obtained from his or her Member State of affiliation, thus allowing reimbursement of the costs at tariffs in force in the Member State of origin.

Provided that everything is done to avoid medical tourism, I see this only as progress. It is a big step forward for a Europe for health, it is fairer, it gives more information to our fellow citizens on the care available, and it increases cooperation in the context of new health technologies.

**Bernadette Vergnaud**, *draftsman of the opinion of the Committee on Internal Market and Consumer Protection*. – (FR) Mr President, Mrs Vassiliou, ladies and gentlemen, we are going to give our verdict on a text for which I have been hoping and praying for a long time, especially in the framework of my report on the impact of the exclusion of health services from the Services Directive.

However, I am afraid the recent vote has left a bitter taste in my mouth. The report, as adopted in the Committee on the Environment, Public Health and Food Safety, with the support of most of the political groups except the Socialists, is in fact, with some improvements, merely a response to the Court of Justice's decisions. Not only does it not respond to the major challenges for health policies in the Union, it also does not solve the issue of legal uncertainty for patients and enshrines a market approach to healthcare.

In relation to legal uncertainty, it seems obvious to me that the vagueness prevailing between the respective conditions for application of this directive and Regulation (EEC) No 1408/1971 and, soon, of Regulation (EC) No 883/2004, adopted yesterday, will only give rise to new decisions from the Court of Justice.

As for the market approach, the spirit of this report can already be found in summary in its legal basis, in other words Article 95 governing the rules of the internal market. Health would therefore only be a commodity like any other, subject to the same rules of supply and demand.

That can only lead to unequal access to care, where well-heeled and well-informed citizens are able to choose the best care available in the EU, whilst the rest would have to make do with services that are already weakened in many Member States, and which this directive is by no means designed to improve.

In the same spirit, Amendment 67 amounts to introducing competition between the national public health systems, as each person would be free, providing they pay, of course, to join the system of their choice in the EU.

I would like finally to raise the question of prior authorisation for hospital healthcare, the introduction of which is subject to a whole series of limitations on the Member States, even though this principle allows both control of the financial equilibrium of the social systems and a guarantee for patients about the conditions for reimbursement.

For all these reasons, and because I have few illusions about the outcome of today's vote, given the wonderful unanimity...

*(The President cut off the speaker)*

**Diana Wallis**, *rapporteur for the opinion of the Committee on Legal Affairs*. – Mr President, on behalf of the Legal Affairs Committee we wanted to welcome this proposal and to underscore what it brings in terms of legal certainty, which is to be applauded, and also in terms of emphasising patient choice. But also we felt, as a committee – and I think this is important, given the concerns that have been expressed this morning – that it does respect subsidiarity and it does, therefore, respect the integrity of national health systems.

The only area where we depart, perhaps, from the leading report is that we would have liked to have seen more done for those patients where things unfortunately go wrong. We feel that the applicable law regime and the jurisdiction rules that are set out are not clear enough: it could have been more patient-oriented to make sure, as we have done in other areas, that patients could bring claims in their country of residence and could receive compensation according to the law of their country of residence. It would be a good idea if this were looked at again.

**Anna Záborská**, *draftsman of the opinion of the Committee on Women's Rights and Gender Equality*. – (SK) As draftsman for the Committee on Women's Rights and Gender Equality I would like to thank Mr Bowis for his close cooperation and our many discussions when preparing this report. I also wish him all the best.

The report directly relates to patients' rights and European lawmakers here must ensure that equality is applied consistently to the provision of healthcare for women and men. Any form of gender-based discrimination whatsoever practised by healthcare facilities, insurers or state officials is unacceptable. The danger of the proposed system is that cross-border healthcare, which implies a form of preferential treatment, will mainly be used by financially better off citizens.

One way to solve the situation is through the possibility of inter-regional cooperation. Cross-border regional agreements between financial establishments and healthcare facilities should help to harmonise patient requirements, the stability of public finances and particularly the priority of the state to ensure that its citizens remain in good health.

**Avril Doyle**, *on behalf of the PPE-DE Group*. – Mr President, since 1998 the European Court of Justice has determined that patients have the right to be reimbursed for health care received in another Member State. This report, on the back of the draft proposal from the Commissioner, clarifies how to apply the principles set out in those ECJ cases.

I welcome John Bowis's excellent report and his skilful resolution of the many legitimate concerns that were with the original draft proposal. The report is based on patients' needs and not patients' means. The definitions of hospital care and prior authorisation have been discussed and, I understand, agreed with Council and Commission. Quality standards will remain a Member State competence, while safety standards a European-wide one. One-stop-shop equivalent sources of patient information will be essential in every Member State to allow informed choices by patients, and the provision of mutual recognition of prescriptions, I think, will be a very important add-on to this piece of legislation and must follow on quickly.

While health services were initially included in the draft proposal of the Bolkestein cross-border services proposal, it quickly became apparent that a stand-alone directive on this most important issue of health – which has ramifications for all aspects of health care in our 27 Member States – was needed. Patients will always prefer to receive health care close to where they live. Currently, only one percent of our budgets are spent on cross-border health care. Let us keep this in perspective.

However, when circumstances dictate, it can be beneficial to receive health care in another EU country – notably in border regions, whereby the nearest health facility, for example, may be in another country, or where there is more expertise available, for example in the case of rare diseases, or a particular care or treatment could possibly be provided faster in another country. I must fully acknowledge that the general competence in health policy and financing of health policy remains, and will continue to remain, at Member State level.

I have one single point to make on the Trakatellis report. There is a lot of concern and misinterpretation on Amendment 15, and I welcome the opportunity that the split vote will allow to vote against the concept of 'eradication' of rare diseases, which has caused a lot of concern. I will, however, be supporting the rest of the amendment and the excellent work done by my colleague Professor Antonios Trakatellis on rare diseases.

**Dagmar Roth-Behrendt**, *on behalf of the PSE Group*. – (DE) Mr President, first of all, I would like, on behalf of my group, to wish Mr Bowis a speedy recovery. I know that he was working hard in the committee until the last day of the vote, and I hope, now, that he recuperates after his operation and gets well soon and that we will be seeing him here again before the summer recess.

Allow me to start by saying that my group thinks this is a very good report. We can see that the Commission's proposal has been thoroughly improved by numerous amendments from the Committee on the Environment, Public Health and Food Safety and by compromises that we reached together. Commissioner Vassiliou, you and your team produced good work, but there was scope for improvement, and we have succeeded in improving it.

We have managed to ensure that all patients will now know that they have rights in the European Union just like everyone else does. They can move around, just as is self-evident for every worker, every student and for goods, services and other things. Patients, too, are to have their rights in the internal market. That is what this legislation lays down, and for that reason we welcome it unreservedly.

We must also point out, however, which areas of the report we particularly approved of. These include, for example, the fact that patients are to be granted free movement for non-hospital care. We also think, however, that the Member States should retain the competence for their healthcare systems. They should be able to plan for their hospital care, their specialist care, and their investments in the Member State in question should be affordable. We do not seek to take away this authority, this competence, from the Member States. Nor do we want them to be bled dry. It is therefore right for there to be prior authorisation for certain kinds of treatment. This, too, is something that my group is very happy to give its full backing to, and I will return to this issue at the end. This is a good approach, which is something that characterises the report as a whole.

One thing that I very much welcome, on a personal level, is the fact that there are to be reference networks at long last. How long have we been demanding that it must be clear where in the European Union best practice is taking place? Where are treatments being performed best? Where are they being most successful? Which team in which hospital in which Member State has news to report? At the moment, this is left to chance. Perhaps a small part of the scientific community knows about it, but not every local doctor. The fact that we are able to improve this situation through the advent of reference networks is a great achievement. These sources of information will enable every patient in every Member State to drop in or call up and ask, 'What are my rights?' They will be told in their own language what their rights are and, where they have a problem, they will get an answer. This is a positive development.

As I reach the end of my speaking time, I must also mention those areas that the majority of my group find regrettable. For the vast majority of my group, this involves two items that are critical for us and for our voting behaviour today. The first of these is that we want to see a dual legal basis. We need to use the health article, Article 152, in order to ensure that the message that we are sending out to the world is that this is an issue of health policy as well as of freedom of movement. We need this, and it is a condition of our support.

Furthermore, we are convinced that prior authorisation, as set out in Article 8(3), is inadequately defined. If we are unable to obtain an improvement in this through the amendments that have been tabled, my group will not, unfortunately, be able to bring itself to vote through this report, which is something that I personally regret, although perhaps this will act as a spur to do better at second reading if we do not make enough ground today.

**Jules Maaten**, *on behalf of the ALDE Group*. – (NL) This directive is about patients. I cannot emphasise that enough, since we have, of course, been talking about a great many other things in the context of cross-border healthcare: the free movement of medical services and what to do regarding the market in healthcare. That is expressly not what we are talking about now.

We are talking about a pragmatic approach. How can we make the system such that patients benefit from it? And if we do not do that, who will? Patients are in such a weak position. You do not want sick people to have to engage in a battle with cold healthcare bureaucrats, who look at health policy on their spreadsheet, on their computer with its figures and statistics. That must not happen.

That is why this is also a social directive. Cross-border care has, of course, long been possible for anyone who can pay for it, but something needs to be done also for those who cannot pay. That is what we are talking about here today, Mr President.

It is also for these reasons that our group attaches importance to prior authorisation, which is naturally a crucial element here, Mrs Filipiová. I very much appreciate, by the way, that the Council is present here today. Prior authorisation is to be in place not in order to make cross-border care impossible – absolutely not – but, rather, in order to avoid seriously undermining the national systems. We agree with that and we are going further in this matter than we would perhaps normally have done. A compromise is therefore necessary. We consider that there must be exceptions for rare diseases or life-threatening situations on waiting lists. We would like to set down the definition of hospital care on a European level and not separately for each Member State, quite simply in order to give legal certainty to patients and to ensure certainty within the national systems.

Moreover, we are of the opinion that patients who are already so ill should not, if something goes wrong, have to engage in lengthy legal proceedings; instead, a European ombudsman system for patients should be put in place.

On the Committee on the Environment, Public Health and Food Safety we have of course had a disagreement about this, and I call on all Members on the left to just set ideology aside this time and ensure that we adopt

a good directive for patients and take a pragmatic approach. I have listened with great respect to what Mrs Roth-Behrendt said here on this matter.

Finally, many thanks indeed to the rapporteur, Mr Bowis. He has done terrific work and I sincerely hope he gets well soon.

**Salvatore Tatarella**, *on behalf of the UEN Group*. – (IT) Mr President, ladies and gentlemen, today we are approving a directive of considerable importance, a directive that concerns patients – as has already been pointed out – and all European citizens. On the very eve of the European elections, all European citizens can see, once again, how Parliament can have a positive effect on the life of each of them.

The Charter of Fundamental Rights of the European Union establishes the right to healthcare and, with this directive, we are now giving substance to that right. It is an issue that concerns a huge number of citizens: a recent Eurobarometer survey showed that today 50% of European citizens are prepared to travel to receive treatment abroad, in the hope of finding better, faster treatment for their illness, and 74% of citizens feel that when they go abroad for treatment, this should be reimbursed by their own Member State.

The area is currently governed by national laws, and citizens are poorly informed with regard to the options, reimbursement and possible treatment abroad. Indeed, today only 4% of European citizens are treated abroad. The European Union has uniform regulations only in cases of emergency healthcare treatment received abroad on the basis of the regulation on the European health insurance card.

Today Parliament is granting European citizens' request for health protection, and in the field of healthcare Europe is preparing to do away with borders and to enable all patients to choose where they receive treatment.

**Claude Turmes**, *on behalf of the Verts/ALE Group*. – (FR) Mr President, the directive we are dealing with today must above all be seen as a complement to the cooperation that has been in existence for three decades between the Member States and their social security systems.

Today, in my country, Luxembourg, more than 30% of healthcare is already provided outside its borders and, moreover, the case of Mr Bowis, to whom I wish a full recovery, is a perfect example of the correct use of the existing regulation, as he was admitted to hospital in Brussels as an emergency case. He has been well cared for and, for a British citizen, there is no problem about reimbursements.

What, therefore, does this directive need to improve? It must firstly improve the information given to citizens: information on the services offered, information on the centres of excellence which Mrs Roth-Behrendt has explained so well and, above all, information on the quality of care. I believe that many member countries, including my own, have to make progress on quality criteria and on quality of care information. In addition, of course, if I am abroad and things go wrong, I need to have a place that I can turn to.

All that is well regulated in the current text, but we think there are three things that have to improve. Firstly, we believe that a system of prior authorisation for hospital care has a twin advantage: firstly, it is a big advantage for European citizens because they will know exactly when they will be reimbursed and the care will be also pre-financed. Moreover, this allows the planning of major hospital infrastructures, since a good health system will not be created by the invisible hand of the market. It has to be planned.

The Group of the Greens/European Free Alliance's second demand concerns a twin legal basis, because we do not want healthcare to be considered as a market. It must be very clear that the system is organised, above all by the Member States.

The third point relates to rare diseases: we want specific legislation because this is too important, and we would be deluding Europe's citizens if we were to say 'go and look somewhere in Europe, and it will be taken care of'. We want specific legislation. Thus we do not want a Bolkenstein II, we want a text that gives legal certainty and that serves the majority of Europe's citizens.

**Kartika Tamara Liotard**, *on behalf of the GUE/NGL Group*. – (NL) I too wish to offer my sincere thanks to Mr Bowis. He has worked very hard on this report and I hope that he will get well soon.

However, I must say that the European Commission is trying, under the misleading term of 'patients' rights', to introduce market principles into healthcare for all of Europe. It goes without saying that my group is in favour of more rights for patients and of patient mobility in border regions. We, ourselves, go much further. We consider that everyone, rich and poor, has a right to adequate access to high quality healthcare.

I have serious problems, however, with the fact that the proposal is based on the article on the internal market, which in itself indicates that economic interests come before the interests of patients. Furthermore, the proposal is superfluous. For the reimbursement of costs is already settled. The fact that some insurers and Member States do not observe these arrangements must be handled better.

The proposal also deals unevenly with a matter that falls within the competence of the Member States, the result of which is that people with a fat wallet have access to better care. The proposed system of compensation and costs, in accordance with the rules of the home country, introduces a form of patient mobility that is contrary to the principle of equal access for everyone to healthcare. The proposal also holds a great risk that soon it will not be the patient who has the right to seek treatment abroad, but rather insurers or Member States who will be able to compel patients to go to the cheapest provider. It will thus be an obligation instead of a right of the patient.

Given that we have 27 countries with 27 different health care systems, the Commission's proposal, based solely on Article 95 – the famous harmonisation article – will lead to the dismantling of the national healthcare systems and thus remove the responsibilities from the Member States. We favour taking equal access by the patient as the starting point, and not giving the market a greater role in health care.

**Hanne Dahl**, *on behalf of the IND/DEM Group*. – (DA) Mr President, one consequence which the Patient Directive in its current form might have for the healthcare sector is to make it very difficult to control public spending. I would, therefore, ask that we vote in favour of Amendment 122, which deals with prior authorisation. I think that it is imperative that all citizens have free and equal access to treatment, in due turn and according to their need. This means that the doctor should be the one to decide which treatment you get – and when.

Unfortunately, this directive illustrates a very clear trend, one whereby we are all being transformed from citizens into consumers. Instead of being citizens in a society which is based on the principle of reciprocal obligation, we have become consumers in a large internal market. However, being a citizen means being a human being and we are all citizens, just as surely as we are all human. But, as consumers, we are reduced to being the objects of a marketing campaign. This means that we are objects, rather than subjects. Patients should be subjects, not the objects of a marketing campaign.

**Jim Allister (NI)**. – Mr President, I join in sending best wishes to our rapporteur, wishing him a speedy recovery and return.

Obtaining the best service for our constituents is, I am sure, in the interests of us all. However, for me it is vital that this directive get the balance right between freedom of movement versus patient safety and accountability. I have no interest in promoting medical tourism and believe, therefore, that national autonomy over regulatory aspects must be protected and that we must avoid a harmonisation of standards to the lowest possible denominator. We must also guard against increased pressure on local services to the detriment of indigenous patients, and that is particularly relevant in areas where there are specialisations which people would seek out.

Moreover, the issue of follow-up care after foreign treatment must be adequately addressed, because I have concerns that services such as physiotherapy and others could be overstretched because of follow-up care demands.

**Colm Burke (PPE-DE)**. – Mr President, I wish to warmly welcome the report by my esteemed colleague, Mr Bowis, on patients' rights to cross-border health care. I regret that Mr Bowis is not present with us in the House this morning, and I wish him a speedy recovery from his illness.

It has been an honour for me to play my part in working to improve patients' rights to cross-border health care. I myself am a beneficiary of cross-border health care. I was lucky enough to be able to afford to pay. Now I want those who are not as lucky as I was to be able to benefit from the right to travel to receive health care without having to worry about costs, fully informed as to their rights and as to the quality of care they can expect to receive.

The issue of patients' rights to cross-border health care has been debated and promulgated through the European Court of Justice in the past number of years. It is thus timely and appropriate that we, the representatives of the people, define clearly and unequivocally for the people patients' undeniable right to access high-quality health care, regardless of their means or their geographical location.



We should also have the right to access high-quality health care close to home. However, we also need to recognise that this is not always possible, especially in the case of rare diseases, where treatment may not be available in the patient's Member State of affiliation.

If we need to travel abroad for health care, we should not have to go through any uncertainty as to our ability to foot the bill for what is often expensive treatment. Therefore, I am delighted that this uncertainty and confusion has been cleared up once and for all. Once prior authorisation is given in normal circumstances, patients will be liable only for the cost of treatment above and beyond what it would have cost them should they have received the same or similar treatment at home.

Information about quality and standards of care in other Member States is another important factor for those of us who may need to travel abroad for treatment. We have worked hard to ensure that this information will be available to patients should we have to or wish to travel for treatment. The national contact points proposed in this document are thus one of the key innovations and will play a huge role in helping and facilitating patient mobility. I welcome this report and I hope it will get through today.

**Guido Sacconi (PSE).** – (IT) Mr President, ladies and gentlemen, Mrs Roth-Behrendt did an excellent job of explaining our group's position and, in particular, outlined perfectly why we very much appreciate how much ground has been covered in improving this text. She also made it clear, however, how important it is to go the last mile, namely a dual legal basis and a clearer and stronger rightful possibility for Member States to have prior authorisation with regard to hospital treatment.

So, in short, let us not keep having this discussion, since we are very familiar with this directive, having discussed it for months. I would like to ask two particularly political questions, since it is decision-making time. The first question is to Commissioner Vassiliou: exactly what does the Commission think about the dual legal basis? Secondly, I am addressing in particular the Group of the European People's Party (Christian Democrats) and European Democrats – I am sorry that my friend John Bowis is not here, as we solved a great many issues during this parliamentary term with him as coordinator of the main groups of the Committee on the Environment, Public Health and Food Safety, and I too, of course, wish him a speedy recovery – I would ask the PPE-DE Group and also, I think, the Group of the Alliance of Liberals and Democrats for Europe: do you consider it better to proceed to the second reading without the vote of the Socialist Group in the European Parliament? Without a large majority?

I therefore call on you to give serious thought to Amendments 116 and 125 on the dual legal basis and Amendments 156 and 118 on prior authorisation. If these documents are approved we will vote in favour; it will not be possible any other way. It is up to you to consider and choose the outcome you want to see.

**Karin Riis-Jørgensen (ALDE).** – (DA) Mr President, we are in the midst of a European election campaign – an election campaign in which we have to forge a closer relationship with European citizens. Here we have a piece of legislation which does forge a close relationship with European citizens. Let us seize this law and put the patient centre stage. As one of the rapporteurs for the Group of the Alliance of Liberals and Democrats for Europe, my focus group is a man of a type which all of you will recognise from constituencies. I come from a country in which, whenever I go to the supermarket, I see a man riding a moped with a wooden box on the back. This man is at the heart of patient mobility, because everyone should be able to travel abroad and receive treatment, if they so wish, regardless of their pay packet or savings. Those patients who want to travel are, in fact, quite few in number. It is only those who are desperate who travel abroad.

However, just because my man on a moped is actually able to travel does not mean that he should have to spend his own money on travel. Fortunately, there is broad agreement in the House that the individual patient should not have to pay out of his own pocket. This is truly an improvement on the Commission's proposal. The ALDE's core amendment has been to appoint a European Patients Ombudsman. Thank you for endorsing it. The precise role of the Patients Ombudsman will be to ensure that the EU citizen, the patient, is able to exercise the right conferred on him or her by this piece of legislation. The ball is now in the Council's court. It is now in the court of the ministers who constantly tell us that we must get more in touch with EU citizens. But what I am saying is that the EU must get more in touch with EU citizens. Here is a case which is being handed to you on a plate. Seize it! Let us not waste this opportunity!

**Ewa Tomaszewska (UEN).** – (PL) Mr President, defining patients' rights in cross-border healthcare is an urgent task. Patients have the right to know the basis on which they will be given medical help, irrespective of whether they are travelling and unexpectedly need help, or whether because of difficulties in getting access to specific medical services in their own country they decide to travel to healthcare facilities in another European Union country.

They should be informed about possible charges which they will have to pay, and also of the possibilities of prefinancing. They should also be guaranteed access to reliable information about the quality of the services available in recommended healthcare facilities. I am thinking here of reference networks and information points. Patients should be guaranteed information on their rights in cases of harm arising as a result of improper treatment, and also information about mutual recognition of prescriptions. Monitoring of cross-border healthcare will be useful in assessing the situation in this area. I would like to wish Mr Bowis a speedy return to health.

**Margrete Auken (Verts/ALE).** - (DA) Mr President, I should like to thank Mr Bowis for doing an excellent job in conducting these not-so-easy negotiations. One of the difficult issues has been help for patients with rare diseases – a topic which we will be discussing here in the latter part of the morning. We all want to give these patients the best treatment options available and, naturally, we see that close European cooperation in this respect will bring us huge benefits. However, it will be of no help whatsoever if we merely let patients travel across Europe, without empowering their countries of origin to control such travel, both medically and financially. If the text is adopted in its current form, it will give all patients suffering from a rare disease the option of travelling abroad and receiving any treatment whatsoever, which their country of origin then has to finance. However, how do we control spending and how do we ensure that patients do not receive inappropriate or excessive treatment? After all, they are at the mercy of their care providers. They also run the risk of coming into serious conflict with their countries of origin, which may refuse to pay up, under the excuse that the disease which they suffer from is not rare enough. We have not yet reached any agreement on how to identify that section of the patient population. We would vastly prefer a separate piece of legislation in this area so that we are able to help people with rare diseases in the optimal way possible.

**Adamos Adamou (GUE/NGL).** - (EL) Mr President, I too should like to wish our friend John Bowis a speedy recovery and all the best and, at the same time, to thank him for his hard work.

I want to start by saying that we have no objection whatsoever to cross-border healthcare. On the contrary, we recognise that the Member States need to make use of the powers granted to them under Article 152 of the Treaty on European Union. Unfortunately, this directive is based on Article 95 and I am waiting for the Commissioner to clarify the legal basis to us.

We do not want a policy to be applied which favours financially privileged patients to the detriment of the lower social classes. Mr Maaten is not here, but I do not think that it is 'ideological inflexibility' to say that we may end up with twin-track health care.

Our objective must be to provide equal healthcare, without intervention on the part of the European Union in social security systems and without aiming to commercialise the health sector.

**Urszula Krupa (IND/DEM).** - (PL) Mr President, the regulation of the opportunities for receiving treatment in other Member States of the European Union, which will come into force following adoption of the directive on the application of patients' rights in cross-border healthcare, will result in Community intervention in healthcare systems, in contravention of previous provisions. In addition, opportunities for treatment will be created, especially for wealthy patients, and at the same time access to healthcare will be obstructed, especially for patients in poor Member States. The strategy of granting special privileges to the elite in terms of access to high quality healthcare is currently being pursued by the liberal government in Poland, and this is leading to the privatisation of state healthcare facilities and is depriving most of society of the opportunity to receive treatment. Irrespective of the opinion of the Court of Justice, human health should not be a marketable commodity, but an inalienable right which must be guaranteed by state health services in accordance with the principle of respect and protection of the right to life and health, and the inalienable worth of every human being.

**Andreas Mölzer (NI).** - (DE) Mr President, pension claims, unemployment insurance and sickness insurance – nearly 25 years after the advent of the Schengen Agreement, social provision is still limping along behind it. Holiday visitors are often brazenly exploited and have to pay exorbitant bills locally that are then either only partially reimbursed or not reimbursed at all when they return to their home country within the Union.

The European Health Insurance Card is often not accepted, unfortunately, while the settlement of payments between the Member States does not really work. Particularly in times of tight budgets, however, the patient must be put more at the centre of healthcare provision. To that end, patient rights must, of course, be strengthened. Whether a patient in a medical emergency is able to get prior authorisation for the reimbursement of costs for hospital treatment must be viewed as doubtful. If we are constantly economising on medical staff due to cost pressures, then I would say our healthcare system is heading in the wrong

direction. Better cooperation makes sense, therefore, but it absolutely must not be allowed to degenerate into a bureaucratic obstacle race.

**Péter Olajos (PPE-DE).** – (HU) 'He that is good with a hammer tends to think everything is a nail' goes the saying. This describes my sentiments too about the current crisis: I see growth and recovery in everything.

I think that this legislation will open up a range of opportunities for us. Apart from revolutionising health care, it may also give new impetus to the creation of jobs and economic development. Introducing patient mobility will not only have an impact on healthcare. It may have a beneficial impact not only on the host country's cultural offering, but on its restaurant trade too. In fact, it may lead to the creation of thousands of jobs in the hospitality sector as well. This would result in an increase in revenue not only, and certainly not primarily in the healthcare sector, but in related services.

Similarly, the financial services sector can also look forward to growth. Indeed, operating the new system will also require a large number of clearing houses, healthcare brokers, advisers, insurance experts, interpreters and translators. During the rehabilitation period, the entire 'medical tourism' chain would gain from this benefit. The main advantage offered by this regulation is that it provides a win-win situation. For instance, if a Member State does not want its citizens to enjoy this new opportunity, they will improve the level of their own healthcare service and waiting times. If a Member State attracts patients from abroad, this brings in money to the country and the healthcare sector, resulting in a rise in the level of patient care in that country.

As a Hungarian MEP, I can see an exceptional opportunity in promoting 'medical tourism' based on patient mobility in Europe. Numerous patients are already coming from abroad for treatment in my country, but there has been a fair amount of confusion on the issue of insurance. Things have largely depended on the sending country's very latest regulations. I am sure that this regulation will improve the quality of each of our lives. I wish Mr Bowis a speedy recovery. Incidentally, he too had previously received a lengthy period of treatment in Hungary. I also offer my congratulations on this legislation. It will give me great pleasure to support this excellent document.

**Anne Van Lancker (PSE).** – (NL) The most important thing for a good healthcare policy, dear Members, is that everyone should be able to obtain good and affordable healthcare, preferably close to home. But if only 1% of patients go abroad for treatment, this is entirely because of uncertainty about quality and about reimbursement.

That is precisely why this directive is good news, above all for people in border regions, for patients on long waiting lists, for people with conditions for which better treatments are available abroad. Yet the right of these patients to be treated abroad should not threaten the possibility for Member States to properly organise and finance their own healthcare provision, since that is necessary to guarantee healthcare for everyone. That is why Parliament does well to draw a number of red lines. I will name three of these.

First, this directive rightly regulates only the mobility of patients and not of healthcare workers. The aim cannot be to create a market for healthcare services. On this point, the report is perfectly in order.

Secondly, the Member States must be able to decide for themselves on the healthcare they provide and what can be reimbursed. This is handled very well in the directive.

Thirdly, the reimbursement of ambulatory care must be simplified, but in the case of hospital and specialised care, Member States must obtain prior authorisation since that care is expensive. A country that wishes to guarantee healthcare for all must be able to plan for care in this way. On this point, Mr Bushill-Matthews, the report falls short: it still sets too many conditions for prior approval, making it difficult for Member States. I wish to lend my support to those of my colleagues who have made clear that this is truly a crucial point for my group if it is to be able to approve this directive.

Finally, I would like to speak up in favour of a dual legal basis, for healthcare is indeed a public responsibility of the Member States towards their populations, and thus cannot be simply left to the free market. I hope that these two red lines will make it to the finish line.

**Elizabeth Lynne (ALDE).** - Mr President, why should a patient have to lose their sight while waiting for a cataract operation in the UK, for instance, when it could be done quite easily in another Member State? Why should a person waiting in agony for a hip replacement not be able to take advantage of the lack of waiting lists in other Member States – sometimes at a lesser cost to the country of origin? And why do some heart patients needlessly have to wait months for surgery to unblock arteries? If a clinician advises treatment and this cannot be provided at home, then we do need a legal framework to ensure that they can seek it elsewhere.

All too often – as has been said already – it is the poorest people who face discrimination and inequality in access to health care. That is why I am delighted that the rapporteur has accepted my amendment to make it clear that Member States have a responsibility to authorise and pay for treatment in another country.

We must not restrict cross-border health care just to those who can afford it. Neither must we exclude disabled people, which is why I am delighted that many of my amendments on this point have been accepted. The rights and safety of patients must come first. That, again, is why I am pleased that the rapporteur supported my amendments on the regulation of health professionals. I would remind Members of this House that these proposals build in safeguards to what is already a right for EU citizens under a European Court judgment a few years ago.

Finally, I would like to wish John Bowis a speedy recovery. His experience shows the importance of cooperation between EU Member States.

**Jean Lambert (Verts/ALE).** - Mr President, I have had a problem with this directive for quite some time, because the title does not actually reflect what is going on within the directive. Some of the speeches we have heard today about job creation schemes etc. reinforce my concerns. A lot of the issues involved are, as we know, issues about choice and payment, and this is therefore as much about social security as it is about health care.

This week, we actually updated the regulation that is the part of our system that already ensures cooperation and already ensures that, if there is an urgent need, health care cannot be refused in another Member State. I would urge Members to read what that regulation now says.

This directive is about choice. It is about money following patients' choices, and I would urge people not to confuse the two different systems, as certain of the amendments do. In my opinion, because we have these two different philosophies we also need a double legal base.

**Jens Holm (GUE/NGL).** - (SV) Mr President, the whole basis of this report is wrong. It is based on Article 95 of the Treaty, which guarantees market freedom and hence does not relate to public health or to patients. The right to good healthcare in all Member States should be a high priority, but instead the Commission's starting point is a market in which healthcare is treated like any other commodity. This directive gives priority to those citizens who can pay large sums of money for travel and accommodation and those who have a good knowledge of, and contacts within, the health care bureaucracy. It is about high-earners and the well-educated, not about those with the greatest need.

Some people may think that the amendment tabled by the Committee on the Environment, Public Health and Food Safety to the effect that Member States should be able to give prior authorisation before the care is carried out is a good one. However, the problem is that this is full of restrictions, and a huge burden of proof is placed on Member States in order for them to provide this. Public planning will be made more difficult and the national healthcare system is at risk of being drained.

It will ultimately be the Commission and the Court of Justice that decide whether the Member States' prior authorisations are proportionate. If the directive is based on Article 95, which relates to the market, it will be the market and not good healthcare that is the governing factor.

**Johannes Blokland (IND/DEM).** - (NL) Over the past few months, hard work has gone into this report on patients' rights in cross-border healthcare. I thank the rapporteur, Mr Bowis, for all the work he has done and wish him a speedy recovery.

Cross-border healthcare is a fact, and patients' rights need to be protected in this regard. We must take care, however, that this does not go too far. Healthcare must be left up to the Member States. Collaboration at EU level must not be at the expense of the quality of care or of the principled ethical choices made by Member States. Ethical diversity must be safeguarded, and thus I am glad that this question is addressed in the report.

I find the legal basis a very difficult point. I consider it unfortunate that Article 95 has been chosen for this purpose. The Committee on Legal Affairs also gave that advice. In my view, this goes against subsidiarity in this area of policy and makes it difficult for Member States to make independent choices without the Court of Justice intervening.

**Lydia Schenardi (NI).** - (FR) Mr President, on 2 July 2008, the Commission presented a draft directive on the application of patients' rights in cases of cross-border care, in an effort to overcome the existing barriers.

This issue is a priority for all Member States. However, not all have the resources to guarantee a given level of quality and safety to patients, whether at the care level or even at the level of the professional quality of practitioners. It therefore seems necessary to specify the responsibilities of the Member States in this area.

Faced with the diverse methods of organising care systems in the Union, we must not lose sight of the fact that health must remain an essentially national competence, and that every State is free to define its own health policy.

However, taking into account the mobility of European workers – although this accounts for only 3% to 4% of citizens and slightly less than EUR 10 billion a year – many uncertainties remain about the quality and safety of care, patients' rights, data protection and means of redress in the case of harm.

However, we are unfortunately heading towards an inevitable downwards harmonisation, and it is in this respect that we will remain extremely vigilant in our support for this report, in order better to defend our fellow citizens' social *acquis*.

**Pilar Ayuso (PPE-DE).** - (ES) Mr President, firstly I would like to show my appreciation for Mr Bowis's endeavours to secure broad agreement on this issue, and to send him our best wishes for a speedy recovery.

The draft document that we are going to vote on will mean a great step forward, since the Member States are embarking on a joint health care project. It deals with a very complex issue given that, in the European Union, health is a competence subject to the principle of subsidiarity. However, with this draft document, we have broken down that barrier, and we have done it because of the need to look after patients.

This is a great achievement indeed, given that, without going into considerations of the legal base, this directive recognises the unquestionable rights of patients and opens up a new range of possibilities for them to access better treatment.

It is a directive designed for patients and about patients.

It is a very complex directive that certain countries such as my own are distrustful of, a directive in which we are dealing with a universal health system for more than a million Community citizens.

In this respect, health systems such as ours quite clearly demand recognition of the fact that a visiting patient should not have more rights than an indigenous patient from the Member State where treatment is taking place.

For this reason, we have introduced an amendment to be included in the proposal, which insists that patients who travel from other Member States must comply with the rules and regulations of the Member State where treatment is taking place, especially with regard to the choice of doctor or hospital.

In this way, we are all quite clear that a situation whereby patients come in from other Member States, must not lead to any discrimination against citizens of the Member States where treatment is taking place.

Neither can we grant the right to unlimited travel for patients.

We also support the proposed exclusion of organ transplantation from the scope of this directive.

To conclude, I feel that we have taken an important step forward, and for this reason, the Group of the European People's Party (Christian Democrats) and European Democrats supports this directive, although we do believe that it should have gone a bit further, specifically with regard to the position of European citizens who reside in other Member States, and especially those who suffer from chronic ailments.

**Edite Estrela (PSE).** – (PT) Mr President, my colleagues, Mrs Roth-Behrendt and Mr Sacconi, have already very clearly explained our group's position. Accordingly, we feel it is essential to alter the legal basis.

Commissioner, healthcare is not a good. We do not therefore understand why the Commission has not included Article 152 of the EC Treaty. It is also essential to request prior authorisation for hospital and specialised care in order to protect patients. Only with the obligation for prior authorisation can safe and high-quality care be ensured.

I will end by wishing Mr Bowis a speedy recovery. His case proves that cross-border services are already functioning without this directive.

**Siiri Oviir (ALDE).** – (ET) Mr President, ladies and gentlemen, lawyers have a saying that where there are two lawyers, there will be three opinions. I do not wish to cast doubt upon European Court decisions, but I cannot agree that lawyers have until now decided over the policy on patient mobility. All medical assistance, regardless of its distinctive features, falls within the scope of application of the Treaty establishing the European Union.

Indeed, the objective of the programme of social measures approved by us last year will not be realised unless we pass a significant part of it, i.e. patients' rights in trans-border health care. It is our duty as elected representatives of our people to create legal and political security in this very important area. The directive under discussion will not abolish inequality in Member States' health care upon passage, but it is a big step towards fairness and equal rights of patients.

It is unacceptable that we theoretically confirm fairness, but in practice we disregard it due to domestic financial restraints. No matter how justified they are, financial restraints cannot legalise the disregarding of patients' rights or endanger patients' rights. In conclusion, I would like to thank rapporteur Mr Bowis for his responsible and very competent work.

**Roberto Musacchio (GUE/NGL).** – (IT) Mr President, ladies and gentlemen, I should first like to send John Bowis my sincerest best wishes. The litmus test of this directive is its legal basis.

If it is a matter of guaranteeing everyone the right to receive the best treatment anywhere, what does the legal basis of the market have to do with it? The right to health should form the legal basis. What is more, the right to health should above all provide for the right to receive the best treatment in one's own country, which would be subject to European quality standards, not hiding behind subsidiarity.

If the market forms the legal basis, however, you might think that it is intended to Bolkesteinise health and look after the interests of insurance companies or those who want to profit from health.

It therefore beggars belief that parliamentary amendments even on the key issue of the legal basis risk being deemed unacceptable, and that calls for an essential clarification also from the Commissioner before the vote takes place in this House.

**Kathy Sinnott (IND/DEM).** – Mr President, a great deal of work has been done to ensure that people who are sick get the treatment they need, wherever they are, whoever they are.

Unfortunately, a great deal of work has also been done to ensure that they do not get that help. In this directive, prior authorisation by health authorities, rather than medical diagnosis, cuts out patients' rights. It puts us back where we started. Prior authorisation is the reason patients went to the European Court in the first place, and the Court's judgments are the reason we are here today with a directive.

Now we are back where we started: death by geography will remain the rule. Health authorities, like those in my own country, Ireland, will again be able to deny authorisation to travel for treatment under this directive, just as they do under the current E112 that we set out to improve.

**Ria Oomen-Ruijten (PPE-DE).** – (NL) Mr President, first of all, my very best wishes to Mr Bowis. In this directive, the patient is at the centre, the vocal citizen who can and also wants to opt for the best treatment, preferably nearby, but if it is farther away, then also afar.

For this legislation we have to thank the very brave citizens of the European Union who turned to the Court of Justice in order to obtain good treatment and care in another Member State when their own country let them down. The Court declared that they were right. Today, we are setting down in law what the Court of Justice decided, and we are also formulating the specific conditions under which the right to cross-border care can be achieved for the vocal citizen.

Mr President, this directive is fantastic news for everyone living in border regions, fantastic news for people with rare diseases, fantastic news for people facing waiting lists because, by September, their hips will give out. These people now have a choice.

We have made better arrangements for information, we have defined the rules for reimbursement more precisely, and we have laid down the European reference networks that ensure that the quality of care will be improved. We have provided for dispute resolution via an ombudsman, although there were other options as well. I would refer to the Dutch model of dispute resolution in healthcare that was launched recently. We have the option of using trial regions, and we in the border region of Limburg, where I come from, would

be glad to take part. We have also noted that the healthcare systems in the Member States have been left unchanged. Citizens are given the right to choose, and I consider that freedom of choice to be very important.

**María Sornosa Martínez (PSE).** - (ES) Mr President, Commissioner, ladies and gentlemen, I would like firstly to thank Mr Bowis and the shadow rapporteurs for their work and wish Mr Bowis a speedy recovery.

I believe that this directive has been an attempt to develop a broader legal framework than the current regulations, which already protect the rights of citizens to receive healthcare in other Member States, by incorporating the case-law of the European Court of Justice. However, it does not achieve this, since it generates more legal uncertainty with two channels for mobility that are not mutually exclusive: the regulations and the directive. Furthermore, since there is no clear definition of fundamental rights, such as the portfolio of services, social security benefits, or the necessary, indeed indispensable, prior authorisation; it only has one legal base, which is the internal market.

Ladies and gentlemen, it is unacceptable that such a basic universal principal as accessibility to healthcare should be established solely under the rules of the internal market. This may undermine the healthcare systems in many Member States, and furthermore, we are not giving a true response to our citizens as regards this fundamental right, to which we are all entitled.

**Holger Krahmer (ALDE).** - (DE) Mr President, ladies and gentlemen, in ruling that patients have a right to be reimbursed the costs of treatment carried out abroad, the European Court of Justice has given us a clear mission. In this regard, Commissioner Vassiliou, the Commission proposal is excellent. It is a proposal worth standing up for. I regret what has gone on in this House with regard to this directive over the last few weeks. The spectres of the market have been evoked and absurd connections to the Services Directive have been created. Some of the amendments – and I say this as someone who grew up in the former German Democratic Republic – make my blood run cold. One example states that Member States may take appropriate measures to stem patient flows. What manner of people are these? It would seem that new Iron Curtains are to be put up. It is all the more remarkable that such proposals should come from the Group of the Greens/European Free Alliance, of all people.

We are talking about social Europe, something that we talk about a lot these days – Members from the Socialist Group in the European Parliament, in particular, like to do so. This lunchtime we have the opportunity to pass this acid test and make it clear whether, for us, this is about patients' rights or whether we prefer the blinkered perspective of the national healthcare bureaucracies.

**Frieda Brepoels (PPE-DE).** - (NL) Health is becoming increasingly important in Europe, and I think that patients clearly expect greater certainty about their rights, but they also expect correct and sound information. This proposal regarding patient mobility thus comes none too soon. We have all been waiting a long time for it. It is regrettable, therefore, that the man who devoted a large part of his career to this matter must now himself be absent for health reasons, and I wholeheartedly join in expressing good wishes for John's speedy recovery.

I wish to concentrate primarily on a number of positive points that are in the interest of the patient. The establishment of a point of contact in the patient's home country where the latter can turn for all types of information, as well as of an ombudsman for patients, and certainly the increase in scale thanks to better cooperation between the Member States, definitely offer added value to patients, in particular to those who are suffering from a rare disease.

I think that, for the vexed question of prior approval for hospital care, a very creative compromise has been reached that is to the advantage of both the patient and the health insurer. Yet in order to keep the reverse phenomenon, that of an excessive in-flow, under control, and that is important for my region of Flanders, the report explicitly states that a hospital can never be compelled to accept patients from abroad if, as a result, its own citizens may be faced with a waiting list.

As a resident of a border region between Flanders, the Netherlands, Germany and Wallonia, I am very pleased with the request to the Commission to designate certain border regions as trial areas for innovative projects relating to cross-border healthcare. I think that the results of such a trial will be very informative for other regions. I hope that the Euregion can serve as an example in this regard.

**Dorette Corbey (PSE).** - (NL) I will begin with a word of thanks to Mr Bowis for his very energetic and dedicated efforts on behalf of public health and patient mobility, and I would like to wish him a speedy recovery.

Healthcare is a national competence, but there are points of contact with Europe. Patients are aware of the treatment possibilities in other countries and wish to make use of services in other countries. That is certainly the case for patients in border regions or where there are long waiting lists in their own countries.

There is nothing wrong with seeking care and treatment in other countries, but the practice does need proper regulation. First, there should be no forced health tourism. It should not be the case that insurers pressure patients to go elsewhere to receive cheap care.

Secondly, there must be some minimum quality guarantees. Anyone who has patients treated abroad must provide good information and be sure that the quality is what it should be.

Thirdly – and this is very important – Member States must reserve the right to demand prior authorisation. Health is not a free market. In order to maintain our services, planning is necessary and hospitals must know what kind of patient streams they may expect.

As far as I am concerned, the most important thing is that this directive will contribute to ensuring that it is primarily treatment methods that cross the border. There is great inequality between Member States, but that is not something you can solve by sending patients across the border, but precisely by exchanging treatment, and in this regard, too, this directive can make a contribution.

**Zuzana Roithová (PPE-DE).** – (CS) Minister, ladies and gentlemen, for some years I have been criticising the fact that the European Court of Justice determines the right of patients to the payment of expenditure abroad. The Court guarantees that citizens do not have to wait for authorisation from their health insurer and that they can go straight to a doctor when they need to and that they have a right to the reimbursement of at least the cost of treatment at home, as this should not be a barrier to the free movement of persons. This is in the Treaties but the socialists have been fighting against this right for five years. In the meantime governments have lost further cases with their citizens. We have heard hundreds of times from lobbyists about the risk of insurance companies collapsing. They are afraid that patients will travel to countries where they will not have to wait months or years for an operation like they do at home. Patients will therefore have to obtain prior authorisation from their health insurers before receiving costly treatment. However, both patients and doctors throughout the EU need a simple rule for when they must request authorisation. Therefore I do not support the proposal to create 27 definitions of specialised and costly care for this purpose. This is hypocrisy because it involves the level of costs that insurance companies would be willing to pay for the treatment of citizens abroad. So why not establish it directly in euros?

I have been promoting proposals to develop a system to improve the quality and safety of health care and to publish objective quality assessments of healthcare facilities. This involves national or international hospital accreditations. The compromise proposal may be more general but even so it provides an important stimulus for countries that still lack such systems. I trust that all hospitals will soon obtain voluntary national or European accreditation involving quality checks. Hospitals in the Czech Republic already have to do this. I also believe that the Commission should not designate but only coordinate the border regions as pilot areas where cross-border healthcare projects can be tested. I am sorry that socialists here are continuing to fight hypocritically and under false pretences against a clarification of patients' rights in the EU.

**Genowefa Grabowska (PSE).** – (PL) Mr President, it is not good when the Court of Justice decides on citizens' rights, but it is very bad when this situation repeats itself and when, instead of Parliament and the Council, the European Court of Justice does this constantly. Therefore I welcome the Bowis report, and wish its author a speedy return to health. I can see in this report the chance for an improvement in healthcare standards in my own country of Poland.

I would, however, like to draw attention to three important elements in this report. Firstly, I think that treating healthcare exclusively as a marketable service is a mistake. Citizens are guaranteed the right to healthcare both by their national constitutions and by European Union law. Therefore the legal basis should be changed. Secondly, use of cross-border healthcare must be based on the informed choice of the patient, and not on coercion. Thirdly, the decision to treat in another Member State must be based on need, and not on the size of the patient's wallet.

I am certain that the European open space for healthy citizens must also be open for those citizens who are ill and need help in another Member State.

**Christofer Fjellner (PPE-DE).** – (SV) Mr President, of the decisions that we take in the European Parliament, today's is one of those that I am most proud of. It is a decision about opening up Europe and guaranteeing



freedom of movement for those who are sick and in need of healthcare, for those for whom freedom of movement may be a matter of life or death, a decision that gives everyone the opportunity to decide on their own healthcare, and it is not only those who are well-informed or wealthy who will have this chance, but we will make it possible for everyone to seek healthcare wherever they want to.

You Social Democrats want to force people to request prior authorisation. In plain language, that means that you want to force those who are sick to ask for permission before they go to the doctor, at least if they do so in another EU Member State. Why are you doing this? So that you will be able to say 'no', of course! You want to be able to control, regulate and plan – to take the power away from the patients. However, we do not need your prior authorisation in order for people not to have to pay out money themselves. If I go to the doctor in Stockholm today I do not need to ask permission or to pay money. The truth is that you opposed this proposal from the outset. You have tried to restrict, impede and ruin it. You are now doing the same thing again.

When we debated this issue in Sweden, you sought to ensure that people would not be able to seek health care wherever they wanted to in Sweden. Now you do not want people to be able to seek healthcare wherever they want to in Europe. You say that you support the proposal, but when we voted on it in the committee, you abstained. Is there anything more cowardly? You do not even know how you will vote today. You do not even know what you will be voting for.

We all have a choice today. We have the choice to stand up either for patients' rights or for the rights of bureaucrats and politicians to decide and to regulate. I know which way I will be voting. I will be voting for the focus to be on the *patients*. That is something that I think everyone in this House should do if you want to go to bed with a good conscience tonight.

**Åsa Westlund (PSE).** - (SV) Mr President, all patients should have the right to healthcare when they need it. We Social Democrats believe that it is important for people to be able to seek healthcare abroad, for example when waiting lists are too long in their home country. This is also why it was the Social Democratic government in Sweden that took the initiative for a directive in this area. However, it must never be the size of someone's purse that governs when they receive health care, and decisions on healthcare must be taken close to the patients, not by bureaucrats in the EU system.

The European Commission's proposal for a directive gives a lot of power to EU bureaucrats. Moreover, it takes no account of all those people who are not able to pay large sums of money. Nevertheless, the Swedish centre-right Members here in Parliament have uncritically praised the Commission's proposal. We, on the other hand, have come up with proposals and have worked hard to make it easier for people without fat purses to be able to travel abroad to receive care. We have also worked hard to clarify the fact that healthcare is the responsibility of the Member States and not something that EU bureaucrats should take decisions on. We have not achieved as much as we would like. I would therefore urge all Members to support our amendment to Article 8(3). We will then also be able to support this directive and we will be able to have a swift solution for all of Europe's patients.

**Emmanouil Angelakas (PPE-DE).** - (EL) Mr President, Commissioner, Mrs Filipiová, I want to start by congratulating Commissioner Vassiliou on her initiative on the proposal for a directive and the rapporteur, Mr Bowis, on his excellent work and to add my wishes for his speedy recovery.

I know that it is no easy matter to achieve a result which will further promote cross-border healthcare if you take account, firstly, of the differences in the Member States' social security systems; secondly, of the different economic levels of the Member States; and thirdly, of the different level of health services provided in each Member State. This being so, the rapporteur has done an excellent job.

The report we are debating today raises questions of patient mobility, especially for the purpose of seeing and treating patients in specialised health centres. What is certain is that this will not strengthen medical tourism, but will give European citizens the facility to obtain the best possible healthcare, knowing their rights and without the inconvenience of obtaining a refund on their costs, as the Member States will have set up a clear system of prior approval of such costs.

Let us not forget that this point has been the subject of numerous judgments by the European Court of Justice. This report addresses important issues: the definition of healthcare remains with the Member States, costs are paid at the same levels as if care had been provided in the Member State, the question of healthcare for patients with rare diseases is addressed, regardless of whether they are covered by the patient's Member State of origin, proposals on the introduction of the position of European ombudsman to examine patients'

complaints are a move in the right direction and, finally, it emphasises the need for an information campaign to advise patients of their rights.

Several issues remain to be addressed, such as, firstly, further mapping of the cost calculation mechanism; secondly, the list of ailments which will be covered by the system; thirdly, recognition of prescriptions, given that the same drugs are not available in all the Member States; and fourthly, the promotion of e-health.

Be that as it may, the overall endeavour is a move in the right direction and it is a pity that the socialists have recanted today. I trust that the debates will progress quickly and I have a feeling that the contribution by the European Parliament is a response to a vital demand of the times and of European citizens.

### IN THE CHAIR: MR COCILOVO

*Vice-President*

**Charles Tannock (PPE-DE).** - Mr President, most of my London constituents have little interest in or knowledge of what an MEP actually does or what purpose the EU serves. This week, however, there are two plenary reports where the public can genuinely resonate with their content. The first is the cap on roaming charges in the Telecoms Package, and the second is patients' rights for elective medical treatment in other EU countries.

I, too, would like to support my London colleague John Bowis's report. He cannot be with us today, sadly, because of his ill health, and I wish him a speedy recovery, and he will, of course, be greatly missed in the next Parliament.

In the UK, NHS treatment is often delayed and very expensive compared with other EU countries. A more flexible EU market, with reasonable authorisation safeguards in health care, is a win-win situation both for the general public and also for the national health budgets of the Member States.

**Catiuscia Marini (PSE).** - (IT) Mr President, ladies and gentlemen, today we are dealing with an important directive to secure substantially the right to mobility for European patients, the right to healthcare in the countries of the European Union.

Healthcare, however, cannot be considered as equivalent to any other service provided in the internal market, and citizens, as patients, cannot be likened to normal consumers; the right to health is realized in the right to receive treatment and care, starting in one's country of origin. Patients' right to mobility cannot be a pretext for certain Member States to avoid investing in national health services, essentially driving citizens to health tourism and not choice.

The directive would do better to tackle inequalities in access to and quality of services in the countries where patients live. Healthcare is not a commodity, it is a social right. The legal issue and the issue of prior authorisation are essentially a way of refusing the right to health.

**Marios Matsakis (ALDE).** - Mr President, this report marks a turning point for health-care provision to EU citizens. It clearly and decidedly puts the health of patients first, and it sets the scene for health systems in different Member States to compete for improvement on a healthy basis. This legislation will undoubtedly serve to cause a substantial betterment of health care in Europe. It will also bring equality to patient care, with all citizens, rich or poor, known or unknown, having access to better treatment abroad as necessary.

My initial concerns regarding possible detrimental effects on national systems of smaller and poorer Member States have been removed by the prior authorisation provision to be included as a safeguard. I can now say with certainty that this legislation is good for both patients and health-care systems across all Member States, and it deserves our full and unanimous support. I am astonished by the negative stance taken by my Socialist colleagues in this respect.

**Elisabeth Schroedter (Verts/ALE).** - (DE) Mr President, I completely disagree with Mr Matsakis, as the Commission proposal does not, in fact, provide legal certainty for patients who get treatment outside their home countries. Furthermore, it also fails to clear up the grey areas for social security systems under Regulation (EC) No 883/2004. Only a clear system of prior authorisation for cases where expensive treatment is involved would guarantee reimbursement for patients.

The directive is also unclear when it comes to its legal basis – as other Members have already made clear – including in relation to the division of competences between the Member States and Europe. The Member

States' healthcare systems are systems of solidarity that guarantee the same access to everyone, irrespective of how deep their pockets are or where they live. EU legislation must not put these systems of solidarity in jeopardy. In this regard, too, the Commission proposal is inadequate, and we will therefore need our amendments to be adopted if we are to vote for this proposal.

**Ilda Figueiredo (GUE/NGL).** – (PT) Mr President, it is unacceptable that, using the pretext of the application of patients' rights in healthcare, in truth the European Commission and the majority of Parliament want to call into question the national and public health service, as is the case in Portugal.

In calling for this proposal to be adopted on the basis of Article 95 of the EC Treaty, which provides for harmonisation in the internal market, they are actually trying to liberalise the sector, which is unacceptable. This is a sector in which the logic of the market and profit in the interests of economic and financial groups must not prevail. Health cannot be a business. That is why we intend to reject this Commission proposal.

Regulations and agreements to provide cross-border healthcare already exist, and these can be improved without calling into question the responsibilities and rights of Member States over the ownership and management of their national health services, which we feel must be public, universal and accessible to all.

**Christel Schaldemose (PSE).** – (DA) Mr President, we have spent the entire morning talking about how incredibly important it is to create quality healthcare and provide adequate safeguards for citizens with this proposal. There are, admittedly, many good things in the proposal, for example, many requirements regulating patients' access to information and such things. But let us now be totally frank. We will only be able to guarantee patients' safety if we ensure that prior authorisation is in place before patients travel abroad. This will give patients a 100% guarantee that they are entitled to as much treatment as they have cover for, but also that they will arrive at the right place and receive the relevant treatment. For me, that kind of guarantee is absolutely crucial. Prior authorisation will also serve as a tool to enable health authorities to ensure the safety of those patients who stay in their home countries.

**Olle Schmidt (ALDE).** – (SV) Mr President, Commissioner, at last! The Commissioner and Mr Bowis have done an excellent job. The heated debate preceding this directive is astonishing. The European Union and we here in this House have an extraordinary opportunity in this regard to 'reconnect to the people', as we so lyrically desire and have repeatedly emphasised. But what happens? We hesitate, and many in this Parliament – including the Swedish Social Democrats – want to make things more difficult for patients and to hamper their chances of receiving healthcare abroad. Why? I can only imagine this is a desire to save the systems rather than the patients in need of care. I am pleased that we have got this far, Commissioner. You have taken up your responsibility. We now have the opportunity in this House to take up our responsibility. May the Council also take up its responsibility!

**Proinsias De Rossa (PSE).** – Mr President, the provision and funding of affordable and quality health care is a responsibility of each Member State. Europe's role is a coordinating role. There is, of course, a strong case for better coordination of our health services across the European Union and in particular in border areas, but this directive cannot seek to do that. Its purpose should be to ensure that a citizen's right to health care in another Member State is carefully framed, so that each Member State's capacity to fund and organise its domestic services is not undermined by health tourism.

Ms Sinnott, I have to say, with her shroud-waving in this House today, is wrong as usual. No one in Ireland has died as a result of being refused the right to travel to another Member State for care – in fact, there is a fund available for those who need such care.

Ultimately, it is the medical needs of patients that matter, not consumer choice. Prior authorisation and a due legal base are essential and, unless these are incorporated, I cannot support this directive.

**Daniela Filipiová, President-in-Office of the Council.** – (CS) Ladies and gentlemen, I would like to thank all MEPs for their comments, suggestions and observations. I can tell you that the opinions of the Council and the European Parliament coincide across a range of issues, even though there are still issues that we must discuss further together. Mr Bushill-Matthews, who is standing in as rapporteur for Mr Bowis, mentioned in his introduction that this was a difficult and sensitive issue. As Mr Maaten said, there is a need here to achieve a compromise not only in the European Parliament but also in the Council of course. I am delighted that the JURI Committee has welcomed the proposal to increase legal certainty. I must likewise agree with Mr Braghetto that the proposal represents an opportunity for national health systems. The proposal will at the same time improve patient rights, as Mrs Roth-Behrendt said. I must repeat of course that the directive also has to be workable in practical terms and it must therefore reflect the financial, legislative and organisational possibilities

of the individual Member States. It is also clear that in view of the many amendment proposals the Council will require some time to review it all. The discussion between the Council and the European Parliament will continue. There is a need to find the right balance between the various views and proposals, but I believe we will manage it in the end through mutual cooperation.

**Androulla Vassiliou**, *Member of the Commission*. – Mr President, as we have seen once again today, Parliament's debates on this matter are both rich and passionate. Its discussions add a great deal to the Commission's initiative, and the amendments on which it is to vote will also constitute a most valuable input on a number of key aspects.

On patients' rights to quality and safe health care, many of you have confirmed the fundamental importance of securing clarity and assurances. I fully agree, and very much hope that this ambition will be confirmed.

On the question of assumption of the costs of treatment abroad, clear concerns have been expressed about the inability of a significant number of patients to afford cross-border health care. Indeed, this is an important and most valid point. Inequalities of revenue clearly exist throughout Europe, and this has serious consequences in relation to access to a number of fundamental services, including health care. This issue has to be addressed. However, reducing such inequalities is a difficult challenge, and even more difficult against the backdrop of the current economic crisis. It will require a significant and coordinated effort from the EU and the Member States at all levels.

Unfortunately, what we can do in the context of the draft directive is limited. The Commission proposal leaves the door open for Member States to offer direct assumption of the costs of cross-border treatment, for example with a system of written confirmation of the amount that will be paid. If Parliament wants this to be clear in the text, I can only welcome it. The proposed directive did not seek to prevent this, but is careful to respect Member States' responsibilities in organising health care. That is why we were cautious to limit the financial impact of cross-border health care on national health systems and sickness insurance funds. However, the two objectives are not incompatible. It would be up to the Member States to reconcile them as far as possible to the benefit of the patients, in particular those with modest revenues.

Regarding the relationship of this directive with the social security regulation, we agree, I believe, on the need for clear articulation, which would mean that, once prior authorisation is requested by a patient, and if the conditions of the regulation are fulfilled – in other words, when there is undue delay – the regulation should apply. It has to be crystal clear that this means the tariffs of the regulation shall apply so that patients can benefit from the most advantageous system.

Regarding prior authorisation for hospital care, the proposed provisions are based on two kinds of consideration. Firstly, case-law: the Court has ruled that such a system could be justified under certain circumstances. We have codified this in Article 8(3). Secondly, it would not be appropriate to go beyond such provisions with a looser – or indeed unconditional – system of prior authorisation, legally or *de facto* generalised in all Member States. We all know that patient mobility will remain a very limited phenomenon. This means that its budgetary impact will also be limited. Therefore, there is no need to construct unnecessary barriers for patients. Prior authorisation for hospital treatment has to remain a safeguard mechanism, applicable when justified.

Against this background, systems of prior notification as proposed by the rapporteur could amount to indirect – and indeed unnecessary – control of patients, impeding rather than facilitating the process. I understand that the rationale behind this suggestion was not to achieve such an outcome, but believe that this would actually restrict patients' rights as defined by the Court. Such administrative mechanisms run the risk of being both cumbersome and arbitrary.

I am concerned at the suggestion regarding the definition of hospital care. This definition is indeed a key point for patients' rights as it sets the boundary for the prior authorisation system. We have proposed to define the concept of hospital care through a Community list based on the shared understanding of experts, who would take account of the development of technologies. This would allow for a reasonable and modern approach to the concept of hospital care.

Some of you are calling for national lists to be drawn up independently, and most Member States are calling for that as well. A definition based on national lists would actually lead to discrepancies as to what constitutes hospital care in each Member State, with a considerable risk of eroding patients' rights. If we were to go down this road, we would need to have such lists based on clearly defined criteria and subjected to a review process. Otherwise, patients' rights, as defined by the European judges, would be undermined.

Some of you have said that, if we adopt this proposed directive, only a few patients would profit from it, and that they would be the very few informed patients. On the contrary, I believe that under this directive we are giving the opportunity and the right to every single patient, before he or she leaves home, to be fully informed in order to be able to make an informed choice.

I understand the concerns raised regarding the difficulty of getting clear information on health professionals when seeking health care abroad. This is simply a question of patient safety. Here, we need to agree on practical solutions which also respect a number of key principles, such as the right to personal data protection and the presumption of innocence. I am sure that common ground can be found on the basis of your preliminary suggestions.

Reference was made to Amendment 67 on relaxation of the rule for affiliations to social security systems. Unfortunately, this cannot be accepted.

Regarding the legal basis for the proposed directive, many of you would like to add Article 152 to Article 95. I understand that this is an important issue for some of the political groups, but it is difficult to have definite views at this stage of the examination of the directive. It is important to assess this issue in the light of the evolution of the text, in order to decide what the appropriate legal basis is. Clearly, if the content of the final text justifies it, the addition of Article 152 to Article 95 could certainly be considered. I remain open to considering this at any future stage of the codecision process.

(Applause)

Some of you have again raised the issue of the possible excessive inflow of patients from other Member States, and of how the receiving health system would be protected. My reply is the same as the one I would give to those who fear excessive outflows in the absence of prior authorisation for hospital care, which is that the intention of this proposal is not to promote patient mobility. As I have said, mobility of patients is a limited phenomenon and we do not expect this to change. Therefore, it would be simply disproportionate to give carte blanche to Member States to take measures to refuse patients in order to control inflows. Member States have to ensure that patients from other Member States are not discriminated against. Any form of control of incoming patients would have to be assessed as to whether it would amount to an acceptable exception to the principle of non-discrimination on the basis of nationality set out in the EU Treaty.

Regarding patients suffering from rare diseases, I understand that you are looking for the best approach in order for them to benefit from the health care they need, but sometimes the best is the enemy of the good. Today, you will vote on Mr Trakatellis' report, which concerns the recent strategy that the Commission has already set out on rare diseases, and includes the proposed Council recommendation. As you know, for these conditions, quick diagnosis and access to treatment are complex and not always possible or available at home. Therefore, in order to bring the benefits of European cooperation to patients with rare diseases, they really need to be included in this directive on patients' rights in cross-border health care. I think that there is broad agreement on the need for European cooperation on centres of reference for rare diseases, for example. I would therefore urge you to keep rare diseases in the scope of the directive.

Regarding the proposed exclusion of organ transplantation, I simply cannot agree. Transplantation is a medical procedure and it is difficult to justify why patients should not have the right to benefit from it as cross-border health care, as ruled by the Court. However, the issue of organ allocation is a different matter. I have therefore asked experts in the Commission to look into this question to see how organ allocation could be dealt with in a different context.

Today, we can take an important step forward towards the adoption of this directive. Now that we are just a matter of weeks away from the next European elections, allow me to pay tribute to this Parliament and to its administration for all the efforts made to make this vote today possible, for which I thank you all. Let me also once again thank Mr Bowis and the shadow rapporteurs for their efforts and hard work and wish him a speedy recovery. We hope to see him back soon to take up his duties and a normal life.

(Applause)

**Philip Bushill-Matthews**, *deputising for the rapporteur*. – Mr President, I should like to thank all colleagues for – if they will pardon the pun – a very healthy debate. I should particularly like personally to thank – and my apologies for not mentioning this earlier – the rapporteurs from the six committees, who have produced such valuable opinions, for their comments and their insights this morning. I must also thank all colleagues across the House for their warm tributes to John Bowis, both professionally for his work, and personally, through their good wishes for his speedy recovery, which I shall be delighted to pass on.

Like all reports, this one is based on compromises, and it is not always possible for everybody to agree on everything. I recognise and respect the fact that there are still some difficulties for some political groups and, indeed, some delegations, and so there are still a number of amendments to be decided in plenary later this morning.

I should therefore like to thank the Commissioner in particular for her concluding comments, which hopefully will make it easier for some colleagues in other groups to decide how to vote. I sincerely hope that, as a result of those comments, the overall report will receive widespread positive support across and within political groups, because making patient needs a priority should surely be above party politics.

I recognise that any agreement today will come too late for a formal first-reading agreement during the Czech Presidency, but I understand that there is already substantial political agreement within the Council in principle, thanks to the work the Presidency has already done, and I wish to thank it for that.

I know that John would wish this agreement to be translated into action sooner rather than later, and so, indeed, would many patients across the EU who have already waited long enough. On behalf of the rapporteur, I call on the Commission, the incoming Council Presidency and, indeed, on the incoming MEPs in the next mandate to make an early second reading a real priority in the second half of this year, so that any remaining difficulties can be rapidly resolved. We do not want to lose momentum now. This report will not only bring real benefits to real people across the EU but will show that by working together at EU level people can benefit individually wherever they may live and irrespective of their means. The vote today will light the road ahead. Let us move down that road together as fast as we practicably can, because, after all, like the rapporteur, colleagues might never know when they may suddenly need such cross-border health care themselves.

**President.** – The debate is closed.

The vote will take place today at 12 noon.

#### **Written statements (Rule 142)**

**Cristian Silviu Buşoi (ALDE), in writing.** – (RO) I would like to thank the rapporteurs from the various committees for the remarkable job which they have done. This report marks an important step forward in terms of improving patient mobility within the EU.

In a Europe where the freedom of movement is a fundamental value, ensuring patient mobility is something normal and absolutely vital in order to offer medical assistance of the highest possible standard to those who need such services. This could also lead, in the long term, to an improvement in national health care systems thanks to a certain degree of competition between them.

However, in spite of the significant improvements, there are still some problems which are not resolved by this proposal. I think that more clarity is needed about the terms for reimbursement and the regulations which form the basis for the preliminary authorisation system, when this is necessary. I also regret that the mobility of medical staff has not been included in this proposal as the mobility of patients and that of medical staff are closely linked. To be able to respond effectively to patients' needs, we also require some rules which will allow medical staff to be mobile, while maintaining at the same time a balance at national health care system level so that no state will end up with a shortage of medical staff.

**David Martin (PSE), in writing.** – The proposal for a cross border health-care system must be first and foremost a system which respects patients' rights, which is based on public health as well as internal market principles and which does not discriminate against patients based on ability to pay for medical treatment. From my own perspective, I believe that the National Health Service in the UK must have the right to insist on the prior authorisation by patients wishing to benefit from medical treatment abroad. UK patients that cannot afford to travel abroad for medical treatment must not be discriminated against by those who can afford the up-front medical costs but who plan to reclaim these costs from the NHS on their return to the UK. I see this practice as unfair as it allows patients to get priority treatment abroad, thereby 'jumping the queue' within the NHS system.

**Iosif Matula (PPE-DE), in writing.** – (RO) The new opportunities which patients in Europe can enjoy are an important step in harmonising healthcare systems in Europe and in ensuring good-quality medical treatment for all European citizens. The proposal for a directive stipulates the principles common to all healthcare systems: setting up model European networks, providing information points for patients in every Member State and e-health.

This report offers all Member States significant benefits, which includes, by implication, Romania. The directive meets the needs of patients better as they can receive medical assistance in another Member State in a situation where this cannot be provided in a hospital in their country of origin or there is a delay in providing it. The costs will be paid by the country of origin.

Another important aspect relates to the exchange of good practice and the mobility of specialist medical staff, as well as to providing citizens with free access to information about cross-border assistance. Member States must ensure that citizens are familiar with the necessary procedures and eligibility criteria, as well as with the travel costs and medical standards at the treatment centre abroad. This is precisely the reason why I support setting up information centres so that citizens can choose both the method and the location where they are treated.

**Mary Lou McDonald (GUE/NGL), in writing.** – Member States have a responsibility to their peoples to plan and deliver health care.

Health is not a commodity to be bought and sold on the internal market.

This proposal is a disgrace. It shows the Commission is blindly pursuing its discredited and obsolete liberalisation agenda. It just wants to privatise everything it can and to further centralise power in its own hands. It discriminates against less wealthy people in wealthy countries, and against all but the super-rich in less wealthy countries. It is a charter for the destruction of public health services in Member States.

The European Commission should hang their heads in shame and should withdraw this proposal immediately.

**Nicolae Vlad Popa (PPE-DE), in writing.** – (RO) The proposal for a directive on the application of patients' rights in cross-border healthcare attempts to create a consistent Community framework for offering certainty to patients in this area where, until now, the guidelines have been laid down by the European Court of Justice. Although the Court's principles are fully applicable, certain 'grey' areas have now been clarified by the above-mentioned report.

During the process of transposing into Community legislation judgments made by the European Court of Justice on the right of patients to receive medical assistance in another Member State, the proposal for a directive maintains the necessary balance regarding Member States' responsibilities in this area.

The directive's provisions also aim to facilitate access to medical assistance services by calling for the need to create a direct reimbursement system between the funding body from the country of origin and the host hospital.

Another interesting point in the report refers to the reciprocal recognition of medical prescriptions. The text only offers recommendations regarding the possibility of a pharmacy in the country of origin honouring a medical prescription issued by a doctor in another country, with it being up to Member States to decide which medicines will be available on a prescription basis.

**Richard Seeber (PPE-DE), in writing.** – (DE) The agreement that has been reached to improve patient mobility is a good thing, overall. Simplification of the cross-border provision of healthcare services represents an important step towards a real free movement of people. Economically speaking, too, a better use of the capacity of specialist clinics will bring benefits with it. Putting all these positives to one side, however, we must not overlook the immense challenges that a better linking up of the national systems involves. First and foremost, there needs to be greater certainty in terms of cost issues. There must be no disadvantaging of the Member State carrying out the treatment due to a lack of clarity about whether the patient or the sending state is to pick up the tab.

The system of rules for settlement must be laid down precisely and account must be taken of different national circumstances.

Furthermore, domestic provision must be safeguarded and it is not the intention that that domestic provision should have to suffer as a result of greater patient mobility. I am pleased to see this confirmed in the text. For the future, the cross-border provision of health care services is a further milestone on the road to European integration. When it comes to implementation, however, strict attention must be paid to ensuring that better patient mobility does not lead to health tourism.

**Esko Seppänen (GUE/NGL), in writing.** – (FI) In a Member State like Finland, where, for poor people, geography and language are barriers to acquiring health services beyond the country's borders, a directive

such as this one might increase the inequality of access to services. Only the rich can choose alternative services in other countries, and in so doing they undermine the public health care system that is the safety net of the poor. Public money is leaking into services abroad for the rich. That is why I cannot support the adoption of the directive. It is, moreover, preposterous that the directive's legal basis should be the viability of the internal market and not the rights of patients.

#### 4. Patient safety (debate)

**President.** – The next item is the report (A6-0239/2009) by Mrs Sartori, on behalf of the Committee on the Environment, Public Health and Food Safety, on the proposal for a Council recommendation on patient safety, including the prevention and control of healthcare associated infections (COM(2008)0837 – C6-0032/2009 – 2009/0003(CNS)).

The rapporteur cannot be here and will be replaced in the initial introduction by Mrs Grossetête.

**Françoise Grossetête**, *deputising for the rapporteur.* – (FR) Mr President, yes, I am replacing Mrs Sartori, who is in fact detained in Italy, and I pass on her full apologies because she was particularly keen to be present here today.

We are going to speak mainly about medical procedures because, sometimes, they can have harmful consequences for patients' health, whether because of the undesirable effects of medicines, because of medical error, or because of infections contracted in the place of medication.

Of these risks, we can mention more particularly nosocomial infections, which affect one in every 20 hospital patients, in other words 4 100 000 people a year. The European Commission figures on this issue are, moreover, very worrying.

Adverse events occur among 8% to 12% of hospital patients in the Member States of the European Union. This gives an annual number of between almost 7 million and 15 million hospital patients, to which can be added the some 37 million patients who call on primary healthcare.

Nosocomial infections alone affect on average one in every 20 hospital patients, making a total of over 4 million patients a year. In total, every year, nosocomial infections cause the deaths of around 37 000 people in Europe.

In order to meet the objective of reducing these infections by 900 000 cases a year by 2015 – in other words a 20% reduction – the Member States and the European institutions are being called on to introduce the necessary measures.

The report recommends in particular: promoting the education and training of health staff and paramedical staff, with particular attention being paid to nosocomial infections and the resistance to antivirals of the viruses that cause them; improving knowledge of this problem amongst patients by asking the Commission to draw up a document for patients on the basis of a handbook for the prevention of nosocomial infections produced by the World Health Organization – the WHO – in 2003; supporting research in this area, with particular attention being paid to new technologies, nanotechnologies and nanomaterials; and increasing the presence of nurses and specialist infection control nurses.

Finally, it is important, as the text emphasises – and Mrs Sartori has been very insistent on this point – to improve patient training on the issue.

It is imperative that the Commission be asked to draw up a patient-oriented document for the prevention of nosocomial infections and that it be presented to Parliament and the Council. The Commission should also make provision for three-yearly monitoring of the progress achieved in this area by the Member States and by the European Union.

A survey carried out in France, for example, shows that 83% of the people questioned have heard of nosocomial infections, and that these risks are the main source of concern for French people when being admitted to hospital. On the other hand, the general public does not feel it is properly informed of the causes and the consequences of nosocomial infections.

In the next few years, the effort to prevent nosocomial infections must lay greater emphasis on information for health professionals and for the population as a whole.



**Daniela Filipiová**, *President-in-Office of the Council*. – (CS) Ladies and gentlemen, the area of patient safety and healthcare quality is one of the main priorities of the Czech Presidency in the area of public health. We are aware of the importance of continually improving patient safety and related improvements in healthcare quality in relation to cross-border healthcare.

The main aim of the Council's draft proposal on patient safety and the quality of health care, including the prevention and control of hospital-acquired infections, is to define an integrated approach under which patients can transfer safely to high quality health care centres and where all factors having an impact on this will be taken into account.

This initiative arose based on findings of an alarming growth in the occurrence of adverse events throughout Europe, with hospital-acquired infections being among the most frequently-occurring adverse events. This is a major challenge which is connected with the increasing expectations of the public in this area, the ageing population in Europe and the constant advances in medicine and medical science generally. Hospital acquired infections are also attracting ever more attention from the media and politicians.

These were the reasons behind the decision of the Czech Presidency to organise the ministerial conference which took place in Prague on April 15-16 under the banner of 'Bacterial Threats to Patient Safety in Europe'. It focused especially on hospital antibiotic programmes, the influence of health care system parameters on the occurrence of antibiotic resistance and hospital-acquired infections and also management and responsibilities in this area.

But let us return to the draft proposal. The Czech Presidency is aware that the organisation of health systems falls fully within the competency of Member States. Of course this initiative, in my opinion, will provide a suitable stimulus for the further development of national policies aimed at greater protection for the health and lives of citizens.

Generally speaking, the Council agrees with the need for better cooperation and coordination in this area at all levels, i.e. local, regional, national and EU, as well as the need to share relevant information. The creation of a system for reporting the occurrence of adverse events therefore constitutes a significant measure. The system will ensure immunity of course, in order to encourage reporting.

Emphasis is also placed on more training of health workers in the area of patient safety and the creation of common definitions and terminology as well as comparable indicators which will allow easier identification of problems. This will enable subsequent assessment of the effectiveness of measures and interventions aimed at increasing patient safety and easier communication of experience and information between Member States.

The Czech Presidency is at present completing negotiations on the draft proposal in the working bodies of the Council and it will try to get it accepted by the EPSCO Council in June this year. Of course, it was precisely due to the importance of this issue that the Council decided also to consult the European Parliament as its opinion contributes significantly to the ongoing discussion.

I firmly believe that the Council and Parliament share the common aim of increasing patient safety in the EU. In this spirit the Council will also carefully consider the amendment proposals contained in your report on the draft proposal.

In conclusion I would again like to thank everyone taking part in preparing the EP report and the rapporteur Amalia Sartori, who drew up the report.

**Androulla Vassiliou**, *Member of the Commission*. – Mr President, I would like first of all to thank the committee on the Environment, Public Health and Food Safety for its work on this dossier, and especially the rapporteur, Ms Amalia Sartori, for her efforts on what is a health-care priority of the highest order.

Patient safety is about reducing adverse events which occur in all health-care settings – in hospitals, in primary care, in long-term care or in the community.

It is estimated that, in EU Member States, between 8% and 12% of patients admitted to hospitals suffer from adverse effects whilst receiving health care. These figures are unacceptably high. They paint a disturbing picture that affects not only patients but also their families and friends. In addition to this, adverse events are a huge burden on health-care budgets and on the economy as a whole.

Health-care-associated infections are a specific example of a very common adverse event. The total number of hospitalised patients acquiring at least one health-care-associated infection in the EU every year has been estimated at EUR 4.1 million – equivalent to 1 in 20 hospitalised patients.

Approximately 37 000 deaths are estimated to occur every year because of these infections. Clearly, we must strive to improve significantly this situation.

Member States have all recognised the patient safety challenge they face and have taken measures to tackle the problem. However, we know that among the 27 Member States there are varying levels of awareness, resources and expertise available to counter the problem.

It is likely that patients in all Member States are not benefiting from current research findings and the systematic exchange of best practice and expertise. Therefore, I feel that patient safety is another area where the EU can provide real added value to make all European patients safer, while of course respecting Member States' responsibility for delivering health care on their territories.

That is why the European Commission put forward its communication and a proposal for a Council Recommendation on patient safety, including the prevention and control of health-care-associated infections. I look forward to hearing your views.

**Antonios Trakatellis**, *on behalf of the PPE-DE Group.* – (EL) Mr President, the numbers quoted by Mrs Grossetête and the Commissioner are truly overwhelming and show that many patients are exposed to worrying incidents in hospitals, the most frequent being health care-associated infections.

The number of infections could obviously be reduced considerably; first of all, greater discipline is needed in hospitals because, on the one hand, there are people who visit patients in hospital and there is always the risk of transferring bacteria and, on the other hand, hygiene rules need to be applied strictly by both patients and staff and staff need constant information and training on healthcare-associated infections.

However, I believe that the crux of the matter today is that we should collect accurate data, because there are differences from one hospital to another and from one clinic to another, even in the same country; for example, we need to know if healthcare-associated infections are more frequent in surgery patients or in internist clinics, we need to know the strain and the resistance of bacteria; all these data are very important if we are to be able to establish the causes and thus achieve an effective reduction in healthcare-associated infections.

We therefore need to collect detailed data in order to address healthcare-associated infections.

**Linda McAvan**, *on behalf of the PSE Group.* – Mr President, I think that this recommendation is a very good example of the added value that the European Union can bring to health care where, although we have limited competences, bringing together experts from Member States can really make a difference to peoples' lives. As Mr Trakatellis said, the figures that the Commissioner spoke about, on adverse reactions to medical care and on health-care-associated infections, are quite shocking. Nobody should go into hospital and come out more ill than they were in the first place and many of us will know people who have had this problem. It is a problem right across the European Union, and that is why it is extremely important that your initiative on health-care-associated infections should go ahead.

I think that we have a lot to learn from each other, and we can certainly avoid a lot of problems for our citizens if we work together to tackle this issue and bring the best heads in Europe together.

The second point I want to talk about is one mentioned very briefly in our parliamentary report, and that is needle-stick injuries. I know the Commission has been looking at this issue for a long time now, and there is a cooperation between employers and trade unions on this issue, but we still have a situation where an estimated one million workers in the health services across Europe are affected by needle-stick injuries. This could be avoided if the needles they were using were replaced with a safer kind.

I hope, Madam Commissioner, that you will be returning to the Commission and that in the new Parliament session you will bring forward a proposal on needle-stick injuries, which is very important for many health-care workers and is a very avoidable problem in our health-care system.

**Marios Matsakis**, *on behalf of the ALDE Group.* – Mr President, approximately 10% of patients admitted to hospitals and about 15% of patients receiving primary care in the EU suffer some kind of adverse event, ranging from a mild, fully recoverable condition to a life-threatening or fatal occurrence. In other words,

about one in four of our patients suffer damage because of the treatment and not because of their disease. This statistic is even more dramatic when we consider that the number of health-care-associated deaths in Europe is almost twice the number of deaths caused by road traffic accidents.

Ms Sartori's report can do much to improve matters, but, as always, the success of any policy depends very much on its application, and in this respect national governments have the responsibility to prove, by their deeds, whether they really care about their citizens. Health-care systems, especially in the 12 newer Member States, need in many cases a complete overhaul, with attention required to the structural improvement of hospitals, the modernisation of equipment and up-to-date training of health personnel. Such changes can occur only with the help of the EU, both in terms of finance and expertise, and such help must be made readily available for the sake of patients' safety.

**Siiri Oviir (ALDE).** - (ET) Open health care is a primary benefit and right. The 37 000 deaths per year caused by infections acquired as a result of health care services is too high, and as citizens of the European Union we cannot permit or accept this. Based on the principle of subsidiarity, European Union institutions and above all the Commission must take on an important role in the promotion of the dissemination of information and best practices.

I must emphasise the importance of offering specific and rapid solutions for the decisive and permanent reduction of nosocomial infections in Europe. In this area, I support the rapporteur's recommendations in this report.

**Daniela Filipiová, President-in-Office of the Council.** - (CS) Mr President, ladies and gentlemen, I would like to thank all MEPs for their comments, suggestions and observations. I have to say that I was delighted to hear that in principle the opinions of the European Parliament and Council coincide over this issue. The Council will of course carefully consider all of the European Parliament's amendment proposals and based on this it will assess whether or not to incorporate them into the final version of the draft proposal.

**Androulla Vassiliou, Member of the Commission.** - Mr President, today's debate illustrates Parliament's high level of interest and concern regarding patient safety. It also sends a signal that this is an area of great potential for EU added value.

For the most part, the Commission welcomes the proposed amendments: for example we welcome the proposal for Member States to designate competent authorities for patient safety at the various levels of state and local government administration. This reflects the fact that some Member States have devolved systems of health care. We also agree that the scale and cost of data collection should not be disproportionate to the expected benefits.

In relation to proposed amendments specific to health-care-associated infections, we welcome the provision for adequate protection for health-care staff. We also support the highlighting of the morbidity and mortality burden of health-care-associated infections and the need to recruit more infection-control nurses.

However, I must raise some reservations and objections concerning the reduction of targets. Some suggested that Member States should provide the means necessary to bring about a 20% reduction in the number of persons affected by adverse events, including an overall reduction in the EU of 900 000 cases each year. The Commission does not think it is appropriate to set such targets at EU level as Member States are at different stages and it would be very difficult to set suitable, realistic and achievable targets that would be appropriate for them all.

I have taken very careful note of what Ms McAvan said about needle-stick injuries and I will think about a proposal for a special initiative. Minister Filipiová made a reference to the responsibility of Member States in this aspect. Our initiative on patient safety and health-care-associated infections fully respects the Member States' competence to finance structure and deliver health services as they see fit. The purpose of our proposal is to help Member States to put in place the proper and adequate strategies to reduce or avoid adverse events in health care, including health-care-associated infections, by pooling the best available evidence and expertise in the EU and lending Commission support to achieving economies of scale in this area.

Once this patient safety recommendation is adopted in the Council, it will signal an unprecedented political commitment from Member State governments to prioritise patient safety in their health-care policies. Action to reduce adverse events of all types, including health-care-associated infections in all health-care settings and in all EU Member States, is a goal we all share. This proposal can play a big part in achieving this goal.

**Françoise Grossetête, rapporteur.** – (FR) Mr President, I wish first to thank all the Members who have spoken on Mrs Sartori's report. I would like to thank them for the proposals they are making.

I would also like to say to Mrs Vassiliou, who appears not to share the quantified objectives set out in Mrs Sartori's report, that we are, of course, taking her remark into account, but it is important, in any case, for us to do our utmost to ensure a high level of protection, both for patients and for health staff. Also, whilst it is not desirable to have a quantified proposal, taking into account the diversity of the care delivered in the European Union, I believe that it is all the same important for us to do our utmost to ensure the highest possible levels of safety.

That is the added value of the European Union.

**President.** – The debate is closed.

The vote will take place today at 12 noon.

## 5. Rare diseases (debate)

**President.** – The next item is the report (A6-0231/2009) by Mr Trakatellis, on behalf of the Committee on the Environment, Public Health and Food Safety, on the proposal for a Council recommendation on a European action in the field of rare diseases (COM(2008)0726 – C6-0455/2008 – 2008/0218(CNS)).

**Antonios Trakatellis, rapporteur.** – (EL) Mr President, this Council recommendation is very timely, because concerted action in the field of rare diseases is an absolute necessity, both at European Union level and at national level.

Although the incidence for each rare disease is very low, millions of people are affected in the European Union because these diseases are measured in thousands. However, the proposal as received by Parliament was insufficient in its current state and it was not possible to produce a viable programme out of it. This is because it does not describe, at least in general terms, both the necessary funding by the European Union and the cofinancing by Member States or other organisations.

Thus it is not possible to promote certain essential aspects on rare diseases, namely the creation of networks of centres of expertise, cataloguing of diseases, collection of data, the special research required and so forth. The text asks for an implementation proposal from the Commission five years after the adoption, which is a long period during which nothing can be done in practice as there is no funding provided.

Therefore, as rapporteur, I propose that the Commission be asked to provide the implementation proposal at the latest by the end of 2012, since by this date the required data from Member States on expert centres and expertise on rare diseases will be at hand.

In this implementation proposal, specific mention should be made for funding and cofinancing in the following areas:

Firstly, the collection of epidemiological data and compiling a catalogue of rare diseases, as this is necessary in order to have a clear picture of the field of these diseases in the European Union.

Secondly, the formation of relevant networks.

Thirdly, the creation, in addition to existing expert centres, of new centres in Member States which lack such centres, the creation of special training courses in the existing centres for professionals to acquire the necessary expertise, the mobilisation of experts and professionals in order to create the necessary conditions for advancing existing knowledge and for research on diagnostic tools and tests on rare diseases and especially on genetic ones.

We should be viewing this Council recommendation as a roadmap to create helpful conditions in the field of rare diseases. We should also understand that it is of a general nature, but I would like to stress once more that, in order to be efficiently and successfully applied, the proposal needs to be more precise and to make provision for a specific timetable and funding.

An important aspect in combating rare diseases is patient mobility. This has already been examined in the Bowis report and I believe that patient mobility is absolutely justified here, because there are no special centres or experts able to undertake the treatment of patients in all the Member States. Consequently, it is

absolutely vital here to make provision for patient mobility and for mobility of professionals, so that some can obtain expertise and others can pass on their experience.

Finally, I should say that, for rare genetic diseases, research and innovation are absolutely necessary in order to increase the number of diagnostic tests.

Most of the report concerns treatment, diagnosis, the acquisition of expertise and the creation of centres and networks. One point also concerns prevention. Prevention of genetic diseases is possible nowadays through a combination of in vitro fertilisation and pre-implantation tests. Because it is a recommendation, it is not binding on the Member States. The report states that it will only be carried out in the Member States whose legislation so allows and by the free will and choice of the persons who wish to follow this genetic advice and, therefore, I do not see that it clashes with the principle of subsidiarity as regards existing data.

**Daniela Filipiová**, *President-in-Office of the Council*. – (CS) Commissioner, ladies and gentlemen, rare diseases are dangerous and very complex diseases that threaten life or cause chronic invalidity. Despite their low prevalence the number of patients in the EU with these diseases is relatively high, and joint action is therefore necessary at an EU level. These are also reasons why the area of rare diseases is an EU health strategy priority.

The Czech Presidency believes that after the Council adopts the draft proposal on European action in the area of rare diseases there will be significant advances and improvements in the diagnosis of rare diseases, which is currently problematic due to the nature of rare diseases. Conditions will also improve for a much-needed sharing of expertise and experience in this area.

Due also to these reasons the Czech Presidency has taken an active approach in negotiating the draft, carrying forward the work of the French Presidency and the discussions at the EPSCO Council in December 2008.

I believe that the European Parliament and the Council share similar views on this matter. The initiative is necessary as it should improve the current situation for millions of patients suffering from these diseases and it should lead to an improvement in their chances of receiving adequate care and comprehensible information.

This should be achieved, for example, through the creation of common definitions of rare diseases, further development of EU activities based on the Orphanet network, coordination of European research including cooperation with third countries, the creation and support of centres of expertise and the development of European reference networks for rare diseases. The Council also recognises the key role played by independent patients' organisations in developing and implementing national policies in the area of rare diseases.

The Czech Presidency is at present completing negotiations on the draft proposal in the working bodies of the Council and it will try to get it accepted by the EPSCO Council in June this year. However, due to the importance of this issue the Council has decided to consult the European Parliament also in this case, and it will carefully consider Parliament's opinion.

I would like to end by once again thanking everyone who took part in preparing the European Parliament report and particularly the rapporteur Antonios Trakatellis for drawing it up.

**Androulla Vassiliou**, *Member of the Commission*. – (EL) Mr President, I should like to thank all the honourable Members who were involved in the work by Parliament on the proposal for a Council recommendation in the field of rare diseases.

I should like, in particular, to thank the rapporteur, Rector Antonios Trakatellis, for coordinating the discussions and, of course, for his report.

Rare diseases, which individually affect a very small number of people and the majority of which are genetic diseases, can lead to death or chronic disability. However, even though the incidence of each individual rare disease may be very low, as a whole these diseases affect approximately 6% of the total population of the European Union in some aspect of their lives.

This means that, in the European Union, between 29 and 36 million people are affected or are likely to be affected by a rare disease. However, because each disease is rare, it is impossible for each Member State to have the expertise needed to diagnose it and treat the patients. This is therefore an excellent example in the health sector where Europe can add particular value, which is why the Commission has approved the strategic action.

The European strategy is supplemented by the proposal for a Council recommendation on action within the Member States. The aim of this draft recommendation is to help Member States deal with rare diseases more effectively, more efficiently and more globally. One important sector for action is in collecting expertise via the European reference networks. These networks can add value to action by the Member States on rare diseases and in other cases. They can also facilitate the exchange of know-how and expertise and, where necessary, direct patients as to where they should go when this expertise cannot reach them.

The Commission's proposal for a directive on patients' rights to cross-border healthcare includes special provisions to support patient mobility and provide a legal framework for the European reference networks.

There are still many ways in which European action can support the Member States in combating rare diseases, such as by improved identification and recognition of diseases, by supporting research into rare diseases and with mechanisms such as regulation of orphan medicinal products.

My thanks therefore to Parliament for its support on the broad spectrum of issues covered by this report. I await your debate with a great deal of interest.

**Françoise Grossetête**, *draftsman of the opinion of the Committee on Industry, Research and Energy*. – (FR) Mr President, patients affected by rare diseases suffer misdiagnoses and, often, receive no treatment.

The rarity of these diseases creates challenges both from a scientific and an economic viewpoint. Now, having been the rapporteur on the regulation on orphan medicinal products, ten years ago, I know how these patients are too few to be a local or regional issue and how, on the other hand, the diseases are too numerous to be taught to health professionals. Expertise is therefore rare.

The response, of necessity, involves Europe, and our Committee on Industry, Research and Energy supports Mr Trakatellis in his desire to strengthen research and prevention. How can we deny, for example, a couple whose two children are affected by cystic fibrosis and who wish to have a third child, advances in research to prevent the latter being affected by the same disease? This is why patients need more coordination, more safety and more clarity. These are essential issues that meet Europe's citizens' expectations of a Europe for health.

**Peter Liese**, *on behalf of the PPE-DE Group*. – (DE) Mr President, Commissioner, helping patients who suffer from rare diseases has long been a major concern of the European Parliament. Patients who suffer from rare diseases – this has been said – need European support. National efforts in this area do not suffice. Because these diseases are so rare, there are not centres and experts for them in every Member State. For research – and this is a very important point – you need a certain number of patients for the disease to be researched at all and for it to be possible to develop new therapies. The same applies to the development of new drugs. Mrs Grossetête talked of the Regulation on orphan medicinal products, which is very important.

The Commission's initiative, Commissioner, is also very important. We in the Group of the European People's Party (Christian Democrats) and European Democrats support you wholeheartedly on this and we also support the many improvements that have been made by Mr Trakatellis in this report. I have to say, however, on behalf of my group, that there is one amendment in Mr Trakatellis's report that goes against this fundamental aim of helping patients.

Amendment 15 talks of how genetic diseases should be avoided and eradicated through measures such as genetic counselling and the selection of embryos. This wording has shocked many people, and not only the ethics experts and the representatives of disabled groups, but scientists, too. The European Society of Human Genetics is calling on us to reject Amendment 15. They are making comparisons with the eugenics of the first half of the last century.

Politics should not exert pressure. Genetic counselling, likewise, should not be dominated by a political goal. We should therefore reject Amendment 15. We should vote in favour of this report – provided that Amendment 15 is rejected – as it is a sound report. Otherwise, it will be highly problematic. We should be helping people with rare diseases, not giving them the feeling that they are actually surplus to requirements.

**Dorette Corbey**, *on behalf of the PSE Group*. – (NL) I am grateful to Mr Trakatellis for his fine report. If there is one area where cooperation in Europe is useful and provides added value, it is certainly the area of rare diseases. In the case of rare metabolic diseases, muscular diseases and also rare forms of cancer, it is practical and useful to work together in order to exchange information on treatment techniques and to join forces. These are all very important. The information must also be made accessible, and the Trakatellis report provides for all these matters.

I would like to draw your attention to three matters. First, patients must have a voice in Europe. In recent years we have seen increasingly well organised patient groups that also know their way around Europe, around Brussels. That is all very important and informative for politicians, for many of these rare diseases are, logically, largely unknown. It is good, therefore, to determine how these patient organisations are financed, and it is extremely important to ensure that these organisations are financed independently and are not solely dependent on the pharmaceutical industry. That is why I am arguing in favour of financing for these patient organisations.

Secondly, the development of medicines for rare diseases, the so-called orphan medicinal products, is of crucial importance. That is why we have directives, but it would be good to devote some attention to seeing whether this is actually working well.

Thirdly, this is a controversial subject that has also been tackled by Mr Liese. Many rare diseases are hereditary. Research and embryo selection can prevent much suffering, but it is important that the Member States retain the power to decide as to the eventual treatments such as pre-implementation and embryo selection. We support Amendment 15, but we wish to delete the reference to the eradication of illnesses. That term summons up very unpleasant associations, as Mr Liese has already said. We also consider it important for the treatments to be voluntary and that they should take place within the boundaries established by national governments. If these conditions are met, we are in favour of the amendment and call on everyone to support it, but the reference to the eradication of illnesses should be deleted. Under these conditions, we can agree fully with the report and are enthusiastic about the work of Mr Trakatellis. Thank you for your attention.

**Frédérique Ries**, *on behalf of the ALDE Group.* – (FR) Mr President, I would like to thank our rapporteur, Mr Trakatellis, and to apologise for my late arrival in this debate, whilst welcoming the group of visitors, who are the reason for my slightly late arrival.

During a hearing on rare diseases that I organised in Parliament last year with Eurordis – the European patients' association – I pointed out that it was up to us, that it was up to Europe, to place the bar very high for these patients who are pinning all their hopes on research, and this is what our rapporteur has done here by considerably enhancing the Commission's text.

The small number of patients involved in each country and the fragmentation of knowledge across the Union make rare diseases the example *par excellence* for which concerted action at European level is an absolute necessity. Our unanimous desire is to have better knowledge of these diseases, to improve their diagnosis and their treatment and to give better care to patients and their families.

There remain, of course, the questions of the timetable and funding. Various options are available, and we are exploring them. Besides the funds granted by the European Union or by the States, it is also useful to find other sources of funding. One option that is working well in many Member States is public-private partnership.

I would be annoyed with myself if I did not mention here the considerable financial support also provided by citizens' actions: the *Téléthon* in France and *Télévie* in French-speaking Belgium. The latter has allowed no more and no less than a doubling of the budget for scientific research – a miserly budget, I might say in passing: EUR 13 per year per citizen, compared with EUR 50 in France and EUR 57 in Germany, to take but two examples.

I shall conclude, Mr President. Millions of patients in Europe are watching us. The will is there. It is up to us to ensure that this is more than just a catalogue of good intentions. Just one more thing: the Group of the Alliance of Liberals and Democrats for Europe supports Amendment 15.

**Hiltrud Breyer**, *on behalf of the Verts/ALE Group.* – (DE) Mr President, ladies and gentlemen, it goes without saying that we support helping people with rare diseases. That said, Amendment 15 is completely unacceptable from an ethical point of view.

There must never again be a debate in Europe about whose life is worth living and whose not. There must be no political and social pressure on parents in Europe to consciously decide against having a disabled child. The selection of embryos would represent an opening of the ethical floodgates. For that reason we must reject this amendment. It is not enough just to remove the word 'eradicate', which is actually, it is sad to say, in line with fascist language use. Doing so would mean that we would still be faced with the selection of embryos. It would be insufferable if this amendment and its idea of selecting embryos were to become a stepping stone to a new ethics in Europe.

We must stand up resolutely against genetic discrimination. Amendment 15 must therefore be rejected in its entirety. Otherwise, our group will, unfortunately, be forced to come out against this report even though the rest of it is highly positive.

**Philip Claeys (NI).** – (NL) The Trakatellis report refers to a number of shortcomings in the Council's recommendations, and these observations are, in my opinion, correct. I, too, am convinced, by the way, that a coordinated approach by the European Union in the area of rare diseases is necessary. Yet neither the recommendation nor the report mentions the aspect of rare diseases that are coming in from the developing world.

Thus, for instance, we are seeing the return of tuberculosis, a disease that, until recently, had completely, or nearly completely disappeared from Europe and that is now being imported again through mass migration. Here, too, therefore, urgent action is needed in the form of specifying risk areas, exchanging information, conducting spot checks where the Community's external borders are crossed, etc. It is naturally of the greatest importance that public health policy should be given primacy over political correctness.

**Christa Kläß (PPE-DE).** – (DE) Mr President, Commissioner, ladies and gentlemen, we are aiming to work together to attain the best conditions for the provision of health care in Europe. Especially in rural areas of the European Union close to national borders – such as my home in the greater cross-border region between Germany, Belgium, Luxembourg and France – the advancement of patient mobility, which we were just debating, is a particularly important building block for improving the provision of health care and making it more efficient. In everything we do, however, we must adhere to and retain the ethical standards of the Member States. This applies to DNA analysis just as it does to artificial insemination, and it also applies to rare diseases, the subject of Mr Trakatellis's report. Rare diseases need a stronger political framework in order to improve research and treatment, as companies prefer to invest in large markets.

In fighting for people's health we must not seek to eradicate rare diseases by, for example, selecting embryos. The matter at hand here, after all, is healing people. This one element represents a complete wrong turn for a report that otherwise takes a sound approach, and it is a turn that is morally perilous. In Amendment 15, it is not healing that is the focus, but selection. Who is to decide which life is worth living? Do we believe that prevention means preventing life? I do not think so. In my own country, and many other Member States besides, pre-implantation diagnosis is prohibited, and for good reason. That official European documents can use terms such as eradication and the selection of healthy embryos unabashedly is something that I find shocking and contrary to our stated goal of the acknowledgement and integration of those with disabilities and diseases into our society.

I ask you all to vote against Amendment 15 as a matter of imperative importance so that what is otherwise such a sound report by Mr Trakatellis will also be able to obtain a good majority.

**Siiri Oviir (ALDE).** – (ET) I find that coordinated actions at the level of the European Union and the Member States in the area of rare diseases are absolutely crucial. I support the rapporteur's position that this recommendation by the Council and the plan of action in its present form are insufficient, and that it is not possible to create a functioning programme in the European Union on that basis. There are no specific recommendations and definite deadlines for implementation.

It will definitely not be possible to achieve a breakthrough in this area without efforts and funding from the European Union and Member States. I believe that rare diseases must undoubtedly receive special attention, and we must consider the specific needs of those several million citizens, to make it possible to guarantee them a dignified life in future. I do not concur with the claim by the previous speaker, Mr Claeys, that tuberculosis comes into Member States from third countries. I do not agree with that. Tuberculosis comes from poverty and homelessness, and in Member States with lower standards of living this disease is common today.

**Daniela Filipiová, President-in-Office of the Council.** – (CS) Ladies and gentlemen, I would like to thank all MEPs for their comments, suggestions and observations. I was delighted to hear that in principle the opinions of the European Parliament and Council coincide over this issue. Of course, I cannot but agree with the rapporteur Mr Trakatellis's assertion that the draft applies to diseases which may be rare but which afflict thousands of people. I think it is important to say that in this area better coordination and cooperation between the Member States can deliver benefits for patients due to the specialised centres where financial benefits may accrue through the economies of scale that Commissioner Vassiliou has just been talking about. The Council will of course carefully consider all amendment proposals from the European Parliament and based on this will assess their inclusion in the final version of the draft proposal.



**Androulla Vassiliou**, *Member of the Commission*. – (EL) Mr President, ladies and gentlemen, today's debate demonstrated the high level of interest in this important sector of public health.

European action in the field of rare diseases is an issue which has obtained general consent in all the institutions and I am grateful for Parliament's support for this initiative.

Rare diseases are incontrovertibly recognised as a public health sector to which 27 different national approaches would be inadequate and inefficient. This recommendation will allow us to address the particular problems associated with rare diseases and to try to improve the lives of people affected by them. In addition to the patients themselves, this action will also affect their relatives and friends.

We shall achieve this in large part by recommending to the Member States that they develop plans and strategies on rare diseases and by creating European reference networks.

As regards Rector Trakatellis's proposal that we prepare and present a report on the results of the recommendation by the end of 2012, we have no objection and shall bear it in mind.

Allow me now to turn to two or three references which were made by the honourable Members. First of all let me refer to Amendment 15 and to say that I wish to stress that ethical issues are outside the competence of the EU. This is particularly the case in this instance, due to legal differences in the Member States with regard to screening and the ethical choices that have to be made on the basis of that information.

There was reference to the need for funding. Funding for the treatment of rare diseases is for Member States to consider. The Commission hopes that these proposals will help to support the importance of such investment, as well as helping to make best possible use of the funds that are available through European cooperation.

Regarding additional Community funding, the limits on the current health programme are due to the overall financial perspective set by Parliament and the Council. If Parliament feels that more Community funding is needed for rare diseases, then Parliament must address these through the budgetary procedures.

Reference was made also by Mrs Corbey on the help we need to give patients' groups. The Commission agrees with the importance of patients' groups. We work closely with them and in particular with Eurordis. I recently hosted the launch of a book providing 12 000 patients' testimonials. That engagement of citizens is a vital part of work in this area.

(EL) Mr President, I should like to close by pointing out that, with improved access for patients to specialist healthcare, with support for research and development of effective treatment and with cross-border cooperation, we hope that patients will find the specialists they need more easily.

**Antonios Trakatellis**, *rapporteur*. – (EL) Mr President, I am most grateful to my fellow Members for their comments, to the Council for its comments and to Commissioner Vassiliou for her speech. She demonstrated that she is very open-minded and prepared at least to adopt the amendment in which we call on the Commission to table a proposal by the end of 2012, so that we can proceed quickly in the field of rare diseases in Europe.

**President**. – The debate is closed.

The vote will take place in a few minutes.

#### **Written statements (Rule 142)**

**Carlo Casini (PPE-DE)**, *in writing*. – (IT) The prevention and treatment of any disease, including rare diseases, requires the utmost commitment of the public institutions, but treatment and prevention cannot come at the extremely high cost of sacrificing the life of any human beings, even if for the benefit of others. That would be fundamentally at odds with the spirit of the European Union, which was founded on the recognition of the equal dignity of members of the human family. Genetic diagnosis of embryos to choose the best and healthy ones while killing the others is unacceptable discrimination against humans. Some Member States allow it, but the European Union absolutely cannot encourage either laws or practices that allow it.

For this reason, notwithstanding my unwavering desire to fight every disease, I am opposed to a text whose worthy parts stand in contrast to the seriously negative content of Article 4, as it would be amended by Amendment 15.

**IN THE CHAIR: MR VIDAL-QUADRAS***Vice-President***6. Voting time**

**President.** – We shall now proceed to the vote.

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

*- Before the vote:*

**Daniel Cohn-Bendit (Verts/ALE).** – (FR) Mr President, before the vote, before their vote on Mr Casaca's report, pursuant to Annex 1, Article 1 of Parliament's Rules of Procedure, I call for the following, and I am reading a part of Annex I, Article 1: 'any Member who has a direct financial interest in the subject under debate shall disclose this interest to the meeting orally'.

In Mr Casaca's report on discharge, we are going to vote on pension funds. In this Parliament, there are over 400 Members who are in the pension fund. I invite the President to ask all Members who are in the pension fund to say so orally, in plenary, immediately, because they have a direct interest in what is to be discussed.

*(Applause)*

**Gary Titley (PSE).** - Mr President, I rise to draw attention to Rule 28(2) of our Rules of Procedure, which says that any Member can ask the President of Parliament a question and receive an answer within 30 days. I put a question to the President of Parliament on 19 March. Today is 23 April. Not only have I had no answer, but his office refused to respond to my e-mails.

I would like you to ask the President of Parliament why he shows such contempt for the rules of this Parliament and for the rights of Members, and I would like you to ask him to give me an answer within the next 24 hours; otherwise I shall get up tomorrow and ask the same question.

*(Applause)*

**Daniel Cohn-Bendit (Verts/ALE).** – (FR) Mr President, it is obvious that the first phase is that the Members who are in the pension fund must make this known, and at the same time, it means that they should abstain from voting on Mr Casaca's report, given that there are, in this report, items that give rise to a conflict of interest with their personal interests.

I call on you, therefore, to apply the European Parliament's Rules of Procedure.

**Silvana Koch-Mehrin (ALDE).** – (DE) Mr President, the matter at hand is written statement 0001/2009, which obtained the required majority. I would like to thank all my fellow Members on behalf of all the authors of the written statement. This has nothing to do with the votes.

**Luigi Cocilovo (ALDE).** – (IT) Mr President, ladies and gentlemen, I should just like to point out that I consider to be totally unfounded the interpretation of our Rules of Procedure as suggested by Mr Cohn-Bendit, who refers to private and personal interests, which clearly have nothing to do with the application of the rules of this Parliament.

According to that interpretation, when the Members voted on the new Statute for the Members of the European Parliament, which also included references to every Member's parliamentary allowance, then no Member would have been able to take part in that vote and I therefore ask that this request be refused as it is totally unfounded.

**Hans-Peter Martin (NI).** – (DE) Mr President, Mr Cocilovo is absolutely correct in that, when it comes to the pension fund, we are indeed dealing with private interests. This is a private scheme. I would very much like to support what Mr Cohn-Bendit said. Since it is apparent that 478 MEPs are too cowardly to own up to their interests, I will point out that you can find all the names at <http://www.openeurope.org>.

The list goes from Mr Mölzer, right-wing radical, via Mr Rübig, a conservative, right through to Mr Bösch, Chairman of the Committee on Budgetary Control.

**Martin Schulz (PSE).** – (DE) Mr President, of course we can continue the debate. Mr Cohn-Bendit's motion has been carried, after all, and many comments have been made.

I would ask that we concentrate on what we are due to vote on, which is to say Mr Casaca's report. Irrespective of whether this is deemed to be a private or a public fund, this report is about a very specific matter, namely Parliament establishing, firstly, that it has no legal claim to have its deficits subsidised and, secondly, that, furthermore, no such subsidising of deficits will take place. There is no money for the fund. That is the crucial point, and I would ask that we vote on it.

**Gerard Batten (IND/DEM).** - Mr President, can I reply to Mr Cohn-Bendit's point and Mr Hans-Peter Martin's point? I think that there is a simple solution. I can quite happily declare myself as a participant in the voluntary pension scheme, along with 399 other Members, and I intend to vote against my own interests and in favour of the taxpayers' interests. The simple solution is for the other 399 Members to do the same.

**Ewa Tomaszewska (UEN).** – (PL) Mr President, speaking as a participant in the pension scheme I would like to say that, apart from the fact that I am declaring this, I do not imagine that over 400 Members are now going to stand up and inform us of this fact, because if we do we will make any voting today completely impossible. I would like to suggest a common sense solution to this situation. There is a list of participants in the scheme — we could include this and I think this would suffice.

**President.** – Thank you very much. That is enough, ladies and gentlemen. We shall proceed with the session.

Mr Titley, your complaint will be immediately passed to the Office of the President with your request that they should respond to it immediately.

As regards the question asked by Mr Cohn-Bendit, in accordance with our Rules of Procedure, any member of the House is naturally entitled to declare at any time, a personal interest in relation to any matter being discussed here. Therefore, there is nothing further to say on this matter, he who wishes to say something may say it, and he who does not wish to, may remain silent.

As such, I consider this matter resolved.

**6.1. 2007 discharge: European Parliament (A6-0184/2009, Paulo Casaca)**

**6.2. 2007 discharge: Court of Justice (A6-0151/2009, Søren Bo Søndergaard)**

**6.3. 2007 discharge: Court of Auditors (A6-0152/2009, Søren Bo Søndergaard)**

**6.4. 2007 discharge: European Ombudsman (A6-0156/2009, Søren Bo Søndergaard)**

**6.5. 2007 discharge: European Data Protection Supervisor (A6-0154/2009, Søren Bo Søndergaard)**

**6.6. 2007 discharge: EUROJUST (A6-0161/2009, Christofer Fjellner)**

**6.7. 2007 discharge: European Medicines Agency (A6-0162/2009, Christofer Fjellner)**

**6.8. 2007 discharge: European Aviation Safety Agency (A6-0163/2009, Christofer Fjellner)**

**6.9. 2007 discharge: FRONTEX (A6-0166/2009, Christofer Fjellner)**

**6.10. 2007 discharge: European Centre for Disease Prevention and Control (A6-0170/2009, Christofer Fjellner)**

**6.11. 2007 discharge: European Monitoring Centre for Drugs and Drug Addiction (A6-0175/2009, Christofer Fjellner)**

**6.12. 2007 discharge: European Centre for the Development of Vocational Training (Cedefop) (A6-0177/2009, Christofer Fjellner)**

**6.13. 2007 discharge: Translation Centre for the Bodies of the European Union (A6-0178/2009, Christofer Fjellner)**

**6.14. 2007 discharge: EU general budget - Council (A6-0150/2009, Søren Bo Søndergaard)**

**6.15. Financial management and control of EU agencies (A6-0148/2009, Christofer Fjellner)**

## **7. Welcome**

**President.** – I would now like to welcome a delegation from Iraq, on the occasion of their visit to our Parliament. I would like to extend a cordial welcome to them within the framework of our interparliamentary meetings.

*(Applause)*

Mr Khalid Al Atiyah, First Vice-President of the House of Representatives of the Republic of Iraq, chairs this delegation.

It gives me great pleasure to emphasise the encouraging progress made in Iraq on matters of security and the rule of law, to which the provincial elections held last January bear witness, and we hope that the many problems and difficult years that this country has experienced will very soon be overcome.

They can rest assured that the European Union and this Parliament will always be at their side to help them to consolidate the peace, democracy, and stability to which Iraq, like any other nation on earth, has a right.

I hope that the meetings held within our Parliament will be fruitful, and that your stay amongst us will allow the bonds that unite our two Parliaments to be strengthened.

*(Applause)*

## **8. Voting time (continuation)**

**8.1. Common rules for access to the international market for coach and bus services (recast) (A6-0215/2009, Mathieu Grosch)**

**8.2. Common rules concerning the conditions to be complied with to pursue the occupation of road transport operator (A6-0210/2009, Silvia-Adriana Țicău)**

**8.3. Common rules for access to the international road haulage market (recast) (A6-0211/2009, Mathieu Grosch)**

**Michael Gahler (PPE-DE).** – *(DE)* Mr President, given the hundreds of votes that we now have, perhaps you could just announce 'adopted' or 'rejected' rather than reading out the individual figures.

**President.** – Yes, Mr Gahler, I would like very much to do as you wish, and I have in fact done that in the past. I am not doing it today because the Association of European Journalists has asked that we detail the votes. If we do not, the result cannot be duly recorded, and they rightly state that if they do not know the result of the vote, they cannot make a political assessment as to the position of the House.

#### 8.4. Energy performance of buildings (A6-0254/2009, Silvia-Adriana Țicău)

- Before the vote:

**Silvia-Adriana Țicău, rapporteur.** – Mr President, I would just like to say that, on the voting list for Article 7, Amendment 57, only if the first part is adopted will Amendments 106 and 117 fall.

Concerning Article 9, Amendment 102, if all of them are adopted, Amendment 60 will fall. Otherwise we have to vote on the corresponding part of Amendment 60.

**President.** – Thank you Mrs Țicău, we take due note of your observation.

- Before the vote on Amendments 109 and 124:

**Silvia-Adriana Țicău, rapporteur.** – Mr President, we have to vote on Amendments 109 and 124 too – the corresponding part.

#### 8.5. Credit Rating Agencies (A6-0191/2009, Jean-Paul Gauzès)

- Before the vote:

**Jean-Paul Gauzès, rapporteur.** – (FR) Mr President, one moment just to tell you that this is an important report because it introduces a European regulation on rating agencies, and is therefore an element of the response to the crisis.

I wish to tell you that, this morning, COREPER adopted the compromise text that has been tabled for your vote. For Parliament's vote to comply, it is better for you to reject the amendments, except in the case of the votes on Amendment 172, corresponding parts. I wish, also, to thank the shadow rapporteurs, Mr Pittella and Mr Klinz, and all of those who worked on this important issue.

#### 8.6. Rights of passengers when travelling by sea and inland waterway (A6-0209/2009, Michel Teychenné)

#### 8.7. Rights of passengers in bus and coach transport (A6-0250/2009, Gabriele Albertini)

- Regarding Amendments 81 and 12:

**Georg Jarzembowski (PPE-DE).** – (DE) Mr President, I believe that we had a large majority for Amendment 81, with the result that Amendment 12 lapses. Can you just confirm that again, please?

**President.** – Yes, you are correct Mr Jarzembowski: Amendment 12 falls.

**Eva Lichtenberger (Verts/ALE).** – (DE) Mr President, this second amendment can absolutely be viewed as complementary. There is no contradiction. The two amendments do not preclude one another.

(Uproar in the Chamber)

**President.** – Could the rapporteur, Mr Albertini, give us his opinion?

**Gabriele Albertini, rapporteur.** – (IT) Mr President, ladies and gentlemen, I agree with what our coordinator, Mr Jarzembowski, said: Amendment 12 falls.

#### 8.8. Term of protection of copyright and related rights (A6-0070/2009, Brian Crowley)

- Before the vote:

**Sharon Bowles (ALDE).** – Mr President, I am sorry to trouble colleagues in a long voting session, but it has been newly marked on the voting list that Amendment 80 to a recital falls if Amendment 37 is passed. The

first half of the amendment is exactly the same but the new bit – the second part – is consistent. Amendment 81, which is the corresponding amendment to the article, is not marked as falling when the corresponding article amendment, 55, is passed. Therefore, I would request that we vote on Amendment 80 as an addition to 37, if Members like it – which is a different matter – as it looks like we are also doing with Amendment 81.

**President.** – Thank you, Mrs Bowles. It is appropriate that we should hear the opinion of the rapporteur, Mr Crowley.

**Brian Crowley, rapporteur.** – Mr President, I do not think this can be added as an addition. It should be taken separately.

### **8.9. Intelligent Transport Systems in the field of road transport and interfaces with other transport modes (A6-0226/2009, Anne E. Jensen)**

*- Before the vote:*

**Alexander Alvaro (ALDE).** - Mr President, with the utmost respect, I believe you would gain a lot of popularity, and it would be received with a lot of admiration, if you could speed up the voting procedure.

*(Applause)*

**President.** – Thank you very much for the advice, Mr Alvaro. Of course, it is obvious that you have no experience of this.

### **8.10. Second 'Marco Polo' programme (A6-0217/2009, Ulrich Stockmann)**

### **8.11. European rail network for competitive freight (A6-0220/2009, Petr Duchoň)**

### **8.12. Patients' rights in cross-border healthcare (A6-0233/2009, John Bowis)**

*- Before the vote:*

**Kartika Tamara Liotard (GUE/NGL).** – (NL) I wish to raise a point of order based on Article 168(2). Our group has submitted an amendment on the change in the legal base, and a number of other groups have done likewise. The change means that now only Article 95 on the internal market, and thus only economic interests, are included as a legal base and not Article 152 on public health, in which the patient is taken as the starting point.

In principle, the Committee on the Environment, Public Health and Food Safety asked for an opinion from the Committee on Legal Affairs, but the opinion was requested solely on the basis of the original proposal from the Commission. In the Bowis report, it is now clear that a change has been made whereby patients' rights are also mentioned in this report, and therefore the legal base has also changed. These amendments have, however, been declared inadmissible and therefore the fundamental change which Parliament wishes to make – in other words from an exclusive market orientation to including patients' rights – is in trouble. I would like to ask that the report be referred back to the Committee on the Environment, Public Health and Food Safety.

**President.** – Mrs Liotard, we will now vote on Amendment 158, which is a motion for rejection, and once we have that result I will respond to your observation.

I should like to make a proposal regarding the amendments dealing with the legal base: the Presidency must decide on the admissibility of these amendments, specifically, Amendments 159, 119, 116 and 125, but the decision naturally has to depend on the final configuration of the directive, which will be modified in the course of voting.

Therefore, I propose that the vote on the admissibility of these amendments should take place at the end, since at that point the Presidency will have the facts it needs to decide whether or not they are admissible. Otherwise, we would have to decide now without sufficient information.

Therefore, if the honourable spokesmen agree, voting will be taken on these amendments at the end.

**Philip Bushill-Matthews, rapporteur.** – Mr President, I agree with that proposal, but, just for the sake of clarity, could you mention those amendments covered by the legal base – 159, 119 etc.? The ‘etc.’ should also include the recital, which is Amendment 126.

**President.** – We will therefore vote on 80 amendments from the appropriate committee, and we are aware that Mr Bushill-Matthews wishes to table an oral amendment to Amendment 100.

*- Before the vote on Amendment 100:*

**Philip Bushill-Matthews, rapporteur.** – Mr President, apologies to colleagues for introducing it at this late stage, but the reason is one of simple clarification.

Amendment 100 refers to the responsibility of Member States to exchange information about disciplinary and criminal findings against health professionals. This is absolutely appropriate, but it has been brought to my attention at the last minute that this could be construed as saying that if such health professionals were involved in any traffic offences, for example, then Member States would have a responsibility to share information about that. That clearly is not the intention of the amendment and so, for clarification, the wording proposed would now read: ‘Member States shall, immediately and proactively, exchange information about disciplinary and criminal findings against health professionals where they impact upon their registration or their right to provide services’. So this is purely a matter for clarification.

**President.** – So far, in voting on this report, we have voted on a series of amendments affecting Articles 15, 16 and 17. The adopted amendments affecting those articles are the following: 102, 103, 104, 105, 106, 107, 108, 109, 110 and 135.

During the debate, Commissioner Vassiliou said that she would be prepared to review the legal base if she felt there were reasons to do so, which would depend on the amendment of the directive. We must decide on the admissibility of Amendments 159, 119, 116, 125 and 126.1, in order to ensure that the final text adopted by Parliament corresponds with the legal base.

Taking into account what the Commissioner has said, and the fact that the appropriate committee voted on these amendments, that is, the appropriate committee and as such, the chair of the appropriate committee, considered them to be admissible; since he allowed them to be voted on, and also taking into account all that we have voted on today in relation to Articles 15, 16, and 17, I note that the directive has changed direction.

Taking all of this into account, the Presidency considers the amendments admissible, and we shall now proceed to vote on them.

**Philip Bushill-Matthews, rapporteur.** – Mr President, I accept your ruling – it is your right to make such a ruling – but because earlier Ms Liotard said that we would need to have a dual base, because, otherwise, if it was only the internal market, that meant we would only be voting on economic issues, without trying to open up the debate again. I would just correct her to say the single legal base that we currently have is not just economic: it is about freedom of choice for patients’ rights. Therefore, our group will be voting against a dual legal base, both for these original amendments, and indeed the recital. I would encourage other colleagues to put the patients first.

**Edward McMillan-Scott (PPE-DE).** – Mr President, very briefly, I am trying to be helpful, but am getting hungry. These are important votes and it is a very full agenda and I have every sympathy with you.

I have just been down to the press room and I note that eight journalists are actually listening to the vote – others may be watching on the screens, where every single vote is being broadcast. I therefore think that to read out the result of every vote is not necessary.

*(Applause)*

**President.** – Mr McMillan-Scott, up until now we have accommodated the speakers. From now on, we are going to move things along more swiftly and thus satisfy everyone.

*- After the vote:*

**Philip Bushill-Matthews, rapporteur.** – Mr President, it was because of the last intervention – which was very well-intentioned – that you omitted your normal practice, which was to thank the rapporteur. I am sure that you would wish to do that, especially in his absence.

**President.** – It is indeed an appropriate moment to thank the rapporteur, Mr Bowis, for his work, and to wish him a speedy and happy recovery.

**8.13. Patient safety (A6-0239/2009, Amalia Sartori)**

**8.14. Rare diseases (A6-0231/2009, Antonios Trakatellis)**

**8.15. 2007 discharge: Commission (A6-0168/2009, Jean-Pierre Audy)**

**8.16. 2007 discharge: Seventh, Eighth and Ninth European Development Funds (EDF) (A6-0159/2009, Bogusław Liberadzki)**

**8.17. 2007 discharge: Economic and Social Committee (A6-0155/2009, Søren Bo Søndergaard)**

**8.18. 2007 discharge: Committee of the Regions (A6-0153/2009, Søren Bo Søndergaard)**

**8.19. 2007 discharge: European Training Foundation (A6-0157/2009, Christofer Fjellner)**

**8.20. 2007 discharge: European Network and Information Security Agency (ENISA) (A6-0158/2009, Christofer Fjellner)**

**8.21. 2007 discharge: European Police College (A6-0160/2009, Christofer Fjellner)**

**Christofer Fjellner, rapporteur.** – (SV) Mr President, since Parliament has decided to grant discharge to the European Police College against the recommendation made by myself and the committee, I would simply like to urge my colleagues in the Group of the European People's Party (Christian Democrats) and European Democrats to accept the amendments tabled by the Socialist Group in the European Parliament. There is no reason to justify why we would choose not to grant discharge or to delay discharge now that we have granted it. So that we can keep things consistent, I propose that our group support the Socialist Group's proposals and vote in favour of the next four amendments.

**8.22. 2007 discharge: European GNSS Supervisory Authority (A6-0164/2009, Christofer Fjellner)**

**8.23. 2007 discharge: European Railway Agency (A6-0165/2009, Christofer Fjellner)**

**8.24. 2007 discharge: European Maritime Safety Agency (A6-0167/2009, Christofer Fjellner)**

**8.25. 2007 discharge: European Agency for Reconstruction (A6-0169/2009, Christofer Fjellner)**

**8.26. 2007 discharge: European Environment Agency (A6-0171/2009, Christofer Fjellner)**



**8.27. 2007 discharge: European Food Safety Authority (A6-0172/2009, Christofer Fjellner)**

**8.28. 2007 discharge: European Foundation for the Improvement of Living and Working Conditions (A6-0173/2009, Christofer Fjellner)**

**8.29. 2007 discharge: European Agency for Safety and Health at Work (A6-0174/2009, Christofer Fjellner)**

**8.30. 2007 discharge: Fundamental Rights Agency (A6-0176/2009, Christofer Fjellner)**

**8.31. 2007 discharge: Community Fisheries Control Agency (A6-0179/2009, Christofer Fjellner)**

**8.32. Deforestation and forest degradation (B6-0191/2009)**

**8.33. Action Plan on Urban Mobility (A6-0199/2009, Gilles Savary)**

**8.34. The Intelligent Transport Systems Action Plan (A6-0227/2009, Anne E. Jensen)**

## **9. Explanations of vote**

**President.** – Ladies and gentlemen, I should like to make a proposal: as there are a number of you who have requested several explanations of vote, when I give you the floor, please provide all your explanations, in sequence, in one speech.

### **Oral explanations of vote**

**- Report: Paulo Casaca (A6-0184/2009)**

**Jim Allister (NI).** – Mr President, every day more and more of my constituents find it nigh impossible to make ends meet. Then I pick up a report like this and I discover that EUR 1.6 billion of European taxpayers' money has been spent on this edifice that is the European Parliament, then I discover that EUR 9.3 million has been lavished upon the political parties in the European Parliament, and then I look and see a reaffirmation of a commitment to a 30% reduction in carbon emissions by 2020, but not a single mention of the most outrageous emission of all – that which flows from the unnecessary travel to this place, 12 times a year. This report is appalling in what it exposes as regards the conduct of this Parliament.

**Richard Corbett (PSE).** – Mr President, let me put Mr Allister's comments into context: the European Parliament costs each citizen GBP 1.74 – I say 'pounds' for the benefit of Mr Allister – per year. By comparison, the House of Commons costs each of its citizens GBP 5.75 per year; the House of Lords GBP 1.77 for each citizen of the United Kingdom. In other words, this Parliament is far cheaper to operate per citizen.

However, that does not mean we must rest on our laurels. Of course we should be vigilant, and of course we should cut costs. The point made by Mr Allister about the 12 part-sessions a year costing so much money in Strasbourg is, of course, a correct observation. But this decision does not lie in the hands of the European Parliament: it lies in the hands of the Member States, who, unfortunately – in Edinburgh, under the chairmanship of John Major – made it a legal obligation for the European Parliament to come here 12 times a year. I would call on the Member States to reconsider that decision.

**- Report: Søren Bo Søndergaard (A6-0150/2009)**

**Richard Corbett (PSE).** – Mr President, this is on the question of the discharge to the Council. It raises again this gentlemen's agreement, which dates from before direct elections, that Parliament and the Council, as two branches of the legislative authority, each retain fully the responsibility for their own internal budget without each other looking at each other's budget internally or criticising it.

I think the time has come for us to re-examine this gentlemen's agreement, not least because the budget of the Council now includes not only its administrative budget as an institution, as a co-legislature with us, but also contains a budget which potentially will get bigger in the future for executive functions in the field of common foreign and security policy.

The gentlemen's agreement was never intended to apply to executive functions. It was never intended to shield that from parliamentary scrutiny, and I think it is high time that we enter into talks with the Council to reconsider that agreement.

**- Report: Paulo Casaca (A6-0184/2009)**

**Astrid Lulling (PPE-DE).** – (FR) Mr President, I abstained from the vote on the 2007 discharge of the European Parliament's budget because of some paragraphs in this report that are inspired by the disinformation and untruths published in the media, especially here, relating to the Members' voluntary pension fund.

Mr Cohn-Bendit can sleep soundly because, as a taxpayer, he will not be asked to guarantee the rights of those fund members who are already retired, nor those of their widows nor of their dependants, nor those of the Members who will cease working here on 14 July.

If he thinks that the Members who belong to the voluntary pension fund should not take part in the vote on the discharge, he would do well to put his own house in order. Moreover, he gladly participates in the vote on credits from our budget that are used to finance his allowances, although it has just become known, as required for the sake of transparency, that, for example, he has only once in five years set foot in a meeting of a committee of which he is a member. His legendary diligence for the legislative work of this House – it is not enough to blare out drivel and hold press conferences – should encourage him to be more discreet, but as he is a relic of 68, one certainly cannot expect any better of him.

Furthermore, Mr President, no statements, even though they emanate from the group chairmen, are going to change any part of the legal responsibilities of this Parliament, which are written in stone.

**- Report: Christofer Fjellner (A6-0148/2009)**

**Daniel Hannan (NI).** – Mr President, we have just voted through the funding for a vast array of Euro-agencies and quangos – the Medicines Agency, the External Borders Agency, the Aviation Safety Agency, and so on – and it seems to me that these are objectionable on three grounds. There is the Euro-sceptic argument against them, there is the legal argument against them and there is the democratic argument.

The Euro-sceptic argument I do not expect will have much traction in this House. It is the very obvious point that these things do not need to be done at Brussels level. The legal argument again I do not expect to have much traction: it is that a lot of these agencies, although they would have been given legal force by the Lisbon Treaty or European Constitution, have no proper legal base at the moment. But the democratic argument I think might have some echo of authenticity even with federalist colleagues and it is this. When a parliament like this contracts out the day-to-day administration of its policies to organisations that we barely visit, that we almost never see – we get the odd committee visit maybe once a year – and we expect them to be carrying out the policy with our signing the cheques obligingly every year, we have diminished our democracy.

Hayek said that the devolution of power to external agencies, while a regular feature, is nonetheless the first step by which a democracy surrenders its powers. Colleagues here, federalist or Euro-sceptic, should all be aware of the danger.

**- Report: Mathieu Grosch (A6-0215/2009)**

**Siiri Oviir (ALDE).** – (ET) I truly have a lot of comments. I have never done this before, but I considered it important to do so today. I would namely first like to speak about Mr Grosch's report, which I voted for, and also supported the recommendations of the transport commission, because I believe that one rephrased and updated regulation should be passed in place of the two present regulations that pertain to bus services. This step will help ensure clarity and reduce bureaucracy.

**- Report: Silvia-Adriana Ticău (A6-0210/2009)**

**Siiri Oviir (ALDE).** – (ET) Next is Silvia-Adriana Ticău's report, which I also supported, because it also makes it possible to ensure even more uniform implementation of the new regulation on road transport. I believe

that, considering the international nature of this area, we should plan to enable Europe-wide queries from registers, in order to better protect clients from unfair competition.

**- Report: Mathieu Grosch (A6-0211/2009)**

**Siiri Oviir (ALDE).** - (ET) I too supported Mr Grosch's report, because it is devoted to transport and helps improve the efficiency and legal security of the internal market for road transport, reduce administrative costs and permit fairer competition. I believe that in the framework of the integration of the common European market, we should in coming years also abolish restrictions on access to the internal markets of Member States.

**- Report: Silvia-Adriana Ticău (A6-0254/2009)**

**Siiri Oviir (ALDE).** - (ET) Mrs Țicău's second report, on the energy efficiency of buildings, earned my support, because it will help realise the challenges that Europe faces in the area of energy supply and energy demand. This means that it will help save 20% of energy consumption through increased energy efficiency. Investments in energy efficiency will help revive the European economy today, because they will create almost as many jobs, and maybe even more, than investments in traditional infrastructures. Increasing energy efficiency is the most effective means for the European Union to achieve the objective of reducing CO<sub>2</sub> emissions, create jobs and reduce the European Union's increasing dependence on external energy suppliers.

**- Report: Jean-Paul Gauzès (A6-0191/2009)**

**Siiri Oviir (ALDE).** - (ET) Mr Gauzès' report – I am not sure if I pronounced his name correctly – concerns rating agencies, and I supported this report, because shortcomings and errors in ratings and supervision over them have contributed to the rise of the present financial crisis. The fact that there are only a few ratings agencies, their area of operation is global and their head offices often lie outside the EU causes me to wonder how effective European legislation can be in this area. I agree that cooperation between the EU and third countries must be intensified for the solution of this problem, and that that is the only means to achieve a harmonised regulative basis.

**- Report: Michel Teychenné (A6-0209/2009)**

**Siiri Oviir (ALDE).** - (ET) About the report concerning the rights of passengers when travelling by sea and inland waterway – regulation in this area is very welcome, because this step would also help to increase the rights of Europeans travelling with these means of transport, and guarantees our consumers equal rights when using different modes of transport.

**- Report: Gabriele Albertini (A6-0250/2009)**

**Siiri Oviir (ALDE).** - (ET) Mr Albertini's report on the rights of bus travellers earned my support because measures that protect bus travellers will help to finally eliminate the inequality that prevails in the European Union, and ensure the equal treatment of all passengers, as is already the case with users of air and rail transport. Since this piece of legislation concerns both transport operators and passengers, and provides for many new obligations for transport operators, it is reasonable that a slightly longer period of implementation be granted to service providers in order to achieve a better result.

**- Report: Anne E. Jensen (A6-0226/2009)**

**Siiri Oviir (ALDE).** - (ET) Mrs Jensen's report on intelligent transport systems – their implementation has proved their effectiveness, making transport more efficient, safer and more secure, as well as helping to achieve the political objective of making transport cleaner. For these reasons, I voted in favour of the report.

**- Report: Ulrich Stockmann (A6-0217/2009)**

**Siiri Oviir (ALDE).** - (ET) Mr Ulrich Stockmann's report on the Marco Polo II programme is worth supporting because it makes it possible to reduce highway congestion, improve the environmental protection methods of transport systems, and promote the combination of modes of transport. I am, however, concerned that every year there are fewer and fewer applications for financial assistance and thus planned projects that could be financed in the framework of this programme.

**- Report: Petr Duchoň (A6-0220/2009)**

**Siiri Oviir (ALDE).** - (ET) I supported Mr Duchoň's report because rail transport has a very important role in the framework of European transport, even today, despite the continual reduction in goods transport. I also supported the report because I agreed with the rapporteur that this piece of legislation must be prepared in such a manner that in the future the railway network becomes efficient for all users.

**- Report: John Bowis (A6-0233/2009)**

**Siiri Oviir (ALDE).** - (ET) This morning we also discussed and just voted on certain reports from the health care package. I supported the protection of patients' rights in cross-border health care, because I am of the opinion that elected representatives in the European Parliament have too long been satisfied with lawyers making law in this area – law should be made by politicians, i.e. Members of Parliament elected by European voters. This is the last opportunity to deal with and pass this directive.

**- Report: Antonios Trakatellis (A6-0231/2009)**

**Siiri Oviir (ALDE).** - (ET) Mr Trakatellis's report on rare diseases is like an addition to the report on patients' rights, which I supported, although I did not support recommendation 15 in that report, because that recommendation belongs in the last century, and politics should not influence genetic research.

**- Report: Gilles Savary (A6-0199/2009)**

**Siiri Oviir (ALDE).** - (ET) The report concerning urban traffic and the action plan in that area earned my vote, because urban transport plays a very important role in EU freight and passenger transport. As a result, the preparation of a separate urban transport strategy is altogether justified.

**- Report: Anne Jensen (A6-0227/2009)**

**Siiri Oviir (ALDE).** - (ET) Lastly, I would like to mention Mrs Anne Jensen's report on the action plan for intelligent transport systems, because this action plan focuses on geographical consistency.

**- Report: Jean-Paul Gauzès (A6-0191/2009)**

**Daniel Hannan (NI).** - Today we mark the anniversary of the greatest of all Englishmen and perhaps the greatest dramatist and writer mankind has produced. It is a characteristic of Shakespeare's work that, whatever experiences we carry to them, they always illuminate our experiences more than our experiences illuminate the plays. I can do no better today than to quote John of Gaunt's dying speech from *Richard II*, which not only beautifully describes our budgetary problems in Britain but also our situation here in Europe.

First, on the budget:

'This land of such dear souls, this dear dear land [...]

Is now leased out – I die pronouncing it – like to a tenement or pelting farm.'

But then listen to his description of the Lisbon Treaty or European Constitution:

'England, bound in with the triumphant sea,

Whose rocky shore beats back the watery siege

Of envious Neptune, is now bound in with shame,

With inky blots and rotten parchment bonds.

That England that was wont to conquer others

Hath made a shameful conquest of itself.'

If there is a better description than that, I have yet to hear it.

**President.** – I was unaware that you possessed such a talent for rhapsody. You recited it very well.

**- Report: Silvia-Adriana Ticău (A6-0254/2009)**

**Syed Kamall (PPE-DE).** - Mr President, when we vote on issues in the European Parliament we should always be sure that we take the moral lead.

It is quite right for us to be talking about energy efficiency. Frankly, I have no problem with that at European level, national level or local level. I think more of it can be done at local government level, but it is good to share best practice and ideas at the European and national level.

However, in taking that lead, we have to show moral leadership. How can we talk about the energy efficiency of buildings when we continue to operate out of two Parliament Chambers, one here in Strasbourg and one in Brussels? What about the CO<sub>2</sub> emissions of the Parliament in Strasbourg, when we are talking about tens of thousands of tons of CO<sub>2</sub> emissions every year? It is time to stop the hypocrisy, to show leadership and to close down the Strasbourg Parliament.

**- Report: John Bowis (A6-0233/2009)**

**Syed Kamall (PPE-DE).** - Mr President, let me start by paying tribute to my colleague, John Bowis, and I am sure we all wish him a speedy recovery. Thank goodness that he was able to take advantage of a health-care system from another country. He, a British citizen, was able to take advantage of the excellent health-care service in Belgium.

These are a few steps in the right direction for citizens right across the EU to be able to make a decision on where to go for health-care services. If patients are given information about the recovery rates for different diseases in a number of different countries, and they are given the choice, then they are able to choose in which country they would recover best. To take advantage of those health-care services is a positive step in the right direction.

I have often criticised some of the initiatives that we discuss in this place, but I think this is a positive move. We look forward to offering choice and greater service to patients right across the European Union.

**- Report: Brian Crowley (A6-0070/2009)**

**Zuzana Roithová (PPE-DE).** – (CS) I would also like to explain my vote on the Crowley report – Term of protection of copyright. I voted against the report, which has not been properly considered but which should effect the price paid by consumers for music over the next 45 years. I would like to help ordinary artists and to do this we need legislation in the area of regulating contractual terms and collective management and establishing a social care system, pension schemes or changes to licence tariffs. Impact studies show that only 2% of revenues are shared among ordinary artists, with the rest going to recording companies and the biggest artists. Subsequent redistribution will harm promising small artists, with consumers and taxpayers also paying hundreds of millions of euros more. The proposal complicates matters for libraries, archives, art schools and independent film makers. There is no clear impact on audio-visual artists. All legal authorities are warning against the proposal and I therefore voted against it.

**- Report: Anne E. Jensen (A6-0226/2009)**

**Brigitte Fouré (PPE-DE).** – (FR) Mr President, as regards Mrs Jensen's report, that is, the report on the proposal for a directive on the deployment of intelligent transport systems, I voted in favour. The objective of this directive is to guarantee the interoperability of the information and communication technologies used in transport systems.

Innovation in the transport area must be encouraged, in particular where it can improve vehicle safety. The fact is, innovation will lose its usefulness if we do not guarantee that it can be applied across the whole European area.

This directive should allow us to contribute to a reduction in the number of deaths on European roads, by reducing both the risk of collision and the seriousness of any accidents. I would remind you that the European Union has set itself the objective of halving the number of deaths on roads by 2010 when compared with the levels in 2000.

In this respect, I regret that the directive on cross-border cooperation in the field of road safety, which we adopted several months ago now, has still not been adopted by the European Union transport ministers, as

it would also allow lives to be saved by facilitating the enforcement of penalties against motorists who break the law in a Member State other than the one in which their vehicle is registered.

**- Report: Petr Duchoň (A6-0220/2009)**

**Brigitte Fouré (PPE-DE).** – (FR) As regards Mr Duchoň's report on rail freight corridors, I would like to say that the European Parliament has just adopted this report on the European rail network for competitive freight. I voted in favour of this report, which should allow increased and improved transport of goods by rail.

European action in this area was necessary. The way rail freight transport currently operates is in fact unsatisfactory, offering too few guarantees, in terms of reliable timetables, to the companies that wish to use rail to transport their goods.

Now, we have to make rail freight more attractive to companies because, if some goods go from being transported by road to being transported by rail, it means that fewer greenhouse gases are emitted and there are fewer trucks stuck in traffic jams on the roads and motorways.

I now hope, therefore, that the transport ministers of the Member States will follow the path opened up by the European Parliament towards a better performing European rail freight network.

**- Report: Antonios Trakatellis (A6-0231/2009)**

**Bernd Posselt (PPE-DE).** – (DE) Mr President, I voted against Mr Trakatellis's report as a result of the scandalous Amendment 15, which confuses the curing of diseases with the murder of unborn human beings and reeks of eugenics. We need to be clear on this: human beings have a right to life from the moment the egg and the sperm fuse until their natural death, and this amendment fundamentally brings that right to life into question. An unborn human being would no longer have a right to life, simply because he or she has a disease. That is the precise opposite of medicine – it is murder.

For that reason, Mr Trakatellis's report is unacceptable and this amendment is a scandal that discredits this Parliament, which has otherwise time and again served bioethics and the protection of unborn human life well.

**Ingeborg Gräßle (PPE-DE).** – (DE) Mr President, for the first time since becoming a Member of this House, I voted in the vote on discharge against discharge of the Commission and I should like to explain my reasons: my basic concern is the manner in which the European Commission handled the accession of the two new countries, namely Romania and Bulgaria.

We have a great many problems to contend with in Romania and Bulgaria, with widespread corruption, with a lot of money, a lot of European money that has gone missing. The European Commission did not start freezing this money until 2008. We lost a great deal of money in 2007 and now have to contend with control systems which are barely even there or control systems which only function intermittently. In Romania we have extensive corruption and problems with the judiciary to contend with. All this has to be blamed on the pre-accession process.

I want to give a sign, to say to the European Commission that, in future, it must deal with accessions differently and to also say to it that, had it been observed in other countries in the past, it could be progressing much more successfully now had it wanted to.

I should like to call on the Commission to help both countries put financial control systems in place that are worthy to be called as much and to help rectify the systemic weaknesses in these two countries. Otherwise we shall have a permanent problem here, a permanent pain in the neck for the whole of Europe.

**Written explanations of vote**

**- Report: Paulo Casaca (A6-0184/2009)**

**Alexander Alvaro (ALDE), in writing.** – (DE) The European Parliament voted today on Mr Casaca's report on discharge in respect of the implementation of the budget of the European Parliament for the 2007 budgetary year. The report also addressed the question of the pension fund of the European Parliament.

The European Parliament pension fund is a voluntary pension fund. The pension fund has now got into financial difficulties and a deficit has accrued.

The Free Democratic Party in the European Parliament is opposed to using tax revenue to clear the deficit. It is irresponsible to expect European taxpayers to pay for these losses. Any such plans should be averted. The Free Democratic Party in the European Parliament voted against discharge in respect of the implementation of the European Parliament's budget. The possibility of using tax revenue to clear the deficit has not been totally excluded.

**Richard James Ashworth (PPE-DE), in writing.** – British Conservatives have been unable to approve discharge of the 2007 European budget, section I, European Parliament. We are insistent that the parliamentary budget must deliver value for money for the European taxpayer and we are, therefore, supportive of most of the rapporteur's report. In particular, we note with approval the progress that has been made in the implementation of the Parliament's budget, as recorded by the Court of Auditors' report 2007. We also support the rapporteur's remarks regarding the Members' voluntary pension fund. However, in line with our traditional approach, we will continue to vote against granting discharge until we see real progress towards the achievement of an unqualified statement of assurance from the European Court of Auditors.

**Monica Frassoni (Verts/ALE), in writing.** – Today, the Green Group voted in favour of the Casaca report on EP discharge 2007.

We want to stress that with the adoption of this report in plenary, the presidium of this House should take up its responsibility and act immediately on the text adopted as far as the voluntary pension fund is concerned, and that clear decisions should be taken to the effect that under no circumstances will the voluntary pension fund be bailed out with extra money from Parliament's budget, either directly or indirectly, and that the list of participants in the fund will be made public without further delay.

It should be made clear that, in so far as Parliament has to guarantee the pension rights of its Members, it should also have full control of the fund and its investment policies. We expect these decisions to be taken before the end of April 2009.

**Marian Harkin (ALDE), in writing.** – I abstained as I am a member of the Pension Fund.

**Jens Holm and Eva-Britt Svensson (GUE/NGL), in writing.** – We have voted against the Casaca report on the 2007 Discharge of the European Parliament for three reasons. Firstly, we oppose the situation whereby the MEPs' voluntary pension fund is being funded by taxpayers' money. Secondly, we oppose the situation whereby taxpayers' money can be given to a private pension fund where the list of participants and beneficiaries is kept secret and is not published.

Thirdly, we completely opposed to using even more taxpayers' money to cover the pension fund's current deficit as a result of speculative investments. We do support paragraphs 105 and 109 of the Casaca report, which remedy some objections we have concerning the voluntary pension fund of the MEPs, but because the Casaca report does not change the existing situation, we have voted against giving the discharge in respect of the implementation of the European Parliament's budget for the financial year 2007.

**Kartika Tamara Liotard and Erik Meijer (GUE/NGL), in writing.** – We voted against the Casaca report on the 2007 Discharge of the European Parliament for three reasons. Firstly, we are against the situation that the MEPs voluntary pension fund is being funded by taxpayers' money. Secondly, we are against the situation that taxpayers' money can be given to a private pension fund where the list of participants and beneficiaries is kept secret and is not published.

Thirdly, we are completely against using even more taxpayers' money to cover the pension fund's current deficit as a result of speculative investments. We support paragraphs 105 and 109 of the Casaca report, which remedy some objections we have concerning the voluntary pension fund for MEPs, but because the Casaca report does not change the existing situation, we have voted against giving discharge in respect of the implementation of the European Parliament's budget for the financial year 2007.

**Toine Manders (ALDE), in writing.** – (NL) Unfortunately, I had to miss the beginning of the vote, but I fully share the tenor of the reports on discharge and, in particular, the Casaca report. It would be irresponsible if we, especially in these times, were to make up the deficit in the pension fund with tax money. A possible deficit in the fund is a matter for the fund and its members, not for the European taxpayer.

Parliamentarians are held up as an example and must be careful in their use of Community funds. That applies to their incomes, pensions and expenses. I am therefore pleased that Parliament has granted its approval to this report.

**Carl Schlyter (Verts/ALE)**, *in writing*. – (SV) I refuse to grant discharge to an institution that squanders more than EUR 1 billion on extra pension insurance, two thirds of which is funded by public money. Members of the European Parliament who are involved in this extra pension fund must accept a reduction in these luxury pensions, just as low-earners have been forced to accept a reduction in their pensions. The discharge relates to 2007, but we cannot wait a year to express our criticism of a decision made in 2008 concerning extra payments to the pension fund.

**Olle Schmidt (ALDE)**, *in writing*. – (SV) I abstained from the vote, as I left the voluntary pension fund on 21 April 2009 and therefore did not want to affect the result of the vote.

**Kathy Sinnott (IND/DEM)**, *in writing*. – We, as MEPs, are meant to represent and serve the people of Europe. All of our constituents are suffering from the consequences of the economic crisis, especially in the loss and diminishment of their pensions. In my own constituency of Munster, Ireland, many workers face a very uncertain old age because the pensions that they have paid into have lost a great deal of value, or in some cases they have lost their pensions completely with the closure of their companies.

In voting on this report, I am happy to declare that I have an interest, as Parliament's rules demand. As a Member I pay into a pension fund. However, I do not see this as a conflict of interest.

To me it seems unreasonable for MEPs to expect immunity, and we should equally bear the burden of the economic crisis. As an MEP I uphold the citizens' interests before my own.

**Søren Bo Søndergaard (GUE/NGL)**, *in writing*. – I voted against the Casaca report on the 2007 Discharge of the European Parliament for three reasons. Firstly, I am against the situation that the MEPs' voluntary pension fund is being funded by taxpayers' money. Secondly, I am against the situation that taxpayers' money can be given to a private pension fund where the list of participants and beneficiaries is kept secret and is not published.

Thirdly, I am completely against using even more taxpayers' money to cover the pension fund's current deficit as a result of the speculative investments. I do support paragraphs 105 and 109 of the Casaca report, which remedy some objections I have concerning the voluntary pension fund of the MEPs, but, because the Casaca report does not change the existing situation, I voted against giving the discharge in respect of the implementation of the European Parliament's budget for the financial year 2007.

#### **- Recommendation for second reading: Silvia-Adriana Ticău (A6-0210/2009)**

**Luís Queiró (PPE-DE)**, *in writing*. – (PT) This proposal clarifies the rules on becoming a road transport operator.

New rules are proposed with the aim of increasing the safety and excellence of this activity, and also ensuring common financial management criteria for these undertakings.

The obligations to have a trained manager responsible for managing the undertaking's transport activity and to prove the undertaking's financial standing are signs of this new approach to this activity.

Other important elements of this text are the points on personal data protection, the creation of a register with public and confidential sections, and also the end of so-called 'letter-box' companies.

The requirements for accessing the profession, namely repute, financial standing and professional competence, correspond to a clarification of this activity, which we hope will allow it to prosper in a more transparent manner, affording customers better protection and safety.

#### **- Recommendation for second reading: Mathieu Grosch (A6-0211/2009)**

**Dirk Sterckx (ALDE)**, *in writing*. – I oppose the compromise reached between the rapporteur and the Council on the rules for access to the international road haulage market. We believe that creating new frontiers and new restrictions on cabotage in the transport sector is not the solution to the problems the road transport sector is facing as a result of the economic crisis. Moreover, from an environmental point of view, we cannot accept restrictions such as the requirement that the goods carried in the course of an incoming international carriage have to have been fully delivered before a cabotage operation can be carried out. This is entirely at odds with the reality of road transport and stands in the way of efficient organisation of freight transport. This will lead to more empty trucks.



However, I strongly support a very strict approach concerning access to the occupation of road transport operator. If we have strict rules concerning access to the profession we do not need to fear for an open European transport market.

**- Report: Silvia-Adriana Ticău (A6-0254/2009)**

**Martin Callanan (PPE-DE), in writing.** – I accept the need to improve the energy efficiency of buildings, and I am persuaded that the EU can play a positive role in this respect. In fact, I think this report does not attach enough importance to the energy efficiency of buildings in the wider context of addressing environmental concerns such as climate change.

Making buildings more energy efficient is relatively simple, relatively low cost and relatively beneficial. Making buildings more energy efficient would also have a massive positive impact on carbon emissions in the EU. However, the European Commission has consistently sidelined energy efficiency as a flagship policy in favour of hammering the motor industry. I am convinced that making car manufacturers the scapegoats for climate change is a deeply flawed and counterproductive policy.

Sadly, in my constituency of north-east England, Nissan has recently announced job losses and a scaling back of production. It would be naïve to ignore the role of EU regulation in the current crisis afflicting the car industry. This crisis could largely have been averted with a more balanced EU environmental policy that attached appropriate importance to the energy efficiency of buildings.

**Călin Cătălin Chiriță (PPE-DE), in writing.** – (RO) I voted in favour of Mrs Țicău's report as I believe that improving the energy performance of buildings is vital for protecting the environment, as well as for reducing the energy losses sustained by consumers.

At the same time, Europe's citizens must not bear all the costs alone for improving the energy performance of buildings. The EU and Member States must earmark the necessary financial resources for this purpose. They must create by 2014 an Energy Efficiency Fund financed by the Community budget, the European Investment Bank (EIB) and Member States with a view to promoting public and private investments in projects aimed at improving energy efficiency in buildings, applying reductions in Value Added Tax (VAT) for goods and services relating to energy efficiency and renewable energy, and extending the eligibility criteria for financing from the European Regional Development Fund (ERDF) the improvement in the energy performance of buildings, not only residential. Other instruments include direct public expenditure projects, loan guarantees and subsidies, as well as social grants.

**Edite Estrela (PSE), in writing.** – (PT) The price and reliability of energy supply are critical factors in EU competitiveness. Increasing energy efficiency is one of the most cost-effective ways for the European Union to deliver its CO<sub>2</sub> emission goals, create jobs, reduce costs for business, address the social impacts of energy price rises and reduce the EU's growing dependency on external energy suppliers.

The energy performance of buildings currently represents around 40% of energy consumption and, by recasting this directive, it will be possible to improve the current situation. All relevant actors must be made aware of the benefits of improving energy performance and must have access to relevant information on how to go about it. It is therefore vital that the financial instruments to support the improvement of the energy efficiency of buildings should be accessible to local and regional authorities.

**Peter Skinner (PSE), in writing.** – I welcome the initiative to ensure the effectiveness of energy performance of buildings. Clearly there is a balance to be had between the necessity of action to prohibit CO<sub>2</sub> emissions where we can, and economic costs. The idea of energy certification of such buildings is one of the key issues which can help drive consumption in an informed way.

**- Report: Jean-Paul Gauzès (A6-0191/2009)**

**Jens Holm, Kartika Tamara Liotard, Erik Meijer and Eva-Britt Svensson (GUE/NGL), in writing.** – We are completely in favour of more stringent rules regarding financial activities and credit rating agencies. However, we chose to vote against the report by Mr Gauzès today. This is because the report is insufficient and does not put enough emphasis on the right issues. There is a strong need for public credit rating agencies which do not work for profit, since this is the only way to avoid conflicts of interests in the rating process. This question was not raised in the report in a satisfactory manner.

**Astrid Lulling (PPE-DE), in writing.** – (FR) I support without hesitation Mr Gauzès's report. He has again shown his qualities as a negotiator. It is fortunate that a compromise could be reached quickly on this text.

By providing itself with a regulatory framework for rating agencies, Europe is in the forefront and showing the way, whilst the United States has still not reacted practically in this area. Part of the credibility of and the confidence in the capital markets relies on the ratings produced and published by these agencies.

The regulatory framework that we are establishing today should be able to improve the conditions in which these ratings are prepared, provided they are used in a supervisory framework for regulated activities.

However, it was important for the compromise not to take the form of solutions that merely aimed at prohibiting any reference to ratings in any context whatsoever, where the latter had not been established in the framework of this regulation. Besides it being somewhat detrimental to the major freedoms, such as freedom of expression and of trade, such an approach would probably have favoured non-European markets, to the detriment of those domiciled in Europe, and would probably also have favoured private and confidential financial transactions, to the detriment of public transactions subject to rules on transparency. The chosen solution, therefore, has my full approval.

**Nils Lundgren (IND/DEM), in writing.** – (SV) The situation in the world economy is still turbulent, and, as recently as yesterday, the International Monetary Fund announced that the financial crisis may well get even worse yet. It is hardly likely to surprise anyone that this is a time of festivity for those with a zeal for regulation and control.

However, to start outlining extensive control systems for the operation of the finance market even before the investigations have been carried out and the analyses are complete is a dreadful mistake. Several important players, including the Bank of Sweden, believe that the Commission has succeeded, in a less than credible manner, in demonstrating a market failure that justifies further regulation of the credit rating agencies.

This clearly does not worry the EU. The legislators in Brussels are prepared instead for the turbulence on the world markets to give the EU cause to boost their own positions. If there is a system in the world today that is global in the true sense of the word it is the finance markets. Additional control of the credit rating agencies, for example, should, therefore, if and when it is judged necessary, be initiated and planned at the global level. Since this House is seeking solutions within the framework of EU cooperation, I have chosen to vote against the report.

**Mary Lou McDonald (GUE/NGL), in writing.** – I am completely in favour of more stringent rules regarding financial activities and credit rating agencies.

I did however choose to vote against the report by Mr Gauzès today. This is because the report is insufficient and does not put enough emphasis on the right issues. There is a strong need for public credit rating agencies which do not work for profit, since this is the only way to avoid conflicts of interests in the rating process. This question was not raised in the report in a satisfactory manner. This is only one example of the failings of this report.

**Andreas Mölzer (NI), in writing.** – (DE) We are now erasing grey zones on the financial markets and imposing stricter requirements, and not before time. However, this only treats the symptoms, not the causes. Deregulation over recent years has allowed new – and, thanks to their complexity, obscure – money market products to sprout up. In this sense, I voted in favour of stricter financial supervision, even though that alone will not suffice by a long chalk.

If we want to prevent such houses of cards from being built in future, the only thing to do is to ban the risky financial products. However, a supervisory authority of our own would certainly create more bureaucracy, but would not bring about more economic reason and an end to the casino mentality.

**John Purvis (PPE-DE), in writing.** – While the credit rating agencies have to accept some degree of blame for the failures in the securitisation of sub-prime mortgages which led to the financial crisis, it is with some regret that the UK Conservative delegation has voted to accept the plans to regulate the CRAs drawn up in the Gauzès report. CRAs should not be seen as a scapegoat, given that equally at fault were the banking and regulatory culture that relegated risk strategies to the back rooms.

We hope that the EU, the United States and the CRAs can work together to create a system that operates properly. For this to happen, a heavy-handed regulatory approach needs to give way to one that accepts the element of risk in all investments and which allows a degree of acceptance of ratings undertaken outside the

scope of what we have today voted. Above all, it needs to be flexible enough to adapt to new circumstances and to let the market breathe.

**Olle Schmidt (ALDE)**, *in writing*. – (SV) I did not participate in this vote on account of my special connections with the credit rating industry.

**Peter Skinner (PSE)**, *in writing*. – The G20 recommendations to the Working Group on Financial Services clearly call for greater transparency and regulation of credit rating agencies. This report, which was a response from the European Parliament to the G20, is the right balance. However, there is some question that remains on the level of competence that CESR will have to demonstrate if they are to play a central role in such regulation.

**- Report: Gabriele Albertini (A6-0250/2009)**

**Alessandro Battilocchio (PSE)**, *in writing*. – (IT) Thank you, Mr President. I voted in favour.

Council (EC) Regulations No 11/98 and No 12/98 led to the creation of the single market for the international carriage of passengers by bus and coach. This liberalisation has contributed to the steady increase in the volume of traffic relating to the sector, which, has undergone continuous growth from the mid-1990s to today.

This positive trend, however, has not been accompanied by the protection and upholding of passengers' rights: passengers have pointed out many problems, including cancellations, overbooking, loss of luggage and delays.

Unlike passengers who choose other modes of transport, bus and coach users remain unprotected because of a gap in Community legislation.

I therefore welcome the proposal of the Committee on Transport and Tourism, which seeks to establish their rights by means of the document on which we are about to vote. In particular, the proposal is especially interesting since it holds carriers liable in the event of death or injury, introduces compensation and assistance in the event of cancellations and delays, recognises the rights of people with reduced mobility or other disabilities and establishes bodies responsible for overseeing this regulation and handling complaints.

It is an important step towards equal rights for all passengers.

**Brian Crowley (UEN)**, *in writing*. – The European Union has created a successful internal market with unprecedented movement of capital, services and people. However, creating this freedom of movement is not enough in itself. We must protect the citizens of EU countries as they travel throughout the Union, and we must ensure equity of access to our transport services.

We have seen the success of EU policies for passenger access and compensation rights in the air transport sector, and I warmly welcome the fact that the EU has come forward with similar proposals for other transport sectors. However, it is important that we respect at all times the specific nature of each different transport sector. While the same principles of rights and fair access and equivalent rights should hold for all forms of transport, we must take into account the characteristics of each one. Otherwise we will fail both the passenger and the operator.

I am happy that in this passenger rights package, covering sea, inland waterway and coach and bus transport, the European Parliament has produced legislation that is fair and balanced and that will prove to be extremely effective in protecting and promoting the rights of passengers in the EU.

**Timothy Kirkhope (PPE-DE)**, *in writing*. – Conservatives welcome the overall aim of improving passenger rights, access for the disabled and creating a level playing field for international bus users, and for this reason voted in favour of the report. However we would have liked to see an exemption to regional services as the UK has liberalised markets that have moved beyond public service contracts to open competition. In addition, the proposal does not appear to recognise the local nature of bus services operating in border areas. Conservatives also have concerns about the proportionality of certain aspects of the proposed regulation, particular the liability provisions. Unlike the rail and aviation sectors, the bus and coach industry consists of a significant number of small and medium enterprises with limited resources.

**Fernand Le Rachinel (NI)**, *in writing*. – (FR) Bus and coach passengers should enjoy rights similar to those of rail and air passengers. That is the philosophy contained in this report.

In fact, and as a matter of principle, all passengers must be equal before the law.

However, there are many reservations to be made.

They arise from the very nature of this sector, which is dominated by micro-enterprises and SMEs. We cannot be satisfied with measures such as those proposed in plenary which, on the pretext of increased protection for passenger rights, merely introduce unmanageable restrictions for bus and coach drivers and inevitable fare increases for the passengers themselves.

Why should we expect a driver, whose job it is to drive safely, to take a special course that will allow him or her to provide assistance to persons with reduced mobility or disabilities?

Why not give a clear-cut exemption from the scope of this new European regulation to regular urban, suburban and regional transport services, which are themselves covered by public service contracts?

Why seek to create rights to compensation to a value of 200% of the ticket price in cases where boarding is refused because of overbooking?

In France, the *Fédération nationale des transporteurs de voyageurs* has proposed pragmatic solutions to all these problems. Some have been heard. Not all. That is a shame.

**Luís Queiró (PPE-DE), in writing.** – (PT) Mr Albertini's report aims to help create the conditions for a clearer framework on the use and operation of bus and coach transport. By resolving issues linked to the rights of persons with reduced mobility and also by laying down clearer rules in the event of death or injury to passengers, and also in the event of loss or damage of luggage, this report helps to increase the security of both passengers and undertakings. Solutions are also indicated for cases of compensation and assistance in the event of cancellation, delay or interruption of a journey.

The conditions are thus created for better information to be provided to passengers, before, during and after the journey. Their rights are also clarified, as too are the responsibilities of operators, in order to make them more competitive and safer.

#### **- Report: Brian Crowley (A6-0070/2009)**

**Edite Estrela (PSE), in writing.** – (PT) I voted for Brian Crowley's report on the term of protection of copyright and related rights, because it promotes European performers and European music.

The European Parliament's proposal introduces extended benefits for performers, who will be protected during their entire lifetime, on a par with the situation in the US and in line with European principles valuing creativity and culture.

I feel that extending the term of protection from 50 to 70 years will encourage investment in musical innovation and result in greater choice for consumers, allowing Europe to remain competitive with the world's major music markets.

**Vasco Graça Moura (PPE-DE), in writing.** – (PT) Portuguese managers in this sector regard this as an extremely important issue for the European and Portuguese music industries. They confirm that the Commission's proposal to extend the term of protection for performers and record producers over recorded works will meet a need, allowing Europe to remain competitive with the world's major music markets.

There is obvious support from performers and producers as nearly 40 000 performers and musicians have signed a petition calling for the European Union to reduce the disparity with other countries, which already have longer terms of protection.

It is hoped that extending the term of protection will encourage reinvestment in a very wide variety of new music, resulting in greater choice for consumers. It should also be noted that the record industry makes a huge contribution in terms of employment and tax revenue and is a major exporter of intellectual property.

For these reasons, as raised by the managers mentioned above, I voted for the compromise text put to the vote today. This approval will allow a consensus to be established between the Council and Parliament and will facilitate the adoption of the directive by the Council.

**Tunne Kelam (PPE-DE), in writing.** – I voted for Amendment 79 to turn the proposal on extending the term of sound copyrights beyond 50 years back to the committee.

In my opinion the Commission's draft needs to be better prepared, and therefore Parliament should take more time in order to make its decision. In its present version the Commission's draft seems to provide an objective ground to establish artificial monopolies in cultural works.

I fully agree that many artists benefit too little from their work. However, the solution is not to indulge the production companies more, but to really shift benefits from them to artists and performers.

**Arlene McCarthy (PSE), in writing.** – It is not fair that composers of songs or the designer who does the artwork for the CD get protection of their rights for their life plus 70 years, while the performer currently only has 50 years from publication. The term has not kept up with life expectancy, meaning that musicians lose the benefit for their work just as they retire and most need the income. Talented musicians are being short-changed by the current system. 38 000 performers asked for our support to redress this discrimination. This is about the equalisation of rights for ordinary working musicians.

I regret that there have been many false claims about this legislation. At a time of economic downturn we need to support our creative industries and artists who contribute to our GDP, jobs, growth and global exports. This law will do much to help poor musicians who deserve to be treated equally. I hope the Council and Commission can accept the Parliament vote to bring in this law before the end of this parliamentary term.

**Ieke van den Burg (PSE), in writing.** – (NL) The Dutch Labour Party (Socialist Group in the European Parliament) supports the amended proposal because it contains a significant number of positive elements for artists, such as protection for the integrity of the artist and the fund for session musicians. We voted for the amendments that are intended to give artists 100% of the income that derives from the extension of the term. The compromise reached is a step in the right direction, but is certainly not yet optimal.

The Dutch Labour Party has serious concerns, however, about the position of more minor artists who, in exchange for making a record, must forego whatever income from the recording exceeds their advance. We therefore hope that the Commission will soon come up with proposals to improve the position of artists vis-à-vis record companies, including with regard to contracts relating to the first 50 years of associated rights.

**Thomas Wise (NI), in writing.** – Although I strongly support the idea of copyright extension, this proposal has become unfit for purpose. The EU has shown its inability to address the problem in a logical and efficient way, and so I have voted to reject it.

#### **- Report: Ulrich Stockmann (A6-0217/2009)**

**Luís Queiró (PPE-DE), in writing.** – (PT) Establishing the second Marco Polo programme is an important step as it ensures the necessary financial assistance for those measures intended to increase and improve the environmental performance of the freight transport system.

This proposal follows on from the evaluation of the effectiveness of the first Marco Polo programme, which concluded that, to date, only 64% of the modal shift target has been achieved, a long way from the estimated targets.

It is hoped that the new Marco Polo programme will benefit from improved financial conditions in order to pursue the targets set, which will now also include projects involving motorways of the sea as well as projects involving measures to reduce traffic congestion.

I believe that this programme, which seeks to encourage and support projects shifting road freight transport to the sea, rail and inland waterways, must be fully able to help reduce congestion and pollution and ensure efficient and more environmentally-sustainable transport.

#### **- Report: Petr Duchoň (A6-0220/2009)**

**Elisabeth Jeggle (PPE-DE), in writing.** – (DE) The report by the Committee on Transport and Tourism does not take sufficient account of the real interest of rail transport as a whole in better use being made of the capacity available.

Infrastructure operators are to be obliged to retain capacity reserves for occasional traffic in their annual network timetable. This preliminary requirement leaves infrastructure operators no flexibility to take decisions

on such measures in real time. The Commission's original proposal has even been tightened up, as capacity reserves must guarantee adequate quality for international facilitated freight traffic paths.

The extent to which requests for paths by railway companies are actually used cannot be approximately estimated for planning purposes. These capacities are removed in advance from the timetabling process, with the result that other, later path requests cannot be satisfied. If the already marginal network capacities are not used by freight companies, they will ultimately be eradicated to the disadvantage of all users. This regulation would achieve precisely the opposite of the actual objective, which is better use of available capacities.

In order to limit the negative impact on passenger traffic and freight traffic requested in the short term, a regulation is needed which allows the infrastructure operators to decide if such a measure is suitable, taking account of the demands of passenger rail traffic or how better account can be taken of the needs of freight rail traffic.

**Erik Meijer (GUE/NGL), in writing. – (NL)** More and more cross-border, long-distance freight transport is being shifted from rail to road. Important reasons for this are that more motorways are being built, direct rail connections to businesses companies are being abandoned and road transport has steadily become cheaper in relative terms. These causes are generally forgotten. All our attention is focused on two other reasons. One is that coordination between railway companies in the various Member States is insufficient, as a result of which freight wagons must wait for unnecessarily long periods before they are linked up to a locomotive that will move them further along. There is now a solution to this problem in the form of shuttle trains with a regular timetable.

The other critical point is that this transport is slow because it has to wait for passenger trains, which have priority. The Duchoň report was intended to abolish the priority for passenger transport. On busy stretches, this can mean an imposed obligation from the EU to override regular timetables by dropping a number of trains. Voters will soon realise that this deterioration in service is thanks to Europe. Instead of limiting passenger transport, a solution is needed to deal with bottlenecks and shortages in railway capacity. It is good that the text has been toned down in this respect.

**Andreas Mölzer (NI), in writing. – (DE)** Freight traffic is concentrated mainly on the roads at present and the proportion carried on rail and water or by air is declining. In times of ever-narrowing margins and extreme competition, overtaking manoeuvres by lorry drivers, coupled with overtired drivers and overloading, are a fatal cocktail of risks. In addition to the risk of accident, freight traffic, which has a tendency to break down, is untenable from the point of view of congestion, noise and environmental pollution.

It is high time to get freight on to the railways, but for that we shall need better technical solutions and logistics models for coordination and organisational networking. This report is a step in the right direction, which is why I voted for it.

**Luís Queiró (PPE-DE), in writing. – (PT)** The creation of a true internal rail market is hugely important to the objectives of the European policy on sustainable transport, or, in other words, to the future of Europe and its transport. It is also important in terms of allowing this sector to become an integral part of the measures which will help to ensure that the Lisbon Strategy is a success.

Rail freight is also a very important factor in the various areas of operation of transport.

The creation of a European rail network for freight, with trains running smoothly and crossing easily from one national network to another, will hopefully enable improvements to be made in the use of infrastructures and facilitate more competitive freight.

I believe it is vital to support measures which aim to improve the situation in the rail freight sector, with the prospect of this sector becoming fully integrated and integral to the whole future European transport network.

**Brian Simpson (PSE), in writing. –** I congratulate the rapporteur and the European Commission for their courage in trying to prioritise rail freight throughout the EU.

Personally I would have liked a more radical proposal, one that would have put in place a strategy that included priority pathways on certain routes and a recognition from the rest of the railway industry that rail freight is important, needs developing and must be supported.

Two areas are stifling rail freight in Europe. Firstly, the real lack of interoperability, particularly in signalling; and secondly, the Railway industry itself – in particular, passenger operators and infrastructure providers who collude with each other to ensure that rail freight is placed at the bottom of the pile when it comes to pathing and timetabling.

At least this report is a start in ending that comfortable marriage of convenience that exists and giving rail freight operators at least a chance in developing their business.

If we allow the status quo to remain, there will be no rail freight left in twenty years' time. We must act now to make rail freight viable, attractive and competitive, or we will never be able to get freight off the road.

**- Report: John Bowis (A6-0233/2009)**

**Martin Callanan (PPE-DE), in writing.** – I applaud the work of my colleague John Bowis on this dossier, which represents a landmark in patients' rights. Conservatives support patient mobility within the EU and see it as a way of strengthening public healthcare provision.

It is perhaps instructive that this issue first came to prominence because of a case in the UK's National Health Service. A woman who chose to travel to France for a hip replacement when her local health authority kept her waiting too long was denied reimbursement back home. But she took her case to the European Court of Justice, which established an important principle – that patients have the right to travel to another EU Member State for treatment and then be reimbursed by their national public healthcare provider.

I am no fan of the ECJ, which is a major factor in the EU's constant accumulation of new powers, but this ruling was immensely significant. I hope many of my constituents who have been badly let down by the Labour government's mismanagement of the NHS will be able to benefit from the ideas in this report.

**Anne Ferreira (PSE), in writing.** – (FR) I voted against the report on cross-border health services as it meets neither the EU objective on a high level of health, in accordance with Article 152 of the Treaty, nor the demand of European citizens to be able to enjoy safe, quality healthcare, close to home.

The report does not make prior authorisation the rule for being able to receive treatment in another Member State of the EU. Prior authorisation allows the financial equilibrium of the social systems to be managed, whilst giving patients guaranteed conditions for reimbursement and the information they require before receiving any hospital treatment abroad.

It is not acceptable, either, that improvement in the quality of health care should be achieved by making treatment providers compete, or to argue the principle of the free movement of patients: the latter depends above all on their state of health.

The amendments adopted are too vague, opening the way to problems being settled by the European Court of Justice.

This directive only reinforces health inequalities between Europe's citizens, as only those who can pay health costs in advance will be able to choose quality services.

**Ilda Figueiredo (GUE/NGL), in writing.** – (PT) The fundamental issue is that this report was adopted without altering the Article 95 basis or, in other words, with health in the internal market being regarded as a good, which is unacceptable. It would therefore have been better to reject the Commission's proposal, as we argued. However, unfortunately, the majority did not agree with our position.

As a result, patients' rights in cross-border healthcare do not safeguard the exclusive competence of Member States with regard to deciding how to organise and finance their healthcare systems. This also includes their competence with regard to establishing prior authorisation systems for the purposes of hospital treatment abroad.

The right of citizens to health, and also the rights of those working in the sector, are not guaranteed. What we needed to do was increase solidarity and coordination between the social security systems in the various EU Member States, particularly by applying, reinforcing and more appropriately responding to the rights and needs of health service users.

We therefore voted against the report.

**Christa Klauß (PPE-DE), in writing.** – (DE) I voted in favour of the directive on patient rights in cross-border healthcare, because it provides patients with greater legal security. Especially in areas of the European Union close to borders, such as my home town in the large region of Germany, Belgium, Luxembourg and France, or in rural regions with a shortage of medical services, the promotion of patient mobility is an important component in improving and increasing the efficiency of health services.

The German health services sector will profit from cross-border patient mobility, if patients from other EU Member States make greater use of our high standard of medical services, for example in rehabilitation. However, the sovereignty of the Member States must be retained. The Member States themselves are responsible for providing medical care and for organising their health systems. In keeping with the principle of subsidiarity, the directive should only regulate areas which concern the cross-border mobility of patients. Our high quality and safety standards in Germany must not be compromised. Ethical standards, which the Member States comply with for good reason, such as, for example, in artificial insemination, DNA analysis or assisted suicide, must not be called into question.

**Astrid Lulling (PPE-DE), in writing.** – (FR) I welcome the objectives of this report which seek to facilitate the healthcare of patients in a Member State other than their own and to clarify the post-treatment reimbursement procedures that are currently lacking in European legislation. Safe, effective, quality treatment should therefore become accessible to all European citizens via cooperation mechanisms between Member States.

However, I would insist that the Member States have sole competence to organise and fund health systems. Prior authorisation for hospital treatment is the instrument that is key to being able to exercise this power. It goes without saying that the exercise of this right must respect the principles of proportionality, need and non-discrimination.

As for the legal basis, I would argue for a twin legal basis in order to guarantee respect for national competences. In fact, the Commission's proposal included many attempts to encroach on this area via the back door.

The final text must strike a fair balance between patients' rights and the Member States' national competences in the health sector.

**Linda McAvan (PSE), in writing.** – On behalf of the British Labour delegation in the European Parliament I welcome many of the positive aspects of the Parliament's report on the proposal for a directive on cross-border healthcare. In particular, we support the amendments which make it clear that national governments will remain fully responsible for organising their national healthcare systems and setting out the rules of treatment.

However, we remain concerned that the rules as drafted are not clear enough. Patients travelling to another EU country for treatment must know whether they will be reimbursed and have all the necessary information on the type and quality of healthcare in the host country. The Labour delegation therefore calls for the directive to make it clear that Member States can establish a system of prior authorisation. We also support a dual legal base of Articles 152 and 95 to make sure health issues, rather than internal market concerns, are the priority. The Labour delegation abstained on the final vote to indicate that these two concerns need to be addressed at second reading.

**Arlene McCarthy (PSE), in writing.** – I abstained on this report because it does not give enough of a guarantee on the protection of the integrity and funding of Britain's National Health Service, nor will it provide certainty or clarity for the minority of patients who can afford to travel to take up healthcare in another EU Member State.

The Tory MEPs in the European Parliament have one objective in mind with their proposal to reintroduce their discredited health voucher system by the European back door; under their proposals the wealthy few would get vouchers to take NHS money out of the UK for private treatment in the rest of Europe. People paying their taxes expect to see their money invested in the NHS to pay for healthcare at home, not being diverted to other EU health systems. It is no surprise that, only recently, Tory MEP Dan Hannan advocated a privatised approach to healthcare.

In a recent debate on cross-border health payments between Britain and Ireland, the Tory shadow health minister Andrew Lansley said that NHS resources are always precious and attacked the payment of GBP 180 million of NHS money to Ireland. However, the Tories have failed to back our proposal for a clear prior authorisation system, which is crucial to protect precious NHS resources and NHS services.



**Dimitrios Papadimoulis (GUE/NGL)**, *in writing*. – (EL) I voted against the Bowis report and the Commission proposal, because their very legal basis proves that financial interests and an uncontrolled market take precedence over patients' rights to better and more complete healthcare. This proposal negates predictions of a social Europe and solidarity and will give rise to situations in which only the most affluent will have access to the much-advertised facility of cross-border healthcare.

It will result in the dismantling of national healthcare systems and will drive out patients looking abroad for healthcare. Healthcare is and must remain the responsibility of the Member States. Dealing with healthcare as a marketable commodity instead of a public service is unacceptable. Moreover, the draft directive proposes a system of compensation for the costs of cross-border healthcare which is superfluous, given that compensation for healthcare costs was introduced in 1971 under the regulation on cooperation between social security systems.

**Kathy Sinnott (IND/DEM)**, *in writing*. – I abstained on this report because I desperately want people to receive the treatment they urgently need. However, the issue of pre-authorisation is of concern to me. Prior authorisation in this directive negates patients' rights. It is the reason patients went to the courts in the first place, and those court judgments are the reason we are here today voting on cross-border health. By including pre-authorisation in this directive, we are back where we started. Death by geography will remain the rule and patients will face the same obstacles as they do now when seeking authorisation to travel for treatment.

I also deeply regret that this report fails to retain a legal basis that puts the health of patients first. Instead it has been a wasted opportunity where the health of patients is used as a commodity for profit.

**Catherine Stihler (PSE)**, *in writing*. – The key amendments on prior authorisation failed. These amendments were essential to the preservation of the NHS in Scotland and the UK as a whole. We lost the vote on the dual legal base, which would have allowed public health to be included rather than the legal base solely being the single market. Due to the loss of both these key areas and the fact that this is first reading, I had no option but to abstain.

**Marianne Thyssen (PPE-DE)**, *in writing*. – (NL) Patient mobility is a fact, but the necessary legal certainty for patients and healthcare workers is not yet here. For this reason, the Commission's proposal for a directive is a good thing. I also value the efforts of Mr Bowis to reach a compromise on this fiendishly difficult subject. Thanks to his efforts, substantial improvements have been made to the Commission's proposal. Nevertheless, I was unable to support the final report because two points relating to the competence of Member States to organise and finance their healthcare system were not included.

We appealed for the incorporation of a legal base that allows Member States to charge foreign patients the true cost and to have them co-pay for the care they receive in our country. Furthermore, we were always in favour of allowing Member States to refuse patients in certain circumstances, for instance where there are serious waiting lists. This is particularly important in Belgium, a small country with a relatively large inflow of foreign patients.

The text as adopted today in this plenary does not offer sufficient guarantees to this effect. For these reasons I abstained in the final vote.

**Georgios Toussas (GUE/NGL)**, *in writing*. – (EL) The anti-grassroots policy of the EU and of the bourgeois governments is lowering the standards of public health services, resulting in stress for patients, waiting lists, a lack of various services, heavy taxes, a lack of cover for uninsured persons and immigrants and so on.

The drastic reduction in social benefits, the commercialisation and further privatisation of health systems and the attack on insurance rights are making it easier for large business conglomerates to reap huge profits from the lucrative health sector.

The directive on 'patient mobility' promotes the single health market, the application of the freedoms of the Treaty of Maastricht and the mobility of patients and of health professionals in order to safeguard the commercialisation of health.

A refund of part of the costs of care abroad is a trap to obtain grassroots consent to the commercialisation of and multi-track healthcare and to class discrimination to the right to life.

Patients' rights can only be safeguarded under a purely free public health system which covers all the health requirements (specialist and otherwise) of the entire population, regardless of their financial or insurance status. Only such a system, which can develop within the framework of a grassroots economy, from grassroots

power, can guarantee the quantitative adequacy of and qualitative improvements to services and effective protection for the health and lives of the workers.

**- Report: Amalia Sartori (A6-0239/2009)**

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

Sector studies have comprehensively shown how 10-12% of users who go to hospitals in Europe to be cured of their illness each year become ill through hospital-acquired infections. When converted into figures, these percentages are even more frightening: it is calculated that the number of patients within the European Union who have contracted hospital-acquired infections is around 5 million people.

Going back to the speech made by my fellow Member, Mrs Sartori, safety and health care efficiency can be improved by setting out a programme that, above all, takes account of these fundamental points: 1) increasing the number of nurses specialising in infection control; 2) implementing training for healthcare and paramedical workers, focusing especially on nosocomial infections and the antibiotic resistance of the viruses which cause them; 3) enabling new discoveries coming from research on these diseases.

**Edite Estrela (PSE)**, *in writing*. – (PT) I voted for the proposal on patient safety. Although the quality of healthcare in Europe has improved substantially due to advances in medical science, medical procedures can sometimes damage patients' health. Some adverse effects are caused by avoidable medical errors or infections arising during treatment.

This report contains the following important proposals: improved gathering of information at local and regional level; better information provided to patients; increased numbers of nurses specialising in infection control; encouragement of education and training for healthcare workers; and greater focus on hospital-acquired infections. I fully support these measures.

**- Report: Antonios Trakatellis (A6-0231/2009)**

**Liam Aylward (UEN)**, *in writing*. – I welcome the proposed initiative to improve healthcare for people suffering from rare diseases. Due to the particular nature of diseases such as rare cancers, auto-immune diseases, toxic and infectious diseases, there is not enough expertise and resources available for them, yet nevertheless they affect 36 million EU citizens.

Strengthening cooperation between specialists and research centres across Europe and information and service exchanges is a natural way for the European Union to assist its citizens. It is a direct way of providing benefits to you. This proposal urges Member States to set up new centres and training courses to maximise the potential of scientific resources on rare diseases and pool together existing research centres and disease information networks. I support these measures and encourage more Member State cooperation, which will allow greater mobility for patients and experts to serve you, the citizen.

**Edite Estrela (PSE)**, *in writing*. – (PT) I voted for the report on rare diseases, because I feel that concerted action in the field of rare diseases at the European Union level and at the national level is an absolute necessity. Although the incidence of each rare disease is very low, millions of Europeans are affected because there are many rare diseases.

I feel it is vitally important to support independent organisations, provide access to information on rare diseases, create specialist centres in the various Member States, create training courses at existing centres, and mobilise experts and professionals. Adequate resources need to be provided to ensure immediate action in the field of rare diseases.

**Glyn Ford (PSE)**, *in writing*. – I will be voting for the report by Mr Trakatellis. I recognise the fact that there are many rare diseases that are orphaned from research as medical institutes engage in a form of triage, ignoring the plight of those suffering from unusual diseases that offer little in the way of profits compared to those potentially available from common diseases.

This is particularly true of rare genetic diseases that are hereditary. I believe we should encourage research in these areas by underpinning an element of the research costs. In doing this I declare an interest in that one of these diseases is to be found within my family.

**Elisabeth Jeggle (PPE-DE)**, *in writing*. – (DE) The explicit call in Amendment 15 for rare diseases to be eliminated through genetic counselling of carrier parents and for healthy embryos to be selected through

pre-implantation diagnostics (PID) is not merely contrary to current laws in Germany. In light in particular of German history, it would appear to be unacceptable and intolerable as a matter of principle to demand or recommend the eradication and selection of disabled persons, even if they have not yet been born.

Alarmingly, these proposals and wordings reveal a total lack of respect for the value of every human life, regardless of whether we are talking about sick or healthy people. The addendum tabled replaces the call for therapeutic treatment of rare diseases with the objective of preventing the birth of sick people.

This is not compatible with the spirit and letter of European and international declarations of human rights. The actual objective of convincing European policy should be to help people affected or at risk of disease, not their early selection on the basis of quality criteria.

The report and individual amendments, especially Amendment 15, are not in keeping with my Christian values. That is why I voted against the report.

**Mairead McGuinness (PPE-DE), in writing.** – There are many issues in this resolution which I support. However, I could not support the overall report because of the inclusion of issues which I believe to be, and indeed are, matters of subsidiarity – that is, the competence of the Member State – and therefore not issues about which the European Parliament should adopt a view. The subject of eugenic practices is one such subject which, through the adoption of Amendment 15, was included in this resolution. I did not support Amendment 15. This subject is a matter for subsidiarity, and not for the European Union, which does not, and should not legislate on eugenic practices. So I could not support the overall report.

**- Report: Jean-Pierre Audy (A6-0168/2009)**

**Richard James Ashworth (PPE-DE), in writing.** – British Conservatives have been unable to approve discharge of the 2007 European budget, section III, European Commission. We are insistent that the parliamentary budget must deliver value for money for the European taxpayer and we are, therefore, supportive of the rapporteur's report. In particular, we support the rapporteur's criticism of the Commission's failure to ensure that Bulgaria and Romania achieve adequate standards of financial control. However, we must point out that for fourteen consecutive years the European Court of Auditors has been unable to give an unqualified statement of assurance for the general European accounts. The European Commission bears ultimate responsibility for the accounts and therefore, in line with our traditional approach, we will continue to vote against granting discharge until we see real progress towards the achievement of an unqualified statement of assurance from the European Court of Auditors.

**Călin Cătălin Chiriță (PPE-DE), in writing.** – (RO) I voted, along with the rest of Romania's contingent in the PPE-DE Group, against Jean-Pierre Audy's report on the discharge for implementation of the European Union general budget for the financial year 2007 as Amendment 13 was not accepted. The ECA report for the 2007 financial year still refers exclusively to the projects from 2000-2006 as 2007 was, for the most part, a preparatory phase for implementing the 2007-2013 programmes. As a result, the impact of the new regulations provided for the 2007-2013 programming period, which are simpler and stricter than those applied up until 2006, cannot be evaluated yet.

I would like to stress the need to simplify the procedures for implementing the Structural Funds, especially management and control systems. The system's complexity is one of the causes of the irregularities from Member States. I would also like to emphasise the need for the simplification measures proposed by the Commission during the review of the regulations applicable to the Structural Funds for the 2007-2013 period as a response to the current financial crisis. Such simplification procedures are crucial for reducing the administrative burden at national, regional and local level. It is important to make sure that such simplification procedures help reduce the error rate in the future.

**Jeanine Hennis-Plasschaert, Jules Maaten, Toine Manders and Jan Mulder (ALDE), in writing.** – (NL) The Dutch People's Party for Freedom and Democracy (VVD) has voted against the granting of discharge to the European Commission. The VVD is of the opinion that the Commission has made too little progress in promoting the introduction of the national declaration in the Member States. To date, only four countries have done so, one of which is the Netherlands. Moreover, the VVD is of the opinion that the Member States of the EU still make too many mistakes in allocating European money, as has become clear from the audits carried out by the European Court of Auditors. The Court of Auditors issued an adverse audit opinion, among other things with regard to rural policy, cohesion and structural policy. The VVD considers that the audit systems in these areas must be improved. Progress over the past five years has been too slight.

**Rumiana Jeleva (PPE-DE), in writing.** – (BG) Mr President, I voted for the Commission's discharge in connection with the implementation of the EU budget for 2007.

At the same time, I must mention that I voted against texts in this report which were aimed at introducing the compilation of quarterly reports on the management of resources from the Structural Funds and the Cohesion Fund, especially in the case of Bulgaria and Romania. I voted against them because I firmly believe that in cases where we require more control, it is a good idea to implement this simultaneously and to the same degree for all Member States, and not only for one or two of them. I also share the concern of Parliament and the rapporteur, who indicates that the resources for Bulgaria which have been frozen or withdrawn by the European Commission amount to almost EUR 1 billion.

As the report stated, these losses and frozen resources were basically imposed due to irregularities regarding invitations to tender and eligibility of expenditure, failure to use investment funds for their intended purpose and to a lack of administrative capacity, amongst other reasons. I would like to conclude by sharing with you my concern that Bulgarian citizens will be deprived of instruments promoting European solidarity and they will undeservingly pay for the mistakes of their government.

**Mairead McGuinness (PPE-DE), in writing.** – I voted to support the 2007 discharge for the European Commission, but I did so with some reservations.

Five years ago President Barroso promised a clean bill of health before the end of his term, in terms of budgetary control and formal Statements of Assurance. Despite some progress, there are still gaps in this process.

Thus far, 22 countries have submitted an Annual Summary, meeting the basic minimum requirements of financial regulation, but not all are satisfactory. Only 8 countries have stepped up to the mark in providing a more formal analysis or Statement of Assurance, and sadly Ireland is not one of them. We need to make sure that when it comes to the discharge of the 2008 budget, significantly more progress is made.

**Alexandru Nazare (PPE-DE), in writing.** – (RO) The PD-L (Romanian Liberal Democrat Party) contingent in the PPE-DE Group voted against the report on the discharge for implementation of the European Union general budget for the financial year 2007, which makes reference to the management of European funds by Romania and Bulgaria.

The report on the discharge, which refers to irregularities involving access to PHARE funds prior to 2007, has retained the provision for drafting a special report on the management of Community funds in Romania and on measures recorded in the fight against corruption. Consequently, the PD-L group in the European Parliament voted against the report.

This special report is not justified insofar as there is already a cooperation and verification mechanism available, approved by the European Council in December 2006. Drafting an additional report weakens the credibility of the cooperation and verification mechanism already in operation. In fact, even the European Commission's reaction, via its spokesman Mark Gray, confirms the futility of such a measure as long as there are already tried-and-tested mechanisms available for detecting any irregularities in the management of Community funds.

#### **- Report: Søren Bo Søndergaard (A6-0153/2009)**

**Philip Claeys (NI), in writing.** – (NL) I voted against the granting of discharge because the Committee of the Regions in its current form cannot be taken seriously by anyone. Among other things because of the opaque definition of the term region, the Committee of the Regions is an extremely heterogeneous entity on which, in addition to European nations, urban agglomerations, for instance, are represented. It is also very odd that the regions have, in recent times, organised themselves into political groups without having received any democratic mandate from the voters to do so.

#### **- Report: Christofer Fjellner (A6-0176/2009)**

**Martin Callanan (PPE-DE), in writing.** – British Conservatives are opposed to the Charter of Fundamental Rights of the European Union. I dispute the notion that the EU can bestow and regulate fundamental rights. I am also especially opposed to the Charter of Fundamental Rights because it has been adopted by the EU despite the fact that neither of the vehicles intended for the Charter's implementation – the EU Constitution and the Lisbon treaty – has been ratified.

Setting up an agency to oversee the Charter of Fundamental Rights was a colossal waste of taxpayers' money and an exercise in vanity. In fact, the same could be said for many of the EU's agencies, which duplicate work done at national level and unashamedly promote the EU's federalist agenda. Many people in my constituency see the huge sums wasted on this and other agencies as a kick in the teeth, especially at a time of economic crisis when they are giving up increasing amounts of their money in tax to fund the EU's profligacy.

**Philip Claeys (NI)**, *in writing*. – (NL) I voted against the granting of discharge, given that the European Fundamental Rights Agency is a superfluous institution, which, moreover, is hostile to the right of freedom of expression.

**- Motion for a resolution (B6-0191/2009)**

**Edite Estrela (PSE)**, *in writing*. – (PT) I voted for the motion for a resolution on the challenges of deforestation and forest degradation, as I believe that deforestation results in very serious environmental damage which is hard to reverse, such as, for example, disruption of water conditions, desertification, impact on the climate and loss of biodiversity.

There needs to be greater coherence between forest conservation and sustainable management policies and other EU internal and external policies. For this reason we need an evaluation of the impact on forests of EU policies on energy (especially biofuels), agriculture and trade.

I also believe that financial support for developing countries is absolutely vital to halt tropical deforestation. Reducing deforestation will play a very important role in the mitigation of and adaptation to climate change.

**- Report: Gilles Savary (A6-0199/2009)**

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

Managing transport on the basis of the needs and requirements of citizens is one of the fundamental points for discussion of European Union policy. By means of the CIVITAS programme (promulgated in 2002), intended to promote the wide-scale distribution of urban transport, and the White Paper: 'European transport policy for 2010: time to decide.' (promulgated in 2001), which proposed the creation of a more optimal urban transport system, the Commission has already proposed a genuine action plan to optimise the quality of European transport. It has devised a system to gradually separate the increase in the demand for mobility from economic growth, so as to control environmental pollution in a more or less effective manner while keeping in mind the protection of the European production system. The Commission, having acknowledged the situation, is therefore undertaking to guarantee all Community citizens a transport network that is simultaneously efficient and extremely safe.

There are five points on which we will need to focus our attention: 1) protecting the rights and duties of passengers; 2) enhancing road safety; 3) encouraging safety; 4) limiting road transport in order to stop congestion of land transport.

**Luís Queiró (PPE-DE)**, *in writing*. – (PT) The current rapid growth in cities, combined with the concentration of European populations in urban centres, are facts which this European Parliament report tries to analyse in order to contribute to the vast amount of work that needs to be done in this area.

Bearing in mind respect for the principles of subsidiarity and proportionality, this report presents proposals which I regard as important.

The most significant point of this position adopted by Parliament is the attention that it draws to the scattering of measures, which may therefore lack cohesion, not only as a body of legislation, but in particular in terms of their implementation.

I agree with the need for a coherent approach, which includes encouraging the optimisation of various modes of transport in urban centres by improving urban scheduling. Moreover, I support continued research and innovation in this specific field, and collaboration by the Commission with the Member States, contributing where necessary to the exchange of information on good practices to be applied in the various countries. Finally, I want to underline the importance of European industry in the development of technologies which could improve the management, safety and energy efficiency of urban transport for European cities.

**- Report: Anne E. Jensen (A6-0227/2009)**

**Alessandro Battilocchio (PSE)**, *in writing*. – (IT) Thank you Mr President. I voted in favour of the Jensen report, which provides a comprehensive policy framework and defines actions for the coordinated deployment of Intelligent Transport Systems (ITSs) at EU level.

Road traffic congestion, increased CO<sub>2</sub> emissions and road fatalities are identified as the major challenges that Europe's transport has to overcome and I feel that ITS is a key instrument for making transport more efficient, safer and secure and environmentally cleaner, thus contributing to the development of sustainable mobility for citizens and the economy.

I agree that ITSs can improve the living conditions of Europe's citizens and will also contribute to improved road safety, and reduce harmful emissions and environmental pollution. I firmly believe that Intelligent Transport Systems will increase traffic efficiency, thereby reducing traffic.

Although several applications have been developed or introduced for different transport modes (railway, maritime and air), there is no similar coherent European framework for road transport.

**10. Corrections to votes and voting intentions: see Minutes**

*(The sitting was suspended at 2.55 p.m. and resumed at 3 p.m.)*

**IN THE CHAIR: MR PÖTTERING**

*President*

**11. Climate and energy package and maritime transport package (signature of acts)**

**President.** – Mr Deputy Prime Minister and representative of the Presidency of the European Union, Mr Nečas, Commissioner Rehn, honourable rapporteurs and committee chairmen, ladies and gentlemen.

Today we have the pleasure of jointly signing two important packages, the climate and energy package and the package for an integrated maritime policy for the European Union. This is the high point of the consistent work which we have carried out with the Council and the Commission. In adopting these two legislative projects, the European Union is proving that it is able to act decisively in order to jointly overcome the challenges in the core sectors of sustainable development, environmental protection and safety at sea. This public signing will help to emphasise the importance of European legislation to European citizens.

In the climate and energy package, Parliament and the Council have laid the basis for the European Union to achieve its climate targets by 2020 and to continue to play a leading role in the fight against climate change. The climate package includes important legal frameworks which will help, for example, to improve the emissions trading system or efforts by Member States to reduce emissions of greenhouse gases and also to promote renewable energies or carbon storage techniques. The rapporteurs Mrs Doyle and Mrs Hassi are here with us, or so I assumed; at least I can see Mrs Hassi.

This package will give the European Union the necessary credibility in the run-up to the international conference due to take place in Copenhagen in December and during negotiations on a comprehensive and binding agreement.

As far as maritime transport is concerned, Parliament and the Council reached agreement on eight dossiers during the course of conciliation. That is the result of intensive work lasting over three years.

This outcome is also proof of the strong pressure exerted by the European Parliament to ensure that disasters at sea, such as the accidents involving the *Erika* in 1999 and the *Prestige* in 2002, are prevented in future by improving safety at sea.

Today we can see that many of the proposals by the Temporary Committee on Improving Safety at Sea set up by the European Parliament have become law. Thanks to these specifications, the inspection and surveying of ships, the supervision of maritime shipping and the insurance of ships owners have been improved, mandatory insurance has been introduced and investigation requirements and liability in the event of an accident have been strengthened.

I am delighted to see that the rapporteur Mrs Doyle has now joined us.

To close, allow me to express my thanks to the Czech Presidency, the Commission, the members of the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy and the Committee on Transport and Tourism and, above all, their chairmen and rapporteurs, who all worked intensively on these important legislative acts. My thanks in particular to you, honourable members, for attending the signing today of these important legislative projects. I am particularly delighted that two group chairmen have honoured us with their presence here at noon today. Thank you for that.

I should now like to invite the President-in-Office of the Council to take the floor.

**Petr Nečas**, *President-in-Office of the Council*. – (CS) Mr President, Commissioner, ladies and gentlemen, I would like to thank you for inviting me to this session of the European Parliament on the occasion of the ceremonial signing of the climate and energy package and the maritime transport package, two key measures that EU Member States have agreed to with the help of the Commission, this Parliament and other partners. I would like to begin by saying a few words on the climate and energy package on behalf of the European Council.

The package confirms the leading role of the EU in the global fight against climate change while at the same time respecting the actual possibilities and economic conditions of each Member State. The climate energy package has important symbolic value, as it illustrates the fact that the representatives of half a billion citizens, 500 million people, have managed to agree on some very clear-cut actions, strategies and aims in this important and sensitive agenda despite today's difficult economic circumstances. It also has value as a positive example for our partners in the world. I would like to take this opportunity to thank all four rapporteurs in particular for preparing, negotiating and conceiving this collection of clear-cut measures, as well as the entire Parliament for its active and positive contribution, the Commission for providing support and preparation throughout the approval process and the French Presidency for its exceptional level of engagement. The package paves the way for us, as Europeans, to negotiate global agreements on the climate change strategy which should be concluded in December this year at the Copenhagen conference. The EU is a leader in the area of climate protection and this long-term pre-eminence should not be squandered but rather transformed into another quality.

Ladies and gentlemen, I would now like say a few words about the significance of the Third Maritime Safety Package, which constitutes a further and equally important outcome of cooperation between the Council and the European Parliament. The European public was seriously alarmed when the oil tanker *Erika* broke in half on the Brittany coast in 1999 with 20,000 tonnes of oil on board, causing enormous environmental damage, and when three years later the tanker *Prestige* leaked 120 tonnes of oil onto the coast of Galicia in Spain. We all remember the tragic media images of the affected coastline areas where thousands of volunteers who were brought in to tidy up the mess looked on powerlessly as birds and other creatures and plants suffocated in the black tide. We clearly had to do our utmost to prevent a repeat of similar natural disasters on this scale. We clearly had to act together. The EU clearly had to send out a signal that ships in very poor condition, uninsured and failing to comply with basic safety rules, were not welcome on European shores. In November 2005 the European Commission responded by submitting a series of eight ambitious legislative proposals, the so-called Third Maritime Safety Package. The package will bring tangible results for Europe in the form of better prevention of maritime accidents, more frequent inspections and a clear division of responsibilities that focuses on ship operators. Besides the considerable effect on the environment – an asset that belongs to all of us – the results of this European legislation will be appreciated not only by citizens and firms in coastal states, as one might expect, but also by export-oriented inland states such as my own country, a considerable part of whose output is transported out of Europe by sea. The inland states share a vital interest in ensuring that tankers like the *Erika* or the *Prestige* no longer sail along Europe's shores and that maritime transport is conducted efficiently, safely and in an environmentally responsible manner.

Mr President, ladies and gentlemen, I would like to conclude by thanking the European Parliament rapporteurs, the French Presidency and the Commission for their hard work on the maritime package. Without their efforts and engagement this successful outcome, with its clear benefits for the European public, business and the environment, would not have been possible.

**President.** – Thank you Minister. I should now like to ask you and Commissioner Rehn and the rapporteurs to come to the table where I and Minister Nečas will sign the acts in your presence.

*(Signature of acts)*

## 12. Approval of the minutes of the previous sitting : see Minutes

## 13. Conclusions of the G20 Summit (debate)

**President.** – The next item is the statements by the Council and the Commission on the conclusions of the G20 summit.

**Petr Nečas, President-in-Office of the Council.** – (CS) Mr President, ladies and gentlemen, on 2 April 2009 the meeting of the G20 heads of state and government was held in London to discuss further steps towards the recovery of the global economy and the prevention of future crises on such a scale. At their meeting the heads of state and government promised to do everything necessary to restore confidence, economic growth and employment, to amend the financial system in order to renew credit flows, to strengthen financial regulation, to restore confidence to the market and to fund and reform our international financial institutions in order to enable them to provide effective help in tackling this crisis and to prevent future crises. At the same time the heads of state and government made a commitment that in the interests of boosting prosperity they would promote global trade and investment and reject protectionism and that they would prepare the economy for inclusive, environmentally-friendly and sustainable growth and recovery.

The EU played a very significant role through its proposals and attitudes. In many areas, if not in the most, the EU and the European members of the G20 were the prime movers, or among the prime movers, of the work in the preparatory groups and they significantly influenced the breadth of the agreed consensus and the final form of the agreed proposals. This applied to the areas of financial market regulation and supervision, complete transparency in the financial system, the rejection of protectionism, the pressure to complete the Doha Development Agenda and the approach to economic recovery including the emphasis on the need to clear out the financial sector by removing worthless assets and creating a basis for a sustainable global economy in the future. Last but not least was the commitment of the EU countries to provide a financial injection to the IMF, which not only influenced the willingness of other countries to take on similar commitments, but above all played an important if not key role in the decision to stabilise economies that were unable to help themselves. This is to be done not through *ad hoc* solutions and bilateral assistance but through systematic use of the international institutions that exist for this purpose. In this way we will strengthen these institutions financially and also restore their respect and authority.

I would therefore like to take a look from a distance at what the London G20 Summit might mean for the world economy and for the EU in particular.

I will begin with a flashback to the year 1933. In June 1933 representatives from 66 countries met in London in order to try to create a common plan to restore the world economy in the middle of a great economic crisis. The London Monetary and Economic Conference, which had the objective of reviving global trade, stabilising prices and restoring the gold standard as the basis of the monetary system, was organised by the League of Nations and met under a similar global economic situation to the one we are experiencing today. Within a month, however, the conference ended in failure with a subsequent loss of confidence, further economic collapse and a chain of currency devaluations through which countries sought to strengthen their own economies at the expense of others. European states turned in on themselves and the US economy retreated into an isolationism which would last for many years. As the recession turned into a deep depression, unemployment and social tension grew and the political consequences of the tension led to the Second World War. In the weeks leading up to the London summit of 2009 it was hard not to recall the parallels with the London summit of 1933. Fortunately it seems that the world has learned from its experience, at least for now.

After many months of frustrated hopes and expectations, low confidence in the markets and deepening recession it was almost a political imperative for the G20 summit to end in success. It was a task of nightmare difficulty in view of the widely varying expectations of the different groups and countries and in view of the fact that some of these expectations were not entirely realistic. Ladies and gentlemen, it is too soon to say whether the G20 meeting was a success. Nevertheless, the weeks that have passed since the summit give grounds for cautious optimism that it really was a turning point in this global recession and that it may also become a key historical event in global economic cooperation. It may even stand the test of time and be accorded similar historical importance to the Bretton Woods Conference of 1944, which determined the shape of global economic cooperation for a quarter of a century and continues to influence it even after 60 years.



However, the historical importance of the ideas put forward at the G20 summit will become clear only when all commitments from the summit have been fulfilled, if indeed they ever are fulfilled. Despite this necessary circumspection there are four reasons why the London G20 meeting can be regarded as a successful start to economic recovery and to a new and more sustainable form of global economy and global economic decision-making.

The first reason is that the G20 really did boost confidence in the economy and in the markets. So far the increase in confidence has not been dramatic but a full return of confidence will naturally take time. The most important thing from the perspective of boosting confidence was the way the G20 participants behaved. Faced with a profound global collapse they maintained unity and they reached a broad consensus.

In the current period of uncertainty it was also vitally important that the G20 participants confirmed some of the fundamental economic paradigms: the core or the heart of our global recovery plan must be the jobs, needs and interests of people who are not afraid to work, and this applies across the whole world, not only in the rich countries but also in the poor countries. At the heart of our global recovery plan must be the needs and interests not only of people alive today but also of future generations. Recovery must not be at the expense of our children and grandchildren. The only reliable basis for sustainable globalisation and growing prosperity is an open world economy build on market principles, effective regulation and strong global institutions.

Secondly, the G20 summit sent a very strong signal – clearly the strongest in 60 years – that the world was returning to multilateralism in economic decision-making on matters of global consequence. In the summit conclusions the heads of state and government reaffirmed their conviction that prosperity is indivisible and that if economic growth is to be sustained then countries must share in that growth. If there is one lesson to be taken from the current global crisis, it is that we all share the same fate in economic terms. We are all in the same boat, large and small countries, open countries and closed-off countries. The interconnectedness of our economies has brought enormous benefits, particularly over the past 10-15 years, in the form of a long period free of major conflicts and in the form of unprecedented economic prosperity and the fastest global economic growth in human history, as well as opportunities for hundreds of millions of people to escape from extreme poverty. It has brought an expansion of markets for our producers, low inflation and low unemployment. We must not give up these advantages at any price. It is therefore absolutely essential to coordinate our policies, both in good times and in bad, and the G20 summit confirmed this fact.

Thirdly, the heads of state and government achieved consensus over matters where consensus seemed almost inconceivable just a year ago or even nine months ago. The commitments from London capped off three months of intensive discussions at a working level and they marked a real breakthrough. If they are fulfilled and put into practice then they will definitely provide a good basis for prevention so that we can avoid similarly destructive crises recurring over the coming decades.

Fourthly, the summit changed the shape of the space for global economic cooperation, leading to a new division of powers. The largest newly-emerging economies achieved full recognition of their role in the global economy. The developed countries and the rapidly developing economies also jointly acknowledged that the stability and prosperity of poor countries and the most vulnerable social groups everywhere in the world are in the interests of everyone. This marks a strategically significant change. It means that Europe will have to fight with a new vision and with sophisticated policies in order to retain its position in global economic decision-making. The size of the EU economy and the inheritance of the past will not in themselves suffice to maintain Europe's important strategic role in global economic decision-making in the future.

Nevertheless, from an EU perspective the results of the London summit were an undoubted success. The summit backed all the priorities agreed to by EU Member State leaders in the conclusions of the European Council of 19-20 March 2009. The London G20 summit rejected protectionism, made a commitment to a responsible and sustainable economic policy, supported multilateralism and backed all the priorities concerning financial sector regulation which EU Member States have collectively identified as fundamental. As has already been said, EU members were the prime movers or among the prime movers in the G20 negotiations over a range of issues. However, a number of questions remain open after the G20 summit.

Firstly, in the area of financial regulation and supervision, despite the enormous progress in recent months, a number of issues remain unresolved and are still being worked on. At the EU level, of course, there is a clear roadmap and timetable for the next two months and a division of roles between the European Commission, the European Central Bank, the European Financial Commission, ECOFIN and the June European Council. The programme includes, among other things, the immediate task of taking strong measures in the

area of accounting standards that would enable European banks to operate under comparable competitive conditions to those of American banks.

Secondly, in the area of global trade the G20 leaders confirmed in London their earlier commitment from the Washington meeting not to create new trade barriers. The G20 summit also confirmed the commitment to complete the Doha Development Agenda "with an ambitious and balanced outcome". However, this commitment had already been adopted at the G20 summit in November last year, where the heads of state and government even promised agreement over the Doha Development Agenda by the end of 2008. It therefore remains to be seen how serious the commitment is this time. Nevertheless the G20 leaders in London made a fresh declaration that from now on they would give their personal attention to the Doha Development Agenda and they guaranteed that political attention would be focused on Doha at all forthcoming international meetings that are relevant from this perspective. It must be one of the key priorities of the EU to press for the completion of these agreements.

Thirdly, the G20 summit participants made a commitment to provide USD 1.1 trillion through the IMF and multilateral development banks to help restore credit flows, economic growth and employment in the world economy. All that remains is to clarify and agree on the details of this commitment. The commitment covers short-term, medium-term and long-term stages and the short-term stage includes the EUR 75 billion promised to the IMF by EU countries for restoring balance of payment stability for countries in acute need of such assistance. The details of this commitment also remain to be worked out and the finance ministers of our countries must work on the form and mechanisms of this commitment.

Concerning the medium and long-term commitments to strengthen multilateral institutions, there is a commitment to provide the IMF with an unprecedentedly large multilateral loan of USD 500 billion. Besides this, the London summit produced a commitment that the G20 countries would support a new SDR (special drawdown rights) issue, in other words an issue in the IMF's own currency which can be used by IMF member states for mutual payments. The commitment speaks of SDR 250 billion. Like multilateral credit, an SDR issue involves relatively complex technical arrangements, including approvals from official IMF bodies, negotiations with participating countries and ratification of agreements by the national parliaments of member countries. All of this could take several years and it is therefore necessary to remain firm but realistic in our expectations.

The above commitments also involved an agreement that the G20 countries would do everything in their power to ensure rapid implementation of the April 2008 reforms to IMF decision-making structures, which are currently delayed by slow ratification in national parliaments. The G20 countries also asked the IMF to speed up the next round of reform in member shares and voting rights so that it is ready by January 2011. The EU countries must pay sufficient attention to this forthcoming reform because it may result in many EU Member States, large and small, losing the possibility of their national representatives participating directly and indirectly in IMF decision-making and losing direct access to information. There will also be reform aimed at strengthening the role of the IMF in global economic decision-making. For many EU Member States this issue has so far been of little interest but their attention must remain firmly focused on it in the coming months.

Fourthly, there is one remaining area requiring serious and careful discussion and a solution. This is the area of global inequality and the question of the whole global currency system in the future. These issues were deliberately excluded from the London summit agenda and as such they remain on the list of areas to be dealt with in the future. It is worth mentioning in this context that it was precisely the inability to agree on a global currency order which scuppered the London summit of 1933. This issue is no simpler today than it was then. The EU must devote an appropriate amount of attention to it, because a solution to this issue remains an important ingredient for sustainable economic recovery and for preventing devastating global crises.

Ladies and gentlemen, in conclusion I would like to thank Great Britain, the country hosting the G20 presidency, for organising the summit and above all for organising the entire process of discussion and negotiation at a working level in the weeks and months leading up to the summit. The organisers did an excellent job and they deserve our applause since they made a significant contribution to the progress achieved and to the breadth of the final consensus.

There is hope that the London G20 summit will usher in a new and successful era of global economic cooperation. I firmly believe that it has a decent chance. The conclusions of the G20 summit are an excellent starting point for bringing the global economic crisis to an end as quickly as possible. An opportunity has also opened up to change the shape of the future interconnected global economy in order to be better

prepared for long-term sustainable production and coordinated economic decision-making. Much unfinished business remains and there are many commitments that have to be fulfilled. The coming months and years will show to what extent the London summit merits a place in the history books. In any case, the G20 summit marked a shift of strategic positions in the global economy. It is important for the EU to enter this new era with a clear and realistic vision and with policies that will ensure that Europe retains the same strategic role in the future as it has enjoyed in the past and which its 500 million citizens deserve.

#### IN THE CHAIR: MR ONESTA

*Vice-President*

**Pervenche Berès (PSE).** – (FR) Mr President, I am well aware that nothing can be done against the Council, but even so, our work has been greatly delayed.

We have an agenda full of important discussions. Five minutes are set aside for the Council, and it speaks for 20 minutes. I believe this shows disrespect for the MEPs.

**President.** – You know our Rules of Procedure as well as I do, Mrs Berès. I can use the gavel for all the Members, but I can only invite the Commission and the Council to be concise, as you have so notably been.

Commissioner, I beg you. You have no time limit, but please be aware that I have a piece of paper in front of me which says that five minutes would be acceptable.

**Olli Rehn, Member of the Commission.** – Mr President, the results of the London G20 Summit are substantial. They provide a clear message of global unity to work together to get the world economy out of the current crisis and back on the path of economic growth and job creation.

The G20 focused on three broad lines of action, and I am here today substituting for my colleague, Joaquín Almunia, who is driving those action lines further in a major IMF meeting today in Washington, and is thus unable to participate in this part-session.

Let me provide you with the Commission's concise assessment of the outcome, and of subsequent actions concerning these three broad action lines.

First, it is clear that the leaders agreed to do whatever it takes to restore growth, and for the moment the first and foremost priority is to restore the channels for credit flows. In this respect it is necessary to deal with impaired, toxic assets, thus endorsing the principles that the G20 finance ministers adopted in March, which is fully in line with the approach taken by the European Union.

It was also agreed to implement the announced economic stimulus measures without delay, and the EU's coordinated fiscal stimulus of over 3% – maybe closer to 4% – of GDP is substantial for Europe itself and provides a key contribution to the G20 short-term macroeconomic response to the crisis.

The outcome of the G20 should ensure an adequate balance between short-term fiscal expansion, which is, of course, necessary, and long-term fiscal sustainability, which calls for an orderly withdrawal of the stimulus when the time comes. Here also, the European consensus on the need to protect medium-term fiscal sustainability contributed to the balanced line adopted in London.

Trade protectionism is a potential threat in any global recession. It was therefore important that the G20 confirmed the commitment to keep trade and investment open and to avoid any kind of protectionism.

The second line of action is an ambitious plan to reshape global financial regulation, and it was agreed that, in future, regulations need to apply to every bank, everywhere, at all times. The G20 took a major step towards the global regulatory convergence that Europe has long been calling for.

We succeeded in obtaining the following objectives: improved requirements for bank capital and liquidity buffers, as well as measures to limit the build-up of leverage; regulation of hedge funds and private pools of capital; agreement on better regulation and supervision of credit derivative markets; more ambitious regulation for credit rating agencies; the establishment of global colleges of supervisors for all large cross-border banks; and endorsement of the new principles of the Financial Stability Board on executive pay and bonuses in financial institutions. Decisive action was also agreed on non-cooperative offshore tax havens. Thus, in the future there should be no hiding place in any part of the world for fiscal free riders. We welcome, in particular, the reference to the end of banking secrecy.

We also welcome the recent announcement by several countries to move towards the OECD standards on the exchange of information for tax purposes. Overall, concerning financial regulation, more progress has been made now than over the whole of the last decade.

Thirdly, it was agreed to reform the international financial institutions to ensure strong institutions for the global economy and provide appropriate representation for emerging and developing countries. It was agreed to substantially increase IMF resources, and the EU and its Member States have been steering the process and showing the way in this regard. Some countries have followed the EU and Japan's lead in pledging resources to the IMF, but more pledges are necessary, in particular from the United States and China.

Next, it is essential that the decisions taken by the G20 are delivered rapidly. We should also keep in mind to build a more balanced world economy and to avoid past mistakes. A fundamental adjustment of the global growth model – I am referring to the huge US budget deficit and the big Chinese trade surplus – may be needed in order for the global economy to return to a sustainable growth path.

The leaders agreed to meet again before the end of this year, probably in September. Effective coordination will be necessary to allow Europe to continue to steer the G20 process, which should be our continuous objective.

To conclude, tackling the current crisis requires both effective and coordinated fiscal stimulus and reform both of financial regulation and the international institutions.

Let us recall that this crisis originated from excesses and greed in the financial markets, especially on Wall Street. For Europe, it is a matter of returning to the basic values of the European model, which requires combining entrepreneurial initiatives, respect for productive work and striving for solidarity. In other words, our common challenge now is to save the European social market economy from the systemic errors of financial capitalism.

**Joseph Daul**, *on behalf of the PPE-DE Group*. – (FR) Mr President, Mr Nečas, Mr Rehn, ladies and gentlemen, we are suffering the first ever worldwide recession. This recession demands a coordinated response at international level. That is the only way that we can all come out of it.

The agreement reached at the G20 summit will help us find the right road to growth and jobs. In London, the world leaders tripled the funds allocated to the IMF, granted extra credits to the development banks and reaffirmed their support for free international trade. This programme, which aims to restore credit, growth and employment, should give us the time needed to stabilise the markets and, above all, to restore confidence in the global economy.

We must however be vigilant and not be tempted by easy solutions. We absolutely must lay the ghost of protectionism to rest. If we close our borders to trade and exchange, we will merely repeat the errors made by our predecessors in the 1929 crisis.

Today, more than ever, it is more trade that we need, not less. If we could manage, then, to create a real transatlantic economy without barriers with our main commercial partner, the United States, we would have already created an extra 3.5% of growth. That is what we should work on.

We must stimulate growth, not just to protect existing jobs, but also, and above all, to create new ones. My fellow Members on the left are calling for more social spending and for more social security. They want supposedly to protect jobs by closing off our economies. A transparent economy that allows each person to express their talents is an innovative and sustainable economy. It is a social market economy that we need.

We must learn the lessons from the mistakes of the last few months, and one of the main problems in the financial sector was the lack of financial regulation and supervision. The fact is, we will not be able to restore the confidence of our fellow citizens in the economy until we have restored confidence in our financial system.

To do so, we must extend regulation and supervision to all financial institutions and to all instruments, including hedge funds. We must fight against tax havens, get rid of banking secrecy and increase supervision of credit rating agencies.

In a globalised economy, where the markets never sleep, our only defence is transparency. Investors must know that the same standards apply throughout the world.

Finally, we also have a responsibility towards the developing countries. This crisis must not, in fact, ruin all the work we have put into this issue over the years. That is why we must continue to exert pressure so that the WTO adapts quickly to the 21st century and to the new rules.

The world's poorest nations need help to become real players in the global economy. In this way, the global economy will be able to grow by USD 150 million a year. It is the developing countries that will receive most of this money.

This is why we support the G20 commitment to allocate 850 billion in additional resources to support growth in the emerging markets and the developing countries.

Ladies and gentlemen, we will only come out of the economic and financial crisis by changing, by changing international governance and by changing our tolerant attitude towards those who do not comply with the rules.

**Poul Nyrup Rasmussen, on behalf of the PSE Group.** – Mr President, the essential question is, of course, what to do now. What must Europe deliver when the G20 meeting is resumed in September this year?

I have here the very latest prognosis from the IMF. I regret to inform Commissioner Rehn that it states that, even including all we have done, economic development in the euro zone will go down this year by -4.2% in growth and, in Germany alone, the rate will be -5.6%. We have transposed that in our macroeconomic calculations, and I can tell you, colleagues, that this means that, in spring 2010, we will have 27 million unemployed in the European Union. This means in essence that, in two years, unemployment will have increased by 10 million jobs lost in the European Union.

We now need to act quickly, in a coordinated and effective manner, exactly as Olli Rehn said. The conclusion from the G20 in London was that, if there is a need to do more, then we agree to do more. I cannot say anything other than repeat the figure of 27 million unemployed people. Does one need further arguments to do more?

I would propose doing four things in preparation for the September G20: firstly, to prepare a new, coordinated effort to reduce this threat of mass unemployment; secondly, to follow the de Larosière group's two proposals – to establish a supervisory board and to give more competence to so-called CSR organisations; thirdly, to introduce effective financial regulation, covering hedge funds and private equity; and, fourthly, to prepare Europe to take a role in promoting a new global deal, including for those developing countries which have been hardest hit by this economic crisis.

Please, Commissioner, do not tell me one more time that you have made a financial stimulus of 4%, including automatic stabilisers. Next time it will be 5%, when unemployment increases to 27 million unemployed. Let us be fair and let us create the jobs. We can do it together.

**Margarita Starkevičiūtė, on behalf of the ALDE Group.** – (LT) I would also like to welcome the agreement reached in London, but at the same time underline that the global economy needs global governance. The European Union can take on the role of that leader for two reasons, because both after the war and after the collapse of the Soviet bloc, it was able to restructure its economies within a short space of time. We have significant experience in managing such complicated processes.

They must be based on structural reforms. We have to provide space for new initiatives. If we now concentrate attention on technical details, the improvement of regulation, which clearly is necessary, then we will lose the initiative and room for movement. Movement and new jobs only appear when structural changes take place. What structural changes can the European Union offer the world?

Above all we must modernise governance, modernise the European Union's financial markets, rest on the strength of our common European market and not shut ourselves away in our little national corners. If we are able to work together in the European common market, this will be an excellent example to the world, that we do not need to pursue protectionism, that it is precisely openness, cooperation, the movement of capital and macroeconomic balances, based on common agreements, which will help maintain stability and revive the economy. Europe's experience in this area is invaluable.

I always find it difficult to understand why we are not doing this. Perhaps we pay too much attention to those hedge funds and too little to people's lives.

**Roberts Zīle**, *on behalf of the UEN Group*. – (LV) Thank you, Mr President. Our draft resolution on the G20 summit says that, firstly, various European Union countries have received support from the International Monetary Fund to resolve balance of payments problems and, secondly, that various countries in the euro zone have, thanks directly to the euro, been able to avoid exchange rate pressure in this situation. Unfortunately, however, the new European Union Member States cannot reduce this currency risk pressure, because they cannot join the euro zone. At the same time, the economy has become overheated in several new EU states as a direct result of the injection of a very large amount of money by many European banks, fighting to carve out a market in these states. Now it is borrowers who have been left to bear all the currency risk. I would therefore appeal for us to consider, particularly in the new EU Member States that have joined the exchange rate mechanism tool and keep to a fixed exchange rate that allows a large part of these loans to be paid back to European banks, whether this should not mean that these countries should also be helped with a swifter introduction of the euro. This is particularly crucial because solidarity is extremely important in difficult times. In reality, we are all in the same boat – especially now, when, to be honest, even those countries that have already joined the euro cannot satisfy the Maastricht criteria, with budget deficits of over 10%. Since we are in the same boat, let us think in the same way! Thank you.

**Caroline Lucas**, *on behalf of the Verts/ALE Group*. – Mr President, the G20 was a massively missed opportunity for tackling both the environmental crisis and the economic crisis at the same time – in other words for introducing what we are calling a 'Green New Deal'. That meeting should have been the moment for a massive investment in renewable energy and energy efficiency, for example, not just because we have to urgently address the challenge of climate change, but because investment in green technologies is one of the best ways of getting people back to work.

Green energy, for example, is far more jobs-rich than investment in business as usual, yet the package agreed by the G20 will actually lock the world into a high-carbon economy at exactly the time that we should be shifting to a very different low-carbon sustainable economy. Billions of euros were found for the IMF and the World Bank, but for making that vital transition to a green economy there was no serious money on the table, just vague aspirations – just talks about talks.

The communiqué's words about climate change and the low-carbon economy were relegated to just two paragraphs at the end of the communiqué, with no specific commitments. It is a tragedy that, at the very moment when the economic system and the global environment are on a collision course, this crucial opportunity to change direction and to make sure that we tackle both of those crises and get people back to work was lost.

**Francis Wurtz**, *on behalf of the GUE/NGL Group*. – (FR) Mr President, the assessment of the G20 results that we have just heard – success story, turning point in the crisis, an enormous success for the European Union, and so on – in my view raises two questions.

The first relates to the analysis of the current situation of the world financial system with which Europe, as has been seen, is closely connected. Let us be clear, the desire of the G20 leaders to send, at whatever cost, a reassuring message to the market, and indeed to the public, led them to very much play down the current situation.

In reality, forecasts of the estimated, but still largely hidden, banking losses are soaring from one month to the next. The worst is not behind us, it is in front of us. There was talk of losses of USD 2 000 billion three months ago, and that was already astronomical. Now, the IMF puts the figure at USD 4 000 billion.

For its part, the Commission has just put a figure of EUR 3 000 billion on the funds put aside under various guises by the Member States to save the banks, in other words a quarter of their GDP. That is the price of the mad dash to cash for profit and to profit for cash.

This grim reality underlines the importance of my second question. What is the real substance of the progress made on regulation by the G20 in London?

When Joseph Stiglitz, who was, as you know, appointed by the United Nations to chair an independent committee of experts on the financial crisis, was asked: 'Do you agree with the economist Simon Johnson when he says that the regulatory aspect of the G20 is close to zero?', Mr Stiglitz replied, 'Yes, I do'.

The ink on the London statement was not even dry when the main member state of the G20, the United States, called on the speculative funds that are comfortably installed in the tax havens to buy at a knock-down

price the toxic assets that are blocking the balance sheets of the US banks. We are really raising capitalism's moral standards.

In truth, the G20 did nothing to stop liberal globalisation. It ignored the key question of reorganising the international monetary system. It promoted the IMF without considering its transformation. It drew a veil over the immense social challenge created by this crisis. It prescribed homeopathic remedies where major surgery is obviously needed.

Europe, I think, must go far beyond the G20. The house is on fire. Do you hear the cries of anger rising up from our societies? They are demanding not soothing words, but strong, practical action, now!

**Jana Bobošíková (NI).** – (CS) Ladies and gentlemen, the decision of the G20 summit to pour billions of dollars into the IMF to combat the crisis is in my opinion counterproductive and harmful. There are three immediate reasons for this. Firstly, this commitment obliges creditor countries either to reach into their foreign exchange reserves or to go into debt.

Secondly, the commitment obliges even those states that have suffered lasting damage from incompetent IMF analyses to contribute to the fund. The Czech Republic, whose citizens I represent here, is an example of this. Although IMF forecasts for my country are completely divorced from reality, Czech citizens are contributing USD 1.4 billion to the fund.

Thirdly, the IMF will lend money to states under much softer rules than hitherto and it will not press for loans to be made conditional on the drafting of realistic measures to solve the economic problems of the borrower.

Ladies and gentlemen, I firmly believe that this will lead to a deformation of the international credit market at the expense of taxpayers.

**Othmar Karas (PPE-DE).** – (DE) Mr President, President-in-Office, ladies and gentlemen, the summit was a political success and sent out an important message, namely that the world is closing ranks and the political will is there to jointly find and apply global answers to crises and challenges. Nonetheless, I should like to say very clearly that we should not exaggerate the importance of summit scenarios. Summits only make declarations of intent; summits do not take decisions, summits are not legislators, summits have no legal basis.

Several calls are being made on the European Union. We must have the ambition to take on a vanguard role in the construction of a global financial and economic order. However, we can only take on a vanguard role if we have European regulations and can offer models. We are on the right path with our model of a social market economy, with deposit guarantees and with the regulation on credit rating agencies passed today. However, for me, the results of the summit are lacking in clear agreement on the elimination of the pro-cyclic effects of the existing regulations at European level and globally, the watchword being Basel II.

We still have a great deal to do: hedge funds, managers' salaries, the banking directive and European supervision, to name but a few. We are spokesmen, through the Commission, for this continent. Nonetheless, the national states are also represented. Community interests stand alongside national interests on the world stage. This may be an opportunity, but it may also be a weakness. That is why coordination is especially important. If our representatives do not all pull in the same direction, we shall be weakened on the global stage.

My final point: the legal implementation of political declarations of intent, their implementation and the coordination of global implementation in time and content will determine our success. The summit merely points the way. The result is yet to be achieved.

**Elisa Ferreira (PSE).** – (PT) Mr President, the G20 Summit was important, particularly because it created a space for multilateral dialogue and made people realise that, without this multilateralism, the crisis cannot be solved. However, it was a starting point, not an end point. The European Union's role in this must be reinforced and clarified, and the EU must act as a driving force. As yet we have no indication that this will happen.

We do have an extremely important guide, namely the de Larosière report, but the Commission has been slow to implement it and slow to react. Look at the reaction to hedge funds, for example. In the meantime, the real economy in Europe is still not showing any signs of recovery, and the 'wait-and-see' policy that has been followed means waiting for worse figures and for an increasingly serious situation. Look at the latest

estimates from the International Monetary Fund and the OECD (Organisation for Economic Co-operation and Development) of 27 million people unemployed, which is a huge problem.

The Commission also owes explanations to this House on what it intends to do, what its initiative actually involves and what the state of play is with the policy to coordinate Member States' initiatives. We should not have to wait any longer. The political will to act should already exist.

**Rebecca Harms (Verts/ALE).** - (DE) Mr President, ladies and gentlemen, G20 is indeed the right way forward; in time G8 will have to be dissolved by G20. Then we would have one summit less. Europeans have failed. The European Union with 27 Member States is indeed the right arena in which to organise a new financial market order.

To date we have had a lot of talk on this but no clear resolutions. We have heard a great deal about clearing tax havens, control of hedge funds and the end of fraudulent financial market products. If the Europeans had gone to London with a policy position, who would have actually been able to stand up against them? I find, as my honourable friend Mrs Lucas said, that it is infuriating that the London summit simply adjourned the climate crisis and the security of energy supply crisis. That has not only inflicted a great deal of damage on the climate and security of energy supply, but has also gambled away the opportunity for thousands of new jobs.

**Hans-Peter Martin (NI).** - (DE) Mr President, I can follow on seamlessly here. It is a tragedy that this continent is unable to reach a majority on what my fellow Member Mrs Lucas referred to. If it were, we would be in a far better position and could look future generations in the eye. As things stand, we cannot.

A criticism that I have to make is that much of the debate about the financial disaster and the way in which the emerging or already real climate catastrophe is being pushed aside reminds me of the German *Bundestag* after the Second World War. Many members of parliament and many politicians in the *Bundestag* no longer had any interest in what had happened up to 1945. They had to be confronted with it slowly. That is the starting point: unless you conquer the past, examine your own mistakes and look to the future, there is no way forwards. The EU and, more importantly, the political actors failed dramatically in the financial crisis. They must draw conclusions from that and first learn what they did wrong.

**Jean-Paul Gauzès (PPE-DE).** - (FR) Mr President, ladies and gentlemen, in the resolution that it will adopt tomorrow, Parliament will welcome the positions taken on credit rating agencies, which aim to increase transparency and to strengthen cooperation between the national supervisory authorities.

In this respect, this very day, Europe has shown the way forward. This morning, COREPER adopted the compromise reached between the Member States, the Commission and Parliament. At noon today, Parliament, in turn, adopted the compromise by an overwhelming majority of 569 votes to 47. Therefore, the regulation proposed by the Commission and amended by Parliament will quickly come into effect.

I would like to stress that this regulation lays the foundations for European supervision in the spirit of the proposals in the de Larosière report. The CESR will be the single entry point for registering agencies and it will initially play a coordinator role.

The Commission has undertaken to propose, in the next few months, a legislative initiative that will enable the finishing touches to be put to a truly European supervisory system.

Before concluding, I would like to stress that the return of confidence, which is the real objective of all the measures taken, obviously hinges on better regulation, especially of the financial system.

However, we must also take into account the fears of our fellow citizens and respond positively to them. We should give them realistic messages of hope. Unless we improve the morale of our fellow citizens, we will not restore consumer confidence, without which economic recovery will not be possible. The information provided to our fellow citizens has to be balanced and honest and not encourage defeatism by hiding the progress, the successes and practical consequences of the recovery plans, whilst taking into account the timescales necessary for them to produce their effects.

**Pervenche Berès (PSE).** - (FR) Mr President, I wanted to say to Mr Daul, but he has left, that today it is astonishing to see the Conservatives accusing us Socialists of wanting to increase social spending, when their main argument for rejecting the recovery plans is that Europe has the famous automatic stabilisers. What are these if not unemployment benefits, which we have defended with great clamour?



On the G20, I will make one main criticism: they have adopted the Barroso method, which consists in adding together the existing plans and assuming that that makes a recovery plan. That is not a recovery plan. Furthermore, looking at the figures from the OECD yesterday, from the IMF today, from the Commission tomorrow, how can anyone imagine that Europe can be satisfied with this?

We need a real European recovery, and the only method you have for this, Commissioner, is funding with a European loan. It is time for you to get to work, even though this European Parliament will no longer be there to support you in this task.

Finally, I note that the G20 had a task to carry out, following a message sent to it by Dominique Strauss-Kahn on the eve of its work: 'The system will not recover whilst the question of toxic assets remains unresolved'. Clearly, in this respect, the G20 was incompetent. We still have everything to do.

Two points: the G20 conclusions assess the benefits of the Doha Round at USD 150 billion. Where does this figure come from? How can it be justified? We call on you, Commissioner, to explain.

Finally, on supervision, if Europe wants to go down the right road, it must, as a matter of urgency, implement the de Larosi re group's proposals.

**Antol n S nchez Presedo (PSE).** - (ES) Mr President, the G20 has sent out a valuable message: prosperity is indivisible, and the only sustainable recovery is a shared and inclusive one.

What we need to do now is make this a reality. We need to continue in this direction. The G20 has reaffirmed common priorities, made agreements to provide resources to the International Monetary Fund, development banks and for the promotion of trade. It has carried out reforms in global financial governance, implemented ambitious plans with regard to regulation and supervision, and has made progress in the fight against tax havens.

Without the G20, the situation would be desperate, and the sickness in the world economy could become chronic.

However, the most important thing to realise is that the G20 initiative is not an event but rather a process. The European Union is the most important, integrated, and balanced economic area in the world, and therefore must lead the way, as it has great potential and can enrich the global agenda with the realisation that we are not only in the midst of a cyclical crisis, but actually confronting a crisis with deeper roots, which requires the political initiative of the European Union.

**Danut  Budreikait  (ALDE).** - (LT) One of the measures given in the statement issued by the International Monetary Fund on opportunities for the EU's Central and Eastern European countries to exit the crisis more swiftly is the introduction of the euro. This is proposed for countries which have currency boards. In Lithuania the litas has been pegged to the euro at an unchanged rate for four years, which is twice as long as the currency board mechanism requires. We should also reduce the exchange rate mechanism period to one year for other non-euro zone countries. The economic slump in the EU and throughout the world calls for novel, speedy and creative decisions and compromises, all the more so because in the ten years of the euro's existence, not one euro zone country has implemented all of the euro zone criteria and requirements, the Maastricht criteria.

**Bart Staes (Verts/ALE).** - (NL) I wish to take this opportunity to denounce a bit of hypocrisy with regard to the G20 summit. This summit was announced as a historic agreement, as something unbelievable, as a step forward, for instance in the fight against tax fraud and tax havens. A black, a grey and a white list were also drawn up.

But the hypocrisy of the European Union lies in the fact that - to give but one example - barely a week and a half before the G20 summit, we entered into an economic partnership agreement with the Caribbean countries. Eight of the fourteen countries are tax havens and yet we signed a free trade agreement with those countries, the result of which will be to institute free trade and the liberalisation of financial services, the consequence of which will be that toxic credits and illicit money can freely flow from those tax havens into the European Union.

I would thus like to take this opportunity to complain about the hypocrisy of having a good media show, the G20 summit, which claims it will take on tax havens, and in practice a policy that is diametrically opposed to what has been said. That is what I wanted to say.

**Petr Nečas**, *President-in-Office of the Council*. – (CS) Ladies and gentlemen, thank you very much for the discussion. I would like to state clearly that I agree with Mr Daul, who identified the avoidance of protectionism as a key factor. Protectionism works like a cancer and it could completely destroy our economy, turning against EU citizens and leading to a deepening economic crisis and a further decline in living standards. I also agree very much with Mr Daul's call for a transparent economy with effective and sensible levels of regulation and of course stronger global financial institutions.

Mr Rasmussen and Mrs Starkevičiūtė talked of pouring money into the economy. I must emphasise here that we are not pouring money into the economy in order to assist financial institutions. Inasmuch as we are doing it, the aim is to boost employment and to help people hold on to their jobs, because we all agree that the most dignified way for EU citizens to secure a living is through their own work. At the same time, however, in implementing these financial stimulus measures for the economy we must think not only of ourselves but also of our children and grandchildren. In other words these measures must not lead to any dramatic long-term threat to the stability of public finances. Our efforts must be focused on protecting employment and therefore the European Commission in cooperation with the Presidency will organise an employment summit where the top priority will be measures in the area of employment.

I would like to voice my disagreement with Mrs Lucas. I completely disagree that the G20 summit was a lost opportunity but I must challenge all of us to show some political realism. The current economy is sick. It needs a cure, it needs first aid, it needs long-term care and it needs a period of convalescence. We must not expect positive results to appear suddenly over the next three to four months. The problems affecting the global economy – and therefore the European economy too – are deeply-rooted and long-term in nature. Therefore the treatment must be long-term as well and it will require patience. I firmly believe that from this perspective the G20 summit represents a positive step.

Mr Wurtz criticised the superficiality of the financial market agreements. I agree that in many respects the EU must go deeper and I also firmly believe that this is happening. We must not look only at the steps taken by heads of state and government leaders, but also at those of finance ministers, which are very often consigned to annexes of various documents. I would also like to emphasise that the European Commission has already discussed further specific measures this week. However, I would again make a call for realism. We cannot expect miracle cures to be found within the next three or four months. The world economy is in trouble and the cure will be very long-term. It is essential to emphasise that even within an EU framework we must proceed in a coordinated manner. None of us exist in isolation. Only through coordinated action can we successfully overcome the effects of the global economic crisis.

**Olli Rehn**, *Member of the Commission*. – Mr President, I would like to thank you for a very serious and constructive debate. I will of course report this to the Commission, President Barroso and my colleague, Joaquín Almunia.

I have two or three comments, firstly on the European economic recovery plan. Like Poul Nyrup Rasmussen, I have of course taken careful note of the latest IMF economic outlook, which is indeed a very gloomy read. At the same time, it is essential to note that we have already taken very substantial and significant policy decisions to stimulate the European economy and the world economy. This has already, by and large, helped to stop the financial meltdown. But of course it is only honest to say that there will still be bad news coming from the real economy for some time, especially as regards increasing unemployment. Therefore we have to be very alert and vigilant. We have to constantly assess how the economic recovery package, the fiscal stimulus and the financial reforms are working and producing results. If necessary, we will have to do more – and better – in the course of the coming months.

We are doing our homework on the financial market reform, as a response to several colleagues. On the Commission agenda next week, for instance, we have a major package of legislation concerning the financial markets, especially the Director's remuneration, and a recommendation on the remuneration policies in the financial services sector. This is a very important part of the reforms of the financial markets.

Finally, while the reform of the financial regulation in Europe, and in the world globally, is indeed necessary in order to correct the system errors of financial capitalism, at the same time it is important that we do not throw the baby out with the bathwater as regards the market economy as such. In other words, we have to preserve the single market – which has been the engine of welfare in Europe – and we have to work for a new world trade deal in the context of the World Trade Organisation. As Mr Daul said, we need more, not less, trade. This is especially important for developing countries, which are very badly hurt because of the current recession and the slowing-down of world trade.

As replacement for Louis Michel next month, I am also involved in this because of my portfolio responsibilities. Indeed, the developing countries are among those which are suffering most from this economic recession. Therefore we should not lose momentum on rapidly reaching an ambitious conclusion of the Doha Development Round. In the current economic climate the value of concluding Doha has gone up very substantially. Doha would boost the world economy and prevent protectionism from picking up. Therefore all G20 countries should look beyond their domestic political garden and show a real commitment to moving ahead without delay as regards the Doha Development Round. I think it is also important to note, from the point of view of development, that leaders in the G20 also agreed on a trade finance package worth USD 250 billion over two years to support global trade flows, to which Europe will contribute substantially.

**President.** – I would point out that, in accordance with Rule 103(2) of the Rules of Procedure, I have received six motions for resolutions<sup>(1)</sup> tabled by the six main groups of this Parliament at the end of this debate.

The debate is closed.

The vote will take place on Friday, 24 April 2009.

#### **14. Support for Special Olympics in the European Union (written declaration): see Minutes**

#### **15. Situation in the Republic of Moldova (debate)**

**President.** – The next item is the Council and Commission statement on the situation in the Republic of Moldova but, first of all, I believe that Mr Watson wishes to draw the House's attention to the presence in our Chamber of eminent Moldovan public figures.

**Graham Watson (ALDE).** - Mr President, I should like to draw the attention of colleagues to the presence in the gallery today of the leaders of the three opposition parties represented in Moldova's Parliament, who are here for this debate: Dorin Chirtoacă, who is the Mayor of Chişinău and the Vice-President of the Liberal Party of Moldova; Vladimir Filat, who is the President of the Liberal Democratic Party, and Serafim Urechean, the President of the Alliance 'Our Moldova'.

(Applause)

**Petr Nečas, President-in-Office of the Council.** – (CS) Mr President, Commissioner, ladies and gentlemen, both the Council and the Parliament are following with great unease the events unfolding in Moldova in connection with the 5 April parliamentary elections. A significant political crisis has developed in our immediate neighbourhood, representing a serious challenge for the EU policy on Moldova and on the entire region in general. This factor is particularly worrying as the EU is at present preparing to launch the Eastern Partnership. It is in all of our interests to ensure that the situation in Moldova does not undermine implementation of the Eastern Partnership. We must make a clear distinction between the statements of President Voronin and the actions of political representatives on the one hand and the interests of Moldovan citizens on the other hand.

Immediately after the outbreak of violent protests in Kishinev on 7 April the EU sent its special representative Kalman Mizsei to Moldova. Since then Mr Mizsei has been trying hard to initiate political talks between the various Moldovan parties. The parties winning seats in the new parliament must agree on a realistic solution that respects democratic principles. Throughout the crisis the special representative has been in close touch with the Presidency and with High Representative Javier Solana.

You perhaps know that Czech Prime Minister Mirek Topolánek also visited Kishinev yesterday. He called emphatically on the Moldovan authorities and on the opposition to enter into political dialogue. He met with President Voronin, with Prime Minister Greceanu and with opposition representatives. The main message delivered by the Presidency accorded fully with the long-term actions of Kalman Mizsei. There is a need to strengthen civil rights in Moldovan society, the government must enable civil society to function properly and it must guarantee freedom of expression and other basic human rights. Furthermore, it is essential for the Moldovan opposition to gain access to main media in order to put across their opinions and to engage in political contests on equal terms. On the other hand it is necessary for opposition representatives to cooperate constructively with the ruling party and to respect the election results. Prime Minister Topolánek,

<sup>(1)</sup> See Minutes.

as the President of the European Council, stressed to all representatives the fundamental importance of always bearing the European perspective in mind. Moldova must not diverge from the path of democracy. Linking up with the Eastern Partnership project should strengthen Moldova on this path.

I would like to remind you that the official election result declared on 8 April was a victory for the Moldovan Communist Party, which won almost 50% of the votes. The remaining votes were shared between the three opposition parties. Based on this the communists would win 60 of the 101 seats in the new parliament. The preliminary assessment from the international election observation mission concluded that the election was valid, although reference was made to several problems that occurred during the campaign.

However, the opposition and a number of non-governmental organisations declared that the elections had been marred by fraud. Last week the Central Electoral Commission recounted the votes and concluded that the ruling Communist Party had indeed won 60 of the 101 seats in the parliament, thus confirming the results of the first count. According to the opposition, the main problem is not with the vote count but with electoral roles, which allegedly include several hundred thousand 'dead souls' or people who do not exist. The opposition is checking the electoral roles in order to produce evidence of this claim. According to a Commission spokesman, no signs of fraud were discovered during the recount. The opposition also pointed to the widespread exploitation of administrative resources by the governing party during the election campaign. The international election observers criticised the Moldovan authorities in this respect. The EU had warned the Moldovan authorities about this problem several times before the elections. Particular reference was made to the lack of press freedom and persecution of the opposition by repressive authorities.

Following the protests pressure increased sharply on the independent media. Journalists were arrested and persecuted. Some foreign journalists were expelled or prevented from entering the country. There is a further very serious reason for concern. During the crisis the Moldovan authorities committed serious violations of human rights. According to the reports almost 250 people were arrested following the violent protests on 7 April. Many of them, mostly young people, were beaten by the police, subjected to inhumane treatment and torture, denied access to legal assistance and not allowed to inform their families. Three young protesters died.

We made it very clear to the Moldovan authorities that such violations of human rights and media freedoms are unacceptable to the EU. The violence that took place in Kishinev is no justification for the cruel measures imposed by the state authorities. Moldova has adopted European norms and values through measures such as the EU-Moldova Action Plan. The EU has urgently called on the Moldovan authorities to uphold the principles of human rights and basic freedoms.

On 15 April Moldovan President Vladimir Voronin took a step in the right direction when he declared an amnesty for all persons arrested during the protests except for people with a previous criminal record. He also called for a transparent and proper investigation of the events. The investigation must be conducted in cooperation with the relevant European and international institutions. The human rights situation is being monitored closely on the ground by the EU and also by the Council of Europe, the OSCE and the UN. It is important that these operations are coordinated. The investigation in Moldova must include international participation in order to be considered reliable and fair. The sharp conflict and mistrust that has prevailed in Moldovan society over recent weeks can only be overcome through a transparent process.

It is essential to find a political solution to this crisis. Moldova is facing very serious economic problems arising from the global financial crisis. Continuing political turmoil would make it impossible for the country to tackle these economic problems. There is an urgent need for a functioning government. External assistance will also be required, including considerable IMF involvement. It is very important at this stage to look to a future beyond the immediate consequences of the current crisis and to consider what our policy should be towards Moldova. The crisis has shown clearly the need for consistent and ambitious measures to reinforce democratic standards and institutions in Moldova. Greater assistance will be required from the EU, focused on institution building through reform of the police and the judiciary and guaranteeing media freedoms and plurality. The agreement between Moldovan political parties on overcoming the current crisis should include a commitment to thoroughgoing reform in the areas mentioned.

Ladies and gentlemen, I would like to end by emphasising that for many years Moldova has been one of the most advanced countries in Eastern Europe, in terms of its determination to uphold democratic standards and its willingness to draw closer to the EU. It is in our interests to help Moldova overcome the current crisis and to proceed further along this path. The Eastern Partnership will provide a new and ambitious framework for boosting EU assistance targeted at political and economic reforms in Moldova and other countries in

that region. It is in all of our interests to ensure that democracy is strengthened in Moldova and that Moldova continues to draw closer to the European Union.

#### IN THE CHAIR: MRS ROTHE

*Vice-President*

**Olli Rehn**, *Member of the Commission*. – Madam President, referring to Mr Watson's announcement, let me first warmly welcome our guests from Moldova.

The situation in the Republic of Moldova is indeed of great concern. We are following developments closely and seeking ways to promote dialogue and reconciliation between political forces in the country.

As regards the conduct of the recent elections, my colleague Benita Ferrero-Waldner welcomed the preliminary assessment by the OSCE-led international election observation mission. The mission concluded that the elections had taken place in a pluralistic environment, that a distinct political choice had been on offer for the voters and that a number of international standards for democratic elections had been met.

However, significant shortcomings were identified which are of serious concern and had already been voiced by the Commission well before the elections. These are undue administrative interference, insufficient respect for the freedom of expression and access of all parties to media, and an overall lack of public confidence in the democratic and electoral process. These shortcomings need to be addressed as a matter of urgency, all the more so since the events of 7 April.

Much more worrying are the reports of widespread human rights violations in the wake of the demonstrations after the election day. After the turmoil that followed the demonstrations of 7 April, the Commission strongly condemned the excessive use of force and called on all those concerned to stop the use of inflammatory rhetoric and violence.

We continue to give this matter close attention. Respect for human rights remains a key condition for the further development of our relationship with Moldova. It is crucial that allegations of serious human rights violations by the security forces are investigated thoroughly and swiftly. Where allegations are substantiated, the authorities must act to ensure that those responsible for such abuses are indeed brought to justice.

President Voronin's agreement to visit the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, as well as cooperation with the EUSR on these issues, is welcome. Similarly Moldovan interest in the possibility of the dispatch of an EU fact-finding mission is positive.

While these missions cannot substitute for the responsibility of the state to investigate and prosecute human rights violations, they should help to shed light on the latest elections and their aftermath. They should also go some way towards facilitating political dialogue in order to restore public confidence.

Today the situation in Moldova is very fragile. The country has constantly expressed its desire to deepen its relationship with the European Union. The current crisis is a test over Moldova's resolve in this regard.

We welcome the fact that Romania has refrained from taking reciprocal steps following the reintroduction of visa requirements for Romanian citizens and for the declaration of its ambassador as *persona non grata*. We should encourage all partners to proceed with the greatest caution and always keep in mind the overriding aim of stabilising the country.

The current situation is of grave concern, but we should not lose our sense of the wider picture. The key to future stability and prosperity for Moldova is in the deepening of its relationship with the European Union. On the eve of the launch of the Eastern Partnership we need to demonstrate that we are indeed ready to assist Moldova in overcoming the current difficulties, in particular by defusing tensions, promoting dialogue and strengthening links between us.

The Republic of Moldova is our neighbour. We have been working closely and in a relationship of trust with the citizens of Moldova over the last 15 years. We are fully aware of Moldova's European aspirations. It is critical that we stay engaged with the Moldovan people today and that together we work not only to overcome the challenges that have arisen in the electoral period but also those which are emerging as a result of the global financial and economic downturn. In other words, we care for Moldova and its citizens.

**Marian-Jean Marinescu**, *on behalf of the PPE-DE Group*. – (RO) The Republic of Moldova has international obligations and commitments, which mean that it has assumed the responsibility to respect democracy, the

rule of law and human rights. However, recent events have shown us a serious deviation from all these commitments. Random arrests, kidnappings, people disappearing, flagrant violation of the rights of those arrested, inhuman and degrading treatment, terrorising citizens and threats with weapons are regrettable acts which jeopardise this country's EU future.

The campaign launched against representatives of the mass media and opposition parties, along with the arrest and expulsion of journalists are serious, deplorable actions. I condemn this campaign of harassment, the serious human rights violations and the illegal actions carried out by the Republic of Moldova's government.

EU assistance planned for 2007-2010 aimed at supporting the development of democracy and good governance in Moldova amounts to more than EUR 50 million. I hope that the money has not been used for training the police in how to use violence against the population. I would like to ask the Commission to present to the European Parliament a report on the use of all EU funds in the Republic of Moldova.

Romania is pursuing and will continue to pursue a proactive policy aimed at supporting the Republic of Moldova's integration into European structures. The reason for this is not only down to the historical ties we have with the citizens of this state, but more particularly because of the firm conviction that the Republic of Moldova's destiny lies in Europe, as a modern, democratic state, based on respect for human rights and fundamental freedoms. The accusations levelled against the Romanian state by the Moldovan authorities are nonsense. The introduction of visas for Romanian citizens is also an unjustified and unacceptable action. The head of state changes, but the citizens remain.

I believe that it is in the European Union's interest that the Republic of Moldova follows a European path in keeping with the aspirations of its citizens to live in a stable, safe democratic state. In this regard, the Eastern Partnership is an effective instrument and an outlet for the European aspirations of the Republic of Moldova's citizens.

**Marianne Mikko**, *on behalf of the PSE Group*. – (ET) Ladies and gentlemen, I have always been a strong supporter of Moldova, but the present crisis makes me very concerned. Although Moldova is a small country that is dependent on foreign aid, we cannot turn a blind eye when the principles of the rule of law are violated.

Relations between the European Union and Moldova remain very important to us, but one should not hope that the European Union consists of blue-eyed naïve people who believe everything that the Moldovan authorities present to us as the truth. The forthcoming European Parliament *ad hoc* mission to Moldova is very important. No topic will be taboo. We would like to know how the police behaved with demonstrators in the post-election period. The observation of human rights not only in words but also in deeds is of utmost importance to the European Union and also to representatives directly elected by the people. Unfortunately, the Republic of Moldova signalled at the meeting of the Foreign Affairs Committee and the Moldova delegation yesterday that Europe must be prepared for monologues in Chişinău. We cannot accept that, since European integration means open dialogue. Thus partners discuss everything. I believe in the Eastern Partnership, and also in the possibility of democracy in Moldova. Let us therefore help Moldova.

**Graham Watson**, *on behalf of the ALDE Group*. – Madam President, Moldova's state brings back miserable memories of Europe's unhappy past: a Communist government declaring victory on its own terms, protesters beaten and killed, accusations that neighbours are orchestrating unrest. If there is real evidence that the Romanian Security Service has stoked violence, then that should be subject to scrutiny by the international community.

This Parliament's mission next week must seek evidence regarding reports of 200 000 additional ballots printed, allegations that 400 000 voters registered on election day with inadequate ID, and claims that voters in Transnistria were disenfranchised en masse. Until those are investigated, until the OSCE reports, many will simply not believe the results, whatever Moldova's courts conclude. It may be that Commissioner Ferrero-Waldner's instinctive optimism proves misplaced.

President Voronin should also denounce the detention, beatings and extrajudicial killing of young people randomly rounded up after the protests. No more obstacles to lawyers or NGOs, no more withholding the names and numbers of those detained. I would like the Commission to confirm whether Moldova's expulsion of Romania's Ambassador and demand for visas from travellers breaks the agreements our Union has with that country. If so, what action will the Commission take?

President Băscu's announcement on passports also added to tensions. We must show sensitivity to bilateral relations but, nonetheless, insist agreements are honoured.

Our Moldovan visitors today describe a country where, in so many ways, freedom and democracy are denied, where the Internet mysteriously malfunctions, where television channels vanish from the airwaves, where state TV broadcasts belly dancing rather than reporting violence on the streets.

Our Union, while mindful of the geopolitics, must understand the politics of Moldova, a people keen to exercise democracy and freedom of choice, a country trading overwhelmingly with the countries to its west, a land linked to Member States of the Union through geography, history and culture. Next month, as our leaders gather for the Eastern Partnership summit, they should make sure they build partnership on the basis of democracy and human rights. President Voronin and his comrades must commit to that cause. Our Union must demand it.

**Bastiaan Belder (IND/DEM).** – (NL) The international reporting on the disturbances in Moldova at the beginning of April and their consequences raises a considerable number of questions, questions that the European institutions need to put to the Moldovan and Romanian authorities.

To begin with, Chişinău. Is the Moldovan government really planning to open fire on demonstrators in cases of emergency from now on? I would refer Members to the announcement made by the Prime Minister on state television. How does the Moldovan government explain the radical about-face in the approach taken by the organs of national security towards demonstrators and other opponents? This was an about-face from an incomprehensible passivity towards vandalism, arson and the plunder of government buildings to brutal physical violence against unarmed citizens, resulting in three suspicious deaths.

Above all, how does the Republic of Moldova acquit itself of its responsibility for these breaches of the most basic fundamental rights? For a response to this last and crucial question, Madam President, the open letter containing nine recommendations submitted yesterday to the Czech Presidency by fourteen Moldovan defenders of civil society must definitely be taken into consideration. I hope that the European institutions, Commissioner Rehn and the Czech Presidency will take note of the letter. Prominent persons in Moldovan society are asking for an explanation. We must confront the Moldovan authorities.

Moreover, Brussels must at least ask Bucharest for an explanation of the proposal to open up Romanian citizenship on a massive scale to Moldovan citizens with Romanian grandparents. European consultation regarding the far-reaching consequences of such a sweeping decision is certainly reasonable.

**Adrian Severin (PSE).** - Madam President, the violence in the Republic of Moldova was not a revolution but a mutiny, which took place within a revolutionary atmosphere in a divided society. That violence could also be seen as having been provoked and used as part of a strategy with the aim of redrawing the borders between the European Union and Eurasia.

Therefore the problem we have to cope with is a European problem. It is not a mere internal or a single Member State problem. However, the solution to that problem must not be retaliation but the multiplication of efforts for engaging Moldova on a European way. Nor is the solution to encourage the Moldovan elites to leave the country as holders of foreign passports.

To this end, we must strengthen the mission of the European Union envoy for Moldova, both in scope and resources, accelerate negotiation with Moldova on visa facilitations, and deepen cooperation in the field of enhancing both public order and respect for human rights. We have to work together with the authorities, the opposition and civil society, but also with Russia, which has an important presence in the region. We should avoid these events being taken as an excuse for a unilateral solution on Transnistria.

**Anna Ibrăşăgic (PPE-DE).** - (SV) Madam President, there are those who believe that we should have a resolution on Moldova and there are those who believe that we should not. Those who do not want this resolution often cite the fact that the OSCE actually approved the election itself. Let me say, though, that the OSCE report was not completely uncritical. On the contrary, it contained a great deal of criticism. However, the resolution is not only about the election, but also about what happened after the election and what has been going on in Moldova for quite a while.

Human rights must be respected. The media must be given freedom. Maltreatment of peaceful demonstrators can never be accepted. Approval of this resolution would mean that we would be sending a strong signal to people in Moldova to show them they are not alone, that we can see what is happening there and that we do not accept it. I therefore urge you all to support this resolution.

**Victor Boştinaru (PSE).** – (RO) The events which have occurred in the Republic of Moldova had been on the cards for a long time. When I say this, I am referring to the fact that in 2008 the EU-Republic of Moldova dialogue mentioned at least three major issues: a) free access for the opposition to the public mass media, which has been systematically refused and institutionalised by the Voronin regime; b) failure to comply with the request of the Venice Commission to refrain from amending the law on parliamentary elections, flatly refused by the regime in Chişinău and its collaborators; c) the opposition's involvement in major decisions on the country's policy, especially its European integration policy, another measure flatly refused.

The fact that these three major topics have been ignored or systematically rejected by our partners in Chişinău will actually indicate to us that the European Union has been turned down flat by Moldova when it came to matters of fundamental importance to the future of this country. The events which occurred on the day of the elections were only the predictable end to a story for which perhaps the European Union and European Parliament share some blame.

**Maria Petre (PPE-DE).** – (RO) Madam President, ladies and gentlemen, we have three types of problem with the Republic of Moldova, all of them serious, based on which we can devise three courses of action. The first type concerns human rights. We have hundreds of young people who have been detained, sometimes even tortured. The next type concerns press freedom. We have journalists who have been intimidated and abducted from the street in broad daylight. The final type concerns the method for conducting the elections. We have a huge volume of specific data on this indicating election rigging. We will also have to be just as definite in making up our minds about this last aspect. The opposition parties maintain that rigging has altered the result by 10-15%. The citizens of the Republic of Moldova are still looking in great hope to our decisions, to our responses. It is their only way out of this tragic situation, almost unprecedented in Europe, which they have had to live through.

**Alexandru Nazare (PPE-DE).** – (RO) Nowadays in Chişinău, Madam President, you have the right to remain silent, you have the right to do what you are told and you have the right to pay taxes to an elite that is answerable to no one, as well as to emigrate, to conform and, if necessary, to hate on command. You do not have the right to free expression, association, public debate and not even the right to decide your identity yourself. Commissioner, these are the conditions then for stabilising the Republic of Moldova, but they do not offer any grounds for optimism.

Having embarked on this road, the only fate that can await Moldova, in the best case scenario, is that of Belarus. Long before the elections, the Communist Party managed to gain and consolidate its absolute control over all the mass media channels. These measures have made the democratic process devoid of content and forced a quarter of the country's population to emigrate. Against this background the elections could not have taken place without any seed of doubt. The repression exercised by Chişinău has now become a means for the authorities to communicate with the population.

Therefore, from now on, the EU cannot afford to adopt an indulgent, ambivalent attitude to the regime in Chişinău. From now on, our silence or these ambivalent statements will indicate our approval and complicity in showing contempt for fundamental freedoms and the democratic legal system, as well as in acts of violence and repression. Last but not least, the crisis in Chişinău demonstrates that we must improve the methods we use for observing and monitoring elections and rethink the role of our permanent representative there.

**Charles Tannock (PPE-DE).** - Madam President, Moldova remains one of the poorest countries in Europe, with a fragile democracy led by President Voronin, who is an unreconstructed Homo Sovieticus, who still proudly calls himself a Communist and who, sadly, is ambivalent towards the EU even in terms of the Eastern Partnership.

Nevertheless, he remains popular, particularly in the rural areas and among the older generation nostalgic for the security of the USSR in these uncertain economic times.

The OSCE Troika, which included our own EP delegation, basically endorsed his victory, so we just have to accept this fact, even though we must strongly protest the repressive crackdown against the opposition demonstrators who accused the Government of monopolising the media during the campaign, using an outdated and unreliable electoral register – including many people who are supposed to be dead – and the disenfranchisement of the large diaspora abroad who were not able to vote.

Right now we must concentrate on the human rights violations, which must be fully investigated by a mission of the European Union if Moldova wants to continue to receive our support in its EU-Atlantic aspirations.



**Paul Rübzig (PPE-DE).** - (DE) Madam President, Commissioner, ladies and gentlemen, I am most grateful for this debate today, because it shows that a Europe with 27 Member States and 500 million citizens definitely has clout outside the borders of Europe. Many citizens in Moldova have recognised how important it is to have a division of power, to develop a basic democratic understanding and to fight for it.

It does not happen as a matter of course that people stand up for democracy today and that people can proclaim their convictions in public and are not locked up or subject to repression for doing so. That is why I believe – and I should like to support the Commissioner fully here – that we in Europe should use everything currently at our disposal in the fight for freedom by individual citizens, for freedom of the press and for a well-established democracy.

**Petr Nečas, President-in-Office of the Council.** – (CS) Madam President, Commissioner, ladies and gentlemen, the situation in Moldova is still fragile and the EU must continue its intense efforts to bring the parties to the negotiating table. It must also work with them to find a common solution which is comprehensive, balanced and realistic and which will contribute to strengthening the democratic process and democratic institutions in Moldova. I entirely agree with Graham Watson that Mr Voronin must sign up to democratic principles and that he must condemn the torture and violence perpetrated against demonstrators. I think that everyone should also condemn the arrests of journalists and the massive violations of freedom of expression. In this respect it is also important for us to support fully the work of the EU special representative in Moldova.

There should be no doubt that the EU and the Council are very alarmed at the human rights violations that occurred in Moldova during the crisis. We are urgently calling on the Moldovan authorities to engage in a transparent process with the full cooperation of the relevant European and international institutions and to investigate and condemn the human rights violations. The crisis has shown the need to strengthen EU assistance targeted at further political and economic reform in Moldova, in order to strengthen Moldova's commitment to democratic standards and values and in accordance with EU support over the matter of Moldovan sovereignty and territorial integrity. The EU is ready to cooperate and to bring Moldova closer to the EU. However, the basis for this is a democratic Moldova, a Moldova where human rights are respected and a Moldova where there is freedom of expression and where basic democratic institutions are functioning.

**Olli Rehn, Member of the Commission.** – Madam President, I would like to use my speaking time by responding to some of your questions and comments in this, in my view, very responsible exchange of views today.

I shall start with Mr Watson's remarks concerning visas and human rights, but first I have to comment on his remarks concerning my colleague, Benita Ferrero-Waldner, who is responsible for our relations with Moldova. You said Benita is an instinctive optimist. I can defend her and the Commission's position first by saying that, in fact, the Commission position is very realistic and balanced. Secondly, you have to be a professional optimist to be a European Commissioner, at least if you are responsible for EU enlargement and relations for south-eastern Europe.

Concerning the visa question, we are indeed dismayed by Moldova's decision to impose a visa requirement on Romanian citizens. This is not acceptable. We are examining the legality of this move. We will pursue the issue on 30 April, on the eve of Labour Day, 1 May, with the Moldovan authorities within the context of the Commission-Moldova Joint Management Committee, which has been created under the visa facilitation agreement.

Overall, concerning the elections, their aftermath and human rights violations, the Commission strongly condemned the violence that erupted in the streets of Chişinău on 7 April and the massive and excessive use of force by the law enforcement agencies' forces and, reportedly, by private militia in the aftermath. Reports of widespread human rights violations with respect to detainees, as well as of abductions, are of serious concern.

We see that, realistically, it is of the utmost importance for Moldova to live up to its European aspirations, that allegations of human rights violations be investigated thoroughly and impartially with the participation of all political forces and, as appropriate, under international scrutiny. Those suspected of having committed criminal acts, including human rights abuses, must be investigated and, if charged with such acts, offered the right to a fair trial.

Finally, on the likely impact of the election aftermath on EU-Moldova relations, it has brought to the fore the unfinished nature of Moldova's internal reforms, particularly with regard to the rule of law and respect for fundamental freedoms. We expect all concerned parties in Moldova, the official authorities as well as the

political opposition and civil society, to agree on and progress towards a solution to the current crisis that will bring about more, not less, democracy and freedom for the Moldovan people.

The history of what has become the European Union is concrete proof that dialogue and cooperation and the rule of law can yield a coherent and sustainable mix of respect for fundamental freedoms, political stability and economic prosperity.

**President.** – The debate is closed.

The vote on any motions for resolutions will take place during the next session.

#### **Written statements (Rule 142)**

**Corina Crețu (PSE), in writing.** – (RO) At a time when the Communist authorities in Chișinău are continuing to hold on to power through deceit and torture, the prime minister of the country occupying the EU Presidency is content to describe the crisis at the EU's borders as 'worrying'. Not even the evidence of terror and the aggressive stance against a European Union Member State have triggered such a reaction as has the distortion of a legitimate decision from Romania to speed up the process for regaining Romanian citizenship for those who lost it unwillingly in tragic historical circumstances, which the West has some share in the responsibility for.

I cannot help but mention the hypocrisy of those politicians who are now scaremongering about the million Moldovans ready to invade the West, in the same way as they were bandying the notion up until 2007 about an onslaught from the Romanians.

With regard to the trampling of democracy and fundamental freedoms, we will have the opportunity for an exchange of views with Messrs Lukashenko and Voronin after launching the Eastern Partnership. If this cooperation mechanism is not going to uphold democratic reforms in the former Soviet states which have been invited, this means that it will be dead in the water.

I cannot fail but come to the harsh conclusion that for some Europeans Tibet is closer than Moldova. This happens probably when the road to Chișinău passes through Moscow.

**Silvia-Adriana Țicău (PSE), in writing.** – (RO) The elections which took place on 6 April 2009 in the Republic of Moldova were followed by demonstrations. Unfortunately, the press encountered problems in reporting information about how events unfolded. I think that freedom of the press, freedom of expression and respect for human rights and the rule of law are principles which we all abide by, promote and defend.

I feel that the situation in the Republic of Moldova is extremely serious. I particularly believe that the European Union must treat this situation seriously and diplomatically. I feel that the accusations being levelled at Romania are also being targeted at the European Union. However, the declaration of the Romanian ambassador in Chișinău as persona non-grata and the sudden, unilateral introduction by the Republic of Moldova of visas for Romanian citizens are unacceptable.

The Republic of Moldova is a European country through its history and geography. It is one of the EU's neighbours and relations between the EU and the Republic of Moldova must continue to be based on good neighbourliness. The region I come from adjoins the Republic of Moldova and Ukraine. We are involved in many joint development programmes and I think that Romania and the European Union must continue to support economic and social development in the Republic of Moldova through a partnership based on not only good cooperation, but, in particular, on mutual respect as well.

### **16. Consolidating stability and prosperity in the Western Balkans - Situation in Bosnia and Herzegovina (debate)**

**President.** – The next item is the joint debate on the Western Balkans, and specifically the report (A6-0212/2009) by Mrs Ibrisagic, on behalf of the Committee on Foreign Affairs, on consolidating stability and prosperity in the Western Balkans and the statements by the Council and the Commission on the situation in Bosnia and Herzegovina [2008/2200(INI)].

**Anna Ibrisagic, rapporteur.** – (SV) Madam President, it is almost 15 years since the end of the war in Bosnia and almost exactly ten years since NATO's bombing campaign forced Serbian forces to leave Kosovo. In December, it will also be 17 years since I, myself, came to Sweden as a refugee from the war that set my

former homeland alight and made bitter enemies of the Bosniaks, Croats and Serbs who had previously lived together as neighbours. The fact that neither Bosnia, Kosovo nor any of the other countries in the Western Balkans has relapsed into war since then is entirely down to the EU and NATO. However, even though the weapons have fallen silent, the legacy of the war lives on in politics and society in the region. The only chance for people in these countries to overcome their past is for them to continue along the path towards EU membership. Only the carrot and the stick that constitute the key dynamics of the accession process can get the governments of these countries to focus on carrying out the work and the reforms which, once and for all, can consolidate stability and prosperity in the Western Balkans.

In the report that I have written on this subject, and which the European Parliament will vote on tomorrow, I examine the various initiatives and projects that the EU and its Member States are involved in in one way or another in order to attempt to develop societies that are prepared to meet the stringent requirements of EU membership. I do not intend to go into the details of the report here, but there are two things in particular that I would like to highlight.

The first is that there is a fundamental difference between the countries currently involved in the enlargement process and those which acceded in 2004 or 2007. The countries of the Western Balkans were ravaged by full-scale war and ethnic cleansing little more than a decade ago. Fortunately, the same cannot be said of Hungary, Estonia or Romania. However, this means that the EU cannot simply copy the handbook from previous enlargements and apply it to the Balkans. An example of this that I mention in my report relates to the prohibition on the extradition of suspected criminals facing indictment in other countries. Such prohibitions are currently in force in all of the Balkan countries, but the EU is currently making no demands for their abolition. The justification for this is that no similar demands were made of Slovakia or Poland, for example. It should be obvious why this analogy is not valid. I would think that there are extremely few suspected war criminals hiding from justice in Slovakia, but I can tell you that there are considerably more in Serbia and Bosnia. Justice is the basis on which reconciliation can be built. Impunity for war criminals is completely unacceptable, and I therefore wish to urge the Commission and the Member States to once again raise the issue of the possibility of getting the countries in the region to take steps towards a coordinated abolition of these prohibitions.

The second matter I would like to highlight is that the accession process is, as I have mentioned, very stringent and demanding – and so it should be. If we do not make stringent demands and insist on them being met in full we will not actually achieve any real results. When the requirements are already so stringent and difficult to meet, the last thing we should do is to throw more spanners in the works for those countries who wish to become members, spanners that have nothing to do with the ability of those countries to meet the EU's membership criteria.

I am also thinking about those who claim that the EU is already full and that it cannot, for the foreseeable future, accept any more members. Although, as I point out in my report, it would, technically speaking, be perfectly possible to continue to accept new Member States, even if the Treaty of Lisbon were not to enter into force, doing so requires political will, and it is this that it is my job and that of my fellow Members here in Parliament to create.

**Petr Nečas**, *President-in-Office of the Council*. – (CS) Madam President, ladies and gentlemen, I am grateful to the European Parliament for organising this important discussion this afternoon. I read with great interest the report of Anna Ibrisagic on future stability and prosperity in the Balkans and the draft resolution on Bosnia Herzegovina drawn up by Doris Pack. The Council agrees with much that is said in the report and we share many of the opinions and concerns expressed in connection with the situation in Bosnia Herzegovina.

I would like to focus my introductory comments directly on Bosnia Herzegovina because stability there is vital for the future of the Western Balkans as a unit, and also because the current situation continues to cause concern. The Council has been active both in formulating and implementing a strategy supporting the security and integrity of Bosnia Herzegovina, and in backing the reforms needed for ensuring a peaceful and prosperous future. Therefore I cannot accept the assertion that the Council is not paying enough attention to Bosnia Herzegovina.

We all know that we are still living with the consequences of the tragic events of the 1990s, as Mrs Ibrisagic has also mentioned here. Bosnia Herzegovina, which for decades was a symbol of peaceful coexistence of nations, cultures and religions became an area of devastating conflict. Since then the EU's policy has been to work on stability and reconciliation based on the promise of a European future for the entire Balkan region. Despite this we are still frequently confronted with fiercely nationalistic rhetoric aimed at reinforcing national differences in Bosnia Herzegovina and at preventing national reconciliation. The passage of time

has not yet resolved these conflicts and neither has it healed wounds between the three nations that make up Bosnia Herzegovina.

It is nevertheless surprising that the nationalist rhetoric and opinions go together with the common interest of all Balkan communities and their political representatives in a European future for Bosnia Herzegovina. The inhabitants of Bosnia Herzegovina are simply struggling for a safer life and prosperity. They want to move ahead and they rely on their country becoming integrated into European and other structures as a guarantee of future stability. Although local political leaders talk a lot about Bosnia Herzegovina's future in the EU, it is difficult to see any real commitment to this agenda from their actions. The conflict between interest in a more European orientation and nationalism creates a real risk that while the rest of the Western Balkan region moves forward, Bosnia Herzegovina will be left behind, bound up in its internal conflicts.

Concerns over such future developments in Bosnia Herzegovina have meant that the country remains at the top of our action agenda and the focus of constant attention. Bosnia Herzegovina has been and continues to be the subject of intense negotiations at all levels of the Council. The Commission and secretariat of the Council are developing their contacts with partners in the country in an effort to take the political process forwards and to help Bosnia Herzegovina keep in step with the rest of the region. Member States are supplementing the European agenda through their own efforts at a bilateral level. We also very much appreciate the attention given to Bosnia Herzegovina by this Parliament. I would like to express my gratitude to the many MEPs here today who have supported all of the actions promoting stability and political maturity in Bosnia Herzegovina.

The EU continues to promote a European future for the whole region, including Bosnia Herzegovina. However, fulfilling the criteria for EU accession demands considerable efforts. It means developing a consensual approach and being prepared to make far-reaching changes. This is not something that can be achieved overnight. It amounts to nothing less than a complete political, economic and social transformation.

Bosnia Herzegovina must carry out significant changes to its internal structures and decision-making processes. We are disappointed about the absence of progress within the framework of the Bosnian Council of Ministers and Parliamentary Assembly. They are lagging far behind what is needed. National bodies urgently need to be strengthened and improved on an operational level in a way that will start to bring real results, including substantial progress in EU-related programmes. This is essential, because the EU can deal with Bosnia Herzegovina only as a whole, and not with its individual parts. The priorities of the European partnership are also clear. The Union is always prepared to help but it cannot and it will not take on tasks which belong to the politicians in Bosnia Herzegovina.

Despite the continuing nationalist political agendas, we realise that compromise and agreement are possible in Bosnia Herzegovina. We saw this earlier in the adoption of the two police laws, for example, which prepared the ground for signing the Stabilisation and Association Agreement, or the solution of the Brcko issue, which marked the accomplishment of one of the essential objectives defined by the Council for Peace Implementation. However, even in these cases, progress was always achieved and agreements were signed at the last minute and under considerable pressure from the international community.

A much more mature approach is required. It is of the utmost importance that local political leaders behave responsibly, show some initiative and are aware who Bosnia Herzegovina really belongs to and who is really responsible for its future. The inhabitants of Bosnia Herzegovina deserve a better result from the votes they cast in the ballot box. This is an aspect which you, as politicians, can help to bolster more than anyone else. Such a development would lead to a significant advance as far as the presence of the international community in Bosnia Herzegovina is concerned. Change is essential. So many years have passed since the signing of the peace agreement and Bosnia Herzegovina must now stand on its own two feet, abandon its "protectorate" way of thinking and become a credible and fully-fledged state. In order to achieve this aim, the Council for Peace Implementation, acting on behalf of the international community, drew up the list of five objectives and two conditions which Bosnia Herzegovina must fulfil before any change can be achieved. This constitutes a real test of maturity and it is fully supported by the EU.

The 5+2 list is not just another catalogue of supplementary terms and conditions. It is a carefully compiled list of requirements which are fundamental if Bosnia Herzegovina is to be transformed into a modern and fully-fledged state, allowing the presence of the Office of the High Representative to be brought to an end. Every modern state needs a properly functioning legal system, effective taxation authorities, the resolution of all issues connected with government assets and equal access to a constitutional court for all citizens.

We have already welcomed many times last November's Prud declaration by the three political leaders in which they made a commitment to work together in supporting the development of Bosnia Herzegovina. We support the agreements which have been achieved and we urge the political representatives to continue their efforts with a view to the next meeting of the Council for Peace Implementation's management committee, which will take place at the end of June. I firmly believe that unresolved issues relating to government assets can be resolved and should not become an obstacle to a solution. However, initiatives at a political level require broader support. For this reason I would like to urge society as a whole in Bosnia Herzegovina to become part of the reform effort. The role of the media in particular should be more constructive.

The mission of the EU is clear. It is supremely important for the political leadership in Bosnia Herzegovina to cooperate even more closely in order to overcome historical differences and to lead their country towards closer integration with Europe. The EU will always be willing to help in this effort which is essential not only for Bosnia Herzegovina itself but also for the broader stability and security of the region. I know that in this process we can count on the support of members of this Parliament. Ladies and gentlemen, I remain grateful to you for this support.

**Olli Rehn**, *Member of the Commission*. – Madam President, I am glad that the Western Balkans are back on the European Parliament's agenda this week. In recent years a steady stabilisation in the region has taken place, not least thanks to the region's European perspective, with the ultimate goal being EU membership once the conditions have been met by every country. Croatia's negotiations are quite far advanced. The former Yugoslav Republic of Macedonia is a candidate looking forward to opening its negotiations, and we have a network of Stabilisation and Association Agreements in place. Stability in Kosovo was maintained throughout last year's important developments.

We must not put these achievements at risk through any kind of complacency or distraction by other – sometimes perhaps more urgent – matters. Many will have questions about EU enlargement in the middle of an economic crisis, and discussions are likely to intensify as we approach the next elections for this Parliament.

This is understandable and I, for one, feel the pain of our citizens concerning their future, jobs and welfare. At the same time, let us not make EU enlargement a scapegoat for something it is not responsible for. We should not make it a scapegoat for our own domestic economic and social problems. Therefore, a well-informed public debate is essential to keep us all engaged and making progress in this important region.

There have been calls for consolidation of the European Union. This is exactly what we have been doing for the past years since the renewed consensus on enlargement which was adopted by the European Council and endorsed by the European Parliament in December 2006. The key of this renewed consensus is not to take on new commitments but to stick to the existing commitments and respect them. In other words, if the countries of the Western Balkans fulfil the established conditions, they can move towards EU membership.

In this context, I very much welcome Mrs Ibrisagic's report. It rightly emphasises the fundamental importance of offering the Western Balkans a European future. It is the main driving force of much-needed reform and greater stability in the Western Balkans. Ten years after the horrific events in Kosovo, we should remind ourselves of the power of the European perspective. It still helps today to consolidate stability and peace in a region that is, effectively, our own front yard – not back yard, but front yard.

We cannot take a sabbatical from our work for peace and stability in the continent. While the European Union pursues its own institutional reform, we need to keep on working in parallel on a carefully managed and gradual accession process in the Western Balkans that strengthens both the institutions and civil society there.

The accession negotiations with Croatia have, until recently, been going well. This is why the Commission proposed, in November 2008, an indicative road map to reach the final stage of accession negotiations by the end of 2009, provided Croatia fulfils the conditions. There is still plenty of work to do, and many reforms need to be stepped up by Croatia. Unfortunately, the negotiations are currently blocked because of the border dispute between Croatia and Slovenia. This is a bilateral issue which has *de facto* become a European problem.

Since January, working closely with the Czech Presidency and the trio of the Czech, French and Swedish Governments, I have taken the initiative to help facilitate a solution. The aim is to find a solution to the border issue and allow for the continuation of Croatia's EU accession negotiations. This is still work in progress and we have needed a great deal of patience and determination to keep up the momentum and progress. We had

a full day of talks yesterday with the foreign ministers of Slovenia and Croatia, as well as of the trio countries. I want to believe that we are close to finding a way forward and overcoming these obstacles so that we can continue Croatia's EU accession negotiations shortly.

Concerning the former Yugoslav Republic of Macedonia, I welcome the overall satisfactory conduct of the presidential and municipal elections. Over the past months we have insisted on the importance of these elections for the country's European future. The country has responded positively to our message, thus confirming its willingness to move forward in its accession process. However, the key priorities for reform should not be forgotten. It is indeed now time to step up efforts in order to meet the benchmarks which have been set for the opening of accession negotiations.

I would like to thank Doris Pack for her motion and welcome the opportunity to discuss Bosnia and Herzegovina with you today, at a very crucial moment. Last year, Bosnia and Herzegovina made progress on the path of European integration, especially through the signature of the SAA and the entry into force of the interim agreement. There have been positive developments in recent months as well, including the Prud Agreement, progress on the Brcko issue and steps towards a census in 2011. Also, the implementation of the SAA interim agreement is broadly on track.

While we need to be firm on the fulfilment of the '5+2' conditions for the closure of the Office of the High Representative, there is now a possibility that they could met in the coming months. Recent steps towards the establishment of a state property inventory are also positive in this regard.

However, here, as for the rest of the region, there is no room for complacency. Overall reform has remained slow, including on the key EU priorities, and challenges remain. Nationalist rhetoric is still very present, creating unnecessary political tensions. This needs to change if Bosnia and Herzegovina wants to continue its progress towards the European Union and avoid falling behind its neighbours.

The Serbian Government remains committed to advancing on its European agenda, and there have been a number of positive developments recently. It will be essential, however, as the country is increasingly feeling the negative effects of the global financial crisis, that key reform measures are not overlooked. The process of structural adjustment must continue and the country needs to follow through its commitments, particularly in the area of judiciary and the rule of law.

We are currently examining ways in which to alleviate the impact of the financial crisis, working closely together with my colleague, Joaquín Almunia. For instance, we are looking at our IPA programme, for which we are considering converting part of the 2009 national envelope into direct budgetary support, also with the support of the international financial institutions.

We appreciate Parliament's sustained support for the EU's efforts in Kosovo, which remains a European priority and central to regional stability. The European Council has repeatedly confirmed that Kosovo shares a European perspective with the rest of the Western Balkans. The Council has asked the Commission to use Community instruments to promote economic and political development and to propose measures to advance in that direction.

This autumn, the Commission will present a study to this effect. We shall examine how Kosovo can progress as part of the wider region towards integration with the European Union in the context of the stabilisation and association process.

Finally, looking at 2009 overall and the Western Balkans region as a whole, there has been quite good progress in the area of visa liberalisation, which proves to my mind that, when the incentives are right, the countries respond with effective reforms. This is most likely the single EU policy area that matters most to the ordinary people – the ordinary citizens – of the Western Balkans. We hope to table a proposal for visa-free travel by the end of the Czech Presidency for those countries that are most advanced in this field and have fulfilled the established conditions. This could enable decisions by the Council to achieve visa-free travel for the most advanced countries by the end of 2009.

Dear friends, I count on your support on this essential visa issue as well as, more broadly, on the European perspective of the Western Balkans.

**Bastiaan Belder**, *draftsman of the opinion of the Committee on International Trade*. – (NL) In its opinion in Mrs Ibrisagic's praiseworthy report, the Committee on International Trade underscores the importance of a tangible prospect of EU membership for the political and economic development of the Western Balkan states.

Given that it is possible to observe a monopolistic market power in essential economic sectors in the region, such a situation erects a twofold obstacle, certainly when this goes hand in hand with party political ties. Internal development is stagnating and European businesses are staying away. The prime example of this is the unimpeded rise of Delta Holding in Serbia, with its influential director Miroslav Mišković as the 'octopus' at its head. The Commissioner met him back in October.

I ask the Commission, what countermeasures have you taken so far vis-à-vis Belgrade? Back in May 2007, a leaked report from the US embassy there had called for an urgent end to Delta Holding's monopoly, both in Serbia's own interests and for the sake of the country's European integration. The Commissioner spoke of an engine of development. I must say that there is a great deal of sand in that Serbian engine.

**Doris Pack**, *on behalf of the PPE-DE Group*. – (DE) Madam President, ladies and gentlemen, in the autumn of last year, we gave up all hope that, following the so-called Prud Agreement between the representatives of the three main parties in Bosnia and Herzegovina on joint political steps in numerous political fields, something really would change in political life. Where are we today? For the most part they were empty promises which, on closer inspection, evaporated into thin air. The ethnic division in Bosnia and Herzegovina has deepened. The lack of trust has increased. People are being manipulated through irresponsible policies based on purely ethnic criteria, instead of the real problems being tackled. Everyone in Bosnia and Herzegovina needs the chance of a good education, everyone needs a good judicial system, they need jobs; in short they need the hope of a better future.

The EU has been helping this country for years with a great deal of money and with manpower, but they obviously also need state administration structures which can take up and use these. I would like to mention three important points. The question of state ownership must be resolved. Constitutional reform must be tackled on the basis of a broad political and social consensus. Only the entire state of Bosnia and Herzegovina can accede to the European Union.

The road map for visa liberalisation must be completed. The citizens, like their politicians, want to be able to travel freely. So the politicians should ensure that the green light is given at the end of this year. Every citizen needs a functioning judicial system, not one that dispenses one sort of justice in one case and another in another. Frustration is spreading everywhere. Civil society urgently needs to have a stronger voice in all areas, in order to remind the politicians of their job.

However, it is difficult to come out of cover, because the party political network extends over the entire country. The few jobs which may be on offer depend on the goodwill of the parties. We wish the High Representative the best of luck in untying the Gordian knot of the politicians' passivity, *laissez-faire* and *laissez-aller*, so that peace and stability can finally return and the people's future becomes rosier than it is at present.

#### IN THE CHAIR: MR DOS SANTOS

*Vice-President*

**Hannes Swoboda**, *on behalf of the PSE Group*. – (DE) Mr President, ladies and gentlemen, first I should like to thank both rapporteurs on behalf of the Socialist Group in the European Parliament. Good reports have again been produced here and will have broad support.

I should like to pick up on what Commissioner Rehn said, because it seems to me that it was the most important message in today's debate; namely, that the process of the integration, the *rapprochement* of the countries of southeast Europe should not be interrupted, not only in the interests of these countries, but also in our own interest. The Commissioner said that you need to be realistic in the Commission. Perhaps in this Parliament we could be a bit more idealistic but, in the final analysis, we too must be realistic. It is a long and difficult road and the objective will not be achieved overnight. That is why the comments which I hear from a few people, along the lines of 'let Croatia join and that will put an end to it for some time', are the wrong signal. Nothing that Mrs Pack called for and rightly demanded will come about if people there have the feeling that, come what may, they are not welcome in this European Union and their accession will be dragged out anyway.

The second point is that we must say loud and clear that the bilateral problems which currently concern us, at least the procedure, the process, should be resolved in the same way as bilateral questions; in future, they should be dealt with before negotiations commence, so that they do not encumber the entire negotiation procedure.

Thirdly, what the minister said is also very important. We cannot do the work of the politicians and the people in the country for them. The people in the country need to do their own work. As Doris Pack said, the political forces must resolve their own problems. That will then open the path to the European Union and this path must depend on the performance of these countries and not on our willingness. Our willingness must be there.

**Johannes Lebech**, *on behalf of the ALDE Group*. – (DA) Mr President, the main thrust of Mrs Ibrisagic's resolution on the Western Balkans is perfectly clear. She has emphasised the correlation between reforms in the region and the countries' likelihood of accession to the EU. This is the dynamic that we applied so marvellously during the last major enlargement of the EU. The resolution identifies a number of practical areas where these countries could improve their performance, as well as the many notorious problems besetting the region. However, for me it is equally important today to point out to these countries, their politicians and peoples that they must keep their side of the bargain. They, too, must take an active part in the process, because it is not just the European Union that is expected to come up with the goods. In addition, the integration process must also be promoted from within these countries. What this means is that they must combat corruption and crime and create a strong civil society and knowledge-based economies and societies. That is the process we would like to see taking place, so that we may look forward to all countries of the Western Balkans becoming fully-fledged members of the European Union one day, which will be the foundation of ensuring peace, security and cooperation – in that part of Europe, too.

**Paul Marie Coûteaux**, *on behalf of the IND/DEM Group*. – (FR) Mr President, there is no question of us approving such a report. Firstly, its constant references to the Treaty of Lisbon are unacceptable, as this treaty has not been ratified and, no doubt, never will be. You have to face up to it: the enterprise aimed at introducing pure and perfect supranationality, launched eight years ago by the great Giscard convention, has well and truly been aborted.

Above all, we are unable to accept the ironic tone of a report whose very title, 'Consolidating stability and prosperity in the Western Balkans', is stupefyingly hypocritical. A stupefying report, in fact, which, with the obvious intention of preparing for the accession of new countries, notably Bosnia, so-called Macedonia, Albania, and – why not? – Kosovo too, speaks as if the current situation in the Balkans were stable, completely ignoring the terrible game being played by two major powers, the United States and Germany, which have painstakingly participated in the political break-up of the whole region.

To achieve this break-up, I would remind you that NATO forces went so far as to bomb Belgrade, the capital city of a European state. The forthcoming tenth anniversary of this sinister episode will, of course, be passed over in silence, but I am determined to recall it here.

Kosovo is the symbol of this enterprise of political break-up. It is easy to see the advantage that these powers may gain from such an area of lawlessness, open to all sorts of trafficking and, being at the heart of our continent, such an appropriate place, of course, to install military bases.

However, Kosovo reveals the true face of a policy aimed at the balkanisation of Europe. This is a Europe in the German style, a Europe of regions or ethnic groups, this Europe with a hundred flags which, by eliminating the States, will gradually eliminate the popular wills in order to disarm the peoples and deliver them up to oligarchies of every hue.

The report passes over all that in silence. It is in silence, under cover of the usual shroud of good intentions, that Europe is being balkanised and neutralised to the point where it disappears from history. It is, however, history that will judge all of that. In the meantime, ladies and gentlemen, I shall leave you to your works.

**Charles Tannock (PPE-DE)**. - Mr President, the Ibrisagic report of course emphasises that stability in the Western Balkans is our major priority. In fact, in my opinion, EU membership is the glue which binds the region together in peace and stability. We still expect Croatia to be the next country to join the EU, if Slovenia settles its border dispute, unless of course tiny Iceland is fast-tracked in beforehand.

However, in reality things are slightly more tricky, with post-Dayton Bosnia and Herzegovina still far from becoming a true nation and with Greece blocking Macedonia's progress over the name issue. Added to this we have the credit crunch and German and French general objections to any further enlargement without the Lisbon Treaty being ratified, though in my view this is merely a pretext to stop all enlargement.

The decision by many EU countries and the US to recognise Kosovo as an independent country has also created new dividing lines in a region that has suffered so grievously from division in the past. We know



already that Kosovo is unable to join the EU, as some Member States will not recognise it, and there is a similar story about joining the UN. In contrast, neighbouring Serbia, Montenegro and Macedonia are progressing slowly towards eventual EU membership. Thus Kosovo could end up as an isolated enclave, deprived of EU membership but bankrolled by EU taxpayers for decades to come.

The attempt to solve an issue by international unilateral fiat has caused more problems than it has solved, especially in the region itself. A more balanced and measured approach could have ultimately enabled the people of Kosovo to enjoy the benefits of EU membership. Patience in all matters is a virtue, not least in foreign policy.

**Libor Rouček (PSE).** – (CS) Ladies and gentlemen, even in a time of economic crisis the EU must not forget the commitment it made to the countries of the Western Balkans in terms of future EU expansion. Therefore I welcome this debate and the clear confirmation of the commitment to future expansion. European integration is in the vital interests of all the inhabitants of Bosnia and Herzegovina, the country we are paying special attention to in today's debate. In this context it is necessary to state that the promise of EU membership was offered to Bosnia and Herzegovina as one country and not to its constituent parts. For this reason – and we have repeated this many times here – the effective reforms required for entry into the EU must be implemented. The constitutional reform of Bosnia and Herzegovina should result in the existence of a functioning centralised state with the appropriate legislative, budgetary, executive and judicial powers enabling it to maintain a functioning single market, to pursue political, economic and social cohesion and to defend the country's interests abroad including, one day, as a member of the EU. I would like to end by calling on the countries of Western Balkans, the Council and the Commission to increase their efforts to abolish the visa regime. Visa-free contacts and the free movement of persons would be a great help to the Western Balkan countries on their path to EU membership.

**Jules Maaten (ALDE).** – (NL) I will only go into the subject of Bosnia and the resolution by Mrs Pack that we will be very pleased to support tomorrow.

Talking about Bosnia is always frustrating, and I am pleased that the Commissioner has also been able to mention a few positive points with regard to developments in Bosnia. Nevertheless, you sometimes wonder whether the glass is half full or half empty. I even wonder at times where the glass is, when it comes to Bosnia.

Mr Swoboda has just said that a problem with developments there is that one has the feeling that, no matter what changes are made there, the country will still not accede to the Union. Yet when I speak with people there, I get exactly the opposite impression, namely that they are saying, 'Even if we change nothing, we will still join because they want to have us there so badly'. Whichever of the two misconceptions we are talking about, we must get rid of them both.

If reforms are made there and if people get down to working on a respectable legal system and on combating bureaucracy, then a European future is realistic, but if that does not happen, then it is not. This message must be communicated clearly, and it seems to me that Mrs Pack's resolution succeeds superbly in doing just that.

**Pierre Pribetich (PSE).** – (FR) Mr President, stability and prosperity in the Balkans, that is one objective – that is the objective – because behind all this is the question of peace in our area.

Yes, the accession process is a tool, but it should not slowly turn into Penelope's shroud, where we unravel at night that which we have woven during the day.

The Balkans' natural vocation is to join the European Union. That is a clear political will; that is a light which, especially for the people, constitutes a signal.

I am not talking about enlargement, but what is needed, above all, is to encourage the integration of the countries and the regions in the Balkans. Yes, we need to show that we are demanding, that we demand democracy and justice, but to use these demands continuously to reject integration is, in my view, a basic political error. I cite as proof these issues, among others, of bilateral conflicts. We have to agree – and this appears in the report – a process for settling bilateral problems, but without for all that blocking the accession process. That is one way to build and to rebuild our European Union, enlarged to include all the Balkan countries.

**Angelika Beer (Verts/ALE).** – (DE) Mr President, I should like to thank Commissioner Rehn for giving us an overview of the Western Balkans again today.

I have just returned from Macedonia and Kosovo and should like to address three points. The first is the disunity of the European Union. If it persists in the common foreign and security policy, we shall have no stability and no overcoming of ethnic divides in the Balkans.

Secondly, the strategy of the German conservatives in the CDU has dropped on the Balkans like a bomb as it were, because it divests the European perspective of credibility and, if the European election campaign is fought like that, there will again be conflict in the Balkans.

Thirdly, and this is why we should act now, not only to maintain the perspective, but also to make it realisable: Greece must lift the blockade in NATO to Macedonia's membership and we must unite in recognising the independence of Kosovo, otherwise our EULEX mission will suffer.

**Erik Meijer (GUE/NGL).** - (NL) Bosnia and Herzegovina is in actual fact a pocket-sized Yugoslavia, a federation in which different peoples must choose between living together peacefully or battling out internal conflicts over the territory.

Since Yugoslavia fell apart in 1992, attempts have been made to turn Bosnia and Herzegovina into a unitary state, but to no avail. I expect this will not be possible in the near or distant future. Agreement among the three peoples and their political leaders on effective governance is possible only when nobody feels threatened any more by the others or by the outside world. Only when the EU's High Representative and foreign soldiers have withdrawn from this country will a compromise be possible. Until then, the stagnation will persist.

Therefore I am not voting in favour of the proposed resolution on this country, which can only lead to the continuation of the protectorate and thus of stagnation. We must bear in mind that Bosnia and Herzegovina is inhabited principally by three peoples, none of whom constitutes a majority in that country and some of whom feel connected to Serbia, a part with Croatia, while others want to stress a specifically Bosnian identity. We must take that into account.

**Marusya Ivanova Lyubcheva (PSE).** - (BG) Mr President, it is a pleasure for me to be participating in the discussion of this document, which highlights that the best basis for the future of all the countries in the region is their full integration as Member States of the European Union.

The Balkans has been and always will be a European region. Promoting cooperation at regional level should also be one of the European Union's fundamental policies. I want to focus attention here on the need to support interparliamentary dialogue at regional level as an important element in the process of European integration.

The EU Member States in the region can play an important role in this process. Support for the activities of the Regional Centre for Cooperation is particularly important, which is successfully continuing and upholding the policies and principles of the Stability Pact for turning the Western Balkans region into an area of security and stability.

I support the lifting of the visa regime as an important step towards the integration of the Western Balkans.

**Petr Nečas, President-in-Office of the Council.** - (CS) Mr President, ladies and gentlemen, I would like to thank you for a very useful debate. I am also delighted that the EU Member States have given their general backing to the idea of visa liberalisation with the West Balkan countries. I would like to express my wholehearted agreement here with the statement of Mr Rouček, who made a very powerful appeal in this regard, as the strengthening of personal contacts between citizens of West Balkan countries and citizens of the EU is surely a positive step which will help to overcome the sense of isolation that some of these states feel and which will help create a Europe without barriers. I also firmly believe that the economic crisis we find ourselves in today must not become an excuse for slowing down the expansion process, as speakers such as Mr Rouček have also said here. On the contrary, it is particularly important for the stability of the region that the process does not lose momentum.

I am also delighted that progress has been achieved in negotiations over Montenegro's application to join the EU, which the Council has just handed over to the Commission for drafting. The presidency considers this step to be a very important signal to the whole region. We also consider the unblocking of the accession talks with Croatia to be important. We consider it unhelpful for the expansion agenda to be burdened with bilateral issues. Progress over European integration with Serbia continues to be a challenge and it is conditional upon full cooperation with the relevant international tribunal, including the arrest and handover of the remaining accused. The presidency is working hard for the provisional agreement on trade and commercial matters to be applied from the EU side as well for the ratification process of the Stabilisation and Association

Agreement signed last year to begin. The importance of the stabilisation and association process for reform in Serbia and for supporting the predominantly pro-European government is beyond dispute. The presidential and local elections in the Former Yugoslav Republic of Macedonia have met most of the international standards and generally recognised conditions for the free and democratic conduct of elections. However, it is clear that without a solution to the bilateral dispute over the country's name its progress down the path to candidate status will remain minimal.

As far as Bosnia and Herzegovina is concerned, the country must move forward. Dependency on the international community is not helpful but rather erodes the principle of responsibility and takes responsibility away from local politicians, as Mr Swoboda so rightly pointed out here. I would like to take this opportunity to call on the political leaders of Bosnia and Herzegovina to join forces actively with the aim of leading their country towards a better future. It is counterproductive to go back to politics based on ethnic principles, as Doris Pack so aptly put it. The planned transfer from an Office of the High Representative to a strengthened Office of the Special Representative of the EU does not mean that either the international community or the EU is quitting Bosnia and Herzegovina. On the contrary, the EU is there to help and it is fully aware of the fact that Bosnia and Herzegovina is not just another candidate but is actually a very specific case with very sensitive issues and problems. As part of its strategy the EU is planning to create an office and a policy for peace and it will be ready to take over all coordination activities from the international community in Bosnia and Herzegovina. However, we will do that only when Bosnia and Herzegovina itself demonstrates that it is ready for such a significant qualitative change. The first major step towards Europe was taken with the signing of the Stabilisation and Association Agreement, but that was just the beginning. We are prepared to continue providing assistance in this unavoidably long process.

2009 is an important year and it could be decisive for Bosnia and Herzegovina. Firstly, the transfer from an Office of the High Representative to an Office of the Special Representative of the EU is within reach. It represents a significant step away from dependency for Bosnia and Herzegovina. Secondly, the period after the next general elections in 2010 should be fully utilised for the promotion of the essential reform agenda, including constitutional reform, as Mrs Pack correctly pointed out. Thirdly, the entire region is moving forward. Bosnia and Herzegovina simply cannot be allowed to remain behind. Mr President, ladies and gentlemen, I would like to end with something we all want. We want Bosnia and Herzegovina to achieve progress. We appreciate the support we receive towards reaching this objective from the honourable Members of the European Parliament.

**Olli Rehn, Commission.** – (FI) Mr President, ladies and gentlemen, I would like to thank everyone for this responsible debate and their support for the European perspective of the Western Balkans. I share the concern expressed in this discussion by Members such as Mrs Pack, Mr Swoboda and Mr Maaten regarding the political development of Bosnia and Herzegovina.

At times it seems as if Bosnia and Herzegovina has an unfailing ability to create and actually renew political tensions, even though common sense dictates that we should be expecting improved developments to move in another direction and political reconciliation to find a place in the political future of Bosnia and Herzegovina.

I agree with Mr Maaten that all the countries of the Western Balkans share the view that one day they will be able to join the European Union if they meet the conditions of Union membership, based as they are on the Copenhagen criteria. This is also true of Bosnia and Herzegovina; in the case of the conditions that apply to them, there will be no shortcuts or bargain discounts, and if anyone assumes there will, he or she is wrong. It is very important that this proper way of thinking gains a firm foothold in Bosnia and Herzegovina's own political debate, so that its citizens can draw their own conclusions about what sort of policy they have the right to expect from democratically elected politicians.

I see Bosnia and Herzegovina's future as follows, and my view is based on collaboration with Javier Solana, with whom we have produced several communications on the country's future and the role of the European Union there. Firstly, our aim is to move away from the Dayton era to the Brussels era, that is, from the era of the international community's High Representative to the European Union's reinforced presence in Bosnia and Herzegovina. That also probably means the 'two hat' system in the case of the EU Special Representative and Head of the European Commission Representation, so that we can exploit the political and economic resources the European Union has in the best possible way.

Obviously, a protectorate cannot apply for EU membership, and for that reason this transition is an organic ingredient, a vital element in Bosnia and Herzegovina's closer relations with the European Union, and it is because of that too that it is in the interests of politicians in the country and its citizens in particular that the terms and conditions of this process of change are met.

This issue also has political importance, because it is too easy to blame the international community for Bosnia and Herzegovina's problems, when people do not want to look in the mirror. It is too easy to blame the High Representative when you should be negotiating and trying to reach agreement with your fellow countrymen and women. I hope that in this respect Bosnia and Herzegovina's political culture will improve and mature and that the country's media will also take responsibility for ensuring that negative, nationalistic language does not get any more space than is the case at the present time in the country.

Secondly, the country needs to reform its constitution, in order for it to be able to build a viable system of government. At the moment, Bosnia and Herzegovina's system of government is too costly, too ineffective and simply incompatible with membership of the European Union. Accordingly, the constitution needs to be reformed – through evolution, not revolution – and I am pleased that there are some signs that leading politicians are discussing matters along these lines.

Thirdly and lastly, visa waiver is a crucial part of Bosnia and Herzegovina's future in Europe, and I am sure that, thus equipped, the country will be able to enter the European mainstream, which will surely be in the interests of the country itself, its citizens, and the European Union too.

**Anna Ibrisagic, rapporteur.** – (SV) Mr President, I would like to thank Mr Nečas for his engagement in this debate here this evening. I would also like to thank Mr Rehn for raising the bilateral disputes which have become *de facto* European problems and for stressing how important it is for us not to sacrifice enlargement as a result of the financial crisis.

Bilateral disputes are currently holding back Croatia's and Macedonia's chances of continuing along the path to EU membership as they implement the necessary reforms. With my report, the European Parliament will add its voice to the chorus of those insisting that bilateral disputes must remain precisely that – bilateral – and not be confused with the accession process.

Finally, I would like to say that I believe that enlargement to the Western Balkans is too important for peace, freedom and prosperity on our own continent for us to jeopardise it.

This is the message that I would like my report to send out to the 500 million Europeans who are soon to choose a new Parliament, to the governments of the Member States, to the Commission and to the people and politicians in the Western Balkans. It is a message that is particularly important to send out at a time when the economic crisis is in danger of leading to ever more people and politicians in Europe wanting to close the door behind themselves and not allow any more people to live, work and trade where they want to on our continent. I also hope, therefore, that this is a message that my fellow Members of this Parliament will take out with them in the forthcoming election campaign. If Europe has become colder and more inward-looking, then it is a priority task for us in this House to work to make it welcoming and open once again.

**President.** – I have received one motion for a resolution<sup>(2)</sup> tabled in accordance with Rule 103(2) of the Rules of Procedure.

The debate is closed.

The vote will take place on Friday 24 April 2009.

#### **Written statements (Rule 142)**

**Alexandru Nazare (PPE-DE), in writing.** – (RO) The Western Balkans region is a special case among the countries which the European Union is close to. It is a region facing numerous challenges, where many more phases still need to be gone through before the integration process can be completed. However, it is a region whose prospects for joining the EU are clear and unambiguous.

Both my fellow Members and I wanted to ensure that this resolution confirms this fact in principle and in the details of the EU's interaction with the countries in the area. We are concerned, as I highlighted in my amendments, about a number of issues: the visa regime, the process for informing citizens about the EU, economic cooperation with the states in the Western Balkans, minorities' rights, study programmes in the EU for young people from the region, as well as strengthening interparliamentary dialogue even before these states join the EU.

---

<sup>(2)</sup> See Minutes

We believe that the process of European unification can continue at citizen level when it has been slowed down at institutional level. I also believe that, looking at things from this perspective, we can let our concern for the region's stability to continue to be conveyed in practical ways other than through rhetoric, or from a historical viewpoint.

**Csaba Sándor Tabajdi (PSE), in writing.** – (HU) The European Union's enlargement policy is the best instrument available for preserving stability and the prevailing peace in the Western Balkans region. We hope that we will be able to welcome Croatia in 2011, during the Hungarian Presidency, but this depends on Croatia finally agreeing with Slovenia on initiating bilateral talks with international mediation, regarding the division of the Bay of Piran. The purpose of the talks on the Bay of Piran is to resolve the ongoing border dispute between the two countries, without which Croatia will certainly not be able to become a member of the Community. A further condition is that Croatia also cooperates fully with the International Criminal Tribunal in The Hague in searching for and extraditing war criminals.

## 17. Non-proliferation and the future of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (debate)

**President.** – The next item is the report (A6-0234/2009) by Mrs Beer, on behalf of the Committee on Foreign Affairs, which contains:

a proposal for a European Parliament recommendation to the Council on non-proliferation and the future of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) [2008/2324(INI)].

**Angelika Beer, rapporteur.** – (DE) Mr President, ladies and gentlemen, the existence of thousands of nuclear weapons is the most dangerous legacy of the Cold War. These are not my words; they are taken from the speech given by President Obama in Prague recently on the biggest threat facing us. No other issue is more crucial to security in the 21st century.

We have heard similar words in recent years, for example from US strategists Kissinger and Sam Nunn, who have set out a specific path to a world without nuclear weapons. High-ranking European politicians have joined in and even the UN Secretary General has set out a 5-point disarmament plan. It has never been a better time to finally start talking once again about nuclear disarmament.

In recent years, let us not forget, there have only been setbacks. Negotiations at the NPT Review Conference in 2005 were a disaster. This must not be repeated next year. We Europeans must demonstrate now that we are serious about disarmament. If the EU moves forward, it can set the standard, which is why I completely fail to understand why the majority in this House obviously does not want to support these ambitious aims of reducing weapons of mass destruction.

The plethora of proposed amendments by the conservative group in the Committee on Foreign Affairs turned my report and its aim of talking about disarmament and tabling a recommendation to the Council on its head and turned it into a limp rag of a text. As Parliament we have a responsibility to take a stand now and we cannot relegate it to a later date or to other parliaments.

We are lobbying for support for the Nuclear Weapons Convention and the Hiroshima-Nagasaki Protocol, because disarmament is possible. It is not some stupid, far-off illusion. We can do it, if we force the issue. The documents that we want do not conflict with the NPT; they plug a hole in the NPT and hence strengthen it. We need a clear political statement and that is my call to all the groups for tomorrow's vote: to reconsider today what is the right way forward.

I know that the NPT also comprises civil elements, but we are not talking today about the renaissance of civil nuclear power; we are talking about nuclear disarmament. As chairman of the delegation for relations with Iran and spokeswoman on foreign policy, I would also say that anyone who has not learned from the Iran crisis over recent years, which has often put us in danger of military escalation, that the civil use of nuclear power cannot be divorced from military abuse and proliferation, has failed to understand the entire foreign policy of recent years, the dangers and our nuclear disarmament challenge.

We all know that our objective cannot be achieved overnight, but we need to make a start. We cannot spend decades demanding nuclear disarmament of the Americans – with full unanimity – and now, when President Obama says he is prepared to do so, where President Medvedev says he is prepared to do so, a conservative majority in this Parliament refuses to follow this path. That is why I should like to urge you once again in all

earnestness, as instructed by the Committee on Foreign Affairs, not to confuse the question of the civil use of nuclear power with a revival of the potential for nuclear disarmament. Anyone who shuts this window of opportunity for nuclear disarmament will not be in a position to say when another one will open. I would ask anyone who votes tomorrow against the PSE's and our proposed amendments to tell his voters in the electoral campaign why he thinks nuclear weapons in Europe are a good thing.

**Petr Nečas**, *President-in-Office of the Council*. – (CS) Mr President, ladies and gentlemen, I am delighted to be able to participate in today's debate. I would especially like to thank the European Parliament for the interest it has shown in this question and Angelika Beer for her work as rapporteur in drawing up this interesting report. The Council will definitely study the recommendations contained in the report carefully.

As the report states clearly, it is important to achieve further progress on non-proliferation. One of the main priorities is to secure a positive and concrete outcome from next year's Non-Proliferation Treaty review conference. The forthcoming May meeting of the Non-Proliferation Treaty preparatory committee is an important preparatory step for this conference. The EU will continue to make a positive contribution to the review process in accordance with its non-proliferation strategy for weapons of mass destruction and in accordance with the recent declaration on strengthening international security adopted by the Council in December 2008.

We have an interest in a balanced review aimed at maintaining the overall equilibrium which is the basis of the nuclear non-proliferation regime, and which gives equal importance to all three pillars of the Non-Proliferation Treaty, i.e. non-proliferation, disarmament and exploitation for peaceful purposes. We believe the review conference can succeed only through a balanced approach.

The EU is aware of the new opportunities for the Non-Proliferation Treaty, especially in connection with the renewal of dialogue between Russia and the US and the renewed commitment to implement the Comprehensive Nuclear-Test-Ban Treaty and to begin international discussions on a credible treaty restricting the production of fissile materials for nuclear weapons. The EU is also observing with interest the renewed public debate on how to achieve the objectives outlined in the Non-Proliferation Treaty.

One of the reasons for the importance of the review process is the fact that the NPT regime is facing serious problems. These problems come mainly from North Korea, Iran and Syria. We must deal with them and resolve them by strengthening the mechanism for monitoring adherence. As we all know, the EU is active in this area and together with its partners continues to play a leading role, especially in the effort to find a diplomatic solution to the Iran nuclear issue.

As the report states, in addition to the issue of non-proliferation we must also focus on the issue of nuclear disarmament. We are determined to play a key role in this important area. The EU is fully intent on promoting nuclear disarmament and thus achieving the objectives of Article 6 of the NPT. This topic has particular importance for the EU, two of whose Member States possess nuclear weapons. We call on the international community to join us in promoting the concrete, realistic disarmament initiatives which the EU submitted to the UN General Assembly in 2008.

At the same time we must deal with the nuclear energy issue. It is important that the development of nuclear energy for peaceful purposes should carry on under conditions of maximum security, safety and non-proliferation. The EU is prepared to strengthen international cooperation in this area both in the context of the next NPT Review Conference and also in other forums. Multilateral approaches to nuclear fuel supplies in particular can offer a reliable alternative to the development of individual national programmes in the area of sensitive nuclear technology. We must make the multilateral mechanisms for nuclear fuel supply more attractive, especially for developing countries, as an increasing number of these countries are considering launching nuclear energy programmes.

The report correctly emphasises the importance of ratifying the Comprehensive Nuclear-Test-Ban Treaty. The EU places particular importance on progress over ratification and it will pursue progress in order to achieve this objective. The Presidency has conducted high level visits to the nine countries whose ratification remains essential in order for the treaty to come into force. We are working for a successful conference to be held under Article 14 of the treaty in New York in September 2009 in order to support the treaty coming into force. The EU is an important contributor in the development of a treaty monitoring system and is thereby reinforcing the credibility of the treaty's future verification system. We also believe that it would be very beneficial to try to commence talks over a credible Fissile Material Cut-Off Treaty.

The positive approach recently taken by the US towards the Comprehensive Nuclear-Test-Ban Treaty and the Fissile Material Cut-Off Treaty and in the area of nuclear disarmament is very encouraging. We genuinely believe that this approach will lead in the near future to certain very concrete measures. Generally speaking, this new opportunity may play a significant role in moving the NPT review process in the right direction.

**Olli Rehn**, *Member of the Commission*. – Mr President, the proliferation of weapons of mass destruction has arisen as a serious challenge in recent years, and the international community must be ready to face those challenges with conviction and to tackle them resolutely.

In our view, there has been some progress with the new US Administration in the context of the negotiations on the Non-Proliferation Treaty (NPT), and positive dynamics on arms control between Russia and the United States should clear the path for a new momentum on nuclear issues.

For the European Union, the NPT is based on three mutually reinforcing pillars: non-proliferation, disarmament and the peaceful use of nuclear energy. Ms Beer's report on nuclear non-proliferation gives me a welcome opportunity to describe the Community's responsibilities and activities under these three pillars.

Under the Euratom Treaty the Commission is responsible for verifying that fissile nuclear materials, like plutonium, uranium and thorium, are not diverted from their intended uses, as declared by the Community users, whether in the nuclear industry or others, like research centres and medical institutes.

The Commission is currently developing an action plan on how best to address chemical, biological, radiological and nuclear terrorism threats. This policy will be put forward in the middle of this year, with recommendations on further strengthening a culture of safety and security among the 27 Member States. Moreover, the EU export control system is another key component of our weapons of mass destruction prevention policy.

The Commission action on non-proliferation and disarmament does not stop at the frontiers of the Union. With the new Instrument for Stability and the Nuclear Safety Instrument – together taking up almost EUR 1 billion of the financial perspective – there is an opportunity for the Commission to enhance its worldwide contribution to non-proliferation by promoting security and safety throughout the world in the coming years.

The purpose of the Community instruments is to develop complete programmes of threat reduction that will offer to third countries a full range of possible cooperation on export control, border monitoring, maritime surveillance, redirection of scientists, bioscience and nuclear safety. The logic of coherent programmes is very much in line with the G8 Global Partnership goals that were defined in 2002, where the Commission committed EUR 1 billion for the 10-year period 2002-2013.

Finally, initiatives to build a new model for civil nuclear cooperation should also be encouraged so that countries can get access to nuclear energy without increasing the risks of proliferation. The international fuel bank of IAEA, to which the Commission plans to contribute EUR 20 million, is a step in the right direction, provided we can explain the rationale that supports such a programme.

In conclusion, the Commission is working quite hard in supporting all three pillars of the Non-Proliferation Treaty, and, indeed, both the time and the international climate are ripe for change in the way we handle nuclear issues. The Commission stands ready to work with others and seize the great opportunities before us and to strive to create a safer and more secure world also in this regard.

**Josef Zieleniec**, *on behalf of the PPE-DE Group*. – (CS) The name of US President Obama will be on everyone's lips today, particularly in connection with his speech in Prague on 5 April. However, our aim is not to evaluate the approach of the new US administration but to give recommendations to the Council, which is drafting the EU position on the future of the nuclear non-proliferation regime. Our Parliament will be taken seriously in this debate only if it promotes a solution which is clear but realistic in all aspects. The recipe of our political group is therefore to use all available international instruments rather than to create new ones. This involves strengthening all three closely linked pillars of the Non-Proliferation Treaty, in other words nuclear disarmament, non-proliferation of nuclear weapons and peaceful cooperation in the area of nuclear technology. It is therefore important to support realistic disarmament initiatives, which include clear procedures for monitoring and verification, in terms of destroying existing weapons as well as their production facilities. In relation to strengthening the pillar of cooperation in the peaceful use of nuclear technology we also wholeheartedly support internationalising the uranium enrichment cycle, particularly through the creation of an International Fuel Bank.

I am delighted that the result of the vote in committee clearly reflects our position. I am sure that after President Obama's speech there will be nothing to change concerning the committee's results. The US president confirmed that the path ahead of us will be long, requiring more realism than naivety, and that nothing is more important than concrete, feasible steps. However, in talks with the new US administration we are facing an important and at the same time difficult task. We must insist that these issues should not be decided only by the largest nuclear powers, over the heads of the EU. This is a great challenge for European diplomacy.

**Ana Maria Gomes**, *on behalf of the PSE Group*. – Mr President, I would like to congratulate Mrs Beer on an excellent and timely report. This is the year of all nuclear debates. The US is preparing its nuclear posture review, NATO is reviewing its strategic concept and the world is getting ready for the 2010 NPT review conference.

All of this is happening in a special context. The US is once again being led by a President, Barack Obama, who espouses the vision of a world without nuclear weapons. This is not the time for timidity or hesitation. Our voters would not understand if this Parliament prepared a report on the NPT which was less ambitious than that of the current US Administration.

Of course, US leadership on this issue is welcome. After all, the US and Russia are the undisputed global nuclear hegemony. However, Europe cannot sit passively by while Moscow and Washington discuss its strategic future. We need to present our own NPT narrative, based on a strict balance between the non-proliferation and disarmament agendas. This is what this report is all about and this is the spirit of the Socialist plenary amendments.

Why not support the Model Nuclear Weapons Convention and the Hiroshima-Nagasaki Protocol, both of which are promoted globally by civil organisations and political leaders? It is our role as parliamentarians, unencumbered by the weight and limitations of executive power, to show our governments, and therefore the Council, the way in this field. I hope the House can support the PSE amendments.

**Janusz Onyszkiewicz**, *on behalf of the ALDE Group*. – (PL) Mr President, it is somewhat paradoxical that nuclear weapons contributed significantly to the fact that the Cold War did not end in the Third World War. This was because both sides were convinced that the use of nuclear weapons would cause the total destruction of both sides.

Today the situation is different. Of course, nuclear weapons should not be looked upon in this way, but we should be aware that many countries treat nuclear weapons as something extremely important. For many countries nuclear weapons are a power symbol, for others they are the ultimate deterrent, as is the case with Israel, and for yet others they compensate for the weakness of conventional weapons, as is the case with Russia.

In connection with this, nuclear disarmament, for which of course we should strive, cannot be a rapid process, and President Obama understands this very well. The most important thing at the moment is non-proliferation of nuclear weapons, and we must be aware of the danger posed by some groups. Bin Laden showed this very clearly when he said that obtaining a weapon of mass destruction is a religious obligation. Non-proliferation is absolutely fundamental.

**Rebecca Harms**, *on behalf of the Verts/ALE Group*. – (DE) Mr President, ladies and gentlemen, the programme that allowed Iraq, Iran and North Korea to acquire nuclear technology was called Atoms for Peace. East and West participated in this programme. We have seen where it led in Iraq, where a terrible war took place following atomic armament based originally on civilian technology. Where it will end in Iran, I cannot say today. Korea has left the non-proliferation community.

In the same week in which North Korea aggressively announced its new plans and finally evicted the IAEA from the country, the IAEA has in turn announced that it would start new negotiations with between 30 and 50 developing countries on civilian armament; it is called equipment, but I call it armament. This is a deadly cycle. Unless we stop civilian armament, we shall never get a grip on the proliferation of nuclear technology, including military technology.

**Tobias Pflüger**, *on behalf of the GUE/NGL Group*. – (DE) Mr President, ladies and gentlemen, now is the time to finally put an end to nuclear weapons on this planet and to implement the disarmament obligation in the Non-Proliferation Treaty, especially Article 6. The new US President, Barack Obama, has stated that he wants



nuclear disarmament. Now the governments of the European Union are being called on to act and engage in specific nuclear disarmament.

What this actually means is disarmament instead of modernisation of British and French atomic weapons. It also means a stop to Germany's nuclear participation, which means the withdrawal of US nuclear weapons from Europe, for example from Büchel in the Rhineland-Palatinate. The majority in the European Parliament and so far achieved in the Committee on Foreign Affairs should not waste time voting on wishy-washy reports and should retain the specific calls for disarmament originally included in the report. I get the impression that the Group of the European People's Party (Christian Democrats) and European Democrats is still living in the past. What we need is stronger disarmament components in the NPT and that is what we should vote for tomorrow.

**Philip Claeys (NI).** – (NL) The Beer report speaks in very general terms, which is somewhat understandable because the Non-Proliferation Treaty is meaningless if it is not respected and implemented by all states. On the other hand, though, I do think that the report could have referred more clearly to the two specific cases of North Korea and Iran, since it is very obvious that the major threat is presented by these two states.

The European Union, together with other international institutions such as NATO and, if possible, the United Nations Security Council, must make it clear to totalitarian regimes such as those of North Korea and Iran that further development of nuclear weapons cannot be tolerated. It is of the utmost importance in this regard that countries such as Russia and China be actively encouraged, if necessary with negative measures, unambiguously to put an end to all cooperation with those countries in the development of nuclear weapons. If North Korea and Iran cannot themselves be brought to change their positions, then they must in any case be isolated from all possible channels that might help them to develop nuclear weapons.

**Karl von Wogau (PPE-DE).** – (DE) Mr President, ladies and gentlemen, when the Soviet Union came to an end, many took the view that it would also be the end of the nuclear scare, but what was then a global nuclear scare has re-emerged at regional level; I need only mention Iran, North Korea, India and Pakistan. Unfortunately, not even the NPT has been able to prevent that. The real danger is that terrorists or criminals or irresponsible regimes might obtain nuclear weapons.

The initiative by Kissinger and Shultz and Obama's speech in Prague has now brought new momentum to this issue. That is extremely important. It is becoming clear here that even the nuclear powers are now prepared to reduce their arsenals, and that is what was new about President Obama's declaration. It is important now for Europe to speak with one voice, for Europe, its nuclear powers and the others, to speak with one voice.

A first step on this path is the fact that Mr Solana is conducting negotiations with Iran on behalf of all the European countries, as well as of countries beyond Europe. I believe that we should latch on to that. We must not expect any quick miracles on this path, as Mrs Beer is doing, but if there is an opportunity today for us to really be able to reduce this threat, step by step, then we should grab it.

**Petr Nečas, President-in-Office of the Council.** – (CS) Mr President, ladies and gentlemen, I would like to thank you for an excellent discussion. As I said at the beginning of the debate, a turning point has come in the history of the Non-Proliferation Treaty and the arms control process. I would like to thank everyone who spoke here for their comments. I would like to express my wholehearted agreement with the idea of expressing support for credible, concrete and realistic steps in this area, as stated by Mr Zieleniec, and I would also like to endorse the statement of Mr Onyszkiewicz, who said that disarmament is a slow process and it is all the more important to support precisely these realistic steps. At the same time I agree that it is vital to draw attention to any abuses of the programme to produce fissile materials for peaceful purposes, as pointed out by Mrs Harms. I also agree with Mr Claeys that it is essential to take very firm action against those countries that abuse the programme, potentially for their own self-armament. I would also like to emphasise that the EU will continue to participate in the NPT reviews and to make an active contribution to the success of the process as a whole.

At the New York preparatory meeting in May the EU will set out concrete proposals concerning a future action plan for the review conference in 2010 within the framework of all three pillars of the Treaty. We will submit our proposals in the form of joint declarations on the individual pillars and in the form of working documents. Within the framework of preparing the review conference taking place in 2010 the Council intends to draw up a revised and updated common position. The EU will work towards achieving a successful result and prior to the preparatory committee meeting it will work together with key partners in order to secure a broad support for our objectives.

At the same time we must utilise the new opportunities in the area of nuclear disarmament and the EU is determined not to be a passive onlooker. The EU includes Member States that possess nuclear weapons, Member States that do not possess these weapons, Member States that use nuclear energy and Member States that are opposed to the use of nuclear energy. The EU as a whole can play a significant role and it is determined to do so. The Council has resolved to inform the European Parliament regularly about future developments in respect of the results of preparatory committee discussions and more generally within the framework of preparations for next year's conference.

**Olli Rehn**, *Member of the Commission*. – Mr President, I would like to thank all those who have taken part in today's constructive debate. This is indeed a subject of great significance. For our part, the Commission will continue its work in support of the NPT Treaty through our work in verifying the proper use of fissile nuclear materials under the Euratom Treaty.

It works to thwart attempts by terrorists to gain access to chemical, radiological and nuclear materials, through a strengthened Community regime of export controls on dual use, support for the efforts of the IAEA to secure vulnerable nuclear materials and tackle nuclear smuggling – which is very important – and the promotion of a worldwide nuclear security and safety culture using the substantial resources available under the stability and nuclear safety instruments.

I look forward to continued cooperation with Parliament in taking these objectives further and I count on our cooperation in the future.

**Angelika Beer**, *rapporteur*. – (DE) Mr President, Commissioner, ladies and gentlemen, this is not an ideological debate that we are holding here. After the military interventions led by the Americans against Iraq, Afghanistan and other regions, we found ourselves in an era of ever-increasing crises and the prospect of even talking about nuclear disarmament could barely be dreamed or hoped of. Now there is a unique opportunity. I do not know how long this window of opportunity will remain open, but it is our duty to give future generations a peaceful world to live in.

The preconditions to success in the areas which Commissioner Rehn has just referred to include not accepting double standards within the EU. That means that, as Europeans, we too have a duty to get nuclear disarmament moving again. May I remind you of our debate in December last year, when Javier Solana was here and we discussed revising the security strategy. He named as one major danger – and this was shared in this House – the danger of the proliferation of weapons of mass destruction.

That is why I appeal to you once again. Look again at the three amendments which the Socialist Group in the European Parliament and the Group of the Greens/European Free Alliance have proposed in order to set a disarmament and control process in motion, to make available instruments such as a Nuclear Weapons Convention to supplement the NPT. Re-consider whether you cannot vote for them, because if the PPE amendment is adopted, it will not be possible for my group to vote for this report.

To close, I should like to thank the international organisations such as Mayors for Peace, the IPPNW and the ICAN. ICAN was there long before Obama as an international campaign for the abolition of nuclear weapons.

**President**. – The debate is closed.

The vote will take place on Friday 24 April 2009.

#### **Written statements (Rule 142)**

**Pedro Guerreiro (GUE/NGL)**, *in writing*. – (PT) Despite containing some positive aspects, this proposal for a European Parliament recommendation falls short of the fundamental demands with regard to nuclear disarmament, particularly as it focuses solely on non-proliferation.

What is needed and demanded is for a whole programme to be established, which prohibits the use and production of nuclear weapons, encouraging their total and complete dismantlement, the creation of areas free of these weapons, the resumption of negotiations on nuclear disarmament and the strict application of the Nuclear Non-Proliferation Treaty, including by the current nuclear powers.

We need a programme of nuclear disarmament, which must be accompanied by the demilitarisation of international relations, by respect for the United Nations Charter, by the end of colonialism, by principles of non-interference and by the peaceful resolution of international conflicts.

We need a programme that demands: non-militarisation of space; reduction of conventional weapons and military expenditure (and not their increase, as the US administration defended at the recent NATO Summit); an end to foreign military bases; rejection of the EU's militarisation and its transformation into a political and military bloc; subordination of NATO to the UN on security issues; and dissolution of political and military blocs.

## **18. United Nations Convention on the Rights of Persons with Disabilities - UN Convention on the Rights of Persons with Disabilities - Optional Protocol to the UN Convention on the Rights of Persons with Disabilities (debate)**

**President.** – The next item is the joint debate:

- on the Council statement on the United Nations Convention on the Rights of Persons with Disabilities;
- on the report (A6-0229/2009) by Mrs Jeleva, on behalf of the Committee on Employment and Social Affairs, on the proposal for a Council decision concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities [COM(2008)0530 - C6-0116/2009 - 2008/0170(CNS)];
- on the report (A6-0230/2009) by Mrs Jeleva, on behalf of the Committee on Employment and Social Affairs, on the proposal for a Council decision concerning the conclusion, by the European Community, of the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities [COM(2008)0530 - C6-0117/2009 - 2008/0171(CNS)].

**Petr Nečas, President-in-Office of the Council.** – (CS) Mr President, ladies and gentlemen, I would like to begin by thanking the rapporteur Rumiana Jeleva for the two excellent reports she has produced. I expect my comments on the reports and their conclusions will be relatively brief.

On 11 June 2007, at the first informal meeting of ministers on questions of disability, the Council adopted a clear position supporting the UN Convention on the Rights of Persons with Disabilities. At this meeting the Council approved the UN Convention as a basic step concerning support, protection and adequate implementation of human rights and basic freedoms for all persons with disabilities. At the same time the ministers made a commitment to a further development of relevant policies with the aim of securing a full implementation of the Convention. They called on the Commission to ensure that the new priorities of the European Action Plan in the area of disability contribute to the effective implementation of the UN Convention.

In its resolution concerning activities linked to the European Year of Equal Opportunities in 2007, adopted in December 2007, the Council called on the Commission and the Member States to continue with the process of signing, concluding and ratifying the UN Convention in accordance with their respective powers. On 10 March 2008 the Council adopted a resolution on the position of disabled persons in the European Union. In the resolution the Council called on the Member States and the Commission to ensure, in accordance with their respective powers, that persons with disabilities were able to access all of their human rights. This includes the ratification, the conclusion and the implementation of the UN Convention including common European solutions within the framework of a managed and coordinated approach to the implementation of this convention. The Council subsequently received from the Commission a draft Council decision on the conclusion of the UN Convention on the Rights of Persons with Physical Disabilities by the European Community. The review of this proposal began at the end of last year and the Council is still dealing with it.

Ladies and gentlemen, as your report emphasised, a number of important questions arise from the report in connection with authority and these questions require further discussion in the Council. However, the Presidency has made a commitment to try and complete the negotiations as soon as possible, in order for the Convention to be concluded soon by the Community. I would like to thank Parliament for the interest it has shown in this topic. The Presidency will keep you informed about progress in the talks that are underway in the Council.

**Olli Rehn, Member of the Commission.** – Mr President, the Disability Convention is the first human rights convention that the European Community has signed alongside its Member States. This was a necessary step to allow the full implementation of the Convention in the European Union, including in policy areas within the responsibility of the European Community.

As both the Convention and its optional protocol came into force one year ago, on 3 May 2008, a swift conclusion by both the Member States and the Community is now a priority. Indeed, seven Member States have already done so.

I want to express my gratitude to Parliament and in particular to the rapporteur, Ms Jeleva, for their support for the European Community's conclusion of this UN Convention on the Rights of Persons with Disabilities and its optional protocol. I am delighted to see that Parliament can endorse both proposals.

Since the Convention falls within the shared competence of the Community and the Member States and is also binding on the EU institutions, I am glad to see that they are ready to work together to ensure this Convention is implemented properly.

The goals of the Convention are very important overall to facilitate a positive impact on the lives of our fellow citizens with disabilities, to improve the consistency of the legal interpretation of certain provisions within the Community's competence, and to ensure uniform minimum protection of the rights of persons with disabilities across the European Union with regard to the obligations stemming from the Convention.

We need to work together to protect the human rights of persons with disabilities, and an effective implementation of the UN Convention will do just that and meet that objective. I count on us working together towards this common goal.

**Rumiana Jeleva**, *rapporteur*. – (BG) Minister, Commissioner, ladies and gentlemen, today when we are discussing the European Parliament's reports on the UN Convention on the Rights of Persons with Disabilities, its Optional Protocol and the statement on these two documents from the Committee on Employment and Social Affairs, I would like to remind you that disabled people account for more than 10% of the population of the European Union and the world. According to data from the World Health Organization, this percentage is still growing due to the increase in the overall size of the Earth's population, the advances made in medicine and the global ageing trend.

This UN Convention which we are looking at today is the first in the area of human rights which is open to accession and formal approval by the European Community. This also marks a unique first step in the activities of the European Parliament. The Convention's objective is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, while at the same time respecting their human dignity.

I am extremely pleased that during the discussion in the Committee on Employment and Social Affairs, we worked together in a spirit of goodwill and cooperation. I think that it is very important that my colleagues and I in our parliamentary committee decided to say a little bit more than a brief 'yes' in support of the Convention and Protocol reports and prepared a proposal for a resolution.

Fellow Members, the European Parliament has always consistently supported every effort made by the Community in drafting, implementing and enforcing legislation relating to equal opportunities and non-discrimination against people with disabilities. When the issue of disabled people is raised, our political differences disappear when it comes to the ultimate aim, namely, for us to ensure a higher quality of life and work. There are, of course, different views about the way in which we can achieve our objective, but with its almost unanimous decision – only one vote was not a 'yes' – the Committee on Employment and Social Affairs proved that differences must be overcome about the way to achieve sensible, long-term and sustainable solutions.

Fellow Members, I believe that our decisions, the decisions of the European Parliament, are of huge significance to people with disabilities in the European Union. At this point, I would like draw your attention to the fact that the competencies which stem from the implementation of the UN Convention and the Optional Protocol are divided between the Community and its Member States. The implementation of the Optional Protocol is important from the point of view of offering the opportunity to individuals or a group of people to inform the UN Committee for people with disabilities about any infringement of their rights arising from the Convention. It is important to emphasise that this option will be available after national legal protection instruments have been exhausted.

As expressed in the Optional Protocol report, we will require the European Commission and Member States to inform us every three years about its application in accordance with their relevant areas of competence. I think that, as the only European institution with members elected directly by the EU's citizens, the European Parliament has the right and main responsibility for respecting the rights of all its citizens.

I want to emphasise that when we started working on the documents at the end of 2008, only four Member States – Austria, Spain, Slovenia and Hungary – had ratified the Convention and Optional Protocol, while another three have done the same – Sweden, Germany and Italy – between then and now.

I believe that with today's debate and I hope with our vote in favour tomorrow, we will kill two birds with one stone: we will approve the Commission's proposals for Council decisions and we will give Member States a positive, encouraging signal to continue the process of ratification and/or accession.

I would like to end by once again thanking all my colleagues who were involved in the task of drafting the reports and the proposal for a resolution. I would also like to thank my colleagues from the European Commission for their helpful cooperation, as well as the representatives of organisations for people with disabilities for the suggestions which they made.

**Hiltrud Breyer**, *draftsman of the opinion of the Committee on Women's Rights and Gender Equality*. – (DE) Mr President, ladies and gentlemen, women and girls with disabilities experience multiple discrimination and disability has very clear gender-specific dimensions. We must make disabled women and girls more visible and, above all, we must ensure that they are given greater consideration at EU level.

The European Parliament made very important points clear to me in the resolution on the situation of women with disabilities adopted in 2007. The specific situation of women and girls must also be given full consideration when implementing the UN Convention. Regrettably, so far only 4 EU Member States have ratified the Convention and the Protocol. We need gender mainstreaming in EU policies on people with disabilities, especially for access to work and integration in the workplace. Education, anti-discrimination and the right to work must be secured.

The main problem is violence and we must very clearly show it a red card. Women and girls with disabilities are at very great risk of violence, including sexual violence, both within and outside the home. Often their right to sexuality and maternity is restricted or there are forced abortions and sterilisations. The Member States should therefore pass legislation to protect them from violence and give better support to victims.

*(The President cut off the speaker)*

**Rovana Plumb**, *on behalf of the PSE Group*. – (RO) Mr President, Commissioner, Minister, first of all, I would like to thank my fellow Member, Mrs Jeleva, for her effective cooperation on this report, as well as other fellow Members and the associations of people with disabilities.

I would like to emphasise that we need to provide clear protection for disadvantaged groups, all the more so as our debate is taking place at a time when the impact of the economic crisis is being felt.

I would like to stress that the European Union promotes the active inclusion of people with disabilities and their full participation in society. This is the approach at the heart of the UN Convention on the Rights of Persons with Disabilities. This is why we are calling for these international documents to be ratified urgently by European Union Member States, as well as for the active involvement of disabled people and organisations representing them in the process of monitoring and implementing these documents. We also urge Member States and the Community's executive to ensure free access and the distribution...

*(The President cut off the speaker)*

**Elizabeth Lynne**, *on behalf of the ALDE Group*. – Mr President, I would firstly like to thank the rapporteur for all her cooperation in the passage of this report through the Committee on Employment and Social Affairs. I was rapporteur, as you know, on the UN Convention on behalf of the European Parliament in 2003 as the UN Convention was being drafted.

We have since achieved a legally binding convention which, I believe, is historic. That is a milestone in itself, but what I said in 2003 I will say again. If the EU is to have any credibility in this debate, it must lead by example. International human rights treaties are of no use whatsoever if countries do not sign, ratify and implement. Yes, all Member States have signed, but they have not all signed the protocol. Most of them have not ratified, and they certainly have not implemented – something we have called for in numerous parliamentary reports.

The UK Government – my own government – for example, has again missed its own deadline of last year for ratifying the Convention, which is an absolute disgrace. To my mind this is shameful. I would like to see the Commission and Parliament keeping up the pressure on Member States to ratify and implement. This

Convention has the potential to empower millions of disabled people in the EU. We must now do all we can to make it a reality.

**Elisabeth Schroedter**, *on behalf of the Verts/ALE Group*. – (DE) Mr President, Commissioner, Mr President-in-Office of the Council, ladies and gentlemen, with the Convention, the right to protection and recognition of their human dignity and to full participation in society has been secured internationally for disabled persons. It is now all the more important for the Council to submit the ratification act to the UN no later than this year's International Day of Persons with Disabilities.

At the same time, we call on all the Member States to ratify the Optional Protocol, so that the UN Convention acquires an international complaints committee. I can only tell you how important this is with reference to my country. Until now, disabled persons have been refused equal access to education. Only 15% of disabled children are integrated into the school system. Claims to access for disabled persons are circumvented in my country with translation tricks. That is why we must protest against the fact that this sort of thing is still happening and safeguard full social participation for disabled persons in all the EU Member States in future.

**Richard Howitt (PSE)**. – Mr President, I am very proud to have been at the launch at Sadler's Wells in 2001 of the campaign for the Convention. I am very proud that Members across this Parliament have played a leading role in supporting the creation of the Convention. I am very proud to have been with the Human Rights Subcommittee in Geneva at the Human Rights Commission and Council to lobby for its agreement. I am very proud that the European Commission and the European Communities have signed up to a human rights instrument for the first time. I am very proud that it is the swiftest-agreed convention in the history of the United Nations, but most of all I am very proud that disabled people and disabled people's organisations have played a full part in its consideration and its agreement.

Our support for ratification this week should make clear three points. Firstly, in becoming the eighth ratifier, the European Union is saying to the EU Member States that they too should ratify and implement, including the optional protocol.

Secondly, Commissioner, we and the European Commission, across all its competencies, should screen existing policies and procedures to make sure that we comply with the Convention and act accordingly.

*(The President cut off the speaker.)*

**Ilda Figueiredo (GUE/NGL)**. – (PT) I too welcome the fact that we are here to debate and adopt the United Nations Convention on the Rights of Persons with Disabilities and, at the same time, to call for its Optional Protocol to also be taken into account by the Member States.

This represents a significant step forwards in defending and promoting the rights of persons with disabilities, with a view to respecting their dignity. However, it is not enough for countries to have signed this Convention or even for them to be prepared to take its Optional Protocol into account. These countries also now need to ratify this Convention and be prepared to apply the Convention and the Protocol as quickly as possible.

**Petr Nečas**, *President-in-Office of the Council*. – (CS) Mr President, ladies and gentlemen, I think we agree that although over the past years and decades the EU has made enormous progress in combating discrimination against persons with disabilities, the situation is still far from satisfactory. Today and every day, this month, this week, this very day thousands, tens of thousands, hundreds of thousands of EU citizens with disabilities are suffering discrimination. They are discriminated against on the labour market, in the service sector, in transport. They are discriminated against through poorer access to public services and they are very often discriminated against in respect of access even to some basic public services such as education at every level. I am quite sure we agree that the main problem we are confronting in this area is the social exclusion of our fellow citizens with disabilities. To tackle this we need a whole series of legislative acts which will prevent discrimination, but at the same time we also need a functioning system of social services as a key instrument not only for limiting social exclusion but also for bringing about social inclusion. The greatest problem facing citizens with disabilities is of course their much higher levels of unemployment.

In the economic problems currently affecting the EU we all know that it is our fellow citizens with disabilities who are paying the highest price for the worsening situation on the labour market. The availability of employment opportunities is worse for them than in times of prosperity. They very often pay the price of having poorer qualification and education structures than the rest of the population, and this naturally has very negative consequences for their chances of integrating into the labour market. They very often face much worse access to education, to normal schools and educational institutions, as Mrs Schroedter correctly

pointed out. I would also like to say that we are fully aware of multiple discrimination, which confronts many citizens with disabilities, as Mrs Breyer pointed out. And here I would like to say that the convention we are debating includes a specific article applying to women, so multiple discrimination has not been forgotten here. At this moment we must of course applaud the 7 states that have ratified the convention. They have set an example for other states which have yet to complete the procedure. The clear call from Mrs Lynne for the ratification process to be speeded up is important, but on the other hand we must respect the fact that ratification has rules, that these rules must be respected, that these rules are often very different in the various Member States and they have to be respected.

I would also like to applaud the statements we have heard today, for example from Mrs Plumb, who pointed out the major role of the voluntary sector partners in developing and implementing policies relating to our fellow citizens with disabilities which attempt to limit discrimination against them, to limit their social exclusion and to integrate them socially. I would only like to say that the Council has devoted great attention to this matter and that the Presidency is placing great emphasis on the participation of the voluntary sector partners. In the spirit of our motto, 'Europe without barriers', we have also invited all representatives of disabled persons to events connected with this issue. Under the sponsorship of the Presidency a series of events arranged by disability organisations have taken place.

I would like to mention the meeting of the Council of the European Disability Forum which took place in Prague between 28 February and 1 March 2009. Also this week, an international conference entitled 'Europe without Barriers' took place. It was set up by the Czech National Council for Persons with Disabilities. The conference was held directly under the auspices of the Presidency and constituted one of the Presidential events. As a participant I can confirm that the UN Convention on the Rights of Persons with Disabilities was one of the main items on the conference agenda. The Presidency is determined to develop significant activities in this area, including regular contacts with voluntary sector representatives at a pan-European level.

I would like to end by pointing out the convergence of the European action plan on disability and the UN Convention, as well as the results achieved in implementing the action plan, which places special emphasis on dignity, fundamental rights, protection from discrimination, justice and social cohesion. It is now generally acknowledged that taking notice of the issue of disability is the key to resolving it. To this end the action plan on disability has urged and supported access to social services and it has increased access to goods and services. I firmly believe that the EU will continue with the positive steps it wants to take towards full social inclusion and full integration of fellow citizens with disabilities.

**Olli Rehn**, *Member of the Commission*. – Mr President, I would like once again to thank all who participated in the interesting debate, especially the rapporteur, Mrs Jeleva – especially for the important resolution that will be adopted in plenary tomorrow. I would also like to thank the Council for its reassurance that the Czech Presidency will strive towards a quick conclusion to the ratification and the whole process.

I would also like to thank Parliament for your recent support of the Commission's proposal for a horizontal anti-discrimination directive. The directive, if adopted by the Council – where unanimity is needed – will further consolidate the rights of people with disabilities at European level, which I trust is our common goal, both in the Council and in Parliament – certainly it is in the Commission.

**Rumiana Jeleva**, *rapporteur*. – (BG) Ladies and gentlemen, I would like to thank everyone for their participation and the views they have expressed. I would like to think that we can place today's debate in a wider context, specifically by making a connection with the fact that the UN Economic and Social Council adopted a decision last year, whereby the priority theme for the 2009-2010 review and policy cycles will be social integration.

A special place in this policy cycle for social integration is given to the World Program for Action Concerning Disabled Persons. I also believe that today's debate will spur the Member States on which have not yet ratified the Convention and/or Optional Protocol to do so in the foreseeable future. I am sure, and on this point I would like to agree with the Council, that the vote on the reports will help us take a positive step in the right direction.

The European Parliament must bear its responsibility for improving the conditions of people with disabilities. As was emphasised during this debate, we must really work tirelessly and exercise every possible control so that the legislation we produce will be enforced properly and that we are not responsible for a good legislative base and weak enforcement.

I would like to thank once again all fellow Members from the various political groups for their support, as well as my colleagues from the European Commission and the NGOs whom we worked with throughout the entire process.

**President.** – I have received one motion for a resolution<sup>(3)</sup> tabled in accordance with Rule 103(2) of the Rules of Procedure.

The debate is closed.

The vote will take place on Friday 24 April 2009.

**IN THE CHAIR: Diana WALLIS**

*Vice-President*

### **Written statements (Rule 142)**

**Filip Kaczmarek (PPE-DE), in writing.** – (PL) The rights of disabled people are broken regularly. Recently in my home town of Poznań an incident occurred which is symptomatic of this. A Member of the Polish national Parliament parked his car in a place reserved for the disabled. Paradoxically, this MP has a friend who is disabled. Why do I mention this? It is because no laws, conventions or documents will improve the situation of disabled people if public officials openly and with impunity break rules created specially to help the disabled to live and function. Conventions are of course very important, but equally important is genuine, dependable and full implementation. Disabled people are not happy with rights which they only have on paper. People with disabilities are counting on real changes which will give them equal opportunities. Thank you very much.

## **19. Question Time (Council)**

**President.** – The next item is Question Time (B6-0227/09).

The following questions are addressed to the Council.

**President.** – Question No 2 by **Gay Mitchell** (H-0130/09)

Subject: Anti-Lisbon rhetoric

The global financial crisis has shown us just how imperative it is to have a strong European Union. We have learnt quickly in Ireland that myths and disinformation about the Lisbon Treaty will be small comfort in a shrinking economy and with rising unemployment. With the EU Presidency held by the Czech Republic, and the country's own President espousing anti-Lisbon rhetoric, how does the Council intend to reconcile these messages with the patent need for greater, rather than less, EU cooperation?

**Petr Nečas, President-in-Office of the Council.** – (CS) Madam President, ladies and gentlemen, the Council has always made plain its determination to strengthen cooperation within the EU, particularly in times of crisis. The Czech Presidency, following on from the activities of its predecessor, is working hard to resolve the problems caused by the current financial and economic crisis and in this context has adopted measures at various levels. It has established a joint framework for Member States, as can be seen for example from the bank rescue plan, the European economic recovery plan, the regulation and supervision of financial markets. The European Parliament has also contributed to these measures by supporting investment in infrastructure, and not least through its efforts on the international scene. The Council at its meeting of 19 and 20 March focused on overcoming the financial crisis and the problems of the real economy and made it very clear that Europe can confront these problems and stop the current crisis only through unified and coordinated action within the framework of the single market and economic and monetary union. The Council decided at its meeting on 19 March that a closely coordinated EU response within the framework of the European economic recovery plan should mobilise all available instruments, including Community resources, and that it should fully integrate the strategies of growth, employment, social integration and social security.

As far as the Treaty of Lisbon is concerned, the Council reached an agreement in December last year concerning further progress. At the request of Ireland, the Member States agreed to provide specific legal guarantees

<sup>(3)</sup> See Minutes.



relating to the issues that were a source of concern during last year's referendum in Ireland. The Council also agreed that if the Treaty of Lisbon comes into force, then in accordance with essential legal procedures a decision would be adopted on the continuing national representation of each Member State in the Commission. With the exception of the completion of detailed related activities focused on this topic by mid 2009 and assuming a satisfactory implementation, the Irish government at the same time committed to work for the ratification of the Treaty of Lisbon by the end of the current functional period of the Commission. The European Council in its meeting of 19 and 20 March was informed of the current situation regarding this matter and decided to return to it at the June 2009 meeting.

**Gay Mitchell (PPE-DE).** - Madam President, may I thank the Minister for his reply.

I think we are far too defensive in this House – and in institutions generally – when it comes to Lisbon and the European Union in general. It is time that we put some of the people who are attacking Europe on the defensive. Where would we be without the European Central Bank? Where would we be – those of us who are in the euro zone – without the euro zone?

The one thing we do not have is an identifiable head of the European Council who can speak on matters of economic recovery, and I think it is clear that the provision in the Lisbon Treaty to provide for such a person is really essential. If we had that person in place now we would not have the zigzagging that goes on between the six-monthly presidencies.

Perhaps the Minister might say in his reply what he sees as the prospects for the ratification of the Treaty in the Czech Republic.

**Petr Nečas, President-in-Office of the Council.** – (CS) I will respond to all of the questions later, in one go.

**President.** – It is our normal procedure for you to reply firstly to the questioner and his supplementary question and then, normally, I will – and that is my decision – take the other supplementary questions together and put them to you.

I should be obliged if you would answer first.

**Petr Nečas, President-in-Office of the Council.** – (CS) Thank you, Madam President. Ladies and gentlemen, I will answer the question. I would like to emphasise that in the Czech Republic, as far as ratification of the Treaty of Lisbon is concerned, the two-chamber Parliament made up of the House of Representatives and the Senate is working very hard on this Treaty and on 18 February this year it was passed by the House of Representatives. Here I must stress that under Czech constitutional rules it is essential to have a constitutional majority to pass this Treaty. The Senate of the Czech Parliament will probably vote on the Treaty on 6 May, but the Senate has made its approval conditional on the drafting of an appropriate law under which the transfer of powers from the level of qualified majority voting requires the consent of both chambers of Parliament. This amounts to a so-called conditional mandate. The relevant law has already been drafted and approved, and we expect that on 6 May the Senate will vote on this law and that, once it is passed, the Treaty of Lisbon will receive parliamentary ratification.

**Richard Corbett (PSE).** - Does the Czech Presidency not agree that the problem in the case of the Lisbon Treaty is not so much a lack of information about it, since the information is there and is available, but the considerable amount of misinformation wilfully put about by the opponents of the Treaty?

Given that the Treaty is not being signed by the European institutions but was negotiated by the Member States, does it not also agree that the national governments must do much more to counter the myths and misinformation that Mr Mitchell referred to and get their act together in this vital debate for the future of Europe?

**Christopher Heaton-Harris (PPE-DE).** - Minister, I am sure that in your country, as in Ireland, voters sense and worry about the Orwellian feel to the EU at the moment. They are not stupid, and they know that the Commission gerrymandered its legislative agenda so that no bad news entered the Irish media's bloodstream.

It is a shame that Mr Mitchell, Mr Corbett and others are so blinded by the glittering prizes of being successful Eurocrats that they miss the point: that the people of Ireland have delivered their decision. Perhaps, sir, you could get the Council to instruct the Commission to stop the massive growth of its communication and information – otherwise known as propaganda – departments, and allow the results delivered by the wonderful Irish people to stand and prove that democracy lives in the European Union.

**Petr Nečas**, *President-in-Office of the Council*. – (CS) I must emphasise that we should all have the courage to admit to ourselves that EU citizens have very little awareness of how the EU operates. The EU affects EU citizens very often in an abstract way and its institutions are very difficult to understand. The lower the level of awareness the easier it is for conditions to arise that are conducive to, for example, misinformation, which takes a hold on people's minds more readily precisely because they are not sufficiently informed about how the EU operates. In my opinion, addressing the democratic deficit and addressing the fact that citizens do not always identify with the EU and its institutions would ensure that disinformation and lies do not have a chance to take hold. I firmly believe that every EU Member State government has a fundamental duty to speak out against disinformation and falsehood. At the same time EU Member States' governments should inform their citizens regularly about all matters relating to European integration. I firmly believe that only then will we achieve real democratic progress.

**President.** – Question No 3 by **Manuel Medina Ortega** (H-0132/09)

Subject: Double taxation

In view of the recent case-law of the Court of Justice concerning double taxation, what measures does the Council intend to propose in order to harmonise European tax law so that European citizens do not have to pay twice for the same taxable transaction?

**Petr Nečas**, *President-in-Office of the Council*. – (CS) Madam President, ladies and gentlemen, as far as the current state of affairs in the Community is concerned, no measures have yet been adopted at a Community level to eliminate double taxation in the area of direct taxation except for Council Directive 90/435/EEC of 23 July 1990 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States, the convention of 23 July 1990 on the elimination of double taxation in connection with the adjustment of profits of associated enterprises and Council Directive 2003/48/EC of 3 June 2003 on taxation of savings income in the form of interest payments. This arises from the fact that the area in question falls within the responsibility of Member States, provided that they respect Community law. Agreements on eliminating double taxation which are concluded bilaterally between Member States in accordance with the aforementioned autonomous powers and consistent with the OECD sample agreement do not appear to be sufficient for eliminating all legal double taxation in the EU.

The Commission, which has the exclusive right to initiate laws in the Community in relation to direct taxation, at present clearly prefers a pragmatic approach to this matter in view of the principle of subsidiarity that applies to Community legislation in the area of direct taxation and in view of the requirement for unanimity. This pragmatic approach should encourage Member States to cooperate in ensuring that their domestic taxation systems, including bilateral agreements on taxation, are functioning smoothly. This is mentioned, among other things, in the Commission communication on coordinating Member States' direct tax systems in the internal market, especially in the final version of document COM 2006/823. The Council confirmed this coordination-based approach of the Commission in its conclusions of 27 March 2007. It emphasised that the functioning of the internal market can be improved through cooperation in the area of taxation at a Member State level and, where appropriate, at a European level, while respecting Member State powers at the same time. The Council declared that acceptable solutions could take various forms, in accordance with the principle of subsidiarity.

**Manuel Medina Ortega (PSE).** - (ES) Mr President, the information that you are giving us is correct, but we as Members of this House, and most definitely the citizens of Europe, get the impression that there is a very dangerous gap in Community law.

At present, whilst tax demands continue to be intensified in every one of the Member States, mobility is almost impossible.

When we ask the Commission to explain this pragmatic approach, it seems that the Commission does not have any support in the Council. We seem to find ourselves in a vicious circle, in which the Commission refers us to the Council, and the Council refers us back to the Commission, but, meanwhile, the reality is that the citizens of this Europe that we are trying to build do not have the option to reside in different countries or to establish relationships, due to the heavy tax burden caused by the lack of harmonisation in the fiscal system.

Could the Council do something to put an end to this vicious circle?

**Petr Nečas, President-in-Office of the Council.** – (CS) First of all I would like to emphasise that the long-term objective is a solution in the form of a directive or a multilateral treaty. Only thus can we develop this system effectively from the standpoint of legal principles. The Commission is proposing a solution for the most pressing problems arising in connection with the internal market, through improved coordination of Member State tax regulations and improved decision-making processes. The Commission in its communication 823 on coordination put forward a proposal to create a mechanism for an effective resolution of disputes connected with international double taxation problems in the EU but due to insufficient support from the Member States, as the MEP mentioned here, the Commission abandoned this request in favour of other initiatives. The Commission is fully aware of the impact of double taxation agreements on the internal market and it will start preparing public consultations in 2009. Based on these consultations the Commission will draft a communication on its findings together with a proposal for an acceptable solution to existing problems.

The Council has repeatedly grappled with this problem within the framework of various initiatives. The first one was the expansion of the framework of Directive 90/435/EC on the common system of taxation for parent and subsidiary companies through Council Directive 2003/123/ES, which eliminates the economic and legal double taxation of cross-border flows of dividends within the framework of the Community. In 1990 an arbitration treaty was adopted with the aim of eliminating double taxation arising from the setting of transfer prices between related enterprises. Nevertheless this directive did not prove very effective, partly because it has the character of an international treaty concluded between Member States and not the character of a Community legal instrument. In 2003 Directive 2003/49/EC was adopted, eliminating double taxation for interest and royalty payments between associated enterprises from different Member States, which authorises only the country of the beneficial owner of the payment to tax that payment. The question of expanding the framework of this directive should form the topic of further negotiations in the Council. In connection with the two communications from the Commission on coordinating Member State systems of direct taxation on the internal market and retirement tax, ECOFIN adopted the December 2008 Council resolution on retirement tax. This resolution endeavours to eliminate double taxation and coordinates state procedures in the area of retirement tax so that, with the transfer of economic activities from one state to another, when assets of physical or legal persons are transferred from the state which applies the tax on exit, then the recipient state should apply the market value of the asset which was exchanged at the time of the asset transfer from the exit state as an expenditure when the asset is sold.

**Syed Kamall (PPE-DE).** - We all understand that these issues on taxation can be very technical, but in general will the Minister agree that anyone who understands these issues will surely see that tax harmonisation is not essential to avoid double taxation? All that is required – I know it is quite technical – is a will for better cooperation between Member States. Given the amount of money that governments are currently taking away from hard-pressed taxpayers, surely it is time to encourage more tax competition to reduce the burden on working families across the European Union.

**Paul Rübig (PPE-DE).** - (DE) President-in-Office, I think that the Czech Presidency is taking a very positive and proactive approach to this issue. I should like to congratulate you on that, because naturally it is important to protect citizens and small and medium-sized enterprises so that, when they provide services, they can also recover their income accordingly. Double taxation is something for which there is no social justification whatsoever. Hence my question: do you believe that the European Court of Justice could set standards here?

**Petr Nečas, President-in-Office of the Council.** – (CS) Madam President, ladies and gentlemen, the European Court of Justice has decided that the direct application of community law, of freedom of movement and the principles of non-discrimination do not oblige Member States to eliminate legal double taxation arising through the mutual interaction of different taxation systems in cross-border situations within the Community. This position arises from the decision of the European Court of Justice in case C-513/04 Kerckhaert Morres. The court has already ruled on this matter and I firmly believe that very little scope remains here. According to the case law of the Court of Justice, treaties eliminating double taxation must fulfil the requirements of the internal market, and in particular they must not introduce discrimination or discrepancies in relation to basic freedoms enshrined in the Treaty on the European Communities. On the other hand I firmly believe that the risk of double taxation enormously complicates the tax systems and above all it complicates things for small and medium-sized enterprises, who sometimes find it very difficult to penetrate the complicated systems of individual national laws. It is precisely SMEs that are most exposed to this risk, because SMEs have higher costs because they cannot afford to hire expensive consultancy or law firms in the way that large corporations – and particularly multinationals – can. Therefore SMEs are more burdened by these complicated tax systems. I am personally convinced that the fairest solution is for all Member States to have the simplest, most transparent direct taxation system, and as far as I am concerned, the lowest possible taxes.

**President.** – Question No 5 by **Marian Harkin** (H-0136/09)

Subject: Poultry meat

In light of Commission proposal COM(2008)0336 for a Council Regulation amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets as regards the marketing standards for poultry meats, would the Czech Presidency agree that in the interest of food and consumer safety, traceability and product quality that all poultry meat sold as 'fresh' must provide consumers with a guarantee of freshness. Would the Presidency agree that there is a serious problem with regard to poultry meat that is slaughtered and frozen in a third country, transported and defrosted — and in some cases processed — in an EU country, and subsequently marketed and sold as 'fresh' EU produce. Would it agree that this is not acceptable and is misleading to the consumer and unfair to EU producers who adhere to strict EU guidelines? What steps is the Czech Presidency currently taking to ensure the smooth adoption of this regulation?

**Petr Nečas**, *President-in-Office of the Council.* – (CS) Madam President, ladies and gentlemen, the Presidency would like to assure the honourable Member that it places great importance on a high level of food safety and consumer protection within the framework of the Community regardless of whether the food is produced locally or imported from third countries. In this context the Presidency would like to refer to the conclusions of the Council meeting of 18 and 19 December 2008 on the safety of imported agricultural products and food products. In accordance with Community rules the Council in its conclusions invited the Commission to submit a report to the Council and to the European Parliament by the end of 2010 concerning the effectiveness and the application of hygienic and phytosanitary checks on imported foods. As a result of its obligation to ensure high levels of human health protection when implementing Community policies, the Council in December 2008 rejected a proposal from the Commission for a Council regulation implementing Council Regulation (EC) No 853/2004, regarding the use of antimicrobial substances to remove surface contamination from poultry carcasses. The Council took the view that the use of these substances could potentially mask poor hygiene practices. The European Parliament expressed its opposition to the proposal in a resolution of 19 June 2008 and asked the Council to reject the proposal. Regarding the Commission's proposal concerning trading standards for poultry meat, the Presidency would like to confirm that the proposal is at present under negotiation in the Council with the aim of ensuring a high level of protection for consumers and of preventing poultry being sold as fresh when it has previously been frozen. The Presidency can assure the honourable Member that it is taking all measures to enable the rapid adoption of this regulation as soon as the European Parliament has issued its opinion.

**Marian Harkin (ALDE).** – I thank the Presidency for that reply because it was indeed my understanding that the Czech Presidency was to take action in this matter. I am pleased to hear that it is being discussed within the Council that you will take action to prevent poultry meat being frozen and subsequently sold as fresh, because of course it means that many EU producers – indeed all EU producers – are not operating on a level playing field.

So I suppose my question to the Presidency is: how soon can we expect some response from the Council on this, and can you give us any indication as to what particular actions you might take in this matter?

**Petr Nečas**, *President-in-Office of the Council.* – (CS) Madam President, ladies and gentlemen, this problem has now been resolved by the working bodies of the Council within the framework of the negotiations over a proposed Council Regulation amending Regulation (EC) No 1234/2007, establishing a common organisation of agricultural markets with regard to trading standards for poultry meat. The Czech Presidency has proposed a compromise text for which the Council's Agriculture Committee has expressed majority support. The text will be submitted for WTO assessment within the framework of consultations with trading partners. If there is a positive result and the European Parliament approves its report at the plenary session at the same time, which should happen, then the Czech Presidency will submit the compromise text to the Council. The Council has a formal obligation to await submission of the European Parliament's opinion, although it does not have to refer to it in its decision. The compromise text states that for products made from fresh poultry meat in accordance with this regulation, Member States may stipulate slight variations in the temperature requirements which are applied for an absolute minimum time and only to the extent required for allowing handling and cutting up operations in processing plants during the production of fresh poultry meat products. We expect that the Council will address itself to this proposal in May and based on negotiations to date we expect positive results.

**Avril Doyle (PPE-DE).** – Following the BSE crisis in the beef sector some years back, we brought in full identification and traceability for beef products in Europe. Would the Council not agree that we need to

move swiftly, not just on poultry but sheep and pigmeat as well, to give consumers the same information and indeed to provide the same traceability if something should go wrong?

The Sommer report on information to consumers is wending its way through Parliament at the moment, and perhaps through added labelling – which would add to the traceability – the Council might agree with me that this would be a way of achieving this.

**Petr Nečas**, *President-in-Office of the Council*. – (CS) Madam President, ladies and gentlemen, indicating the origin of poultry meat does not form part of Annex 14 of Council Regulation (EC) No 1234/2007, and therefore it is not part of the proposal we are now debating. The indication of origin is handled under Commission Regulation (EC) No 543/2008, and it therefore comes under the responsibility of the Commission and is debated in committee. I would also like to say that I understand this question very well because if you look at the threat which arose from so-called mad cow disease in the case of infected beef, taking into consideration the real impact on the health of the population in EU Member States, then some of the diseases that come from poultry meat, for example salmonella, cause a dramatically higher number of health problems and even deaths than mad cow disease caused in its time. On the other hand I would like to emphasise again that indication of origin comes under the responsibility of the Commission and we should not forget that monitoring the place of origin is of course much more difficult in the case of poultry than it is with cattle. We should also avoid getting into a situation where the attempt to protect the consumer to such an extent that all doubt and all potential risk is absolutely eliminated leads to a system that is so administratively complex that it leads to significantly higher food prices. I would like to repeat again here that the key responsibility in the area of mandatory indications of origin for poultry meat lies with the Commission and not with the Council.

**President**. – Question No 9 by **Marie Panayotopoulos-Cassiotou** (H-0144/09)

Subject: Crisis management and small- and medium-sized undertakings

The European crisis management programme includes assistance for small undertakings under the Small Business Act. In this connection, what actions have been taken to date and what further actions are being planned?

**Petr Nečas**, *President-in-Office of the Council*. – (CS) Madam President, ladies and gentlemen, in December last year the European Council agreed on a European economic recovery plan. This plan includes concrete measures for supporting small and medium-sized enterprises, the most important of which are the measures aimed at improving access to finance and reducing the administrative burden on business. At the same time the European Council expressed its support for increased intervention by the European Investment Bank in the years 2008 to 2011, particularly with loans to small and medium-sized enterprises, which represents an increase of EUR 10 billion compared to current lending in this sector. Additionally, the European Council has supported temporary overruns of threshold values for at least two years in relation state support involving sums up to EUR 500 000 and adjustments in the state support framework which are essential for boosting support to companies, particularly small and medium-sized ones. The European Council also called for the use of accelerated procedures allowed under European Community law for awarding public contracts and for a reduction in the administrative burden on companies. The European Council also supports full implementation of the Commission action plan on the Small Business Act initiative that was adopted by the Council on 1 December 2008. The action plan for the Small Business Act initiative should help small and medium-sized enterprises in the period of economic turmoil by improving access to loans, reducing the administrative burden, helping small and medium-sized enterprises to exploit the benefits of the internal market and increasing competitiveness on foreign markets. On 5 March the Council concluded that the action plan should be fully implemented as quickly as possible at Community and Member State levels while complying with the principles of subsidiarity.

Additionally, the Council again mentioned the importance of further improvements in access to finance – I am thinking of loans, guarantees, mezzanine finance, etc – and also to venture capital for newly established innovative enterprises and for small and medium-sized enterprises where it is necessary to take account of the effects of the current financial crisis. We must strengthen market access for small and medium-sized enterprises above all through more monitoring of the market and of individual sectors in order to identify and tackle barriers to the internal market. Requirements for accounting and procedures for setting up new companies should be essentially simplified and speeded up. At its meeting on 19 and 20 March the European Council agreed on the following measures: eliminating existing barriers and preventing the emergence of new ones, achieving a fully functioning internal market, further reducing the administrative burden, improving the framework conditions for industry in order to retain a strong industrial base for enterprise with particular

emphasis on small and medium-sized firms and innovation, supporting partnerships between the different areas of business, research, education and training and increasing the quality of investments in research, knowledge, and education.

Ladies and gentlemen, I would also like to say that on 10 March 2009 the Council achieved a political agreement that all Member States would have the option, based on a change to Directive 2006/112/EC, to implement permanently reduced VAT rates on a range of labour intensive services, and these are usually services provided by small enterprises, of course. Among the other legislative proposals arising from the Small Business Act initiatives the Council should adopt a regulation on the Statute of the European Private Company which would make it easier for small and medium-sized enterprises to conduct cross-border business activities. The Council will also look at revising the late payments directive, with the aim of ensuring that small and medium-sized enterprises are paid on time for all commercial transactions. As far as the agenda for better regulation is concerned, the Commission last year presented 11 new accelerated measures for reducing the administrative burden on business with the aim of achieving a 25% reduction in the existing administrative burden caused by EU regulations by 2012. According to estimates, this could lead to savings of about EUR 30 billion, and the greatest benefit would go to small and medium-sized enterprises. On 10 March this year the Council called on the Commission to propose specific new measures for reducing the burden in respect of each of the 13 key priority areas in the action plan. The actual steps in relation to this include the adoption of proposals for simplifying the third and sixth directives applying to mergers and breakups of commercial undertakings at the first reading in the European Parliament, and also approving a revision of the fourth and seventh directives. However, this important work should continue with the aim of achieving the 25% reduction in the administrative burden and the Commission should complete its review of all existing legal regulations as quickly as possible.

**Marie Panayotopoulos-Cassiotou (PPE-DE).** - (EL) Madam President, I thank the minister for his reply, which listed all the measures planned. Of course, now the application of these measures needs to bring real results to all those in the European Union at present who have small and medium-sized enterprises which are suffering the consequences of the crisis and to all those who want to set up new small and medium-sized enterprises. It is on this point precisely that I would like the minister to tell me if we have statistics on new business start-ups, alongside the statistics on the businesses which are disappearing. I would be interested in having these comparative figures, if not today, then in a future reply.

**Petr Nečas, President-in-Office of the Council.** - (CS) Firstly I would like to emphasise that the numbers of failing and newly-established companies as well as the specific conditions for establishing a new company vary considerably between the individual Member States of the EU. While in some states it takes a few days to set up a small or medium-sized company, in other states it can unfortunately take several months. It is of course possible to draw up a detailed summary containing the information you are requesting, Mrs Panayotopoulos-Cassiotou, and we would present it in writing.

**President.** - Question No 10 by **Avril Doyle** (H-0145/09)

Subject: Outcome of the Spring Council on financing a global climate deal

In light of last week's Spring Summit, is the Presidency satisfied with the outcome of the negotiations which took place on providing financial assistance to developing countries to further a global climate change deal at the COP-15 in Copenhagen this December?

**Petr Nečas, President-in-Office of the Council.** - (CS) Madam President, ladies and gentlemen, in the conclusions from the meeting of 19 to 20 March 2009, the Council stated that mitigation and adaptation measures would require considerable domestic and financial resources, both public and private, particularly in the most threatened developing countries, and that the EU would provide a fair share of the funding for these measures in developing countries. Commission estimates based on recent studies indicate that by 2020 the additional public and private investments will have to increase to almost EUR 175 billion if emissions are to be reduced to a level compatible with EU objectives.

Current studies also show that more than half of these investments will have to be made in developing countries. The secretariat of the UN Framework Convention on Climate Change further estimates that in 2030 the cost of adaptation in the developing countries would be in the range of EUR 23 to 54 billion a year. As concerns funding for mitigation measures in developing countries, the Council has adopted a clear position. With the help of developed countries developing countries should draw up strategies and plans for building a low-carbon economy. These strategies and plans should make a distinction between measures that can be adopted independently as they involve either zero or very low expenditure or even a net benefit

in the medium-term, and measures which will lead to positive additional costs that individual countries themselves cannot easily afford.

In order to implement the Copenhagen agreement it is essential to have sufficient, predictable and timely financial support. The international financial structure providing this support must be based on principles of efficiency, suitability, equality, transparency, responsibility, cohesion, predictability and proper financial management. In relation to funding sources, the Council confirmed options which may be further examined in international negotiations and which involve an approach relying on contributions based on an agreed scope, a market approach based on contract auctions or combinations of these and other options. Moreover, during the transition to a global carbon trading market, flexible mechanisms, the clean development mechanism and joint implementation will continue to play a significant role in financing emission cuts in developing and transforming economies. In relation to this it will be important to strengthen integrity from the perspective of the environment, the contribution to sustainable development and fair geographical distribution. It is also necessary to expand the carbon trading market in order to send clear signals about the cost of carbon. This involves one of the most cost-effective ways of cutting emissions while at the same time providing an obvious stimulus for the transfer to a low-carbon economy. In connection with the EU agreement on the climate-energy package the Council has also emphasised the contribution of this package to EU efforts to secure funding for measures aimed at mitigating climate change and adapting to it. It is clear that we must do much more in the area of funding. The Council has decided to return to this topic in its June meeting, in order to further define its position in relation to ongoing international negotiations.

**Avril Doyle (PPE-DE).** - I should like to thank the Czech Presidency for a fulsome response. I actually got it in writing earlier today because they did not think we would reach Question 10.

Can I assume that really is the view of the Czech Government, as you have just put on the record, because it would certainly encourage me greatly if I thought so? I thank you, because it means the Czech Government has come a long way on climate change matters since the start of its Presidency.

Apart from the Council meeting in June, could you indicate the rest of the timetable for coming to an agreement on the so-called 'fair share' from the EU in financing third-country mitigation and adaptation? I fully agree with what you say, by the way, on the carbon market and its contribution.

**President.** - Thank you, Mrs Doyle. I am intrigued to know that you had the answer in advance. That is a practice I have wished to encourage from both Council and Commission for a very long time, so congratulations to you both on achieving that.

*(Interjection from Avril Doyle: 'That is because they thought we would not reach Question 10!')*

**Petr Nečas, President-in-Office of the Council.** - (CS) Ladies and gentlemen, the less time is left for the Presidency of this Czech government, the faster it seems to pass and that is perhaps why we are trying to hurry on and to deal with all of the administration on time. I would like to say in response to the question from the honourable Member that the Council will discuss this topic again in June this year. In the opinion of the Council it is important to focus more on the financial mechanisms of the fight against climate change. In advance of the Copenhagen meeting the Council will publish the EU approach to different ways of financing mitigation and adaptation measures, to supporting new technologies and to creating the right environment for implementing these plans. The Council will also show how the EU will make a concrete contribution to these plans and it will explain how the costs will be shared out between the Member States, as well as the efforts towards implementing these aims. All of this will be based on actual proposals from the Commission.

Concerning certain other problems related to financing the global agreement on combating climate change, the EU has made it clear that it wants to assume a proportionate share of responsibility in this matter. Moreover, the EU has established basic principles relating to funding and has made it clear that it intends to discuss these options with its global partners. However, it is obviously too soon to reveal our cards by publishing some of the numbers. It would not be sensible, it would not be prudent, it would not be tactical. We have an idea of how much funding will be needed to implement the global plan. However, we must know at least approximately what sort of mitigation measures third countries are planning to implement. In this context I would like to say that in 2007 the EU set out a voluntary commitment to cut emissions by 20% - and in the event of a successful global agreement by 30% - and this was long before any other country in the world had published anything at all on mitigation proposals.

**President.** - While I have the opportunity, I will press the point, because it does seem to me that if answers to questions that we think we are not going to reach can be provided in advance then there is no reason why

the questions that we *are* going to reach should not have the answers in advance, so that we can have – as we just had now – a better and more helpful exchange. Thank you both for demonstrating that, which has made the point that many of us have long sought to make.

Questions which have not been answered for lack of time will receive written answers (see Annex).

That concludes Question Time.

*(The sitting was suspended at 20.10 and resumed at 21.00.)*

## IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ

*Vice-President*

### 20. Ecodesign requirements for energy-related products (debate)

**President.** – The next item is the report (A6-0096/2009) by Mr Csibi, on behalf of the Committee on the Environment, Public Health and Food Safety, on the proposal for a directive of the European Parliament and of the Council establishing a framework for the setting of ecodesign requirements for energy related products (recast) (COM(2008)0399 – C6-0277/2008 – 2008/0151(COD)).

**Magor Imre Csibi, rapporteur.** – Mr President, I would like to thank the shadow rapporteurs for their cooperation in reaching the compromise agreement with the Council on the recast of the Eco-design Directive.

It has been a challenging process, mainly due to the very restrictive nature of the recast. A legislative proposal where Parliament can hardly change anything is not the appropriate framework for codecision. We are no longer an institution limited to giving assent and this is not the way Parliament wants to work with the recast in the future.

However, I am pleased that despite these challenges we managed to reach a compromise that confirms the basic principles of the Commission's proposal, such as the extension of the scope to energy-related products, but also brings more clarifications and more emphasis on all relevant environmental parameters.

Thus, the compromise improves the definition of 'energy-related products' by clarifying which products could be covered by implementing measures, such as window-insulation materials or some water-using products like showerheads or taps. And I insist on the fact that giving these examples does not mean that these products will be covered automatically.

First, they will be subject to specific impact assessment, and implementing measures will be developed only for those products that have significant environmental impact, have significant potential for improvement and are not covered by other legislation that can achieve the same objectives more quickly and with less expense.

Then, the compromise provides for the assessment of the methodology used for preparing the implementing measures to better cover resource efficiency and the life-cycle approach. In times of narrowing natural resources, we must not only aim at energy efficiency but at optimising the use of resources as a whole. Furthermore, we must try to reduce the environmental impact of our products not only during their use phase, but also through their entire life cycle, from raw-material selection to manufacturing, packaging, use and end of life.

Even if for now the Directive is extended only to energy-related products, we should be prepared for a further extension to all products in the future. Both the Committee on the Environment and the Committee on Industry have demanded a clear commitment to extend the scope of the Directive beyond energy-related products after its review in 2012.

In response, the Commission committed itself to adopting the current methodology, if needed, with a view to a further extension of the scope to all products. But we could not have any firm commitment for an extension of the scope to all products after the review of the Directive in 2012. I would have liked the Commission to have had a firmer and more visionary approach, especially since we have all the instruments on the table today and this was the best option identified by the impact assessment. In this sense, I believe we missed the opportunity to do more for the environment with less bureaucracy.



There is also the review in 2012. We will certainly not contest the fact that we need to change our consumption and production patterns by switching to cleaner products. Change is needed, but change is also possible without overburdening companies and households.

By building a low-carbon and resource-efficient economy we can give a new impetus to competitiveness. The Eco-design Directive represents a big opportunity for industry to build more competitive businesses based on green technologies. It creates a level playing field across Europe, reducing red tape and production costs. It also provides flexibility for the industry, as self-regulation measures can be recognised as alternatives to regulatory implementing measures.

Last but not least, relevant stakeholders are consulted and associated in defining and reviewing the implementing measures and assessing self-regulatory measures. From my consultations with stakeholders, I realise that forward-thinking businesses do not wait for regulations in order to become compliant, but take proactive measures. Some do it out of altruism but most do it because eco-consciousness is simply good for business.

However, we need to give the industry the right signals. Even though my vision of extending eco-design requirements to all products is not shared by all my colleagues, I strongly believe that only by shifting to cleaner goods can we stop environmental degradation.

More than 80% of all environmental impacts of a product are determined during product design. An improved product design would avoid waste and provide consumers with more efficient, more reliable and longer-lasting products.

Extending the eco-design requirements to energy-related products such as windows or water taps is the first step towards a more ambitious approach and a sustainable product policy at EU level.

Sometimes even small steps can lead to big achievements. I hope you will endorse this compromise agreement as a way forward and you will continue keeping up the pressure to optimise the full potential for environmental improvement and stimulate the design of eco-friendlier products.

**Günter Verheugen**, *Vice-President of the Commission*. – (DE) Mr President, honourable Members, I would like to start by thanking the rapporteur, Mr Csibi, for his outstanding work on this proposal and by saying how very pleased I am that his work has made agreement possible at first reading.

The content of the proposal – from a purely legalistic point of view – is limited. It essentially consists of extending the scope of the existing Eco-design Directive beyond the energy-using products that it currently covers to include all energy-relevant products. From a political point of view, though, this change is of the utmost significance. It represents an important step on the road towards the third industrial revolution in Europe, to the transformation of our European national economies into national economies with low-CO<sub>2</sub> production.

I have a vision of how the European product of the future will look. The European product of the future, bearing a 'Made in Europe' label, will be the most innovative, safest and also the most energy and resource-efficient product around. I am convinced that a leading role for Europe in energy efficiency and in the thrifty use of resources will not only benefit the environment, but also our employment figures. Environmentally-friendly products and environmentally-friendly processes are currently booming economically, even in this crisis, and this is set to continue.

To my mind, this directive is a good example of integrated product politics. It has already proved its worth and we are seeing good results when it comes to energy-using products. The directive provides a framework for the laying down of eco-design requirements that take account of the actual environmental impact of a product throughout its entire life cycle. As Mr Csibi has already said, the directive paves the way for a voluntary initiative by industry. It limits officially specified requirements to those products in which a significant saving potential could be realised in an economically viable way.

The directive currently in force is already making an important contribution to achieving the European reduction targets, through the abolition of light bulbs, boilers and numerous other energy-inefficient consumer products. Expanding the scope of the directive to cover all energy-related products brings with it an enormous potential for further reducing energy consumption and thereby CO<sub>2</sub> emissions.

To recap, every product that is relevant to the consumption of energy now falls within the scope of the directive. This therefore also includes those products that do not consume energy directly when used, but

which influence energy consumption indirectly. So, for example, requirements can now be laid down for products that use water and for windows. To give just one example: simply increasing the proportion of windows with double-glazing could give rise to an additional 30% of energy savings by 2020. That is the equivalent of a saving of 55 000 gigawatt hours, which represents a saving of 27 megatonnes of CO<sub>2</sub>, or the output of two to three nuclear power stations. That shows the enormous impact that the apparent innocuousness of such changes can conceal.

The Commission intends to continue its on-going work on the approximately 25 implementation measures for the eco-design directive that were set out in its working plan for the 2009-2011 period. In addition, after consulting the Eco-design Consultation Forum pursuant to Article 16 of the directive, it will lay down what products are to be included in the second working plan by 21 October 2011.

By 2012 the Commission will also review, pursuant to Article 21, whether it would be appropriate to extend the scope of the directive to products that are not relevant to energy consumption but that do have a bearing on resource conservation.

As agreed in the negotiations that led to agreement at first reading, the Commission is issuing a statement. Parliament is aware of the statement. I will pass it on to the Bureau after this sitting.

Due to the quick adoption of the proposal at first reading, the Commission can now implement its sustainable industrial policy and get straight to work on coming up with other specific steps to save energy and reduce CO<sub>2</sub> emissions.

Let me conclude by observing that the close cooperation between Parliament, the Council and the Commission sped up the negotiations. I am very pleased to be able to tell you that the Commission feels able to support all of the amendments put forward by the rapporteur, Mr Csibi. Thank you.

**Anders Wijkman**, *on behalf of the PPE-DE Group*. – Mr President, I would like to thank the rapporteur, Mr Csibi.

The result of our joint efforts reviewing the Eco-design Directive is, in my opinion, to a large extent, a missed opportunity. To widen the scope from energy-consuming to energy-related products is, of course, good. But why stop there? The problems we face in terms of resource use go beyond energy. The Commissioner should know that.

The problem is the overall pressure on ecosystems and the natural resource base. Many scientific reports bear witness to this, not least our own thematic strategy on natural resources. An estimated two thirds of major ecosystems in the world are over-utilised, and we are depleting natural capital. This problem is getting worse because of growing economies and populations. The fact is that the current growth model and concept is not sustainable. Who but the European Union could help transform the concept to a more sustainable one?

The Eco-design Directive, in my opinion, does offer a way forward. As with energy efficiency, we could establish standards and norms for how to source materials, how to design products to facilitate recycling and reuse and enhance resource efficiency. Sooner rather than later we will have to address resource efficiency. Having seen earlier drafts of the Commission proposals which included resource efficiency, it is a mystery to me why such proposals were not followed through.

Tell me, where else in EU legislation do we have measures that encourage resource efficiency? We need policy frameworks that encourage resource efficiency across the board, that encourage companies to try new business models – like functional thinking – offering services rather than products, and where revenues obtained through quality of service, and not only via increased volumes from sales, are taking place.

As I said, all this could have been covered by the Directive. I predict that, a few years from now, we will all regret that we were not more proactive today. As I said, a missed opportunity.

**Dorette Corbey**, *on behalf of the PSE Group*. – (NL) Mr President, I should like to start by thanking the rapporteur. I admire and value his dedication and commitment, and I also very much appreciate his rapidity. As far as I am concerned, it could all have gone a bit faster, and it is unfortunate that he was so seriously held back.

Europe is now wrestling with an economic crisis, but we have all, in fact, been wrestling for many years with a lack of innovation. Other continents are often more innovative than the European Union. The United States

is so because it invests much more money – from the public but also from the private sector – in research and development. Japan is highly innovative, partly through its ‘top runner’ approach. Our directive on ecodesign aims at innovation. This is good for the environment as well as for the economy. *Made in Europe* should indeed stand for the most environmentally friendly products.

Innovation must take place in several directions: lower energy consumption, less pollution from production and consumption, much better handling of natural resources and attention to reusing or recycling products at the end of their useful lives. It is not simply about energy-using products, but also about energy-related products, and I am fully in agreement with the rapporteur that it should in fact be about all products.

Resources, in other words, are important. If, within twenty years, there will be nearly nine billion inhabitants on this earth, and if they all want a reasonable level of prosperity, then it is essential to handle natural resources well and sparingly. There are inspiring concepts, such as the cradle-to-cradle concept put forward by Michael Braungart, radical ideas to make possible a complete reuse of materials.

Today, the important question is: does the directive on ecodesign actually work? The best-known example from the directive on ecodesign is the ban on incandescent light bulbs, an unpopular but very positive decision. Unfortunately, there is still some confusion about the energy-efficiency of LED bulbs, as they turn out to be somewhat less advantageous than manufacturers made it seem.

Another regrettable example of the directive on ecodesign is energy labelling. You now have AA, A+, A20, A40, and soon all products will have some type of A rating. Meanwhile, it is completely unclear what that means, which is hardly a good example of ecodesign.

Fellow Members, this revision cannot, unfortunately, solve everything. We are stuck with our own procedures and agreements and this is a missed opportunity indeed. Hopefully, the evaluation will provide an opportunity for improvement. It is important that the directive on ecodesign be thoroughly evaluated soon. Does it really bring about the innovation we are seeking? Does it place the European Union and European manufacturers at the top of the market? Does it save energy? Does it reduce waste and the use of natural resources? And most importantly: can the effect be extended to non-energy-related products and to all products?

**Holger Krahmer**, *on behalf of the ALDE Group*. – (DE) Mr President, Commissioner Verheugen, ladies and gentlemen, I have a few words of warning to say about this compromise, which was achieved very quickly – astonishingly quickly, in fact.

We have leapt forward so quickly that we could have adopted this directive tonight practically without debate. That must be one of the reasons why so few Members are planning to speak. I would like to warn that we are extending the scope of this directive at a point in time where we have hardly any experience of how transposal of the current directive has gone. I would also like to remind everyone that we have debated the scope in Parliament, and this House wanted to extend it to cover all products. I think that would be the wrong way to go. It is neither acceptable nor sensible to subject every product produced in the EU to an environmental compliance assessment, and it is regrettable – at least as far as I can see – that this is being included in the text as an option for 2012.

I would like to warn that we need to beware that the European Commission does not become a product planning authority. Politicians and administrators do not know better, including after the experiences of the financial and economic crisis, how products should be produced and what engineers can perhaps do better. In closing, I would also like to remind everyone that the growing complexity of this product legislation overwhelms small and medium-sized enterprises. Many of these requirements can hardly be met by these enterprises as it is, and what we are doing today will saddle them with further burdens, the practical consequences of which I have the feeling we have not sufficiently thought out.

**Satu Hassi**, *on behalf of the Verts/ALE Group*. – (FI) Mr President, ladies and gentlemen, my sincere thanks go to the rapporteur, Mr Csibi, for his excellent work.

The Ecodesign Directive is not one of those matters the media or the general public would get worked up about, but actually it is about something that is very important, although I also share Mr Wijkman's view that the perspective should be widened to cover resource efficiency in general.

All the surveys that have analysed the cost of climate protection show that it is by saving energy that we will cut emissions fastest and more cheaply. If we impose energy efficiency requirements on equipment and products we will save significantly on energy significantly, without the public needing to go to a lot of extra trouble.

Buildings are estimated to cause 36% of greenhouse gas emissions in the EU. According to reports we have all seen, improving the energy efficiency of buildings is one of the most economical ways of protecting the climate. Now we are to broaden the scope of the Ecodesign Directive, imposing energy requirements, for example, for windows and wall and insulation elements in buildings. That is only right, and I think it is excellent that we have not allowed the chemical industry lobbyists to block this very necessary decision. This directive will do much to help us reach the 20% energy saving target.

Another important means at our disposal is the energy labelling of equipment. It is pathologically stupid that the Commission should try to do away with the A to G scale, which has worked so well, which consumers have become familiar with, and which has provided a model elsewhere in the world. I am pleased that the Committee on Industry, Research and Energy this week adopted a firm position in favour of keeping the A to G scale and updating its criteria as technology develops. I hope that the Commission will at last pay heed to the very strong and clear view of this Parliament.

**Günter Verheugen**, *Vice-President of the Commission*. – (DE) Honourable Members, the controversy in this debate does not relate to energy efficiency. I think everyone has agreed that the Commission's proposal will lead to a large step forwards in increasing energy efficiency, energy saving and reducing greenhouse gas emissions. That is what this proposal is about. It is a proposal relating to our climate and energy policy. I am somewhat amazed by the sweeping criticism that I have just heard. I think I have made it very clear in what I have said here today that the integrated product policy that the Commission is conducting sees energy efficiency and conserving resources as inextricably linked. In that regard, resource conservation does play an absolutely crucial role in the proposal that is on the table, of course it does. This fact appears to have been overlooked.

May I also point out that, in terms of implementation measures, Annex 1 to the directive already covers all environmentally relevant properties for the entire life cycle of a product – thus including resource efficiency rather than merely energy efficiency – and that the Commission takes such factors into account when it lays down, with the aid of a specifically developed methodology, which eco-design parameters are to be regulated in the implementing measures for the eco-design of energy-using products. In terms of specific implementation measures, the issue of resource efficiency is absolutely key.

Let me say something quite general about policy on this issue, however. I think that this new product policy, which will have an enormous impact on consumer behaviour, on industrial production across the scale and on our whole economic culture, cannot be completed in one fell swoop but needs to be achieved on an incremental basis. In addition, it is always sensible to only lay down statutory rules once there is at least a minimum of experience and that is not something that we have enough of at present when it comes to resource efficiency for standard consumer products. We have, however, set out very clearly the direction we are moving in and I am fairly sure that, next time we come to deal with this directive, the focus will no longer be on energy efficiency but rather on resource conservation.

I would be very grateful to you all if, in the current situation, we could do what is sensibly achievable at this time and together realise what is really an important and lasting contribution to minimising energy consumption and thus to achieving our goal of making Europe the world leader in energy efficiency and reducing CO<sub>2</sub> output.

### **Commission statement**

*Csibi report (A6-0096/2009)*

The Commission declares that adoption of the proposed extension of the Directive of the European Parliament and of the Council establishing a framework for the setting of eco-design requirements for energy-related products will not affect the implementation of the work programme currently established.

Moreover, the Commission will take due account of the experience gained under the Directive when establishing the work programme and proposing new implementing measures under the recast Directive. In line with Article 15(2)(c) of the Directive and the principles of better regulation, the Commission will in particular strive to ensure that overall consistency in the EU legislation on products is maintained.

In addition, the Commission will, when assessing the appropriateness of extending the scope of the Directive to non-energy-related products according to Article 21, consider the need for adapting the methodology for identifying and addressing significant environmental parameters for such products.

**Magor Imre Csibi, rapporteur.** – Mr President, compromise is never easy, and today's debate showed us that we have different opinions, but it is also never easy to find a good middle way between the progressiveness of the European Parliament and the realism of the DGs and the Council.

But I would like to sincerely thank our colleagues from the DGs for their flexibility. I would also like to thank Commissioner Verheugen for his support and kind words, and the shadow rapporteurs who helped me in this legislative process.

From my point of view I think that we have succeeded in finding a good middle way in this proposal and in finding a way of dealing with this package which will not overburden European industry but also will help us attain a more energy-efficient and resource-efficient European industry.

But I would also like to echo to some extent what my colleague Mr Krahmer said, and to express my hope that the implementation of this proposal will be as quick as our legislative work.

So I would like to see quick implementation, I would like to see quick results and I would like to see results which first of all serve the interests of European citizens, and then also those of European industry.

**President.** – The debate is closed.

The vote will take place tomorrow at 12 noon.

#### **Written statements (Rule 142)**

**Rovana Plumb (PSE), in writing.** – (RO) The current financial crisis is only helping to reinforce the EU's responsibility to honour its commitments in the areas of energy and the environment. Numerous measures must be taken (for example, ecodesign) so that the way we consume and manufacture items in Europe becomes more sustainable, without additional costs being imposed on businesses and citizens.

Ecodesign relates to the first stage in a product's life cycle. The aim of the new concept is to eliminate the impact made on the environment by products and the production process. Around 80% of a product's impact on the environment and the costs throughout its life cycle can be calculated during the design phase. The accumulation and dissemination of the body of knowledge generated by the ecodesign efforts of manufacturers is one of the crucial benefits in the reform of the ecodesign directive.

Informing consumers about energy efficiency and resources should become a key element in manufacturers' decisions. Improving energy efficiency is the quickest and cheapest way of reducing greenhouse gas emissions. In order to provide greater transparency for consumers, industry and the relevant authorities and facilitate the rapid collection of data for consumers and SMEs, there must be an accessible database.

I support the request submitted to the Commission for creating a public ecodesign database available online.

### **21. Harmonised conditions for the marketing of construction products (debate)**

**President.** – The next item is the report (A6-0068/2009) by Mrs Neris, on behalf of the Committee on the Internal Market and Consumer Protection, on the proposal for a regulation of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products (COM(2008)0311 – C6-0203/2008 – 2008/0098(COD)).

**Catherine Neris, rapporteur.** – (FR) Mr President, Commissioner, ladies and gentlemen, this evening we are coming to the end of the first phase of the work of examining the Commission proposal on the conditions for the marketing of construction products.

I wish, in this respect, to thank the Commission for its technical support, and I also wish to thank all of the shadow rapporteurs for their receptiveness and their willingness to engage in dialogue, which has enabled us gradually to arrive at the same positions and to reach agreement on major points of this issue.

Whilst it is true that we fully support the objectives of the reform, which are to improve the market's operation, to give credibility to the CE label and to simplify the system, and that we share the unquestionable interest in having a common technical language, a broad majority of the members of the Committee on Internal Market and Consumer Protection were anxious to air their doubts.

These doubts can be explained in the first place by our unanimous desire to avoid simplifying and relaxing procedures and thus curbing product control and declarations.

They also arise from the position of the Commission which, in our view, tends to be happy with a situation in which product assessment criteria are in part left up to the Member States, so that the real meaning of the CE label depends on the country in which the products are marketed, thus causing problems of credibility.

Our reservations are based finally on the fact that, at a time when we wish to take Europe down the road of a green economy, the text proposed to us deals neither with the energy performance of products nor with their partial harmfulness to users.

To answer these concerns, the Committee on the Internal Market and Consumer Protection has introduced a series of changes. I personally will mention five of them.

We propose, in the first place, to maintain the obligation for construction products placed on the market to have the CE label, in order to guarantee that everything sold in Europe has undergone the appropriate control procedures.

This choice must not contribute to creating extra burdens on the weakest companies, thus handicapping their activity. That is why we have defended maintaining simplified procedures for micro-enterprises and why we have introduced a measure exempting small-scale craftspeople from a compulsory CE label.

The second point concerns the simplified procedures to make access to the CE label easier. We have, however, decided to reserve access to these procedures to manufacturers of construction products, not to importers. This approach, which is aimed at improving the supervision of the market, will enable us to prevent low quality products from being imported by dubious import companies.

The third major change is the introduction of a minimum level of harmonisation as regards the criteria for assessing construction products in Europe. This is to ensure that the CE label has the same meaning in whichever country the product is marketed in.

Where possible, we would in fact like the requirements applied to product assessment in Europe to be the same in all the Member States. To this end, we have also introduced the option of creating new assessment criteria that are not merely technical, but can also be used to measure performance on subjects of general interest, such as the environment, safety and health risks.

To the same end – and this will be my fourth point – we have helped to significantly enhance the user information provided by manufacturers in the declaration of performance. Manufacturers will, in particular, have to declare any harmful substances appearing henceforth on an annexed list, which also includes the substances mentioned in the REACH Directive.

Finally, and this is my last point, the members of the Committee on Internal Market and Consumer Protection have tried to introduce more transparency in relation to the certification conditions for construction products, more transparency in relation to the companies' role in the certification process, and more transparency, too, in relation to the clarification of the conditions of access to the CE label, clearly distinguishing the access routes for products covered by a harmonised standard from the route reserved for products that are not and that are often referred to as innovative products.

This work is in fact coming to an end, but it has not reached the stage that we wanted. The difficulties faced in the Council as regards formulating a position meant that one could not be agreed, despite good cooperation from the French Presidency and the Czech Presidency.

Today, I regret this, although I am aware that the extra time allocated to us might allow us, at second reading, to achieve a much broader consensus and, above all, to have more meaningful discussions, where these positions for this sector will be voiced.

**Günter Verheugen**, *Vice-President of the Commission*. – (DE) Mr President, honourable Members, I would like to thank the rapporteur, Mrs Neris, for her efforts in working on such a comprehensive and technically complicated proposal. This is a law-making process that has created great challenges for us all, but we must be clear that what we are talking about here is the future of an extraordinarily important sector.

Construction products alone already make up 3% of internal European products, and if we include construction activity, the construction sector amounts to 10% of the total economic output of the European Union. It is

absolutely clear, therefore, that efforts to improve the competitiveness of this sector – especially in the current crisis – are particularly important.

With this proposal, we are aiming to create a solid basis for the consolidation of the internal market for construction products. Only in that way can we secure the necessary growth and jobs beyond the recovery phase. In order to achieve this goal, the current Construction Products Directive must be brought into line with the principles of better law-making.

I will now set out what we were trying to achieve. We wanted to clarify the basic concepts and the use of the CE mark, simplify the procedures in order to reduce costs for businesses, especially for small and medium-sized enterprises, and to raise the credibility of the entire system.

For me, it was about avoiding any unnecessary additional burdens for businesses, especially for the smallest companies. I therefore think it is important that no new administrative or assessment procedures are introduced, something that is of vital importance, above all, for the smallest local companies.

In accordance with the principles of the Small Business Act, which was, I would point out, given an extraordinarily warm welcome by this House not long ago, the Commission proposal puts forward simplified procedures for micro-businesses when it comes to products that do not give rise to any serious safety concerns. I do not want to see this approach changed – it is one of the key points of the proposal. This is because, in practice, it is the case for a number of families of construction products – such as windows, internal doors and floorings – that the existence of very small manufacturers is extremely important for the functioning of the market and is in the interests of consumers. The potential of these small manufacturers must be exploited efficiently for the benefit of the European construction industry.

I do not share the opinion that it is necessary to prescribe the declaration of hazardous substances going beyond the rules that we have already put in place under the REACH regulation. I assure you in all earnest that the rules laid down under the REACH regulations cover everything – there is nothing more that we would need to do for the construction sector – all the concerns that I have heard are comprehensively covered by the REACH regulation. I really do wonder what point there would be in having comprehensive, integrated legislation on chemicals if we were then to go and introduce new and deviating regulations for individual products. There is no way that the Commission would support such an idea.

Finally, I will deal with CE-marking and the abolition of national labelling. Let me be quite clear on this: where prescribed, national labelling adds additional testing requirements for construction products over and above the provisions of harmonised European standards, but it does not give any added value at all in terms of content. All it adds is more red tape and more work for the businesses in question. That is directly opposed to the main goal of the proposal.

The construction sector's situation is different from that of the traditional areas of what has been called our 'new approach law-making', which was recently the subject of the internal market package. We cannot simply copy the solutions implemented in the other sectors of 'new approach law-making' in the construction industry as it has a completely different structure and works with completely different materials.

For understandable reasons I have not gone into every amendment. We will inform Parliament's staff in writing of the Commission's position in relation to the rest of Parliament's amendments.

The proposal for a regulation on construction products is a very important proposal, in my view. I consider today's debate important and I share the view of the rapporteur that, with a little more time, we still have a good chance of achieving a result together and reaching a sound compromise.

**Den Dover**, *rapporteur for the opinion of the Committee on Industry, Research and Energy*. – Mr President, could I say that the Commissioner showed a good understanding of the construction industry. All I would say is that I think it represents a larger percentage of overall GDP, something like 12% or 13%, and of materials, say, 4 or 5%, so it is a very important sector.

I am a civil engineer by background and it was a privilege to do the opinion on behalf of the Committee on Industry, Research and Energy. I was delighted that at the end there was total, unanimous support for the opinion that we put down. We looked at the technical matters more than the marketing because, overall, it is really an internal market approach that we are discussing tonight.

The construction industry does need a regulation after 20 years of having the Directive in place. I would emphasise the need for more CE marking, which is absolutely essential. We do not want to see any more

national standards and I wish this whole process every success for the future. It is a very important measure in a very important industry.

**Zita Pleštinská**, *on behalf of the PPE-DE Group*. – (SK) At present there are many differences in intra-state requirements for construction products and for installing them in buildings.

As construction is one of the sectors where the mutual recognition principle is most often breached, I welcome the proposed regulation on the marketing of construction products. It is a comprehensive piece of legislation which aims to update a 20 year old directive on construction products and several regulations. This regulation makes changes to the declaration of conformity requirement, harmonising the legal terminology and defining the exceptions for small and medium-sized enterprises. According to my information, producers of construction materials are very interested in the CE mark. Besides this, it should greatly simplify administration for exporters and importers and it has value from a marketing perspective.

Producers of lime, cement and bricks, for example, are already enjoying the benefits of the CE mark. In the construction sector the CE mark does not indicate safety and the national marks do not have additional value for users. Instead they represent a barrier to the internal market. National marks do not indicate that additional properties of a product have been tested, nor do they say anything about the quality of a construction product. Despite this, producers often have to pay for tests and for the right to label their products with national marks.

I have no objection to voluntary marking which has the purpose of testing the qualitative properties of products, such as ECO Design for example. I firmly believe that our aim must be to strengthen the CE mark and the obligation to use it. Commissioner Verheugen, I appreciate your opinion on the use of national marks for construction products, but as shadow rapporteur I support the original proposal of the Commission.

The harmonised standards are a more effective and appropriate instrument for producers on the construction products market and I am therefore proud of having drafted, here in the European Parliament, the framework for financing the European standards. I would like to thank the rapporteurs Mrs Neris, Mrs Fourtou and Mrs Rühle and their team for their excellent cooperation, as well as my colleagues Den Dover, Malcolm Harbour, Andreas Schwab and Tereza Pinto de Rezende for a great piece of work. I would also like to express my thanks to colleagues from the Commission and the Czech Presidency for their accommodating and constructive approach. I wish this legislation much success.

**Jan Cremers**, *on behalf of the PSE Group*. – (NL) Setting product standards is not simply a technical matter. Twenty years ago I was involved in the first standard-setting in a completely different area of responsibility, namely construction. I must say that I am pleased with the result that Mrs Neris has achieved.

That is, the performance of a construction product should be assessed not only in terms of its technical capabilities and essential characteristics but also in terms of the health and safety considerations of its use over its entire life cycle. Our group has therefore worked hard to include provisions that benefit both the safety and the security of employees and users as well as the environment. I thank the rapporteur for her support in this regard.

Our group is of the opinion that all information known to the manufacturer should be included in a declaration of performance, including information about hazardous substances. The Member States should ensure correct application of the legislation and provide for penalties for infringements, including criminal sanctions for serious infringements.

Mr President, when it comes to the harmonisation of products, the argument is all too often used that it is a technical matter that cannot be contaminated with social measures. I am pleased that, in this case, we have been able to resist this argument, and I hope that we can conclude this tomorrow.

**Janelly Fourtou**, *on behalf of the ALDE Group*. – (FR) Mr President, Commissioner, ladies and gentlemen, first of all, I wish to congratulate Mrs Neris on the work she has achieved on a technical issue that is particularly difficult for non-experts like us.

The aim of the regulation proposed by the Commission is to achieve a harmonised legislative framework, whilst retaining flexibility and reducing administrative overheads and costs. I do not know if we have always met this specification, but at least we have tried, with the rapporteur and the others shadow rapporteurs, to facilitate the work for second reading, since the Council has been unable to arrive at a common position.



I will not go into the details, but I will take advantage of the time that remains to describe the Group of the Alliance of Liberals and Democrats for Europe's position on the CE label, one of the crucial points of this report. On this issue, the ALDE Group is in full agreement with the Commission and has always opposed the proliferation of national labels.

We will therefore vote in favour of making the CE label exclusive, of simplifying the procedures for acquiring this label, and of facilitation for micro-enterprises.

**Andreas Schwab (PPE-DE).** – (DE) Mr President, Commissioner, ladies and gentlemen, I, too, would certainly like to add my thanks to the rapporteur, the shadow rapporteur and, above all, to Mrs Plešinská and I would like to continue where Mrs Fourtou left off.

We did, after all, agree the Goods Package a year ago, and we had to resolve the difficult issue of CE-marking at that time. Commissioner Verheugen, the decision by the Socialist Group in the European Parliament to drag the compromise agreed then into this directive also has to do with the fact that the study that you commissioned was possibly not effectively represented in all parts of this House. You have a clear opportunity here, Commissioner, to press the Socialist Group more strongly not to ignore the results of the study. Perhaps there may also be some more recognition of this by tomorrow's vote, particularly since the CE marking in this directive – in contrast to in the Goods Package – does not relate to consumer-relevant information but exclusively to product characteristics that really serve a different purpose in any case.

As a second point, the Construction Products Regulation has been very successful in helping push towards the completion of the internal market as, for one thing, we were able to successfully bring about the simplification of the regulations for small and medium-sized enterprises in many areas and, for another, we implemented the relaxations for microenterprises that were announced in the Small Business Act and which we had been asked for, explicitly and often, in various places.

I absolutely agree with the points that have been made in respect of the national standards institutes. We need a much stronger European internal market in this respect. It needs to be possible for a Spanish manufacturer to get a product authorised for Germany or Sweden by a standards institute in Spain rather than having to rely exclusively on the threading of the eye of a needle that is national approval by each national institute.

Furthermore, Commissioner, I warmly welcome what you had to say in respect of the regulation of chemicals. It took great efforts for us to bring about the REACH regulation, and we should not be adding new regulations on top of that for each new legislative proposal that relates to materials with one chemical connection or other.

There are a couple of points that we must deal with again when it comes to second reading. The first is the question of the regulations governing product claims. There must be more on this area, I would think, so that users genuinely obtain an effective insight. We must also prevent duplicate regulation. Annex 6, in my view, goes too far. The Low Voltage Directive and the Machinery Directive already cover many issues in this regard. There needs to be a careful reconsideration of whether there should be *lex specialis* regulations in this case. For the rest, Mrs Neris has produced a fundamentally sound basis for the vote at first reading.

**Günter Verheugen, Vice-President of the Commission.** – (DE) Mr President, my thanks for giving me the floor again, but I do not need it. All that is left for me to say is thank you all for this constructive and useful debate.

**Catherine Neris, rapporteur.** – (FR) Mr President, thank you, Commissioner, thank you, ladies and gentlemen, for having contributed so fully to this work.

I will make just one comment: I have indeed taken into account all that has been said because I think that this work should continue. For us, it is important for this sector to be a little more structured within the Community, but, above all, for the standard, which we would like to be a little more exhaustive as regards the CE label, to be much more consistent. In this respect, our wish is above all for further European integration for a better Europe, and, indeed, further integration for these sensitive sectors, because we know that they are at the heart of our economies and are also levers for economic recovery. There is also a need to address all the points that we have mentioned.

The last thing I wanted to say relates in fact to what Mr Schwab was saying about all the studies. We will take into account the studies that have been completed, of course, not just to confirm what we have done, but to make any reassessment that proves necessary. I believe that for us it is essential that we put our heads together in this sector, and we will do so.

Thank you, Commissioner, for holding these fruitful exchanges, and I hope in any case that, at second reading, this text will be both consistent with and adapted to the needs of our companies in particular.

**President.** – The debate is closed.

The vote will take place tomorrow at 12 noon.

## **22. Taxation of savings income in the form of interest payments - Common system of VAT as regards tax evasion linked to import and other cross-border transactions (debate)**

**President.** – The next item is the joint debate on the following reports:

- A6-0244/2009 by Mr Hamon, on behalf of the Committee on Economic and Monetary Affairs, on the proposal for a Council directive amending Directive 2003/48/EC on taxation of savings income in the form of interest payments (COM(2008)0727 – C6-0464/2008 – 2008/0215(CNS)) , and

- A6-0189/2009 by Mr Visser, on behalf of the Committee on Economic and Monetary Affairs, on the proposal for a Council directive amending Directive 2006/112/EC on the common system of value added tax as regards tax evasion linked to import and other cross-border activities (COM(2008)0805 – C6-0039/2009 – 2008/0228(CNS)).

**Benoît Hamon, rapporteur.** – (FR) Mr President, I would like to begin by thanking the shadow rapporteurs who have contributed to the adoption of this report in the Committee on Economic and Monetary Affairs, not least Mrs Pietikäinen and Mrs Raeva, and to congratulate the coordinators from the Group of the European People's Party (Christian Democrats) and European Democrats and the Group of the Alliance of Liberals and Democrats for Europe, Mr Gauzès and Mr Klinz, who played an important role in terms of ensuring that this report, which will be put to the vote tomorrow in our plenary session, was adopted in the Committee on Economic and Monetary Affairs.

You know that at the conclusion of the G20 meeting, some of the EU Heads of State – and prominent ones at that – claimed victory by announcing, in a stream of communications, that the age of banking secrecy was over.

These thunderous statements aside, the European Parliament – and I welcome this – has now set out to do the practical work and has taken an interest not in communication but in the efforts it can make to effectively combat tax evasion, which is estimated to amount to EUR 200 billion each year. These EUR 200 billion should be compared with the amounts for the recovery plans to help the countries of Europe cope with the crisis; they should be compared with the European Union budget; and they should also be compared with the deficit levels of the countries of Europe. Today, Europe's taxpayers are thus perfectly justified in asking the European banking sector, and therefore the European banks, to make the efforts needed to allow the Member States' tax authorities to recover part of the tax income they are losing through evasion or fraud.

We have done a constructive job, and I believe that we avoided resorting to dictates or mutual recrimination. We have advanced on three fronts, and I wish to commend what was the draft text from the European Commission and the work done around Commissioner Kovács, who was unquestionably going in the right direction. We have tried, as best we could, taking as our yardstick what the European taxpayers are telling us, to improve the Commission's text in three directions.

We decided that, as regards the scope of the directive, the text was a little too timid, both on the legal structures involved and in the definition of savings products. We know that financial engineering has a considerable imagination when it comes to inventing new financial products to allow some people to escape taxation. This is why Parliament and the Commission propose to introduce a committee procedure that adapts the definition of savings products to the current reality of that financial engineering.

However, on this issue, many products are currently excluded from the scope, and, in our opinion, they should be included as quickly as possible; this is particularly the case for some types of pension schemes that work via capitalisation, and, more generally, we think that the proposal to include products which guarantee 95% of the investment does not offer sufficient guarantees.

That is why we think the threshold of 90% is more reasonable. Amendments will be tabled to this end tomorrow in plenary. We will see if they are adopted. I regret that we have not found a compromise in

committee on this point and hope that plenary gives a strong signal by defining savings products as products which guarantee 90% of the capital and not just 95% products, as the Commission is proposing.

Broad consensus was, however, reached on how the scope of the directive should be widened, especially in the wording of Annexes I and III. Annex I is, moreover, considerably strengthened by the report, since we are drawing up a very broad list of tax havens that spares no jurisdiction and that, unlike the G20 list, specifically includes Delaware and Nevada. We have defined more broadly than the Commission the legal constructions that these jurisdictions will have to show either do not exist on their territory or are fiscally transparent, and I believe that this reversal of the burden of proof is a more effective way of fighting tax evasion.

However, the main weakness of this text – and I will conclude on this – relates to the transition period granted to three Member States: Belgium, Austria and Luxembourg. Although Belgium has announced it is abandoning the system of withholding tax, I wish to see the system for the automatic exchange of information become widespread and, for this to happen, I would like a date to be set for the end of the transition period. This is why, even though we have adopted the principle of a study to assess the respective merits of the systems of withholding tax and exchange of information for 2011, when the directive is revised, we wish to see 2014 set as the end date for this transition period. I wish to say that we have tried to work in a spirit of transparency and towards improved transparency at a time when European taxpayers are required to contribute, especially in order to come to the aid of the European banking sector.

**Cornelis Visser, rapporteur.** – (NL) I should like to start by thanking the shadow rapporteurs for their sound cooperation.

Let me put things into perspective. The fight against fraud, although in large part the responsibility of the Member States, cannot be conducted solely at the national level. It must be a priority for the European Union, and we must make sure that there is close cooperation between the Member States and the European Commission. Given that the reform of VAT has been put on the back burner for the moment, the Commission has concentrated on the so-called classic measure, which is to say changes in the VAT legislation that introduce technical improvements but do not fundamentally alter the existing system.

I support the initiative brought forward by Commissioner Kovács because it moves in the right direction. Tax fraud leads primarily to violations of the principle of fair and transparent taxation, and can lead to distortions of competition if one company does charge VAT while another does not, over and above all the costs to the government. This affects the operation of the internal market, since honest businesses have competitive disadvantages because of tax fraud. I heartily welcome the efforts of the Commission to try to tackle the deliberate abuse of the VAT system by criminal gangs who seek to take advantage of the shortcomings in the system.

VAT is not only an important source of income for the Member States, but also for the EU. The European Union receives around EUR 20 billion from VAT revenue. It is estimated that VAT fraud in Europe comes to EUR 100 billion per year. This refers to the sum not handed over by importers at the border. It is a reason for taking on those importers and exporters who commit fraud.

The European Commission is introducing a major change, however, in seeking to hold suppliers acting in good faith jointly liable with importers who commit fraud. I have therefore tried to increase legal protection for exporters acting in good faith. In other words, businesses should not bear the responsibility for the shortcomings of administrative cooperation between Member States. If Member States are simply given an additional power to prosecute exporters on a cross-border basis, the Member States will have little incentive to bring an improvement to administrative cooperation.

With our amendments, we are trying to prevent honest exporters from being penalised unnecessarily. Therefore, the honest exporter must receive a warning two months before the actual penalty, so that he has the opportunity to prove that he had been acting in good faith. Contact in this regard must be made via the exporter's own tax office and not that of the importing Member State.

The Socialist Group in the European Parliament argues in favour of a maximum recovery period of five years. I do not agree with this. The liability period for VAT at the national level has not been harmonised. In Belgium, for instance, it is three years except in the case of demonstrable fraud. A longer period of joint and several liability for VAT on cross-border transactions is undesirable because businesses will have to bear a much greater administrative burden, leading to high costs for doing business that are certainly not desirable in the current crisis.

Moreover, companies will, as of 2010, have to submit monthly summary declarations for cross-border transactions within the EU, as a result of which the tax authorities will automatically receive the necessary information to cross-check intra-community transactions. This information must be used by the tax authorities in an appropriate and targeted manner.

Why would it be necessary to give them five more years before carrying out the cross-checks, once they already receive monthly data? I am afraid that the result of a lengthy claim period of five years will be that tax authorities will act late and the fraudsters will have disappeared. As a result, the claims for recovery will be made against businesses that may have been acting in good faith.

Mr President, I will conclude. Importers who commit fraud must be dealt with quickly. The honest exporter must be addressed by his own tax administration, with prior notice of two months and within a maximum period of two years, as this period limits, as far as possible, the administrative burdens on honest businesses.

#### IN THE CHAIR: MRS KRATSA-TSAGAROPOULOU

*Vice-President*

**László Kovács**, *Member of the Commission*. – Madam President, in a globalised world, where tax evaders and fraudsters take advantage of the limited scope of authority of national tax administrations, efficient cooperation and mutual assistance between tax administrations is essential to better combat tax fraud and evasion. Improved rules and greater transparency are crucial.

This has recently been underlined by the G20 summit in London, and it is even more relevant in the internal market in the midst of the financial crisis and the need to tighten fiscal policies in the European Union. Against this background I am glad to discuss with you tonight two proposals that both contribute to the objective of fighting tax fraud and tax evasion in two different tax areas.

The proposed revision of the Savings Tax Directive seeks to close loopholes and better prevent tax evasion. I very much welcome the constructive and supporting attitude to this proposal shown in the report by Mr Hamon and the opinion by Mrs Siitonen.

I am aware that the most controversial point of the discussions in the committees has been Amendment 20, fixing an end to the transitional period during which three Member States are allowed to levy a withholding tax in place of automatically exchanging information. I also notice the opposed initiative from Mrs Lulling and Mr Karas supporting, through Amendment 28, the option for these three Member States to pursue the levying of the withholding tax and to abstain from automatic information exchange on a permanent basis.

Let me recall that the ultimate objective of the Savings Tax Directive is automatic exchange of information on as wide a basis as possible, as this is the only reasonable tool to enable the country of residence of the taxpayer to apply its own tax rules to cross-border income from savings. This is perfectly in line with recent developments at international level – such as the G20 conclusions – favouring transparency and the strengthening of the cooperation between tax administrations on the basis of exchange of information. Therefore I can assure you that the Commission, while rejecting Amendment 28 because it contradicts the aim of the Directive, has no negative view on Amendment 20.

However, we consider that fixing a date for the end of the transitional period is premature at this stage and could create an obstacle to the necessary quick adoption of the amending proposal by the Council. There is actually a need to evaluate when and how the political commitments for enhanced cooperation, which have been taken by a number of jurisdictions, can actually be implemented. Nevertheless, the Commission will not be opposed to any reinforcement of the corresponding provisions of the Directive which could be unanimously agreed by the Council.

In Amendment 22 the Commission is asked to produce by the end of 2010 a comparative study analysing advantages and weaknesses of both the systems of exchange of information and of the withholding tax. However, the target date for the production of this study does not seem realistic: all Member States would also have to make available to the Commission, from this year onwards, the elements of statistics the transmission of which is set to be optional for them under the Council conclusions of May 2008 and Annex V of the amending proposal.

Concerning the other amendments of a more technical nature which aim either at extending the scope of a particular provision – like Amendment 17 on insurance – or at limiting the administrative burden on the

economic operators, the Commission considers that its proposal is already the result of a delicate balance between improving the effectiveness of the Directive and limiting an additional administrative burden.

The proposed amendments, however, could negatively affect this delicate balance. They could either increase the administrative burden in a disproportionate manner – this is notably the case for the amendments aimed at extending the scope – or have an unfavourable impact on the effectiveness of the provisions.

While appreciating the constructive approach of Parliament, the Commission cannot therefore accept some of the amendments in their present form. However, the Commission will defend the spirit of a number of these amendments in the Council deliberations without formally amending its proposal.

Turning now to the sensitive subject of VAT fraud, I would like to recall that at the ECOFIN meeting of 4 December 2007 the Council invited the Commission to accelerate its work on the conventional measures to combat VAT fraud. The ECOFIN also invited the Commission to present legislative proposals to rectify the shortcomings encountered in the current legislation.

Hereupon the Commission presented a communication on a coordinated strategy to improve the fight against VAT fraud in the European Union in December 2008. The communication sets out a series of measures for which the Commission intends to present legislative proposals in the short term. The present proposal is part of the first set of proposals announced in this communication.

The proposal will allow the Member States to better fight VAT fraud in two ways. Firstly, by providing further clarification on the conditions for exempting certain imports of goods, and, secondly, by creating the legal basis for allowing cross-border joint and several liability for traders failing to fulfil their reporting obligations.

I would like to thank Parliament, and in particular the rapporteur, Mr Visser, for dealing with this proposal in such a short time and for the constructive report. Allow me, however, some comments.

Amendments 2 and 4 of the report would require the Commission to carry out an evaluation on the functioning of the new cross-border joint and several liability provision. Unfortunately, the Commission does not possess this information, as the assessing of taxes, as well as their recovery, are purely national competences. Furthermore, if the Commission receives complaints from the economic operators that the provision is being misused by national tax administrations or leads to unwarranted results, it will assume its responsibility as guardian of Community legislation and take appropriate measures. This includes in particular presenting a proposal to amend this provision when necessary.

Amendments 3 and 5 go against the division of competences between Member States in the overall functioning of the Community VAT system. This system is based on a taxable event taking place in a specific Member State, leading to a VAT debt and VAT liability in that Member State. It is the Member State where that VAT is due that will determine the procedure to be followed in order to collect this VAT, including from non-established traders.

Therefore, a trader who has not fulfilled his reporting obligations in the Member State of departure will have to justify his shortcomings to the tax administration of the Member State where the VAT is due and not to the tax administration of his own Member State. The latter will only intervene upon request of the first Member State in order to obtain additional information or in the tax recovery process.

**Eva-Riitta Siitonen**, *draftsman of the opinion of the Committee on Legal Affairs*. – (FI) Madam President, ladies and gentlemen, I support the compromise reached by the Committee on Economic and Monetary Affairs. Mr Hamon's report on the Savings Tax Directive is excellent and balanced. It addresses the prevention of tax evasion and greater transparency.

Parliament needs to be strict in this area. For example, we should harmonise the taxation systems for savings income in the form of interest payments. We need to include the last remaining Member States in the information exchange system. Banking secrecy, which is far too rigid, needs to be opened up, so that we can fight against the tax havens. The G20 Conference also made the dismantling of tax havens one of the key objectives.

Parliament must set an example, for us to recover from the financial crisis and regain the public's confidence. Transparency in the banking sector must be ensured, and that will only be possible with the exchange of information.

**Astrid Lulling**, *on behalf of the PPE-DE Group*. – (FR) Madam President, the debates and discussions around the fiscal system for savings have taken such a passionate turn that it has become disturbing. I do not hesitate to defend what appears to be a minority position here, but we will see what happens tomorrow, even though our rapporteur and the commissioner are still mixing up the sheep and the goats.

Let us go back to the root of the problem. The Directive on savings taxation came into force in 2005 with the aim of taxing the capital revenues of non-residents. Two systems are involved here: exchange of information between tax authorities and withholding tax.

What are we finding after several years of operation? Official and unofficial studies all show that exchange of information is seriously failing, because it is complicated, burdensome and costly. Withholding tax, on the other hand, shows many virtues.

What do you think is deduced from all this – above all by our rapporteur and the commissioner? Well, that the system that does not work and does not guarantee the payment of tax due will be made compulsory. Understand that one if you can!

The issue is not lacking in piquancy, as it will also be noted that the system of withholding tax is constantly gaining ground in the various Member States – 19 out of 27 are applying it to their general satisfaction. However, what is good enough at home becomes unacceptable once you cross the border.

This logic will just lead to an unravelling of what we have been building here for decades, in other words the single market in financial services. The Community *acquis* of the free movement of capital is also called into question, as the so-called major countries are pushing for repatriation of their residents' capital.

However, any blow can now be struck in the fight against this new Hydra of banking secrecy. I say to my fellow Members who are fighting against this so-called monster that is guilty of all sins: you have chosen the wrong target by confusing the issues in the framework of this directive and, above all, you are deluding yourselves.

To finish, Madam President, I hope that many of my fellow Members will heed the voice of reason and vote for Amendment 28 by my group, which will lead to no less than allowing the Member States a free choice between withholding tax and exchange of information.

**Kristian Vigenin**, *on behalf of the PSE Group*. – (BG) Madam President, Commissioner, I am sorry that Mr Visser did not stay to listen right to the end of the debate on this topic, but I must begin by saying that we support the Commission's proposals in this direction. A complete reform of VAT would, of course, do a much better job, but as this is not possible at the moment, your proposal should resolve some of the problems encountered by Member States in their desire to contain VAT fraud.

Particularly in the context of a crisis, we think that it is of paramount importance for VAT revenue to be guaranteed as, at the moment, Member States are trying to invest billions to support the economy. In this respect, every opportunity to limit the chance of fraud should be supported by Parliament.

I would also like to say that we support on the whole the proposals made by Mr Visser in the Committee on Economic and Monetary Affairs. They will perhaps instil slightly greater confidence among the business sector, compared to the initial proposals from the Commission. However, we also think that the suggestion made in Article 1, point c) that the period between the delivery of the goods and the receipt of notification referred to in the second subparagraph should be two years is fairly short and, in our view, creates additional opportunities for restricting the scope and results of the European Commission's proposal.

This is why the PSE Group is suggesting that this period should be five years, which we believe is sufficiently short for the business sector, but also a long enough period for the tax administration to complete its work. Furthermore, the introduction of this point c) is not linked either to suggestions concerning from what date and how it will come into force, which we think will create additional problems for Member States.

We hope that the proposal will be supported and yield its expected results.

**Bilyana Ilieva Raeva**, *on behalf of the ALDE Group*. – (BG) Commissioner, Madam President, ladies and gentlemen, against the backdrop of an economic and financial crisis, we must support the European Union in its efforts to achieve a more efficiently run and effective tax system.

The Commission's proposal to amend the directive on taxation of savings in other Member States offers an opportunity to improve the existing scheme. Those of us in the European Parliament's Committee on

Economic and Monetary Affairs support extending its application to new financial instruments and geographical areas. Europe's Liberal Democrats proposed the inclusion of territories with particularly lightly regulated tax regimes, such as the states of Delaware and Nevada in the US, as well as an assurance of equal treatment between Member States and a reduction in the administrative burden involved with implementing the directive.

However, Commissioner, the basic debate remains whether to abolish the system of tax calculation at source in favour of the automated exchange of information. From a Liberal viewpoint, the issue here is how we will manage to increase tax revenue collection and how enforcement only of the exchange of information will not result – a fact which is confirmed according to the research already carried out – in preventing tax abuses or in increasing revenue collection, but it will only deprive some Member States of their competitive advantage. Taxation at source is not only more efficient, but also offers greater transparency during collection.

I firmly believe that Member States must retain their autonomy when it comes to selecting a taxation system. The ALDE Group made the suggestion for a comparative analysis to be carried out of the two systems. We hope that we will have the results from the Commission at least by December 2010. We also hope that these results will provide the basis for future Commission proposals on amending the savings taxation system within the European Union.

Tomorrow we are voting on another important text concerning VAT fraud relating to imports. The objective of this directive is to ensure the rapid exchange of adequate, good-quality information. In this case, five years is a fairly long period for the business sector. It also aims to introduce a shared liability mechanism. While protecting every Member State's tax revenue, it is important however for us to ensure that joint liability only comes into play when the information supplied contains serious irregularities or there is an unjustified delay in providing it. Otherwise, we risk imposing a further harmful burden on business.

I hope that we will vote in favour of these reports tomorrow.

**Nils Lundgren**, *on behalf of the IND/DEM Group.* – (SV) Madam President, tax evasion is not our main problem when the world economy is being shaken to its foundations. It is true that we live with tax fraud throughout Europe, in the US and throughout the whole world, in fact. It is true that we have tax havens around the world where wealthy people and companies can put and leave money. However, that is not our main problem today. Focussing on this is a way of escaping our responsibility.

What we need to do now, if we are to have any tax bases left at all in the future, is to get to grips with the financial crisis. Why do we find ourselves in the situation we are in now? It is due, above all, to the fact that we now have ownerless capitalism. In practice, the financial undertakings, the large banks and the majority of the large companies are run by officials and these officials can introduce bonuses, severance payments and pensions that are all dependent on the profits of the company that these people manage. There is nothing in this world simpler than to increase profitability in the short term and thus the profits that these companies make. It is just a matter of increasing the risk. There are numerous studies of 'Taleb distributions', as we often call them, where, if you increase the risk substantially, you can count on profits rising dramatically and everyone can be given these bonuses and other benefits, in other words these 'perks'. Then, of course, the risks start to become reality, but then those leading the company have already left or will have to leave. They get to buy chateaux in France or play golf in Spain. We should not feel sorry for them, but the system is quite simply unsustainable.

Moreover, none of the players have any incentive to prevent this development. The credit rating agencies are dependent on getting customers, but they will have no customers if they say that their customers are not credit-worthy. Depositors know that there are deposit guarantees, and so do not need to worry about which bank they put their money into. Other players know that they can come to an agreement with the other party and count on the fact that they are too big to fail, while the taxpayer always picks up the bill. This means that the states must say at the outset that they will not take all the risks. It is an extremely difficult thing to do, but it must be done. Unfortunately, I do not believe that the European Parliament will cooperate on this, but I would recommend to everyone in this Parliament that they do so.

**Ieke van den Burg (PSE).** – (NL) Contrary to my usual custom, I will begin with a political statement, as I find tax evasion and avoidance, in these times of increasing unemployment and increasing pay inequality, a real scandal. During the elections, it will become clear which parties are really willing to take this on.

Mr Hamon's report on taxation of savings income is an example of the question at hand. I realise that it is difficult for the Commissioner to reach true agreement on this under the unanimity rule. The Socialist Group

in the European Parliament has more ambition than may be found in the Commission's proposal, and this has been worked into a number of amendments which we have submitted.

A final comment on Mrs Lulling, who contrasts the two systems of information exchange and taxation at source. I think that that is not really the point. We are talking about the loopholes that are present in the law in both systems and which are the points that we should focus on. Steps have been taken, but more needs to be done than the current report proposes.

**László Kovács**, *Member of the Commission*. – Madam President, I would like to thank you for your comments and the views you expressed during the debate. I am glad to see that the European Parliament and the Commission share views on actions to be undertaken to better fight against tax fraud and tax evasion in the European Union and I am pleased with the general support for the two proposals.

I would like to thank you again for the priority given to the savings taxation file and for your support for the Commission efforts to promote good governance in the tax area. Achieving rapid progress in the discussions on the amending proposal is also one of the priorities of the Czech Presidency. Due to the international climate – the financial and economic crisis – it is also a priority for most Member States.

I am convinced that, once Member States agree on ways of closing existing loopholes in the Savings Taxation Directive, it is likely that the Council will ask the Commission to update in a similar way the agreements with the five non-EU countries and the 10 other jurisdictions participating in the savings taxation mechanism. It is premature to speculate today on how they will react to our approach. The EU first needs to reach a unanimous agreement internally. However, bearing in mind progress achieved in the G20 talks on meeting the OECD exchange of information standards, I am optimistic in this area as well.

As regards Mr Visser's report, I have indicated before that the Commission cannot accept Parliament's amendments but we have taken note of the recommendations contained in the report. In particular, the need for better coordination between the different Member States, the necessary improvement of the quality of the information that is exchanged, the need to allow other Member States automated access to certain data contained in Member States' databases and the requirement to harmonise registration and deregistration procedures are ideas that are strongly supported by the Commission. This is also the reason why the Commission will come forward, by the end of May, with a more substantive proposal for a recast of the regulation on administrative cooperation, where these proposals will be incorporated.

In conclusion, and as I have already mentioned on past occasions, it is clear that there exists no one single and global solution for eliminating tax fraud and tax evasion. The proposals we have discussed today are two major steps forward within the framework of the global anti-tax fraud strategy at EU level.

**Benoît Hamon**, *rapporteur*. – (FR) Madam President, I will be very brief, as I have already spoken at length just now.

I would like firstly to thank Mrs Raeva and Mrs Siitonen, and also the Members, for their speeches and contributions to this text, and to say to Mr Kovács that, in my opinion, I have understood what he said.

However, I think that a strong signal tomorrow from the European Parliament on the question of the scope, on the question of banking secrecy, and on the question of the list of tax havens will be a valuable help to the Council, especially if, in future, we need to negotiate new agreements with third countries.

Now I would like to finish with the criticism – the gentle criticism, I might add – levelled at Mr Kovács and I by Mrs Lulling. She criticised us for 'mixing the sheep and the goats', even though she did so very gently. I would like to say to her that I think, tomorrow, this Parliament, whilst it sometimes mixes the sheep and the goats, will be able to distinguish between the general interest and private interests, and I hope that we will thus have contributed to stepping up the fight against tax evasion.

**Astrid Lulling (PPE-DE)**. – (FR) Madam President, I asked to speak in order to make a personal statement. Mr Hamon has just criticised me for something but I must say to him that I see that he and the commissioner unfortunately continue to mix the sheep and the goats. I must also say to him that the only system that ensures that every taxpayer pays their taxes – which is what we all want – that the best system is levying withholding tax because the system of exchange of information is a failure. It has not worked, and we do not know who has paid what because the authorities do not know how to manage the system.

I wanted to make this clarification.



**President.** - The debate is closed.

The vote will take place tomorrow, Friday, 24 April 2009, at 12 noon.

**Written statements (Rule 142)**

**Zbigniew Krzysztof Kuźmiuk (UEN), in writing.** – (PL) In the debate on tax evasion in the area of taxation of savings income and VAT, I would like to draw attention to the following matters.

1. Total tax evasion in all tax jurisdictions of the European Union amounts to around EUR 200 billion annually. That is over 2% of the Member States' GNP, and it means that public spending in Member States is reduced by a huge amount.
2. It is good, therefore, that the new directive fills loopholes which have been found in tax legislation, and also, having regard to the imagination of people who evade tax, tries to prevent the development of new strategies of evading tax legislation.
3. The matter of tax havens in the territory of the European Union has been raised, and also of those in dependent territories of EU Member States. The current financial crisis has shown that tolerating unclear tax legislation, anonymous transactions and lack of cooperation in the area of taxation may in the short term ensure extra income to particular countries and dependent territories, but in the long term this destabilises the financial system and may be the cause of severe financial crises.

**Siiri Oviir (ALDE), in writing.** – (ET) The loss of revenue due to tax fraud in all taxation categories amounts to more than EUR 200 million per annum in the EU, which is equivalent to nearly 2% of GDP.

Billions of euros of lost revenue each year due to tax fraud leads to the reduction of additional investments in EU Member States and public expenditures of general interest, which in the context of the present financial crisis significantly reduces Member States' abilities to solve problems that arise in the area of social affairs, healthcare and education.

The struggle against tax fraud is an extremely important topic for the EU, and we must retain our leading role in this area! Only by doing so will it be possible to achieve a situation in which significant financial centres outside the European Union will implement similar measures to those implemented in Member States.

I support the European Commission's idea that, duly taking into consideration the principle of the free movement of capital specified in the Treaty establishing the European Community, we should consider adding clauses to counter EU resident physical persons' attempts to avoid the implementation of the savings directive, by channelling interest earned in the EU through tax-free cover enterprises or entities that lie beyond the territory of the EU or beyond territories where similar or identical measures to those agreed at the EU level are implemented.

A zero tolerance policy must be applied to tax havens. Any delay in finding solutions that ensure the fairer and more consistent application of measures in this area is unjustifiable in the present economic situation!

**Sirpa Pietikäinen (PPE-DE), in writing.** – (FI) The revision of the Savings Tax Directive is an important part of the reworking of the financial architecture and the rules of the financial markets. The current directive is hopelessly out of date. It is relatively easy to circumvent, for example by using as intermediaries investment companies that the directive does not define as paying agents and which are, therefore, under no obligation to participate in the information exchange system. Likewise, it has been possible to arrange investment portfolios in such a way that income that is the equivalent of income on interest remains outside the definition, as a result of 'repackaging'.

The reform is an attempt to address these problems. To solve the problem of intermediaries, the Commission is extending the definition of paying agent to include foundations and funds. There are also plans to include new, innovative products and, for example, certain types of life insurance policies in the directive.

It is far more difficult to include other new products. Unfortunately, it is extremely awkward to lay down definitions that would make it possible to include all income that might be compared to income from interest as an interest payment, especially when it is relatively easy to create new products. With regard to this, we should examine broadly how these products can best be regulated, before they are included in the directive. The Commission also means to put forward a proposal for an amendment to the Mutual Assistance Directive, which will also include reforms connected with the automatic exchange of information.

To avoid tax evasion, it is also vitally important that the three countries that are exempt from the current information exchange system – Belgium, Luxembourg and Austria – are included in the system the other countries employ. The rapporteur's proposed deadline for this, which is 2014, should receive our full support.

### **23. Problem of profiling, notably on the basis of ethnicity and race, in counter-terrorism, law enforcement, immigration, customs and border control (debate)**

**President.** - The next item is the report (A6-0222/2009) by Mrs Ludford, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the problem of profiling, notably on the basis of ethnicity and race, in counter-terrorism, law enforcement, immigration, customs and border control [2008/2020(INI)].

**Sarah Ludford, rapporteur.** – Madam President, over the past decade, laws and practices have been introduced enabling the retention and exchange of huge volumes of personal data. Currently the EU itself is proposing a number of measures that facilitate profiling, a technique of pulling together data from various sources in order to make a sort of template against which are identified those people whose characteristics, behaviour or associates seem suspicious and who merit further screening as likely perpetrators of crime or terrorism.

There has also been a move in policing towards a predictive and preventive approach which, while not without value in some circumstances, can lead to repressive measures against innocent people based on stereotyping, often on the basis of race or even religion.

The reason I am concerned about profiling and data-mining is because they depart from the general rule that law-enforcement decisions should be based on an individual's personal conduct. The danger exists that an innocent person may be subject to arbitrary stops, interrogations or travel disruption. Then, if that flagging of them as a person of interest is not promptly removed, longer-term restrictions could follow, such as refusal of visas and entry, bans on employment or even arrest and detention.

In a world of increasing international exchange of data, the identification of someone as a person of security or policing interest, if not corrected, could have not only inconvenient or expensive but indeed appalling consequences. One need only remember that Canadian torture flight victim, Maher Arrar – on whose horrendous experience the film 'Rendition' was based – was picked up due to profiling based on people his brother happened to know; having done nothing himself to merit suspicion, he nonetheless spent seven months in a Syrian torture dungeon.

The report I am presenting to you has benefited greatly from the considerable input of the shadow rapporteurs, whom I warmly thank. It outlines human rights, data protection and non-discrimination standards in an attempt to uphold two basic principles for any profiling exercise to meet: that repressive consequences should be based on individual behaviour, and that the principle of equality under the law should be upheld.

Not all profiling raises legal objections. We are all familiar with thrillers where the psychologist is called in to draw up a criminal profile of the murder suspect; and if a witness gives a clear description, a profile – of a bank robber, let us say: white, male and 30 – it would be nonsense to arrest someone who was Asian, female and about 50.

The most obvious risk of profiling is on the basis of ethnicity or race. If used by police officers as the only basis of deciding whom to stop, search or arrest, it is lazy, misleading stereotyping, which amounts to illegal discrimination against minorities.

There is much concern about the victimisation of Roma people in this way. In my own city, London, the impact on young black men has led to tougher guidelines and safeguards – none of which, it must be stressed, should impede the intelligence-led investigation of crime.

Besides concerns regarding legitimacy, I strongly question the effectiveness of profiling. To keep looking for suspicious people on the basis of looks or behaviour can distract from the search for those who are really dangerous. There is also the risk of the real criminals adapting to the profile by using innocent-looking people as drug mules or suicide bombers or by changing travel routes away from those monitored.

Counterterrorism efforts focus the spotlight on Asians, especially those of Pakistani origin. Thirty-two per cent of British Muslims report being subject to discrimination at airports. There is a great risk of alienating these people, who may then end up not cooperating with the police, ultimately hindering security.

This report therefore asks for European or national legislation on profiling to be brought in compliance with existing European law and international treaties. If possible, all safeguards for profiling should be drawn together in a single legal instrument.

Besides the legal assessment, further studies should be conducted into the proportionality and effectiveness of profiling. The Fundamental Rights Agency and the European Data Protection Supervisor, in their respective capacities, should play a key role in those studies.

Finally, if profiling is to be used legally and fairly as a means of contributing to the maintenance of security, a coherent and just legal framework must be established.

**László Kovács**, *Member of the Commission*. – Madam President, on behalf of the Commission I would like to welcome this initiative by Parliament to bring the issue of profiling, notably on the basis of ethnicity and race, in counterterrorism, law enforcement, immigration, customs and border control, to the centre of attention at European level.

The Ludford report represents a very good platform that contributes further to this issue by launching a broad discussion and suggesting how to tackle this problem. I want to underline that already existing data protection legislation ensures a high level of protection of personal data – including sensitive data such as information on ethnicity or race – and applies regardless of the technology used. Therefore, it is obvious that general data protection principles apply to profiling as one of the ways of data processing as well.

The Commission strongly believes that unjustified or unnecessary ethnic profiling is an unfair and prohibited practice, even when this is done for law-enforcement purposes or in connection with immigration, customs and border control, and is contrary to the fundamental values of the European Union.

Under important instruments proposed by the Commission – like the Schengen Border Code, Eurodac, SIS, VIS – the use of unjustified ethnic profiling techniques is not authorised. For example, as regards border controls, the provisions of Article 6 of the Schengen Borders Code require that border guards execute checks with no discrimination against travellers on grounds of racial or ethnic origin, religion or belief.

I would also like to mention the activities of the Fundamental Rights Agency in this field. The Agency is about to present a good practices handbook for combating and preventing ethnic profiling. The Commission supports the inclusion in the 2010 work programme of the agency of joint training with FRONTEX, where the said handbook could be used. The Commission also supports the inclusion in the 2010 work programme of the agency of a project on implementing Article 6 of the Schengen Border Code that aims at collecting data.

Finally, the Commission welcomes the minorities and discrimination survey that was presented yesterday. The sections on law enforcement and border control provide us with further and recent data on experiences of ethnic profiling. The Commission will, of course, carefully study the results of the Minorities and Discrimination Survey, which will be published chapter by chapter through the year. But already now we can conclude that racism and xenophobia are still persistent phenomena in the European Union and that they affect the lives of members of ethnic minorities.

The Commission agrees with the draft report that processing of data for statistical purposes, including ethnicity, race or origin, could be used to identify indirect discrimination or unjustified law enforcement practices. However, this angle has to be properly assessed. Therefore, the Commission is looking into the opportunity to ask the Article 29 Data Protection Working Party to prepare an opinion on the processing of personal data for statistical purposes, including ethnicity, race or origin.

The Commission is also following closely the activities of the Council of Europe on the draft Recommendation on Profiling. The Commission is about to launch a request to the Council for a mandate to be authorised to negotiate this draft recommendation.

As regards the need for a legal framework to define profiling, the Commission believes that the relevant EU legislation on border management and data protection is adequate to protect fundamental rights. Indeed, it requires that any processing activity has to be grounded on a specific, recognised legal basis and respect particularly the principles of necessity, proportionality, purpose limitation and accuracy. It is subject to supervision by independent public authorities. Currently the framework also contains strict rules relating to the processing of sensitive personal data or automated decisions. All these principles also apply to profiling as one of the ways of performing processing of personal data.

The Commission is committed – and I am personally committed – to fighting racism and xenophobia to the full extent of the powers conferred by the Treaties, and this includes cases where racism comes from public authorities. The Commission is determined to reinforce our policy to fight racism and xenophobia in the Stockholm context, which should include tackling the issue of ethnic profiling.

Again, on behalf of the Commission, I very much welcome the draft report, and I look forward to its adoption in plenary tomorrow.

**Claude Moraes**, *on behalf of the PSE Group*. – Madam President, as Socialists we fully support this report and contributed to it because we believe it is the first time in this Parliament that the political, legal and moral debate surrounding ethnic profiling and its effects on ordinary people has been raised properly.

We believe that predictive profiling and data mining are issues which have long been unexamined and I very much welcome the Commission's positive approach to both recognising this issue and understanding the possible indirect discrimination that can be caused by ethnic profiling.

The Socialists hope that if this report is adopted tomorrow and following the upcoming Council of Europe recommendation on profiling, there will be sufficient political impetus to address this issue at the highest levels. Why? For my constituency of London and for myself personally, I can say that I know what ethnic profiling means. It means being stopped and searched regularly because of how you look, rather than being stopped and searched because of proper intelligence, proper policing, with proper procedures put into place.

This kind of profiling is a waste of resources. It does not catch terrorists; it does not catch criminals. What it does is target indirectly or directly those who are vulnerable, who have an ethnic background which is just the wrong background

This can lead – and I think people should understand this – to strip searches and other abuses which we have seen. This report is an important step forward in protecting people against something which so far has been unexamined, but I am glad that Sarah Ludford had now raised it in Parliament and we will fully support this report tomorrow.

**Carl Schlyter**, *on behalf of the Verts/ALE Group*. – Madam President, I would like to thank Sarah Ludford for her report. Kathalijne Buitenweg cannot be here, but I will represent her views.

I must begin by asking: what is a terrorist? What kind of feeling do terrorists create? They create insecurity. Terrorists also make everyone vulnerable, and prevent them from pursuing their life as they want to.

Then you look at the anti-terror legislation with profiling and you see it creates insecurity and it creates problems for people living their daily lives. You cannot combat terrorism with anti-terror laws that create the same feelings of insecurity.

I think the European Court has been very clear on this, saying that this should be banned. We can see that it is neither efficient nor legal. The Carter Center in the US has showed it was not efficient. The German surveillance scheme on 18-40-year-old Muslim men in Germany was not efficient. It does not work, and I very much hope that we can take away the last exemptions allowing airports and harbours and so on to use these inefficient methods that make people feel bad.

And how can you say that you will have a high level of protection when people leave CDs with 20 million people's data on them lying in cafés, and when we know how easy it is to hack into computers? I did it myself as a kid actually.

So I think this report is important. The Council needs to adapt its logic and spend the resources efficiently, targeting specific individuals and focusing the time on them instead of going for ethnic registration, which is in complete violation of any human rights standards.

**Emine Bozkurt (PSE)**. – (NL) First of all, I would like to thank Baroness Ludford for this fine report. The report should have been even stronger, but it represents progress in the debate on this subject.

Sometimes 'profiling' can be necessary, but such cases must be clearly delineated and protected against abuse. The possibilities for storing, exchanging and interpreting information have, in recent years, increased faster than the necessary limits which democracies set for themselves in this regard. The US security services have not gained better or more reliable information as a result of data mining and investigation based on profiling, but instead primarily a heavier workload. A security agent compared it aptly with filling a water glass with a fire hose, in other words, particularly inefficient.

Naturally, profiles based on ethnic origin have been used for years, even if we generally call it by another name. Even I, all of 1.60 m tall, and thus hardly the most threatening physique, have been regularly taken aside at customs. A minor personal irritation, but many people who scrupulously abide by the law experience this inconvenience not regularly, but systematically. Such people get the message from our society that they are always suspect, less worthy and unwelcome. We are not going to catch true criminals, who come from every population group, by this method.

**László Kovács**, *Member of the Commission*. – Madam President, the interventions of the different MEPs show the importance of the issue of profiling and the respect of fundamental rights and the attention paid to it by Parliament.

The report gives an excellent picture of the questions raised by the use of profiling techniques, in particular when they are based on ethnicity, race, nationality or religion for law enforcement, immigration or border control purposes.

The Commission follows closely – and will continue to follow – the problems posed by the use of profiling in general and, in particular, in the sectors expressly referred to in the report.

The Commission is currently launching a consultation on the challenges posed by new technologies to data protection. Its results should provide the Commission with elements that will feed its reflection and guide it when dealing with the problems that profiling can pose in the areas of justice, freedom and security.

The recent results published by the Fundamental Rights Agency on minorities and discrimination in the EU, which the Commission welcomed yesterday, show that racism and xenophobia are persistent phenomena in the European Union and that they affect the lives of our minorities.

The Commission has to carefully study the results of this survey in order to decide the way forward. Again, I very much welcome the draft report, and I am looking forward to its adoption in plenary tomorrow.

**Sarah Ludford**, *rapporteur*. – Madam President, I very much welcome the Commissioner's positive response. I think some of the things he has talked about will be extremely useful – the Fundamental Rights Agency, guidance on ethnic profiling, the Commission working with the Council of Europe on its recommendation, and the suggestion that the Article 29 Working Party can be asked for guidance.

I would like to push the Commission a little bit further, though, on focusing on the specific problems of profiling. After all, we do have a recommendation on the table for profiling in the context of PNR data, so there are special problems.

I would like to thank very warmly the small but select band of colleagues who have contributed to the debate. I think two things came out strongly: first of all, the fact that so-called 'security' measures can create insecurity and, secondly, that they can be a waste, instead of a targeting, of resources. So we are talking here about effectiveness as well as civil liberties.

**President**. - The debate is closed.

The vote will take place tomorrow, Friday, 24 April 2009, at 12 noon.

## 24. Statistics on plant protection products (debate)

**President**. - The next item is the report (A6-0256/2009) by Mr Bart Staes, on behalf of the Committee on the Environment, Public Health and Food Safety, concerning statistics on plant protection products [11120/2/2008 - C6-0004/2009 - 2006/0258(COD)].

**Bart Staes**, *rapporteur*. – (NL) We have before us the final agreement which we have negotiated with the Council and the Commission, a final agreement after a first reading in which we in Parliament took a very strong position and introduced a number of elements that, with a large majority, in fact gave us a very strong starting position vis-à-vis the Council. I must say that the Council's common position a few months after our first reading was rather disappointing. There was not, in fact, much willingness to follow our approach, and therefore the negotiations with the Council were far from easy.

We did move a step forward, though, and there was a very constructive atmosphere. The parliamentary delegation, too, was a strong group. There was unity in diversity. I think that we can bring the result to a vote tomorrow with a degree of pride. In any case, we are making a contribution and ensuring that there is a basis,

in addition to the two laws that have already been adopted on pesticides, that is, the directive on sustainable use and the regulation on the placing of plant protection products on the market, a set of instruments to be used in sound regulation regarding the provision of data via statistics. This is therefore, to my mind, the basis for the parliamentary legislative work we have carried out.

One of the most important achievements is the fact that we have succeeded in imposing on the Council, even against its will, the fact that we have taken as our basic definition of pesticides the one that Parliament, in the political agreement with the Council, previously included in the directive on sustainable use. This makes for a certain consistency, and that is important for later use as well.

We have also been able to include a very clear reference to the general legislative framework on statistics, to the way in which statistics should be used, the way in which they are handled and, above all, the way in which the data will have to be handled in future, from the perspective of confidentiality, among others. We have attained our goal in that Member States must provide considerable information on pesticides and in a form that is mutually comparable. Personally, I would have liked to go even further, but what has been achieved is a first step.

Another achievement is undoubtedly the fact that, because we took as our basic definition the word 'pesticides' and the definition of pesticides used in the directive on sustainable use, we have also, in a second instance, included the concept of 'biocidal products'. That was an important request by the Socialist Group in the European Parliament. This is an achievement. It appears in the regulation, and in the current political agreement, although the latter does state that we undertake to expand the regulation on statistics and pesticides as it now stands with the concept of 'biocidal products' at the time when the legislation exists and also – and that was an urgent demand on the part of the Council – after an impact study on the matter.

We have obtained greater transparency. We have succeeded in requiring that the data must be published on the Internet. We have, as noted – it is always a question of negotiation, for that is democracy – also failed to achieve a certain number of things. I have already mentioned them, including the fact that there is a weaker formulation regarding the non-agricultural use of pesticides: on that point, the draft regulation does not entirely live up to what was achieved at first reading. It is a question of give and take, however.

I must say that I am very grateful to the shadow rapporteurs. It was a pleasant way of collaborating. This was, for now, my last legislative report in this legislative period, and I hope that I will be able to add a fair bit to it in the next legislative period.

**László Kovács**, *Member of the Commission*. – Madam President, the Thematic Strategy on the Sustainable Use of Pesticides approved by the European Parliament and the Council in January 2009 intends to complement the existing legislative framework by targeting the use phase of pesticides, with the objective of reducing the impact of pesticides on human health and the environment.

This proposal is the third legal pillar of the strategy, together with the framework directive and the Regulation for the placing on the market of plant protection products, and aims at providing reliable data to measure the progress of the Strategy.

The main objective of this proposal is thus to ensure that comparable and reliable data are collected in all Member States and transmitted to the Commission, making it possible to calculate harmonised risk indicators and to measure the progress of the Thematic Strategy.

An agreement at first reading on this proposal could not be reached between Council and Parliament for reasons mainly linked to the scope of the Regulation and to the publication of results.

Thanks to the intense and fruitful dialogue in second reading and in particular to the sense of compromise of the rapporteur and his shadows, solutions could be found for all the issues.

The Commission believes that the compromise found is very reasonable and meets the concerns of the Parliament without creating disproportionate burdens for the national administrations and businesses and it can therefore support it.

The Commission would like to take this opportunity to thank the rapporteur, Bart Staes, for doing a great job on such a complex proposal, for his patience and for the very constructive exchanges he has had with the Commission. On the basis of the current compromise, the Commission is confident that an agreement in second reading can be reached between the European Parliament and the Council on this important proposal to ensure the success of the Thematic Strategy on the Sustainable Use of Pesticides.

**Anne Laperrouze**, *on behalf of the ALDE Group*. – (FR) Madam President, Commissioner, ladies and gentlemen, in the plenary session of January 2009, we adopted two legislative texts on the sustainable use of pesticides and on the procedures for marketing plant protection products. The negotiation of these texts has been passionate and has allowed real advances in the protection of human health and the environment.

Those two texts would be nothing without this one, however. This regulation is, in fact, the enforcer for the other two. You will recall, Commissioner, that these statistics are needed to reveal how many new products are coming on to the market, and also how their use is growing, and above all to calculate the risk indicators defined in the report on the sustainable use of pesticides.

I would also stress that, in my view, we have not only struck a balance between the necessary transmission of data and the confidentiality of the latter, but also established proportionate administrative requirements, since this is a concern for the users.

As regards biocides, it is important to stress that this text should, in time, cover them in accordance with the results of an impact study.

We have studied the non-agricultural commercial uses of pesticides. For the moment, any assessment of their volume can only be intuitive. For this reason, the pilot studies due to be carried out by the European Commission will be very enlightening.

I wish finally to thank our rapporteur, who supported us throughout the negotiations and made a major contribution to our reaching an agreement.

**Bart Staes**, *rapporteur*. – (NL) I think that everything has been said. This is a good agreement, and I hope that it will be adopted tomorrow morning.

**President**. - The debate is closed.

The vote will take place tomorrow, Friday, 24 April 2009, at 12 noon.

#### **Written statements (Rule 142)**

**Daciana Octavia Sârbu (PSE)**, *in writing*. – (RO) As indicated by the Sixth Community Environment Action Programme, the European Union has recognised the need for a more consistent reduction in the impact which pesticides have on both the environment and people's health. This regulation concerning statistics on plant protection products will plug existing gaps relating to the use of pesticides in Member States.

It has emerged from the data supplied by the Commission on the use and sales of pesticides that we need to have at Community level a harmonised method for collecting statistics both from the stage of placing the products on the market and from manufacturers.

We are all aware that a more consistent legislative framework needs to be established at European Union level governing the use of pesticides. This is why I want to emphasise that I welcome the creation of a common framework for systematically generating Community statistics relating to the placing of pesticides on the market and their use, in accordance with the principle of subsidiarity.

#### **25. Decisions concerning certain documents: see Minutes**

#### **26. Agenda of the next sitting : see Minutes**

#### **27. Closure of the sitting**

*(The President declared the sitting closed at 11.05 p.m.)*