

TUESDAY, 23 SEPTEMBER 2008

IN THE CHAIR: MR PÖTTERING

President

1. Opening of the sitting

(The sitting was opened at 9.05 a.m.)

2. Documents received: see Minutes

3. Oral questions (submission): see Minutes

4. Combating terrorism - Protection of personal data (debate)

President. – The next item is the joint debate on:

– the report (A6-0323/2008) by Mrs Lefrançois, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the proposal for a Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism (COM(2007)0650 – C6-0466/2007 – 2007/0236(CNS)) and

– the report (A6-0322/2008) by Mrs Roure, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (renewed consultation) (16069/2007 – C6-0010/2008 – 2005/0202(CNS)).

Roselyne Lefrançois, rapporteur. – (FR) Mr President, before anything else, I would like to thank all my fellow Members who have worked with me on this dossier, because our cooperation has been truly excellent throughout the procedure. The text we will be voting on today is a particularly sensitive one because talking about combating terrorism spells danger for the rights of European citizens, whether this danger comes from the terrorists themselves or from the freedom-destroying potential of the measures adopted to combat the problem.

The scale of the terrorist threat has indeed had the potential to be exaggerated in recent years by certain governments in order to justify the adoption of security policies, whether domestic or international. The threat is nevertheless real and the European Union must play its part in the efforts made to prevent and combat it as resolutely as possible. The security of its 500 million inhabitants and the defence of the essential values and principles on which it is founded depend on this. Since the attacks of 11 September 2001, EU territory has itself been the target of terrorist attacks on a number of occasions, with dramatic consequences, as we are all aware: in Madrid in March 2004 and in London in July 2005. You will all have heard of the wave of attacks that took place only yesterday in Cantabria.

The increasingly sophisticated and diverse tools and methods used by terrorists make the task much more difficult. The development of information and communication technologies, particularly the Internet, makes it easier to organise terrorist networks and spread propaganda or even training manuals online. There are currently believed to be around 5 000 websites of this kind. Hence the European Commission's entirely legitimate wish to adapt Community legislation to try to prevent not only actual terrorist attacks, but also the preparations for these attacks.

In order to do this, it has drawn direct inspiration from the Council of Europe Convention on the Prevention of Terrorism. The problem is that it has chosen to take up only the repressive aspects, ignoring the provisions relating to the protection of fundamental freedoms, which constitute the essential counterweight, according to the Council of Europe. My concerns were mainly linked to the concept of 'public provocation' and the risk this poses to freedom of expression because, by criminalising this, things people say or write that are alleged to have led to an act of terrorism, or are simply likely to do so, will be punishable.

At the round table organised in April in collaboration with national parliaments, we noted that we were not alone in expressing reservations about certain aspects of the Commission's text. Several national parliaments expressed doubts about the application of this framework decision and the scope of the concept of 'public

provocation'. The Council of Europe also highlighted the danger of leaving out safeguard clauses. Finally, within the framework of various studies, independent experts expressed their reservations, particularly about the definition of 'public provocation' and about the level of legal certainty of the text. Under the impetus of a handful of national delegations particularly concerned about the protection of fundamental rights, the Council itself added a number of safeguards to the text of the framework decision. On one or two specific points, however, it also proposed the tightening up of the framework decision and, in any case, work was still needed to reach an entirely satisfactory level of legal certainty and protection of freedoms.

With our fellow Members from the Committee on Civil Liberties, Justice and Home Affairs, we have therefore tried to find a balance between these two apparently opposite but fundamentally inseparable objectives, namely the fight against terrorism and the protection of fundamental rights and freedoms. In order to do this, we have had to perform a delicate balancing act, all the more so because it is sometimes difficult in practice to work out where freedom of expression ends and the violation of people's rights begins. Think about the outrage caused two years ago by those Danish cartoons, or more recently by the controversy aroused by the short film on Islam by Dutch MP Geert Wilders.

Having said that, I believe that the compromise we have reached is a good one. The principal changes we have made are as follows: firstly, the replacement of the term 'provocation' with the term 'incitement', which is more precise and is used more frequently in legal language; secondly, a stricter definition of 'public incitement', which more clearly delineates the behaviour to be criminalised and therefore prevents any abuses that would lead to the restriction of freedom of expression; thirdly, the incorporation into the text of many provisions relating to the protection of human rights and fundamental freedoms and, in particular, freedom of expression and freedom of the press; fourthly, a reminder of the need to guarantee that the measures taken are proportionate to the aims pursued, which is essential in a democratic, non-discriminatory society.

Those are the main points of this dossier. I am delighted that this subject was chosen as the priority for this morning's plenary and I am looking forward to a rich and lively debate.

Martine Roure, rapporteur. – (FR) Mr President, President-in-Office of the Council, Commissioner, ladies and gentlemen, I am very pleased that today we are holding a joint debate on the report by my colleague Mrs Lefrançois on combating terrorism and my own report on the protection of personal data processed within the framework of police and judicial cooperation. It should be remembered that the fight against terrorism cannot really be effective and proportionate unless we guarantee that the fundamental rights of each citizen are strengthened. We must use our fundamental values of respect for fundamental rights to combat the terrorist movements that threaten our democratic societies.

In my view, the Commission's proposal on combating terrorism was unbalanced because it simply strengthened security while neglecting many measures to protect fundamental freedoms. In this regard, I congratulate Mrs Lefrançois and her colleagues once again for their rebalancing of the text to ensure that it safeguards respect for human rights and freedoms.

Terrorist networks, as we know, increasingly make use of new information technologies, including the Internet, for their incitement and recruitment activities. Surveillance of this type of activity on the Internet requires the collection of a large amount of personal data, but collection must take place with the guarantee of a high level of protection for this personal data.

I would like to remind the Council of the commitments it made when adopting the Directive on the retention of data. At the time, we expressed our wish that valuable information for combating terrorism could indeed be used. In exchange, the Council has a duty to honour its commitment and adopt a framework decision on the protection of personal data that offers a high level of protection.

My warmest thanks go to all my colleagues in the Committee on Civil Liberties, Justice and Home Affairs and to everyone who worked with me, particularly the shadow rapporteurs, because the amendments we are proposing in my report were approved unanimously in committee. These amendments are proof that we will not put up with harmonisation to the lowest common denominator. We believe that the scope of the framework decision should be broad so that it is not limited solely to data exchanged between the Member States. It must also apply to data processed at national level, which would enable cooperation between the Member States' various police and judicial authorities to be strengthened while guaranteeing an equivalent level of data protection throughout the European Union. The principles of purpose limitation and proportionality need to be guaranteed by specifying and restricting the cases where data can be processed further. You must realise how essential this is! Data must not be used for a purpose other than that for which it was collected. We do not wish to prohibit all transfers of data to third countries, since such transfers may

prove necessary as part of the fight against terrorism. However, for each transfer, an assessment must be made of whether the third country in question is providing an adequate level of protection of personal data, and I would underline the fact that this assessment must be made by an independent authority.

We are asking the Council to include, in the framework decision, provisions concerning national authorities that have access to data collected by private parties, in accordance – may I remind you again – with the commitments made following the adoption of the ‘Data Retention Directive’ by the British Presidency.

Finally, the use of sensitive data, such as data relating to political opinions, religious beliefs, health or sex life must, as a matter of principle, be prohibited, contrary to what is currently proposed in the framework decision. You will notice that, with its amendment, the European Parliament is overturning the Council’s proposal, which permits the processing of these data under certain conditions. On the contrary, Parliament wants the processing of these data prohibited, while providing for exceptions. The process has been totally reversed, and this is important to us. By adopting this position, the European Parliament wishes to respect people’s dignity, and we think that the Council should be able to agree with us on this necessity.

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) Mr President, Commissioner, Chairman of the Committee on Civil Liberties, Justice and Home Affairs, Mr Deprez, rapporteurs, ladies and gentlemen, this is a day for the French, and it is also my day: I would ask you to kindly excuse the unexpected absence of Rachida Dati, but it is an honour for me to participate once again in the work of your Parliament, particularly on the sensitive subjects that have just been spoken about. I would particularly like to express the gratitude of the Council Presidency to Mrs Roure and Mrs Lefrançois for the personal commitment they have demonstrated and the interest they are showing in the issues of combating terrorism and the protection of data.

With these two texts, Parliament now has a firm grip on current developments and the everyday life of European society. We need to protect our citizens from terrorist threats, and we also need to safeguard their private lives and privacy. That is political responsibility in its noblest sense. I would like to respond to several points regarding the two reports just presented.

First of all, with regard to the draft framework decision on combating terrorism, combating terrorism is a challenge for the European Union that requires the pooling of all our efforts. Mr de Kerchove, EU Counter-Terrorism Coordinator, whom I met several weeks ago, has also told this Parliament that the activity of Al-Qaeda, for example, is particularly worrying. There were 583 terrorist attacks on European soil in 2007. The framework decision you are looking at today is therefore a major legislative step forward in combating the spread of terrorist techniques.

It is unacceptable, for example, that a website can explain how to make homemade bombs with complete impunity. Today there are nearly 5 000 websites contributing to the radicalisation of young people in Europe on these issues, and the Slovenian Presidency, as you know, managed to secure an agreement on these challenges at the Justice and Home Affairs Council meeting on 18 April.

I welcome the report by Mrs Lefrançois, who has supported the Council’s objective of incorporating, in the framework decision of 13 June 2002, the offences provided for in the Council of Europe Convention. Her proposals largely tie up with the amendments made by the Council during the negotiations and, as you know, discussions within the Council on this text were very lively. Clearly we are in the midst of a classic debate for all democratic societies seeking to combat terrorism effectively while respecting the fundamental rules of the rule of law and fundamental principles, such as freedom of expression, that govern all democratic life.

I would like to draw your attention to two points. Firstly, this framework decision aims to make criminal offences of three types of behaviour likely to occur before attacks are actually perpetrated: public provocation to terrorism – and I stress the word ‘public’, which thus excludes the regulation of private exchanges of correspondence – training for terrorism, and finally recruitment for terrorism. It would create offences for the European Union that Member States are already familiar with through the Council of Europe Convention on the Prevention of Terrorism, finalised in 2005.

The definitions of these offences have been copied word for word in the framework decision, with a few limited changes for consistency with the concepts of ‘terrorist offence’ and ‘terrorist group’ that have existed in European law since 2002; hence, Mrs Lefrançois, the term ‘public provocation’ instead of ‘incitement’, which you are proposing. The adoption of a text at European level will make it easier to control its transposition within the Member States and to apply it more quickly throughout EU territory.

The second consideration is that the Council paid particular attention to respect for fundamental rights. This concern was expressed at the round table Parliament organised on 7 April this year. The Council was very aware of the discussions that had taken place in Parliament and was careful to follow the approach adopted in the Council of Europe. Safeguard clauses were added to the initial proposal – two in particular, regarding freedom of the press and freedom of expression on the one hand, and proportionality of the criminalisation of offences defined by national law on the other.

It should also be noted that the Council did not retain the proposals aimed at introducing rules on extra-territorial jurisdiction, which your rapporteur did not approve of anyway. A concern for balance therefore motivated the Council during the negotiations, leading to a text that largely takes account of your concerns.

Moving on now to the framework decision on the protection of personal data, presented by Mrs Roure – it is a fact that there is very little, or even no regulation of so-called ‘sovereign’ files, particularly as regards public security, as you pointed out, Mrs Roure. However, it is in this area that it is particularly important to manage and regulate data exchanges, with the aim of protecting public freedoms. You are right: we must act quickly and effectively, while respecting the rights of those whose data are exchanged, retained and stored.

The Justice Ministers reached agreement on 8 November 2007 on a draft framework decision. As you yourself have pointed out, some of you in this Parliament would have liked to go further. The Presidency is aware of this, but the framework decision on which the Council secured unanimous agreement at the end of a debate lasting more than two years is a first step, providing the EU minimum standards for personal data within the framework of criminal cooperation, at a time when no common rules have ever existed within the framework of the third pillar. It is a compromise; that is how Europe is built, particularly in this area. It is a compromise, but that does not make it a second-rate decision. Rather, it is the best possible result today, as it fills a void and opens the way for further developments.

It is the first step towards the regulation of data exchanges for legal purposes within the framework of the European Union, the application of which can be controlled much more effectively than within the Council of Europe. The transposition and application of this framework decision could be submitted to the Justice and Home Affairs Council for evaluation, as was the case, for example, with the European arrest warrant.

Eventually, when our institutional framework has evolved – which we all hope will happen – it will be possible for infringement proceedings to be launched by the Commission, Vice-President. The question in Europe is often to know whether we are better with minimum standards that can be raised later on or whether we should stick with the status quo, which today means extremely varied standards of data protection, a lack of proper control by the European institutions, and bilateral negotiations on the exchange of data with third countries, which do not offer our citizens sufficient guarantees and can be performed without our consent. That is the case with the bilateral agreements made with the United States.

Personally, I believe it is better to go forward rather than to maintain the status quo. In our view, the framework decision is the first vital step. Furthermore, the work done by previous Presidencies has basically enabled us to find points of balance that also take account of your concerns. I will mention a few of these, Mrs Roure.

The first is that the future framework decision will indeed apply only to data exchanged between Member States, as you have pointed out, but the Member States have also made a commitment to adapt their own levels of protection. One clause you should look at is Article 27, strengthened by recital 8 of this framework decision, which invites the Commission to extend the scope of the text after a period of five years, and it could concern national data. As the Council Presidency, we do not see any drawbacks to this.

The second is that all data exchanges are subject to the proportionality principle, which means it is possible to check, on a case-by-case basis, the purpose for which the data are being transferred and whether or not the volume of data being exchanged is greater than strictly necessary.

The third is that the transfer of data to third countries is subject to important conditions and safeguards to provide an adequate level of protection. You are well aware that this provision has not gone unnoticed among some of our external partners, whose names I have mentioned. Article 14 is a bulwark that we can rely on to prevent the transfer to third countries, without our consent, of personal data we have transmitted to another Member State. It also gives us an assurance about the equivalence of the level of data protection in this other Member State.

Fourthly and finally, the Member States have made a commitment to report on their national measures to the Commission, which will present its assessment and proposals for the modification of this first framework

to Parliament and the Council. Consequently, you will be fully involved in the follow-up to this framework decision.

Mr President, rapporteurs, ladies and gentlemen, the Presidency is well aware of your attachment to the respect for fundamental rights within the European Union and I would like to stress that the future group, which has brought together the six justice ministers from Germany, Portugal, Slovenia, France, the Czech Republic and Sweden, has made strengthening data protection a priority for the European Union in the coming years. It is a concern shared by all the Member States, and all the Justice Ministers supported it during the informal Council meeting on 25 July.

That is what I wished to say to Parliament, Mr President.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, obviously I welcome the President-in-Office, Mr Jouyet, and also our two rapporteurs, who have done a remarkable job. Mrs Lefrançois has reported on the proposal for the amendment of the framework decision on combating terrorism, and Mrs Roure has reported on the framework decision on the protection of personal data. Obviously I also thank the Council Presidency. The comments made by Mr Jouyet should demonstrate the Presidency's concern to bring the differing points of view closer together.

I will try to be brief, Mr President, because we are expecting a very interesting debate this morning before Parliament. First I will talk about the proposal for a framework decision on combating terrorism. As the President-in-Office quite rightly said, modern information and communication technologies play an important role in propagating the terrorist threat. The Internet, which is cheap, quick, easily accessible and reaches almost all over the world, is indeed used by terrorists.

The advantages of the Internet appreciated by law-abiding citizens are unfortunately exploited for criminal purposes. Terrorists use the Internet to spread propaganda for mobilisation and recruitment purposes, as well as instructions and online manuals for training terrorists or planning attacks. Preventing this threat is obviously a political priority. The European Union must combat modern terrorism and its new methods with the same degree of determination that it demonstrated in combating traditional terrorism.

The proposal prepared by the Commission updates the framework decision on combating terrorism and aligns it with the Council of Europe Convention on the Prevention of Terrorism by including, in the concept of terrorism, public provocation to commit terrorist offences and recruitment and training for terrorism.

The Commission is pleased with the positive reception that Mrs Lefrançois's report has received, which underlines the added value of the proposal. However, Mrs Lefrançois, you have also expressed concerns about the proposal, and the wish for a number of amendments.

I am going to try to respond briefly. Firstly, your report challenges the use of the expression 'public provocation' and you clearly indicated that you felt the term 'public incitement' was more precise. It is a fact, however, that the Commission's proposal is based on the Council of Europe Convention and very closely follows the definitions of offences in the Convention, for two reasons.

Firstly, we wanted to take account of the Council of Europe's unparalleled expertise in human rights, and the work done by the Council in drawing up the text of the Convention that we are discussing. The Convention is also based on the case law of the European Court of Human Rights as regards freedom of expression.

Secondly, the Commission wanted to make it easier for the Member States to implement both the modification of the framework decision and the Council of Europe Convention. Would different terminology not make application slightly complicated? That is the question I want to put to you.

As regards the second point raised in the report, the Commission supports your idea of incorporating into the amending text safeguard clauses on human rights equivalent to those in Article 12 of the Council of Europe Convention on the Prevention of Terrorism. Actually, Mr Jouyet, the Council's common position of 18 April 2008 already contains extra safeguard clauses parallel to those in Article 12.

I will now move on to the desire to exclude any obligation to criminalise an attempt to commit an offence. We agree on this. The Commission's proposal already guaranteed the exclusion of this obligation and the Council's common position of 18 April 2008 did so too.

What I would also like to say is that, as regards the jurisdictional rules applicable to the new offences, we largely – but not totally – agree with the modifications proposed in the report. The Commission can therefore accept the elimination of the additional jurisdictional rules it had included in its proposal.

However, the Commission does not share the report's view as regards the existing jurisdictional rules in the current framework decision, because this would be like imposing a limitation in relation to the new offences. The amendment proposed in the report removes the obligation on a Member State to pursue new offences when they are committed outside the territory of this Member State but on behalf of a legal person established on its territory, or against its institutions or population, or against a European institution with its headquarters in the Member State concerned. We are afraid that removing this obligation of pursuit by the Member State in question will limit the effectiveness of the Commission proposal because the new offences are very often transnational, particularly when they are committed via the Internet.

The Commission hopes, however, that the evolution of this dossier will above all allow the entry into force of the amended framework decision in the very near future. Updating our legislation is truly worth all our effort and I thank both Parliament and the Presidency for doing all they can to achieve this result. We do need this new tool.

I now come to the report by Mrs Roure who, in her very strong defence, has made a firm case for Parliament's wish to have a meaningful framework decision that opens the way for further progress. The framework decision must indeed promote police and judicial cooperation in criminal matters by giving it the effectiveness conferred by genuine legitimacy and by respect for fundamental rights, particularly the right to respect for private life and the right to the protection of personal data. Common rules for the processing and protection of personal data, processed with the aim of preventing and fighting crime, can help to achieve these two objectives.

Mr Jouyet, it will not surprise you to learn that the Commission is disappointed with the rather limited scope of the framework decision. We intended to go further, but I know the current Presidency largely shares this view. The text of the framework decision now covers only cross-border exchanges of personal data, and that is why we wanted to go further. Meanwhile, the processing of personal data by these authorities at national level is not being harmonised at European level. These activities will still be covered at national level by national data protection legislation. It is quite true, Mrs Roure, that the Member States have all acceded to the Council of Europe Convention 108 on data protection. Nevertheless, I am among those who think we should go further.

The subsequent evaluation of the application of the framework decision, to which Mr Jouyet referred, is obviously one way of reviewing the application of the rules in the framework decision, and also of checking that the principles of purpose limitation and proportionality, which you were quite right to mention and are essential in this area, are indeed being respected. It is true that a revision, an evaluation clause, would, in the light of the assessment made by the Member States, certainly make it possible to extend the scope of this data protection.

What is certain, and there is no need for me to insist on this, since the Presidency has just alluded to it, is that the text will be important not only for Europeans but also in our negotiations with third countries. We will be in a much stronger position, particularly in negotiations with the United States, – which I have not lost sight of – if we can lay claim to a data protection measure that truly responds to the needs and expectations of our citizens. That is why I hope the Council will push on with this dossier and we can reach agreement. This is a first step, Mr Jouyet, but this step still needs to be sufficiently significant. That is my wish.

In any case, Mr President, I will be pleased if these two proposals and two reports – which are of great interest and value as far as the Commission is concerned – enable us to reach an agreement, which I would really like to happen.

Luis de Grandes Pascual, *draftsman of the opinion of the Committee on Legal Affairs*. – (ES) Mr President, Mr Jouyet, Commissioner, ladies and gentlemen, I am speaking in my capacity as draftsman of the opinion of the Committee on Legal Affairs for the report by the Committee on Civil Liberties, Justice and Home Affairs on this matter.

I would like to thank the Committee on Legal Affairs for the support that it gave me and to thank the rapporteur, Mrs Lefrançois and say that in conducting this task she has been open to understanding and dialogue in order to seek a consensus, which on this matter is absolutely essential.

Ladies and gentlemen, this proposal for a framework decision could be seen as unnecessary. The Council of Europe has already taken up the issue in its Convention on the Prevention of Terrorism, recognising the three types of criminal offence that the Commission includes in its proposal: public provocation to commit terrorist offences, recruitment for terrorism and training for terrorism.

However, it is just as true that it adds value, as it contains a better definition of terrorism, and is more comprehensive, as it includes a significant list of penalties.

I would like to say in all sincerity that this action by the Commission is necessary and that it is an extremely valuable contribution.

There is no need for concern about fundamental rights, and there is no conflict with freedom of expression. Ladies and gentlemen, in Spain, the terrorist group ETA is not on the European Union list of terrorist groups because of what it says, but rather for what it does, because it uses extortion, kidnapping, violence, terror and death in order to achieve its ends. This is why it is on the list; not because of what it says, but because of what it does.

In the Spanish Parliament there are pro-independence groups that speak quite legitimately, advocate independence, and are naturally not in any way pursued for doing so.

It is not about establishing crimes of opinion; it is about cooperating in using modern techniques and effectively combating terrorism.

Allow me to remind you that yesterday, in Spain, an honest person, a member of the armed forces, an officer named Juan Luis Conde, was murdered by the terrorist group ETA using the cowardly method of a car bomb.

The European Union needs to speak with one voice on this, firmly and competently. We need to be capable of establishing types of criminal offence that are not cumbersome, because if the courts consider that there are difficulties, presumption of innocence will always prevail, and we must not waste this opportunity.

ETA and all the terrorist groups in the world should know that the European Union is speaking to them with one voice, they should lose all hope, they should be certain that the democratic weight of the Union is going to fall on them and that we shall not give up until they are entirely excluded from the life of our countries.

Panayiotis Demetriou, *on behalf of the PPE-DE group*. – (EL) Mr President, Commissioner, President-in-Office of the Council, we have before us today two very important reports. They are unusual for their balanced approach and because they are the outcome of broader collaboration on issues which have generally been agreed on combating terrorism, and the protection of human rights, along with personal data, of course.

Terrorism is the scourge of our age. It is hydra-headed, inhuman, barbarous and unrelenting. We therefore need to combat it by all lawful means, while always bearing in mind that human rights must not be violated. That is exactly what Mrs Lefrançois's report achieves.

What has been said is that the proposal to combat terrorism is based on the Council of Europe Convention. However, we have chosen to alter the definition of 'public provocation' so that it is legally more comprehensible in all countries. We talk about 'public incitement', which is much more in keeping with the spirit of the Convention and the aim we wish to pursue.

Our concern when discussing this report was centred on the issue of human rights. We conducted extensive discussions, settled on a form of wording and included provisions to ensure the balance that I have mentioned.

Anything extra will probably upset this balance and any attempt to further define terrorism is asking for trouble: it was no easy task for Europe to arrive at a definition. I was in the Council of Europe for three years. We tried to find a definition of terrorism and did not succeed. Now that we have arrived at this definition, there is no need to go against it.

In any case, on the issue of human rights, there is paragraph 10 of the introductory part of the proposal; it deals extensively and thoroughly with the specific rights being protected: the right of assembly and of trade unions, and all related rights. There is therefore no need for any further efforts in this direction.

To conclude, let me add that all this is in good hands. However, there is another area we should look at: we should turn our attention to the societies that nurture terrorism. We should talk to reasonable people, to the moderate elements, so that the moral support given to terrorists in these societies can be removed. We should direct our efforts, thinking, programmes and campaigns towards this.

(Applause)

Claudio Fava, *on behalf of the PSE Group*. – (IT) Mr President, Mr Jouyet, Mr Barrot, ladies and gentlemen, after seven years of combating terrorism I believe that we are now skilled in cataloguing the risks of terrorism,

its effects and its devastating consequences. I also believe that one of the most dramatic of these consequences is a loss of balance – a loss of a sense of balance in reacting to the threat of terrorism.

This balance is necessary for investigating not the superficial but the deep causes underlying this violence, and is vital for putting in place preventive and punitive policies, without abandoning the fundamental principles of our legal culture. This is a valuable but difficult balance, because it has to be translated into rules that do not leave any margin for discretion. I therefore welcome the Commission's initiative to revise the 2002 framework decision, provided that attention is paid to the very timely recommendations that have been made in the two reports we are debating today.

The first recommendation, Mr Jouyet and Mr Barrot, is that we must avoid the culture of suspicion, because basing our society on suspicion, and dreaming up integration and immigration policies drawn up on the principle of mutual mistrust would be a gift to terrorism, since terrorism's aim is above all to create divisions.

This is why, when discussing terrorist offences, and the concept of provocation – which is a concept that seems to us both general and subjective – we prefer the legally more consistent and more specific concept of public incitement. I believe that it is a less confusing and less subjective principle, and this is not a terminological issue, Mr Barrot, but a substantive issue: provocation lends itself to abuses, to excesses, it also lends itself to excessive attention to the socially emotive, which would often dictate excessive and confused reactions. All this leads us to the second risk that we must avoid: interpreting the fight against terrorism as grounds providing justification for revising, reducing and altering the scope of fundamental rights.

From these two reports we expect a clear and unequivocal signal on this point: this is the challenge which we are called upon to tackle as legislators: combining the fight against terrorism and acts that prepare the way for terrorism with respect for the Charter of Fundamental Rights, and especially freedom of expression and freedom of association, without which our cultures would return to the age of barbarism. Mr Barrot, we must tell the truth: the risk is that we will turn the fight against terrorism into a conflict between cultures or religions, that we will speak racist language; this is quite a real risk, as demonstrated by the meeting in the last few days in Cologne, with the irresponsible participation of a Member of this Parliament, Mr Borghezio. It should thus be said strongly, and said here, and said by this Parliament: fascist intolerance has nothing to do with the war on terrorism!

The valuable work done by the two reports that we are debating here also takes this approach: combating terrorism, preventing terrorism's desperate violence, but at the same time ensuring that there is the right balance between the need for safety for our citizens and their freedoms and fundamental rights. On this point, Mr President, Mr Jouyet and Mr Barrot, we call for vigilance from the Council and the Commission and we promise that this Parliament will do its utmost to work together with you.

Alexander Alvaro, *on behalf of the ALDE Group*. – (DE) Mr President, President-in-Office of the Council, Commission Vice-President, with their reports, Mrs Lefrançois and Mrs Roure have done a great deal of work, and I have also been delighted to have been able to work together with them as they did so. We have achieved a lot and also made a big difference. I regret that Mrs Roure's report is still stuck in the Council even though we have revised it. In this regard I feel the things Mr Jouyet spoke about are lacking somewhat, namely that we seize on topics and declare them a priority. We also heard this repeatedly and most recently from the German Council Presidency. Unfortunately, it has just not been translated into action. Parliament cannot be satisfied in the long run purely with lip service.

With regard to the report by Mrs Lefrançois: there is definitely something remarkable in this report that none of you has yet addressed. It implies that we have here one of the rare cases in which we are harmonising substantive criminal law – quite clearly beyond the field of the environment. This is something that goes way beyond what the European Union has been doing until now. In civil law we have seen it in cross-border matters. However, harmonising substantive criminal law goes much deeper than has been broached here. Hence the Commission understands perhaps why we are conducting such an intensive discussion on public provocation or incitement. 'Incitement' is a normal judicial term in every Member State. The member states of the Council of Europe decided on the term 'provocation' as a compromise. This also includes countries such as Russia.

I do not believe that we have to discuss whether we all have a common legal basis with this. I have also continued to make it clear in discussions with Mrs Lefrançois that, from my national perspective alone, I have a problem with the term 'incitement', as it is also worded here, because the fact that an incitement can be punished without there being a premeditated unlawful predicate crime is alien to our system. In that the clause allows for incitement or provocation, both these terms are at worst even a bluff. They both fail to

show premeditation on the part of the perpetrator. It is solely dependent on the perception of third parties whether what someone has said could be a serious provocation to commit a terrorist offence or not. At the moment I am wondering where you draw the line between the terrorist and the irate citizen around the regulars' table who is denounced by his neighbour.

In this respect we must also touch upon the existing legal systems. I know that it is different in some respects in Spain, but this is so that it can combat home-grown terrorism. Believe me, I am thankful that I am young enough not to have lived through the bad times of the RAF in Germany, but then, too, appropriate laws were discussed. Of course countries must act exceptionally in special cases, but in the last seven years we have also seen that much of what was decided at the outset in a frenzy of activity must now be retracted. In this respect I am also glad that we have been focusing on people and fundamental rights across party lines in this report.

With regard to the Roure report, it is much more critical that the Council takes action. We must not fool ourselves with regard to the Treaty of Lisbon. We all want it to stand until the European elections in 2009, but we also know that I want never gets. We now have to try to weave this report into these discussions – particularly with regard to the talks currently being conducted by the Commission with the United States on an EU/US data protection agreement. Indeed, the two cannot be allowed to exist independently of each other. Hence I should like us not only to seize the political will, but ultimately also to take a political decision, to enable the Framework Decision on data protection to finally come into force.

The Commission and Council are striving, with an incredible amount of activity, to take action in the field of the economic protection of personal data. When we see what is happening in the United Kingdom, Germany and other Member States, where there are cases of loss or theft of personal data administered by public authorities, we have just as urgent a need for action here. This is ultimately more than ever about citizens' rights, as they are not able to prevent their government behaving in this way. With enterprises, the citizen is still able to choose a different one in case of doubt.

Brian Crowley, on behalf of the UEN Group. – Mr President, I would like to thank the President-in-Office and the Vice-President of the Commission, as well as the rapporteurs for what I consider to be very important reports.

When we discuss issues with regard to terrorism and data protection – sometimes when you look at the substance of the debate within Parliament – there appears to be a conflict taking place between those who want to give more protection to individual rights and freedoms and more protection to the general populace from the risk and threat of violence or even incitement to violence, as some of my colleagues have already mentioned. To that extent, when we move forward with regard to these proposals, we should be certain that the legislation which we are proposing, which we are amending within this Parliament, has a definitive legal basis, so that when it comes into operation it is above challenge and above rebuke. One of the difficulties we face is that, because of the framework decision, because of the legal basis – or the lack of a legal basis – with regard to certain aspects of that framework decision, we could be leaving ourselves open to being accused of being hypocritical, merely appearing to act without actually taking any decisive action.

If you look back over the history of the cooperation in judicial matters and police matters that we have instigated here within this Parliament, 90% of it has been predicated on the basis of mutual trust between the different authorities at Member State level. That has been the only effective way of finding a mechanism to move forward, because, even though you may put in agreements or decisions, unless the authorities in each Member State are willing to work with each other and exchange that information, then there can be no real meaningful cooperation or movement forward.

We have to be very careful with regard to the issue of data protection and the personal data which is collected, because many of us know that, in our own Member States, there are countless agencies, both of a national and a local level, that retain data on every single person. The biggest scare there is at the moment in the United Kingdom has been this issue of identity theft, and big concerns because computers are lost that contain information from state agencies – whether it is social welfare, defence or police agencies – personal data, information that you would never individually give out to anybody. Yet there appears to be no protection for that data.

That is why we have to be careful at this level – at European level – that we are creating a European framework decision that will allow cooperation between Member States, but which does not impose these controls on national Member States. The reason I say that is because there are greater protections available to individuals to challenge national authorities when they misuse, abuse or lose their data than would be available in this

framework decision, and in many ways, if we force this framework decision on protection of data to apply to national data as well, we will undermine the rights that already exist. Because we are moving forward with a new plan at a European level, there is some leeway for a slightly more fluid response to the difficulties we are facing with regard to the protection of the data. However, to be certain for this legislation to be effective, not only must it be clear and definitive with regard to the role that it wants to carry out, but it must also have the trust of the people that it will protect them and not abuse them.

Kathalijne Maria Buitenweg, *on behalf of the Verts/ALE Group*. – (NL) Mr President, I am convinced that the Council genuinely wishes to improve the security of citizens and also that it sets store by civil rights. You may well welcome the present reports with enthusiasm, but if you have read them carefully you will have noticed that the conclusion we draw is totally different from your own. As a matter of fact, we believe that the proposals you have adopted are simply inadequate, and that they threaten to infringe civil rights.

How come we assess things differently? First of all, parliaments traditionally pay more attention than governments to civil rights, which constitutes a problem when it comes to decision-making. In particular, however, Parliament wants to look at the impact of these decisions on society in the longer term. Viewing the relationship between government and citizens from a historical perspective, we see that the government has the monopoly on the use of force, and citizens have fundamental rights that cannot be violated by the government unless this is necessary, effective and proportionate. Yet if too often citizens see government action that is neither necessary nor justified, their trust in and therefore cooperation with that government will wane, and then we shall really have a massive security problem in the long term. Trust is hard to gain but easy to lose.

In my opinion, the proposal on data protection fails to offer the intended protection, and the Council is on thin ice with its extension of the framework decision.

Starting with the report by Mrs Roure, I should like to thank the rapporteur most warmly for all the years she has spent steering this report through Parliament. In particular, I should like to put a series of questions to the Council. The proposal relates to police and judicial cooperation in Europe; that is, to services concerned with security. However – and the President-in-Office may be able to contradict me here – I understand that it is now specified that the Council does not consider itself bound by these proposals if essential national security interests are at stake. What interests are we talking about here, and can you give an example of a matter that would induce you to simply throw this framework decision in the bin?

Another point, which Mrs Roure herself has already broached, is that of sensitive data. There are some data I can understand the Council wanting; but can it explain to me on what kind of occasion it would stand to benefit from knowing whether a person was a trade-union member? I should like you to give me an example of when it would be useful to know whether a person was a member of the Trade Union Federation (FNV) in the Netherlands. Is this supposed to indicate recalcitrant behaviour? Under what circumstances would this be relevant, for goodness' sake? People's sex lives? If we are talking about active paedophilia, fair enough: this is a crime and can of course be recorded. For what kind of things do you actually want more information, however?

Regarding the transfer of data to third countries, I can still recall a hilarious moment during the German Presidency when a representative of the Council stated that it was sometimes indeed necessary to transfer data very quickly to Iran. He had the whole House gaping; surely he could not mean that – transferring data to Iran! I put the question now, therefore, whether that Council member will guarantee that sensitive data will not under any circumstances be transferred to Iran. Could you perhaps also give me the article number on which you base that guarantee?

Although I consider the level of protection insufficient, I do welcome the objective: better cooperation between police and judicial services at European level (this has been known to malfunction even at national level). One key word when it comes to improving this cooperation is 'trust' – here, too, it is a matter of trust. My accusation is that the Council is failing to work hard enough to increase this trust and thus also cooperation. After all, trust needs to be based on something, such as substantial data protection or rights of suspects that befit our rule of law – but you fail to deliver the goods. You have now been working on the procedural rights of suspects for my whole term of office and still nothing has emerged. In addition, where you could really help move cooperation forward, you fail to do so. Instead, you present the crude Framework Decision on combating terrorism.

Mrs Lefrançois has produced an apt report on this, for which I should like to express my warm thanks to her, too. My question remains: what problem is the Council actually trying to solve here? Incitement to

violence is banned in all Member States, and that is the way it should be – but now provocation, too, is being criminalised. What constitutes ‘provocation’? Someone writing that the United States is a rogue state, an axis of evil that must be combated? If that person also writes: ‘those who are not for us are against us’, is that provocation? If a Western man deliberately makes an anti-Islamic film with the aim of offending people, is he provoking an attack? Am I myself being provocative now?

Unclear legislation is bad legislation. You have my support for criminalising incitement to violence at European level too, but not by this means. If one compares all the language versions, it is not even clear whether it is ‘provocation’ or ‘incitement’ that is being discussed. A woman may dress provocatively, but that does not mean she is inciting rape. Article 1(1) is alarming in that respect, as it states that a person can be convicted of terrorist offences whether or not he or she directly advocates such offences. As far as my group is concerned, that is really going much too far.

IN THE CHAIR: MR MAURO

Vice-President

Sylvia-Yvonne Kaufmann, *on behalf of the GUE/NGL Group*. – (DE) Mr President, President-in-Office of the Council, Vice-President of the Commission, owing to the short time available to me, I should like to discuss only the report by Mrs Roure. When we talk about the processing of personal data in the framework of police and judicial cooperation in criminal matters, I should like to say very clearly that I am of the opinion that we need uniform European regulations.

In recent years, several projects concerning the processing of these data have been launched, in particular the second generation Schengen Information System and the Visa Information System (VIS). These data are also relevant, however, in relation to the proposal to exchange criminal record data among Member States and even the introduction of a European PNR system. A high level of data protection is in the interest of every citizen and, in my view, can be guaranteed only by uniform regulations at EU level.

The President-in-Office has said that the present Council Decision was the best solution that could be reached. I have to tell you, President-in-Office, that I am disappointed with the Council’s new proposal, as Parliament’s key demands have not been taken into account, and I think it provides a level of data protection that in some respects still falls below that of Council of Europe Convention 108. Incidentally, criticism of the proposal is shared by all groups across their dividing lines, and I think that this unequivocal message should give the Council food for thought.

In particular we should ensure that the Framework Decision is also applied to national data processing; otherwise the point of the entire proposal is called into question.

I should also like to emphasise what our rapporteur, Mrs Roure, has said, namely that particularly sensitive data categories – that is, data revealing a person’s ethnic origin, political opinion or religious conviction – should not be processed. If we are to allow any exceptions at all to this principle, it is essential that the approval of a relevant judicial body be obtained beforehand, for example; this data category should not simply be processed automatically.

The Council has been promising Parliament for a long time that it will adopt this Framework Decision. I think it is high time now that the Council finally kept its promise, and indeed with a Framework Decision worth the paper on which it is printed.

I support all the amendments that Parliament proposes in the report, as I think we need the highest possible level of data protection and this is not yet guaranteed by the Council Framework Decision that now exists.

Gerard Batten, *on behalf of the IND/DEM Group*. – Mr President, these Council decisions are part of the process of harmonising our national justice and legal systems into a common EU system. Already any EU citizen can be extradited from one EU country to another by means of a European arrest warrant with minimal safeguards. Even when a national legal system or national government knows that a gross injustice is being done, it cannot prevent it.

Under the new rules on trials *in absentia*, we can now be tried and sentenced in another EU state without even being aware that this has happened, and then face extradition and imprisonment. We can be fined or have our property confiscated, again without our own national legal systems or governments being able to prevent it or protect us.

Under the Lisbon Treaty a European public prosecutor is planned, with wide-ranging powers to investigate and prosecute those charged with offences against the Union's interest – aided by Europol, whose officials have immunity from prosecution for anything that they do or anything that they say in the course of their duties. And, of course, we have the European Union's own paramilitary police force, the European Gendarmerie, being constructed in Vicenza, which will have the power to cross borders to suppress civil unrest in EU Member States.

All this is being done in the name of protecting us from terrorism; but what is actually happening, of course, is the never-ending mission of the European Union to increase and entrench its own power and dominion in every area of our national lives. Terrorism is indeed a real threat, the single biggest source of which in the world today is the ideology of fundamentalist, literalist and extremist Islam. But terrorism should be combated by national governments working in cooperation with each other, not used as an excuse to increase the power of the European Union.

Koenraad Dillen (NI). – (NL) Mr President, it is often heard from various quarters that the fight against terrorism is threatening our freedoms – but this is a false dichotomy. Freedom of expression, freedom of the press and the right to privacy are indeed fundamental characteristics of our Western society but, as the previous speaker has just said, it is these open societies that are currently under threat from an Islamic extremism that incites terrorist acts against these values. The measures in this report are one step – but only one – in the right direction. States not only have the duty to protect their citizens against terrorism, but also must be able to take every measure to safeguard public order.

I should like to make a marginal note here, however, as many speakers on the margins of today's debate have referred to Italy. Yet the Italian Government has every right to fight illegal immigration and crime in such ways as it deems necessary, provided this is justified by objective, legitimate factors. In addition, last week's disgraceful hearing in Rome, at which a few extreme left-wing Members of this House accused the Italian *carabinieri* of torturing Roma children, was an insult to the Italian people and did not befit this House. I hope, therefore, that the President of the European Parliament will apologise to the Italian Government on behalf of us all.

Jean-Pierre Jouyet, President-in-Office of the Council. – (FR) Mr President, ladies and gentlemen, I wanted to speak at this stage because unfortunately I have to go on to participate in an interinstitutional dialogue. I apologise to Parliament and the rapporteurs for this. I just wanted to respond to the group leaders by saying, firstly, regarding the report by Mrs Lefrançois and following the speeches particularly on the distinction between 'incitement' and 'provocation', that the Council's text copies Article 5 of the Council of Europe Convention in order to prevent differences in application. We think that we should trust judges to apply this criminalisation reasonably and – as Mr de Grandes Pascual quite rightly said – taking due account of context, particularly as regards Spanish terrorism. Lastly, I would like to point out that the Council's text largely takes account, on the one hand, of the freedom of expression clause in Article 2 and on the other, of the proportionality clause in Article 14.

Regarding the report by Mrs Roure, I would like to say that I also agree with Mrs Buitenweg and Mr Alvaro: it is indeed progress to have regulation in the third pillar that opens up the right of redress. I have also heard all your demands relating to scope, particularly that of Mrs Kaufmann. France thought the same as the Commission, but we have to be realistic. We could unanimously adopt a different text. We would have liked to go further – that is what Commissioner Barrot said too – but only if the scope was extended, which would be a really good thing; I do not believe we would make this progress in the short term.

There is a compromise to be achieved, a balance to be established. I agree with Mrs Roure that this is not entirely satisfactory, but it is still progress and we must accept it for what it is. Anyway, as I said, we also have the evaluation clause. I invite the Commission, the Vice-President – and I know he will do it – to make the best possible use of this evaluation clause and the provisions on data collection that suggest we will also think about files under national sovereignty. You mentioned the inclusion of certain data appearing in this decision. Personally, I would also be glad if the inclusion of religious and sexual data were reviewed or, at the very least, if it were worded better than it currently is.

In answer to Mr Dillen, regarding the Roma: as he knows, the Roma Summit on 16 September demonstrated the commitment of the French Presidency and the Commission to the Roma issue. The Vice-President was there and we took stock of past measures, to which the Member States can commit themselves in the future to encourage the integration of the Roma into our societies; an issue which also crops up a great deal on Commissioner Špidla's social agenda.

That is all I wanted to say in response to the speeches made as part of this very exciting debate.

Manfred Weber (PPE-DE). – (DE) Mr President, Commission Vice-President, President-in-Office of the Council, a word of praise first of all to the French Council Presidency for the fact that we are discussing these subjects together, as they illustrate the balance of the challenge: overcoming a major challenge – terrorism – on the one hand, and data protection on the other. It is a shame that the President-in-Office cannot be present for the whole time. That would have been very useful for this debate.

Firstly, with regard to data protection, we have already heard many Presidencies here tell us of major and significant progress. On behalf of the Group of the European People's Party (Christian Democrats) and European Democrats, I should like to note that our rapporteur, Mrs Roure, has the full support of the entire Parliament on this issue, as we need progress here.

Three items are of particular importance to us. I should like to emphasise specifically that we must continue to emphasise that we support the exchange of data. We know from the Schengen Information System that we can trace many criminals by exchanging data, and that exchanging data ensures success and also guarantees security. Other aspects are important, however: the right of access for citizens is particularly important to me – strengthening citizens' rights – and the scope, which has already been discussed repeatedly. Vice-President Barrot has pointed out that it is important to him to have these decisions as backing, particularly during the negotiations with the United States. I should like to add, however, that if the United States objects that this legal framework unfortunately applies only to European issues, and not at intra-European level in connection with the situation in the Member States, it will have an argument against us, as we do not even dare to implement this legal framework in full in the European Union.

With regard to the fight against terrorism, I think it is a shame that, although the Council is continually launching new approaches here, it is getting nowhere in the practical implementation of many operational measures. We all remember that it took over a year to appoint a new EU Counter-Terrorism Coordinator, Mr de Kerchove, that we acted quickly on data retention but have unfortunately seen delays in implementation, and that within Europol we still do not have a task force, a dedicated department, for this sector. We must work and fight with greater commitment in this regard, and we should be making operational progress rather than just arguing over wording.

Particularly with regard to Islamic terrorism, we are experiencing the greatest problems with converts – people who grow up in our society, become adults and then convert to the Islamic faith. We have to ask ourselves here what is going wrong in our societies and what is going wrong in the Islamic environment for these people to become radicalised. We have to consider this.

In Europe we are able to live in safety also because we have a committed police force, who are to be thanked at this point.

Bárbara Dührkop Dührkop (PSE). – (ES) First of all I would like to congratulate the rapporteurs on their excellent reports, but I am mainly going to discuss the Lefrançois report.

Step by step, always through legislation, we are continuing to close in on terrorism. The Framework Decision of 2002 enabled us to establish a common definition and legal framework for terrorist offences.

The changes put forward today involve including three new offences to protect ourselves from, in response to old and new terrorist threats, and their increasing use of information technologies, including cyberterrorism. There is a long chain of terrorist acts ranging from indoctrinating and arousing fanaticism in a child to murder.

This proposed modification is restricted to public provocation to commit terrorist offences, and recruitment and training of terrorists, which now covers traditional and modern methods for sowing terror.

However, we do not distinguish between the methods, but we need to be extremely careful about drawing the line between what is unacceptable and therefore should be punished, and freedom of expression as a fundamental right.

In the case of public provocation, this line is more blurred. Therefore, intention and manifest danger are essential requirements in order for something to be described as an offence. Everything else is freedom of expression, which is protected by the Framework Decision itself, Article 6 of the EU Treaty, the Charter of Fundamental Rights and the Council of Europe Convention.

In the case of the Convention, what is lacking is that many Member States have not yet ratified it, which is doing little to help the fight against terrorism or to protect freedoms.

Neither the original Framework Decision nor the current amended version are substitutes for the Convention; rather, its ratification would strengthen European legislation, giving it added value and a more complete legal framework.

As in the Prüm Treaty and many other texts, European legislation does not distinguish between different types of terrorists; it is just as valid for use within the Union as for international terrorism.

Last year Europol recorded a total of 583 terrorist acts, 24% more than the previous year, 517 of which were by separatist groups operating in Spain and France. There were 201 arrests of people suspected of Islamist terrorist acts.

I would like to congratulate the police forces on their commendable work and their efforts to put an end to terrorism and to detain terrorists.

Mr President, unfortunately my country is back in the news. We have a long and wretched tradition of terrorism. We know that there is no place for terrorists in a democracy, but nor is there a place for those who encourage, harbour and assist terrorists. I therefore think that there is another legal concept that would complete our legislation: the criminalisation of demonstrations discrediting or humiliating the victims of terrorism or their families. It would be good to keep this in mind for the next changes to be made.

I will conclude, Mr President, by regretting that we are unable to apply Protocol 10 of the Lisbon Treaty, which would have speeded up the communitarisation of matters that are so significant and urgent in the minds of citizens.

Sophia in 't Veld (ALDE). - Mr President, to start with, on a point of order, I would like to ask the presidency of this House to write to the French presidency and indicate that we find it unacceptable that the French presidency is not available for the whole duration of such an important debate.

(NL) Mr President, terrorism was not invented on 11 September 2001; it had always been there. In addition, as the previous speaker has just remarked, Europol's *EU Terrorism Situation and Trend Report* does indeed state that the vast majority of attacks are not committed by Islamic extremists, but by separatists, by forces on the extreme right and extreme left.

What is new since 2001, however, is that governments worldwide have been seizing on the fight against terrorism to curtail civil rights and freedoms. I am all for cooperation in the fight against criminals, and I concur fully with the words of Mr Weber, but very often measures, such as the collection of personal data, have been taken for purposes that have absolutely nothing to do with terrorism. For example, the PNR data are used in immigration control or in fighting 'ordinary' crime. In itself this is quite legitimate, but in that case let us call a spade a spade.

The solemn declarations by the Council on civil rights and privacy ring somewhat hollow when the Council is not even here and, in particular, is not prepared to implement the European Parliament's recommendations, as laid down in the Roure report, in particular. Perhaps, then, the Council should stop weeping crocodile tears over the Irish 'no'.

Finally, I have two specific questions. I should like to ask the Commission – since the Council is not here – for some information on the High Level Contact Group. After two years of negotiations behind closed doors and without a mandate, US Secretary of Homeland Security Michael Chertoff is now urging Commissioner Barrot to sign an agreement in December. I should like to know whether Commissioner Barrot will be saying 'no' on our behalf.

My second question is as follows. Negotiations are being held on behalf of the EU on a system permitting customs – in Europe, and without any explanation or restrictions – to search and confiscate laptops at the border. I should like to know what the situation is with this.

President. – I think it is important to inform you that the French Presidency correctly notified its apologies in advance of the beginning of the debate and informed us that Mrs Dati was unable to participate in the debate because she was detained for unavoidable reasons and that Mr Jouyet, who was replacing her, was not able to stay.

Your objection remains important, however, and we will pass it on, but I must emphasise that the apologies of the French Presidency were given in advance.

Bogusław Rogalski (UEN). – (PL) Mr President, terrorism is one of the greatest threats of modern times. The 11 September attacks made us aware of that in no uncertain terms. Terrorism is based on both a psychological and a social and media effect. Hence the problem that has arisen of the endless list of questions on how to avert threats of this type, which have acquired a global dimension. The sowing of fear and terror and attacks on civil society – this is the face of terrorism.

The EU must provide its citizens with a high level of security. Particular attention needs to be given to terrorists' use of IT and communications technologies, particularly the Internet, which helps to disseminate propaganda broadcasts and training manuals. This is what we really need to be countering. Combating terrorism must become a priority for us in the EU, particularly combating its most threatening variant, Islamic terrorism, the objective of which is the absolute destruction of Western civilisation. What can we do? The choice is simple: either we annihilate terrorism, or terrorism will visit apocalypse on the world.

Angelika Beer (Verts/ALE). – (DE) Mr President, ladies and gentlemen, we can hold this debate on basic principles – we have to hold it – but not without discussing a particular instrument. I am talking about what is referred to as the list of terrorist organisations. Since the judgment of the European Court of Justice of 3 September, we know that the legal assessment is perfectly clear. The system of lists of terrorist organisations of both the EU and the UN violates citizens' fundamental rights and therefore has to be reformed.

What has happened? This EU list of terrorist organisations operates in a completely grey area without any parliamentary control. It is indeed bizarre when we as Parliament hear that a meeting of the Agriculture and Fisheries Council on 15 July – bringing together politicians specialising in agriculture, forestry and rural development – adopted a new EU list of terrorist organisations without debate, and without knowing what was on it. We know that foreign policy complications result, as international law is being trampled underfoot here in a completely grey area. We want to change this, and I am asking for your support in doing so. Many thanks.

Giusto Catania (GUE/NGL). – (IT) Mr President, ladies and gentlemen, I am also disappointed that the French minister has left, because he could have learned, for instance, that the information that he supplied to us is incorrect. In fact, Mrs Dührkop is correct in saying that the vast majority of terrorist attacks carried out in the European Union have an independent basis and have nothing to do with Al-Qaida, contrary to Mr Jouyet's statement.

In that case, we could have removed that suggestive equation, often put forward to us, between Islam and terrorism. This is a frequent tendency and, unfortunately, it also has its adherents in this Parliament. I am thinking of the attitude adopted by Mr Borghezio in the recent Cologne demonstration as, if this framework decision were valid, he would certainly be accused of provocation to terrorism. I would define Mr Borghezio's activities as provocation, and on behalf of the Confederal Group of the United European Left/Nordic Green Left, I would like to make a formal request for the President of Parliament to issue an official warning to Mr Borghezio.

I believe that the strategy adopted over recent years in the fight against terrorism has been a losing strategy, and has been too subordinate to US interests in the war in Iraq and in Afghanistan, in the formulation of the list of terrorist organisations, and in the restrictions placed upon the rule of law. There have been too many instances of improper handling of personal data and I believe that we must all work together – and I am just finishing now – to ensure that we do not restrict individual freedoms, to increase democratic areas and to ensure that we do not, in the name of security and the fight against terrorism, help to achieve the very goals of the terrorist organisations themselves.

Nils Lundgren (IND/DEM). – (SV) Mr President, Mrs Lefrançois proposes important changes in order to safeguard confidentiality, freedom of expression and legal certainty. What should be viewed as criminal is incitement, not provocation, to commit terrorist offences. Protection of privacy must also apply to e-mail and other electronic correspondence and the basic principles of all our legislation, proportionality, necessity and non-discrimination, are emphasised.

Excellent. But, for there is a big 'but': what happened to subsidiarity? What kind of terrorism is to be dealt with at EU level? A dreadful crime of terrorism was committed in Spain last weekend, and our sympathies go out to the Spanish people, but that crime is not an EU matter. Neither was the terrorism which continued for decades in Northern Ireland. Clearly, fear of terrorism is being deliberately exploited to advance EU

positions in the fields of justice and police affairs at the expense of the Member States. Subsidiarity is a fitting subject for political speeches, but does not feature in legislation.

Jana Bobošíková (NI). – (CS) Ladies and gentlemen, this weekend the Czech Republic's Ambassador to Pakistan became a victim of a bomb attack in that country. Yesterday, three Czech servicemen were wounded in a rocket attack in Afghanistan. These days, terrorism is having a direct impact on the citizens of my country too. There is no doubt that this is one of the most insidious and dangerous phenomena of civilisation and that we cannot give in to this cowardly and wicked evil, but must fight it. The war on terrorism must nevertheless not become an all-encompassing incantation. Despite all the bloody consequences of terrorism, everyday mistrust and fear for security cannot be placed above freedom. I therefore reject the European Commission's proposal that incitement to commit a terrorist offence should be a crime. The proposal aims to punish verbal and written addresses and thus poses a clear threat to freedom of expression and fundamental human rights. For me, as a democratic politician, this is unacceptable.

Carlos Coelho (PPE-DE). – (PT) Mr President, Vice-President of the Commission, ladies and gentlemen, I shall start with the report by Mrs Roure, which I once again support in its efforts to reach a political agreement on the proposal for a Framework Decision on the protection of personal data in the framework of the third pillar that is not based on the lowest common denominator, a minimum level of data protection and serious shortcomings. I should like to reiterate my position, which I have made clear here several times before: it is essential and urgent for a legal instrument to be adopted that guarantees the protection of data in the framework of the third pillar and ensures a level of protection of personal data that is at least equivalent to the level guaranteed under the first pillar by Directive 95/46/EC.

I very much enjoyed listening to Vice-President Barrot's statements. He is tuned in to Parliament's concerns, but I regret that the Council's empty chair is a living example of the political deafness that has filtered through every presidency. I am not at all optimistic about the Council's response.

On the Lefrançois report: in 2002 we adopted a framework decision in which we harmonised the definition of 'terrorism' and the applicable penalties. Several speakers have already referred to the Internet, the new information technologies, and the advantages they bring, but also to the use criminals can make of the net. As has already been said, there are some 5 000 terrorist propaganda sites, which are tools of radicalisation and recruitment, as well as serving as a source of information on terrorist means and methods. That is why we need to amend the 2002 Directive, so as to create the necessary instruments to deal with this form of cyberterrorism. I support Mrs Lefrançois' proposals, which combine the urgency of this fight with the indispensable respect for freedom of speech and association.

Lastly, Mr President, it is very important that Member States ratify the 2005 Council of Europe Convention on the Prevention of Terrorism so as to ensure parallel implementation of both instruments, together with a more thorough and comprehensive legal regime.

Stavros Lambrinidis (PSE). – (EL) Mr President, over recent years, discussion of terrorism in the European Commission and the Council has almost invariably sprung from self-evident acceptance of the protection of our fundamental rights. The almost equally inevitable consequences are perverse legislative proposals that violate these very rights.

A typical example is the proposal we are considering today, to combat terrorism on the Internet. This is based on the acknowledgement that some terrorists use the Internet to instigate terrorism, and that we must stop them.

However, the proposal concludes with the following extreme measure: to combat terrorism on the Internet, we should imprison any citizen who writes anything that could be interpreted by the police as being intended to *encourage* terrorism – not even 'instigate' it, mark you. Furthermore, anyone directly or indirectly supporting terrorist crimes is guilty. In other words, anyone who dares to express, verbally or in writing, a political opinion that could be interpreted as supporting terrorism is risking arrest. The proposal states elsewhere that people can be prosecuted, even if they have no intention of encouraging terrorism with their writings, simply on the grounds that their words, in the opinion of the police, had such an effect. In other words, one of the fundamental principles of criminal procedure is being completely overturned.

Fortunately, the Lefrançois report is here to restore the self-evident values of a democratic society to this crazy framework decision. It protects the freedom of the press and the contents of our e-mails from pre-emptive spying by the authorities; and it expressly states that criminalisation of any kind 'shall not have the effect of reducing or restricting ... the expression of radical, polemic or controversial views in the public

debate on sensitive political questions, including terrorism.' I hope the Council will accept these self-explanatory changes.

No-one in this House underestimates the need to combat terrorism, but when the fight against it gives rise to measures that ultimately gag our democracy, then the European Parliament, quite rightly, is obliged not to endorse them.

This is because – again, one of those self-evident truths that are in danger of no longer being taken for granted in today's Europe – it is absurd to claim that we are fighting terrorism to 'protect our democracy' while proposing measures that are contrary to the fundamental principles of democracy. The moral superiority of democracy lies in the fact that there are many ways of responding and protecting it, but these certainly do not include pre-emptive monitoring of the thoughts and words of its citizens, let alone the pre-emptive gagging or criminalisation of the self-expression of those who disagree with what is self-evident to the majority.

I call on you to support the Lefrançois and Roure reports. To the Council in its absence I say, take heed.

Sarah Ludford (ALDE). - Mr President, there are fundamental flaws in how the EC is currently proceeding in justice and home affairs, notably the lack of fully transparent and democratic law-making in the absence of the Lisbon Treaty (I too regret that Mr Jouyet showed his indifference to our views by leaving, whether he apologised or not) and, secondly, the lack of balance and respect for fundamental rights. Both are, unfortunately, fully on display here in the two measures being discussed.

The criminalising of 'public provocation to commit terrorism' – a vague term – risks casting a chilling effect on free speech when the criminal offence of incitement, which we already have, is perfectly adequate.

The other measure gives only weak protection for personal data exchanged ostensibly for law-enforcement purposes, but with massive loopholes. I can inform the House that, in the UK, the Data Retention Directive – that landmark achievement of the UK presidency three years ago – is being used to give hundreds of non-law-enforcement agencies access to personal contact details. Local councils use it to check up if parents have lied about living in the catchment area of a popular school – which might be naughty, but is not a major crime.

It is disgraceful the way that interior ministers have left a space for Europhobes like the UK Independence Party and British Conservatives to castigate the whole EU effort on cross-border crime. We know that a large majority of the European public, including in the UK, supports EU action to catch criminals and terrorists, such as through the European arrest warrant. However, UKIP and the Tories, who claim to put a high priority on law and order, give a cheery wave goodbye to any criminal who escapes across the Channel. We should not allow them to get away with their propaganda, especially because interior ministers are doing their very best to undermine public support for police cooperation by their blinkered approach which gives insufficient attention to civil liberties, be this protection from invasions of privacy or the rights of defendants.

EU Governments have stupidly allowed Mr Batten and his ilk a head of steam over the issue of recognition of judgments *in absentia* by their failure, led by the UK Government, to strengthen defence rights. Talk about an unholy alliance between the Europhobes and a spineless Labour Government!

Lastly, I want to ask where the justice ministers are in this whole exercise. They need to get a grip on the interior ministers' circus and start to construct a real European area of freedom, security and justice. We need the Lisbon Treaty to get transparency and democracy into this project, and quickly, before the European elections.

Konrad Szymański (UEN). – (PL) Listening to this debate, there are times when I get the impression that we are forgetting that the framework decision is aimed at democratic states, at EU Member States with a democracy based on firm foundations. There is therefore no urgent reason, no urgent need, to constrict the effect of the framework decision by introducing concepts like 'incitement' or 'genuine terrorist threat'. What this is is the culture of suspicion that Mr Fava was talking about, suspicion with regard to the state. Who should assess how genuine the threat has actually become? Does blood have to flow on the streets of one or another European city for us to be 100% certain that the threat linked to training, to incitement or to provocation has become genuine?

These and other safeguard clauses may be interpreted with an ill will, at the level of the courts, for example. They may end up being taken as an expression of an ideology, a false appreciation of human rights, which in this instance would undermine the effectiveness of combating terrorism. I am appealing to Member States

to show more trust, not to weaken the framework decision, and to maintain convergence of the framework decision with the counter-terrorism convention drawn up among the family of nations of the Council of Europe.

Adamos Adamou (GUE/NGL). – (EL) Mr President, terrorism as an act is to be condemned by all Members present in this House. However, this should not lead us to make protecting our true security difficult. In reality, the choices made by the EU to stamp out these hideous crimes leave us divided and deeply uncertain.

Adopting increasingly reactionary measures confirms that we were right to disagree from the outset with the ethos of the whole enterprise, and that we are right to be concerned now about substantial protection for our citizens' freedoms. The reform proposals presented call for an even heavier investment in measures and policies that can put innocent people in the dock and bring about their conviction. On the basis of suspicion alone, they overturn the fundamental legal principle of presumed innocence.

How can public incitement or provocation constitute a crime when it does not have any consequence or lead to any action? How far-fetched can the definition of provocation be? When can it be considered public? When is it genuinely dangerous and therefore punishable?

The declaratory nature of some of the provisions on the protection of freedom of expression is not enough: what determines the implementation of the proposal is the thinking behind its definitions. These contravene Article 10 of the European Convention on Human Rights and may lead to the criminalisation of demonstrations, speeches, etc.

In our view, the EU is once again making a choice based on political expediency rather than attempting to protect citizens' real freedoms. It is trying to dispel our worries with declarative clauses that are unable to guarantee the protection of those who some wish to see as potential terrorists.

Georgios Georgiou (IND/DEM). – (EL) What grief, what suffering, what pain, what hate terrorism involves! Fortunately, we have been taught to hide, to protect ourselves and to hate, for such are our basic rights, and this is what they have been reduced to. However, we have not been taught a fundamental obligation: not to provoke terrorism. Terrorism is not a vice; it may be a criminal act committed in protest, and one committed in vengeance, and it is unquestionably an appalling crime: but it is not a vice. I have not seen terrorists who are perverts and who die with their victims. Terrorism is provoked. Inasmuch as it is provoked by those who provoke and make use of it, terrorism will kill.

We in Parliament must protect Europeans, but we must also protect those who are being killed in Islamabad, in Sharm el-Sheikh, and most recently in Algeria. It is now Parliament's obligation to protect those who are not to blame.

(The President cut off the speaker)

Ashley Mote (NI). – Mr President, two weeks ago the Chairman of the Muslim Council of Great Britain addressed a meeting in this building, at which he categorically rejected reciprocity between faiths and demanded that the indigenous population had an obligation to welcome newcomers, and that those newcomers had a right to remain separate. He made no reference whatsoever to weeding out the Islamic fundamentalists in his own community, despite knowing – as he must – that Muslims, and only Muslims, have the knowledge to find and stop their fanatics.

It was not Scottish rugby players who blew up the tube trains in London, nor Welsh farmers, nor even English cricketers. It was a bunch of brainwashed Muslim youngsters who were looking for 72 vestal virgins in Paradise, believing that they had a God-given right to slaughter non-believers. We are not fighting terrorism. We are fighting a war of religion, and it is about time we faced up to that distinction.

Urszula Gacek (PPE-DE). – Mr President, many colleagues have made wise comments on how to strike the right balance between preventing terrorist acts and safeguarding our civil liberties, especially with respect to data storage and collection.

I would like to raise the issue of what data is being collected on our citizens and how it is stored and accessed. Let me just give one example of data collection which probably affects most colleagues in this hemicycle. We frequently travel by air and are customers of airport shops, and any purchase that we make requires the presentation of a boarding pass. While different tax rates on perfumes, alcohol and tobacco may justify this, have you ever considered why your boarding pass is needed when you purchase a newspaper?

Who needs to know whether you purchase the right-leaning *Daily Telegraph* or the left-leaning *Libération*? If it served no purpose, why would someone collect it?

Secondly, we need to increase safeguards on storage and access to data. How on earth will we convince our citizens that the sacrifices they are being asked to make with respect to their personal freedoms are justified if government agencies in Member States have mislaid massive data bases, as was the case in the United Kingdom, or even published them on the internet, as was the case of tax records in Italy?

Just these examples show why Commission and Council should listen to the LIBE Committee, which postulates – amongst others – that processing of data revealing political opinions should be prohibited and that the framework decision should also apply to national data processing.

Only with these and additional safeguards proposed by Parliament will citizens accept the collection of data. Without this, we will have a European haystack of information with bits of straw blowing around in the wind and without any hope of finding the proverbial needle, that needle which is the key piece of information that prevents a terrorist atrocity.

Wolfgang Kreissl-Dörfler (PSE). – (DE) Mr President, ladies and gentlemen, there is no doubt at all that we have to continue fighting terrorism with every resolve. I therefore specifically welcome the fact that we are continuing to develop the necessary instruments and adapting them to the insights we have gained. One thing must be clear, however: we can win this battle only on the basis of the rule of law. Abandoning laws and morals only strengthens, not weakens, terrorism. The actions of the Bush administration have shown us this quite plainly. Europe can lead by example here.

The safety and freedom of the general public are always connected to the freedom of the individual, however. You only have to look at the Basque region, for example. People live in fear and terror, as walking the streets or visiting the wrong bar can have fatal consequences. It is our job to protect our citizens from such threats. Restrictions on other personal freedoms are occasionally necessary in order to do this. Our citizens have to be able to trust that these restrictions are also appropriate, however, and that their data are not being distributed throughout the world by the intelligence services. In short: our citizens ought not to have to open their eyes one day and discover that Orwell's visions are no longer a Utopia. That is exactly what this is about: guaranteeing the safety of life and limb without destroying privacy.

At this point I should like to thank both my colleagues, who have submitted two excellent reports here. Both make it clear that we are calling for greater efforts by the Council to protect fundamental rights, that we want greater care to be taken and better protection to be afforded when handling personal data. We shall give our full and total support to the Council for all meaningful and appropriate measures to combat terrorism.

The Socialist Group in the European Parliament will always see to it that all citizens can feel safe, whether on the street, at major events or in their home. Freedom is too precious an asset to have it destroyed, no matter by which side. We know this well enough from our own painful history in Europe.

Jean-Marie Cavada (ALDE). – (FR) Mr President, much has already been said, so I will not go on at length about this subject. I would simply like to draw attention to a new state of affairs: terrorism has introduced something into our society that did not previously exist. Terrorism has allowed governments and taught states to mistrust not an external invader, but all of their citizens, and that is where the difficulty in governing lies.

There is no exercise more difficult than guaranteeing security and respecting rights. From that point of view, I would like to say that the reports by Mrs Lefrançois and Mrs Roure provide an extremely balanced synthesis of the progress needed to ensure the protection of citizens and the protection of their freedom.

Arbitrating between these two necessities is something governments do not know how to do. It is not part of their tradition, and it is something they are currently learning to do bit by bit; it is certainly an honour for the European Parliament and for this chamber to be the ones putting the stamp of balance on the search for progress in these two areas: the security of citizens and the security of their freedom.

As it is, it seems to me that the framework decision, as amended by the two reports by Mrs Roure and Mrs Lefrançois, is the fruit of several years' work and is therefore extremely precious. However, this is only one step along the way. Governments have to learn how to strive for a balance between governing citizens and protecting their lives. In this respect we can play a valuable part in helping them to make the decisions required, which in my opinion they are incapable of making alone or of applying within the limits of their national borders.

Mirosław Mariusz Piotrowski (UEN). – (PL) Mr President, terrorist attacks like the recent attack in Islamabad clearly demonstrate that terrorism is in fact a terrifying reality. We must therefore greet any proposal to combat terrorism effectively, in other words to provide security for the nations of Europe, with satisfaction.

On the one hand the report under discussion here comes out against these objectives, by attempting to clamp down on the phenomenon of terrorism at the incitement stage, while on the other hand it alludes to the rejected Treaty of Lisbon. The objectives stated in the report and its justification are mutually exclusive. We cannot combat terrorism effectively without cutting back on or restricting certain citizens' rights. This, sadly, is the price we have to pay.

The European Union has so far not taken any steps aimed at coordinating international action and is simulating combating terrorism in a virtual-cum-verbal sphere. On the initiative of the Socialist Group in the European Parliament, a 'Committee on CIA Matters' was set up in the European Parliament, which has not succeeded in establishing anything and has merely undermined the fight against terrorism. We must cherish the hope that this time, under the pretext of protecting fundamental rights, we shall not be pushing in a similar direction.

Athanasios Pafilis (GUE/NGL). – (EL) Mr President, the proposal of the Council and the Commission, with which the report is generally in agreement, is a profoundly reactionary attack on even the most fundamental civil democratic rights and freedoms. Its aim is to strengthen the institutional framework of suppression so that it can be used to crush the people's struggles.

By introducing the new terminology of 'violent radicalisation' culminating in 'extreme ideologies', the proposal arbitrarily criminalises every form of expression, opinion, view and ideological perception calling the exploitative capitalist system into question.

In conjunction with this, an amendment to the European terrorism law adds three new crimes, all related to use of the Internet. Under this medieval institutional framework, repressive mechanisms are allowed to prohibit and punish the circulation of ideas on the pretext that they foster or incite terrorist acts. At the same time, according to the same philosophy, forms of struggle and combat that question EU policy and seek to overturn it are considered to be terrorist acts.

The people must respond with disobedience and unruliness rather than accept these reactionary laws.

Sylwester Chruszcz (NI). – (PL) Mr President, we are talking today about the form of the Council framework decision in respect of the protection of personal data processed as part of police and court cooperation in criminal cases. This is a very important matter that requires profound analysis. Right at the start of the report, however, there is a reference to the Treaty of Lisbon and the changes its entry into effect will bring about. May I remind you that, following the Irish referendum, this Treaty is surely defunct, and it is not right to try to tweak things in this way. The Parliamentary amendments proposed in the report will lead to even greater harmonisation than is proposed by the Commission. My view is that we should leave it to the Member States to come up with more detailed definitions at national level and not spell everything out in Brussels, and this goes for personal data protection too.

Ioannis Varvitsiotis (PPE-DE). – (EL) Mr President, let me begin by congratulating the two fellow Members who drew up the reports we are discussing today. Combating terrorism is unquestionably the common, self-evident aim of us all. Nonetheless, our legal set-up requires individual rights and personal data to be protected.

Thus when it is a matter of Council interference in individual rights, I object completely. However, let me focus our attention on another fact. The numerous leaks of great amounts of personal data in several Member States have convinced me, so far, that the protection of such data is ineffective.

Need I remind you of the incidents in the United Kingdom that obliged none other than the Prime Minister, Gordon Brown, to apologise to his citizens? Should I remind you that in the United Kingdom, according to a report, half the country's population runs the risk of forgery and bank fraud? Need I remind you that there have already been cases in Germany, too, that are forcing the government to take strict measures? I am sure that in other countries, too, there will be similar incidents that I am not aware of.

Thus in view of such occurrences, I am very reluctant to accept the transfer of personal data from one country to another. I fear that the only result achieved by this procedure will be exactly what the terrorists are aiming for: a reduction in the trust citizens should have in the state. This must be avoided.

IN THE CHAIR: MR COCILOVO*Vice-President*

Genowefa Grabowska (PSE). – (PL) Mr President, the law does not define terrorism, but we all nevertheless know what this phenomenon is based on. Thousands of Europeans have experienced for themselves the atrocities perpetrated by terrorists. We wish to have a society that is free from the mental contagion that is terror. This is why we must arm ourselves. We must arm ourselves against this phenomenon, but we must do so wisely and effectively. We must combat terrorism, but not according to the retaliatory, albeit biblical, principle of ‘an eye for an eye, a tooth for a tooth’. We are a democratic society, and we have inscribed values on the EU’s standards in which we profoundly believe – these are fundamental rights, respect for human dignity and protection of privacy, which includes personal data. I therefore thank the rapporteurs for their work.

I am pleased to see the proposal for amendments to the Commission’s conclusions, but at the same time I would like to appeal for efficient and harmonised actions that offer everyone protection against terrorist propaganda and agitation, especially our children and young people. These individuals, who are most susceptible because they are young, open and trusting, must be protected from the dangerous texts that are being spread via the Internet and other media, often specifically under the banner of freedom of speech.

Incitement is a good word to define such actions, but it is not enough to write it into the framework decision. We need to set up mechanisms, we need to create an efficient European system and good procedures that will enable what we are today calling a crime to be wisely enforced. Without such tools, without a common policy on this, we shall not achieve the success we so desire.

Marek Aleksander Czarnecki (ALDE). – (PL) The debate on what to do about terrorism is becoming increasingly pressing, especially in the light of the tragic events in Pakistan and Spain in recent days. The European Union, which has chosen as its objective to provide citizens with a high level of security and justice, is currently facing new challenges and threats because of the development of information and communications technologies, including the Internet. The appearance of new methods used by terrorists, such as the creation of thousands of websites used for terrorist propaganda, demands a firm response from the European Union.

I support the position taken by the rapporteur, Mrs Lefrançois, that the crucial thing is to establish an appropriate legal framework for cyberterrorism with simultaneous protection of the fundamental freedoms and rights of EU citizens as guaranteed in the Charter of Fundamental Rights. Moreover, in my view it is essential that all Member States ratify the Council of Europe’s Convention on the Prevention of Terrorism.

Mario Borghezio (UEN). – (IT) Mr President, ladies and gentlemen, the European Parliament defends freedom of speech throughout Europe – including in Cologne, since Cologne is part of Europe – for anyone who wants to speak out against fundamentalism and Islamic totalitarianism, whose ideological basis is not Islam, but the fundamentalist Islam of terrorism.

So enough of censorship – let us defend that right!

Here there are attempts to do furtive deals and defend the right to liberty by giving the opportunity to anyone who wishes to speak in the mosques in favour of terrorism; if they include a few words against racism and xenophobia, we can no longer censure them, and we cannot prevent them from spreading their propaganda. We have been prevented from speaking and that is why I am gagging myself!

President. – Thank you, Mr Borghezio; I think, or rather, I deduce from your decision to gag yourself that we have reached the end of your speech.

Luca Romagnoli (NI). – (IT) Mr President, ladies and gentlemen, as usual, the reports attempt to combine data protection with the prevention of terrorism. Of course, we all wish to step up the fight and win the war on terrorism, but frankly I wonder if, since we have both these aims, what we are debating will – as with all compromises – end up toning down the scope of the initiatives. Well, police cooperation and protection of individual rights are not infrequently antithetical, but here they manage to find a reasonable balance.

What is certain, however, is that citizens of the EU are harassed by continuous, not to say suffocating, restrictions on their privacy, and likewise it is certain that this is totally useless in protecting us from terrorists. In fact, regardless of the global controls on the communications and movements of persons, terrorists continue to make converts and to sow death. Unfortunately, our initiatives do not reach as far as the criminal hand of a certain Islamic radicalism, and so we ought perhaps to take a different approach to combating it.

Herbert Reul (PPE-DE). – (DE) Mr President, ladies and gentlemen, the previous speaker has, I believe, wrongly made a connection here. What happened in Cologne was not about banning speeches against fundamentalism or speeches by democrats, but the imminent threat to citizens. These were right-wing extremists, and their behaviour in public was such as to jeopardise public safety. This is something else entirely and cannot be confused, not even for effect here in Parliament – I find this extremely irritating.

Secondly, the fact that we have agreed on taking action against terrorism here in Parliament is prudent, right and urgently necessary. Since this is always difficult to balance with data protection, every single decision is insanely difficult for every individual here in Parliament. However, it is true, of course, that when we see things such as what happened at the Marriott Hotel in Islamabad, or what is happening again now in Spain, when we are constantly being confronted with violence of this kind – and we all know that what these murderers are planning is being planned via modern information channels and then being processed via media using modern information and communication technologies – no other path remains for us either. The Commission was right to propose that we endeavour to come to Europe-wide agreements on this.

It is a difficult balancing act and will remain so. First and foremost, however, we have a duty to protect human lives. To put it bluntly, what use is data protection if people then die? Therefore, it is right that we simply take a good look here at modern information technologies in relation to the recruitment, financing and implementation of attacks and the glorification of attacks and come to agreements on how to combat them across Europe, and also supplement national regulations on this with European arrangements and agreements. This is our imperative duty. Action needs to be taken here. It is also, ultimately, a positive advertisement for Europe that we are in a position to resolve such important issues, even if the individual decisions are by no means easy.

Jörg Leichtfried (PSE). – (DE) Mr President, I should first of all like to take the opportunity to offer my warm congratulations to the rapporteurs, Mrs Lefrançois and Mrs Roure, as they have achieved something in their reports that, in my view, is of very particular significance. Every time terrorism comes up, we have to take great care that we are not serving the aims of the terrorists with the laws we enact, specifically in taking these instruments to our society, which is based on equality, freedom and the rule of law, as this will probably mean they have actually achieved their goal, and none of us wants that.

It is therefore immensely important to me that there will be substantial restrictions on the transfer of data, that sensitive data may be passed on only in very tightly regulated exceptional cases, and that very strict limits can be imposed on the transfer of data to third countries.

In addition, I am of the opinion that the word ‘provocation’ is wrong. It is not appropriate for our constitutional system, and the term ‘incitement’ would certainly have been better. In the same way, it is important to ensure there is freedom of the press, freedom of expression, privacy of correspondence and secrecy of telecommunications.

All I can do now is appeal for this all to happen. If we had had the Treaty of Lisbon, I would not now need to be making this appeal, as we would be using the codecision procedure. It is good to see, however, that this has exposed those Members up there at the back on the far right who have cursed the Treaty of Lisbon. They want fewer citizens’ rights, they want less data protection, they want less freedom and they want a weaker Parliament. I am sure the electorate will have recognised this next time around.

Toomas Savi (ALDE). – Mr President, I naturally support the reports but I find discussing the European Union’s combat against terrorism rather strange at this point in time as the presidency has seriously undermined this combat by fixing the People’s Mojahedin of Iran to the EU blacklist of terrorist organisations, against the ruling of the European Court of Justice, the European Court of First Instance and the Proscribed Organisations Appeal Commission of the United Kingdom.

It has emerged that the previous decision to blacklist the PMOI has allegedly been the result of shady diplomatic bargaining incited by petty national interests.

The European Union cannot continue deviating from the rule of law and therefore I call on my colleagues to join the newly-formed European committee for justice under the leadership of Vice-President Alejo Vidal-Quadras calling for the immediate removal of the PMOI from the blacklist.

Geoffrey Van Orden (PPE-DE). – Mr President, our open democratic societies are a strength, but their very openness can be exploited to become a vulnerability. It is this aspect which we are discussing today. Of course, security is not just some technical process. Security and liberty are complementary, and our strongest

protection is a united, cohesive society in each of our nations, based on shared democratic values and mutual trust.

However, in recent years, our institutions and traditional values have been under constant assault from within and without. At the same time, we have seen the growth of subcultures within our own societies that are scornful of our liberal values, deliberately seeking to establish alternative political and legal structures, sometimes through the use of violence, and sheltering behind our complex and generous legal systems and our liberal view of human rights.

The EU often has not helped. Unfortunately, it sees every crisis as an opportunity to extend its own powers and rarely asks whether its actions in one area are having a detrimental effect in another. I question, for example, the open-border policy, the lax approach to asylum and immigration and the attempts to introduce the Charter of Fundamental Rights onto the statute book.

While I am sure we all wish to find ways of combating the threat of terrorism, I am not at all clear why the EU feels it necessary, with its framework decision, to duplicate action that has already been taken in the Council of Europe.

All EU Member States are members of that body, along with 19 other states, and presumably they will already have legislated appropriately. There is, however, an area of Council of Europe competence which would benefit from review, and I refer to the European Convention on Human Rights (ECHR). This is a convention that was drawn up in very different circumstances, over 50 years ago. Its judicial interpretation often creates an obstacle to the deportation of terrorists from our countries. If we want to do something useful, perhaps we could agree that it would be useful to have a fresh look at the ECHR.

Marianne Mikko (PSE). - (ET) Ladies and gentlemen, personal data is sensitive information which must be handled extremely carefully. There must be no gaps in data protection; it must work properly. That is precisely the aim of the amendments tabled by the rapporteur to the proposal for the draft Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters. I also congratulate the rapporteur on the work he has done.

The Framework Decision will have a considerable impact on one of the basic rights of European Union citizens: the right to privacy. Since the European Parliament has always resolutely supported a strong, protective Framework Decision which would make a high level of data protection possible, the Council should give serious consideration to Parliament's amendments. Exchange of personal data should be regulated by a standard code of practice which is easy to understand; its role must be to provide reliable protection which guarantees respect for people's basic rights.

Paramount importance must be given to how personal data are in fact to be used. The processing of personal data which reveal a person's racial or ethnic background, political views, religious or philosophical convictions, membership of professional bodies, state of health or sexuality must be regulated as strictly as pharmacies are. It must not be restricted only by a clause saying that it is permitted when essential and that safeguards are sufficiently guaranteed – this is too general, exceptions must be spelled out. Access to personal data and disclosure of such data must take place within the law, security must be fully guaranteed. To that end we need a watertight, specific, protective Framework Decision and a control system. Our role is to safeguard our citizens' basic rights and at the same time to discourage terrorism. Let us do both with utmost care.

Olle Schmidt (ALDE). – (SV) Mr President, Commissioner, let me thank the rapporteurs for an excellent piece of work which has significantly improved the Commission's proposals. I have previously had difficulty in supporting reports dealing with terrorism, despite the fact that I seriously regard terrorism as one of the most important tests of the Union's credibility and capacity for solidarity and shared responsibility. With all due respect for fellow Members from Member States which are afflicted by the madness of terrorism, I have to say that our duty to ensure that democracy is never defended by undemocratic means is paramount. The rule of law must be upheld, along with respect for the privacy of citizens.

The Commission's woolly formulations on the criminalisation of public provocation, alongside other proposals to extend the coverage to utterances excusing terrorism, are so broad and open to interpretation as to risk bringing the purpose of the legislation – to achieve a common level of protection throughout the Union – seriously into disrepute. The fight against terrorism must be conducted on a common basis, but with respect for the Union's various legal traditions and standards and, not least, with respect for democratic traditions and values.

Jas Gawronski (PPE-DE). – (IT) Mr President, Commissioner, ladies and gentlemen, this morning many have spoken here about the war on terrorism, and have gone on to say that it is difficult to wage war on something that is not a concrete entity, does not have an army and does not have a territory, but is simply a tactic.

This strange war has not been won, and it will certainly be difficult to win it, but there have been some positive results, such as the mere fact that the United States has not suffered any more attacks since 11 September. These successes, however, have come at a price, and I share the concern of Mrs Lefrançois, who considers the dividing line between freedom of speech and law-breaking to be sometimes rather blurred, and can see the risk that efforts to increase the security of European citizens will in practice result in restrictions on those citizens' rights and freedoms.

It is very difficult to find the balance between these two requirements, partly because we are in unknown territory: terrorism is too recent a phenomenon for us to be able to rely on precedents, or to have experience from which to learn. There is no doubt that in the name of the war on terrorism illegal acts have been carried out, chiefly by that country which has done most to fight against terrorism, including in our interests – namely, the United States. This is because there is a price to be paid for keeping terrorism in check, and that is the restriction of civil liberties.

On the other hand, it is easy not to make any mistakes when one does little or nothing. Hence, in the European Union, if we want to ensure that we have a more secure future, we must do more; we must improve coordination of action by Member States and the initiatives taken by the secret services and, above all, we must not leave the United States to bear the burden of this responsibility alone. If we do this, we will perhaps be able to try to make our principles prevail, as well as our ideas about that blurred line between citizens' security and breaches of human rights.

Daciana Octavia Sârbu (PSE). – (RO) Cooperation between EU institutions in the fight against terrorism must work perfectly, especially as this phenomenon has intensified. Terrorism has become the main enemy of stability and world peace. If we think of the events of September 11 or the ones in Madrid and London a few years ago, we have the perfect depiction of terror, fear, and suffering.

In order to safeguard the security of citizens, we need to take urgent action in the fight against terrorism, in close cooperation with local and regional authorities. No element in the framework decision can be construed as a reduction of or constraint on fundamental rights and liberties, such as the freedom of expression, of association, or of assembly. The expression of radical, polemical or controversial opinions concerning sensitive political issues, terrorism included, does not fall within the scope of the framework decision. As long as we keep a balance between respect for liberties and protecting the security of citizens, any initiative should be welcomed.

Mihael Brejc (PPE-DE). – (SL) The two reports on the framework decisions form two further pieces in the jigsaw of a broad range of regulations, directives and other documents relating to the fight against terrorism. I support both reports because I believe we need both framework decisions and because a reasonable balance has been struck between measures to ensure security and freedom of the individual. I consider that in future the Commission and Council need to pay greater attention to the following issues.

Firstly, the burgeoning growth in anti-terrorism laws and the provision of greater transparency in such laws. In this regard too, we have unnecessary and impractical laws or provisions in them which need to be rethought or repealed after assessment.

Secondly, the applicability of laws and thus the effective combating of terrorism do not depend solely on sound legislation but also on effective cooperation between the Member States and their police and security services. Here we have not yet achieved the proper level of cooperation.

We need to examine and compare the control mechanisms available to the European Union and the Member States. We need to pay particular attention to cases of database loss or misuse, and there should also be a mutual exchange of information on this matter between the Member States.

Finally, we need to do more to raise public awareness to make it easier for people to understand why certain measures are necessary.

Congratulations on both reports.

Iliana Malinova Iotova (PSE). – (BG) Regrettably, the latest developments in Pakistan come as further categorical evidence of the timeliness of today's discussion. This discussion must provide a clear and categorical answer to two questions of principle: in the first place, whether we have really done enough by the proposed document to help the fight against crime, and in the second place, whether in doing so we have respected human rights and have provided adequate protection to our citizens' personal data. During its long history, this document has seen a lot of controversy and has undergone a lot of changes, and I would like to give special credit to the rapporteurs for the fine work they have done to achieve, ultimately, in a consensual and balanced text.

Particular attention should be paid to the amendments proposed in Mrs Roure's report, which require collection of personal data for lawful purposes and observance of Convention 108, as well as mandatory informing the data subject of the purposes for which the data concerning him are being processed. Nevertheless, some provisions proposed by the Council give reason for concern. I entirely back Mrs Roure's proposal to drop Article 1, paragraph 1 of the Council Proposal, which practically exempts cases of national security from the effect of the present Framework Decision. I am convinced that if this provision is kept, the legislative decision on which we will take a vote within hours will make it possible to circumvent the law and even to abuse it because "national security" is an all too general notion and lends itself to various interpretations. Recently, for example, there was a case in Bulgaria in which unauthorised retrieval of data, personal data, from the National Health Insurance Fund was attempted, and this attempt was frustrated only by the prompt action taken by the management of the Fund.

The control functions, the powers of the national supervisory authorities and of the European Data Protection Supervisor, must be augmented. Unfortunately, the analysis shows that these authorities are rather and quite often used only for observance of the specific provisions of the law but actually do not possess any sanctioning or investigating functions. An increase of these functions must be recommended to the Member States of the European Union.

Hubert Pirker (PPE-DE). – (DE) Mr President, Commissioner, I should like to discuss the second report first of all, namely the Framework Decision on combating terrorism. We know that actions to combat terrorism are needed, as it is a fact that there are over 300 Al-Qaeda initiatives within the European Union and over 500 websites available, which even contain instructions on how to make bombs. This is clear, and I believe that it is necessary to try to maintain a balance; that is, to protect fundamental freedoms but also, on the other hand, to take every conceivable measure to prevent deadly terrorist activities.

I should like to highlight one point here. I believe that the European Parliament would be making a crucial mistake if it were to amend the concepts and replace 'public provocation to commit a terrorist offence' with 'incitement'. This is for the very simple reason that proof of incitement cannot be produced until people have already died – but then it is too late. Nobody would be able to understand or accept this. If, however, public provocation is included in this legal act, there is the possibility of intervening if general disobedience to a law is provoked or action is provoked that is punishable in relation to terrorist activity.

This means there is the opportunity to save lives before a terrorist act is committed. I would regret it, therefore, if Parliament were to take the wrong path here and amend these concepts – for the further reason that the Council of Europe has laid down that the concept of public provocation should exist. If I have understood correctly, the Council and Commission are also of this opinion, to which we should be subscribing – and this is an appeal to you all – and leaving the term 'public provocation' in, as this enables lives to be saved before terrorist activities take place.

Andrzej Jan Szejna (PSE). – (PL) Mr President, I would like to begin by thanking Mrs Roure for drawing up her report on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.

There is no question that the swift adoption of a framework decision on personal data protection in the third pillar will help to protect the personal data, private life and fundamental rights of all citizens of the Member States. This matter is a priority for us socialists. This is not just because the current legal solutions in this area are inadequate; it is most importantly because of its significance for everyone living in the EU.

It is my view that the legal act drawn up previously by the Council contained too many gaps. It guaranteed protection only to a minimal and certainly not an adequate extent. Because of this, I fully support the rapporteur's proposed amendments to the Council's draft, with which we were not satisfied, particularly those relating to the protection of data relating to DNA, health or the sexual orientation of citizens. All data relating to personal and sensitive spheres of life such as racial and ethnic origin or information relating to

religious convictions or world views require special protection and their processing should be admissible only in exceptional situations that are precisely defined in the law, and with the consent of a court.

It is also of exceptional importance that the rapporteur has taken the trouble to regulate the problem of data protection when the data are further processed, passed to third countries or passed to private entities, because it is precisely at these stages that abuse most commonly occurs.

What we need is a precise framework decision that will protect data to an extent that is at least on a level with that guaranteed in the first pillar by the 1995 Directive and Convention 108.

Charles Tannock (PPE-DE). - Mr President, I sometimes fear that the fact that this House so frequently debates terrorism reflects a worrying absence of consensus on our response to it. Surely the terrorist atrocities perpetrated over decades around the world, including the recent bomb attack in Islamabad, should have opened our eyes to its true, evil nature and the need to stand resolutely and unequivocally against the existential threat it poses to western democracy and way of life.

I welcome, therefore, EU countries working together to define and inflict heavy criminal penalties on those who incite terrorism. I remember the demonstrations in London that coincided with the publication of cartoons in Denmark depicting the prophet Mohammed. We, of course, are proud in Europe of our rights to free speech and expression, and protesters carrying placards calling for the beheading of those who insult Islam clearly crossed the boundary between free speech and hate speech inciting violence.

In the UK we have recently been debating limits on pre-trial detention without charge on suspicion of involvement in terrorism. I am personally of the opinion that we need to give the police and security services the resources they need to protect our citizens, subject, of course, to rigid legal safeguards.

That is certainly what most people in my country and the rest of Europe want, according to opinion polls. Furthermore, with regard to data retention, I am often dismayed at the way this House takes such an absolutist rather than a balanced approach to civil liberties. Again, provided there are clear safeguarding rules in place on how the information is shared, we need to support our law enforcement authorities.

Finally, the EU should place Hezbollah on the list of proscribed terrorist organisations. Not to have done so in the past in the face of prima facie evidence demonstrates an apparent lack of EU resolve that is giving succour to those who would destroy our way of life in a democracy.

Proinsias De Rossa (PSE). - Mr President, information exchange between our Member State police forces is essential to combat terrorist threats and indeed prevents atrocities. Many atrocities have been prevented by such exchanges on my own island of Ireland.

For a long time Ireland and the UK were reluctant to do so due to deep-seated distrust. The consequences were horrific. It would be no surprise, therefore, that I broadly support information exchange. However, I am concerned, as are my colleagues, that the Council's revised proposals bear insufficient protection for personal data as outlined in Martine Roure's report. We will not defeat the likes of ETA and the IRA and others who despise democracy and human rights by undermining our democratic norms ourselves.

I appeal, therefore, to the Commission and Council to take seriously our concerns as directly-elected politicians. It is essential that the progress of the European Union is not blocked and that we avoid giving the impression that the EU can act beyond the law of Member States. I had hoped we could have dealt with these matters under Lisbon's new codecision procedures. Unfortunately that is not possible right now, but we must continue to work to enhance the legitimacy of this Parliament and the European Union. We will not do so if we undermine personal rights.

Gay Mitchell (PPE-DE). - Mr President, I welcome this report. I want to say at the outset that I strongly support the fight against terrorism, and I have spent all my political life opposing IRA and Loyalist terrorism in Ireland, so please take that as stated.

But we must ensure that we have sufficient checks and balances to protect citizens from state terrorism or abuse of data by the state, the Union, or by journalists, organisations, individuals, or agencies for that matter, those who steal or otherwise come into possession of information which is private and confidential.

The cure must not become worse than the disease. The storage and disposal of such data is a crucial part of this safeguard. Any attempt at embarrassing individuals or any form of attempted blackmail – be it political,

financial or otherwise – should be a particular offence and should be strongly condemned by all right-thinking people.

The disposal of this data is often left to the private sector to destroy after a certain period of time has passed by. I, for one, am not satisfied that the private sector, in particular – or, for that matter, the public sector – have in place sufficient safeguards for the destruction of data which is no longer needed in the fight against terrorism. I believe there should be the severest penalties for those who do not protect private information and leave this open to abuse and misinterpretation, whether those persons are in the public or private sector, and I urge the Commission to take this into account. Our job as parliamentarians is to ensure that democracy can survive. We must, therefore, ensure that we have all the tools we need to fight terrorism tooth and nail, but that does not mean we can be careless with the reputations, the confidentiality or the privacy of our citizens, and I urge the Commission to take that into account.

Libor Rouček (PSE). – (CS) Ladies and gentlemen, terrorism represents one of the most serious threats to democracy and to economic and social development in Europe and throughout the world. Modern information and communication technologies unfortunately play a significant role in the propagation of the terrorist threat. The cheap, fast, easily accessible and globally available internet is often misused by terrorists to disseminate terrorist information and to recruit new members and sympathisers. I therefore welcome the Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism, among other things because it includes the criminal offences of incitement to commit terrorist offences, recruitment for terrorism and training for terrorism. I welcome this amendment because I am convinced that it is essential to find an international response to the international threat of terrorism. No single EU Member State can handle this problem on its own. There is a need for coordinated efforts by all Member States. In a democracy, in the democratic Union of European states, however, the fight against terrorism must be conducted within the framework of a democratic rule of law, given human and civil rights. I therefore support the amendments proposed by our two rapporteurs on the strengthening of just these elements. In conclusion, I should like to urge all those involved, the Council, the Commission and Parliament, towards the rapid adoption of the compromise proposal.

Dumitru Oprea (PPE-DE). – (RO) In the third millennium, the beauty of the global village is being threatened by global terrorism. Since individual countries, owing to the principle of subsidiarity, can control only 10-15% of cyberspace, the rest being the concern of private entities and families, we believe that a global approach is required for the first time, and the response to global terrorism should be a new concept, “Global care of the global village”. Through such an approach and through a strategy for the protection of global cyberspace, the European Union will prove its preoccupation with world security as well as with its own security.

Ioan Mircea Pașcu (PSE). – Mr President, in spite of its horrible consequences, international terrorism is still, sadly, a controversial subject. We want protection, but we protest at the cost and distress to authorities when they propose to implement measures to that effect. We deplore the terrorist attacks, but we protest at the limitations to the full exercise of our rights, in spite of the fact that we know very well that the perpetrators are abusing our democratic system.

Ideally any limitation of our rights should be compensated by a corresponding increase in our security in the face of terrorist attacks. Equally, we tend to resist legislative uniformisation against terrorism, although we know that the consequences are similarly destructive. Furthermore, attacks might increase in frequency when the punishment is milder.

Therefore, to have an effective protection against terrorism, perhaps we should make up our minds and reconcile first these conflicting views.

Marios Matsakis (ALDE). – Mr President, hardly a day goes by without a terrorist act. Terrorism is a fulminant infection in the body of our society. Like any infection, if left untreated, it will keep spreading until it incapacitates, or even kills, the patient.

Drastic measures are called for. Some of those measures are controversial and undoubtedly infringe somewhat on personal freedoms but, on balance, they are necessary. In an ideal world, strict personal data protection is paramount but, in a terrorism-sick world, concessions must unfortunately be made. Exceptional circumstances call for exceptional measures.

I feel that this is the spirit in which we must look at decisions on combating terrorism. If we absolutely have to choose between some minor compromises on personal liberties and a much more effective way of fighting

terrorism, it is my opinion that we should choose the latter. I conclude with the following question: if promoting certain atrocious crimes like paedophilia on the internet is a crime – and rightly so – why should it not be so for promoting terrorism?

Carlo Fatuzzo (PPE-DE). – (IT) Mr President, ladies and gentlemen, on behalf of pensioners and the pensioners' party which sent me here to the European Parliament, I would like to express our view on how to combat terrorism: the financial funds of the European Parliament and Europe ought to go in greater measure towards alleviating the sufferings of the people from whom the terrorists receive the greatest assistance. These funds must be controlled, so that they are used for the benefit of the people and not for the illegitimate interests of certain corrupt leaders. Therefore, I believe they should be used for the 'Marshall Plan' proposed by Silvio Berlusconi, Italy's prime minister, to aid the people of Palestine.

Silvia-Adriana Țicău (PSE). – (RO) I would refer to Mrs. Roure's report. The right to the protection of personal data is a fundamental right. Those citizens whose data are being processed have rights which must be respected both at national level and at EU level. There are numerous EU regulations and directives which require an exchange of information concerning the offences committed by European citizens in a Member State other than their state of residence. Cases in point are the Regulation on access to the road freight business, or the Directive facilitating cross-border enforcement in the field of road safety. All these European regulations require the set-up of information systems capable of relaying notifications and information between the Member States.

All the corresponding IT systems must include a public component as well as a secure component containing data about offences committed in Member States; the latter should be accessible only to the relevant institutions, and only in compliance with personal data protection regulations.

Jim Allister (NI). – Mr President, having seen further savage terrorism in recent days in Pakistan, Spain and Jerusalem and, in my own country, several renewed IRA terrorist attempts, none of us can be complacent about the vile scourge of terrorism. However, it is naive to think that there is a pan-European panacea. Yes, we need effective extradition and, yes, we need effective cooperation, but legislation so harmonised as to reduce it to the lowest common denominator is more of a hindrance than a help.

First and foremost these are matters for national decision. The United Kingdom, for example, is attempting to provide for 42-day detention, which is more than I think is necessary, but London, not Brussels, has the right to make that decision.

Under the approach in these proposals, we would soon strip away that discretion from Member States. That might suit the EU's expansionist agenda, but it will not defeat terrorism.

Nicolae Vlad Popa (PPE-DE). – (RO) As a representative of Romanian citizens, I believe that it is extremely important that the European Parliament takes part in the decision-making process concerning the protection of personal data collected in the context of law enforcement. We should take into account that the European citizens' right to data protection is fundamental; but at the same time the institutions involved in the fight against terrorism and crime must have access to such information.

This report plays a particularly important role in the creation of the legal framework laying down the quality, definition and characteristics of personal data and their transfer to third states or individuals. I commend the provision stating that data should be kept no longer than necessary, and Member States are called upon to put into place the procedural and technical measures meant to enforce these limitations.

Antonio Masip Hidalgo (PSE). – (ES) Mr President, I would like to congratulate my colleagues, Mrs Lefrançois and Mrs Roure, on their reports, but also to take this opportunity to say that the French police have just arrested a major terrorist, and I therefore congratulate the French Government and the French police. I think that the political authorities in all countries should cooperate with our police, our judges and our governments.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, I would first like to congratulate the European Parliament as a whole on the high standard of this debate. The European Parliament is indeed legitimately awaiting the ratification of the Treaty of Lisbon, but it has demonstrated maturity this morning by producing a very large majority in support of your two reports – the report by Mrs Lefrançois and the report by Mrs Roure. These two reports seek to find the right balance between collective protection against terrorism, which we need to guarantee for our citizens, and individual protection of our freedoms. I believe it is there, in this dual balance, that we have to seek the right solutions.

Mr President, I will very briefly sum up the discussion. I will first go back to the report by Mrs Lefrançois on combating terrorism. I would just like to say that although freedom of expression, including the right of criticism, is one of the fundamental pillars on which the European Union is built, incitement to racial hatred cannot be considered acceptable under the pretext of freedom of expression. Racist discourse is an abuse of freedom of expression and cannot be tolerated.

Next, I would like to remind you that the Commission's proposal was drawn up on the basis of an in-depth impact assessment. Many consultations were held, and the Commission's proposal is indeed based on the Council of Europe Convention for the Prevention of Terrorism and we have tried to follow the balanced formulation of offences in the Convention.

If Mrs Lefrançois and the many MEPs who have come out in support of the term 'incitement' will allow me, I would like just like to spend a couple of minutes defending the term 'provocation'. The advantage of the term 'provocation' is that it is new. That is why the Council of Europe used it; its newness means it can have a common and precise definition in the European Union. Provocation is not a concept open to interpretation. I believe it can be properly identified through case law. What is correct is that we want to avoid any kind of terrorist attack actually occurring while criminalising those who, mainly through what they have said, have called for such an attack even if one did not take place, and that is where the problem lies. I will leave it to the wisdom of the dialogue between the Council and Parliament, however, to find a solution.

I would also like to say that Article 1(2) of the current text of the framework decision contains a human rights safeguard clause that concerns – I think Mrs Lefrançois agrees – the whole framework decision.

Lastly, Mr President, I would like to emphasise the value of placing this action to combat terrorism within the integrated institutional framework of the European Union. By inserting this text into European law, we have a guarantee of its efficacy. For specific acts, it will give us a uniform legal framework regarding the nature and level of criminal sanctions and jurisdictional rules. Consequently, it will be possible to apply the European Union's cooperation mechanisms referred to in the 2002 framework decision.

To sum up, Mr President, while thanking the rapporteur and Parliament again for all the work they have done over the last two years on this important matter, I would like to hope that a decision will now be taken quickly in view of all the work done and the need – as many of you have underlined – to effectively combat terrorism.

Now I come to the second text, which is inseparable from the first, and I think it was a good idea of Parliament to link them together, demanding data protection and protection of personal freedom at the same time. My thanks, of course, go to Mrs Roure, who has defended this balance, and data protection, so energetically. It was indeed important for this text to come at the same time as the text on combating terrorism, so that the forces of law and order could have specific rules on data protection in the near future. As I have said, and I do not want to overstate this, like Parliament, the Commission obviously wanted to go further on data protection. The Minister, Mr Jouyet, mentioned that the French Presidency had to take account of whether a compromise could be achieved, although it wanted the same thing. I can simply say, then, that the Commission will try to put the evaluation clause and 'whereas 6a' to good use. We are therefore listening to the Committee on Civil Liberties, Justice and Home Affairs and will try to take account of your desire for an ambitious revision of the framework decision to evaluate the extension of its scope. In any case, that is what the Commission can do and what I personally will try to do. I know the European Parliament would like this revision to take place quite soon. I only hope the Council will agree to a revision within a timescale that enables the European measure to be sorted out very soon.

That is all I wanted to say, Mr President. I would also like to make clear to each of the speakers that I appreciated the high standard of the debate on such an important matter – a matter in which Europe must set an example – both by guaranteeing effective collective protection against terrorist threats and also, of course, by remaining very attentive to the protection of individual freedoms and personal autonomy. I think Parliament has once again clearly demonstrated its maturity and its ability in future to be co-decision maker on this matter.

Roselyne Lefrançois, rapporteur. – (FR) Mr President, Commissioner, ladies and gentlemen, I would first like to thank all my fellow Members who have spoken this morning for the high standard of their speeches. The sheer number of them clearly demonstrates the level of interest in this issue. Without going back over all the various speeches in detail, I would just like to mention three or four of them.

Mr Fava clearly showed what a difficult exercise this is. We need to avoid a culture of suspicion and mistrust, but at the same time we need to think about the context and to guarantee both the security of citizens and the protection of freedoms.

Mr de Grandes Pascual explained clearly the added value of the definition of terrorism, saying that the definition we were using was more important, and also insisting on the list of offences. As this is about working together to combat terrorism, we need to send a firm message, while protecting individual freedoms.

Mr Demetriou, you mentioned the scourge that terrorism represents, and which we need to combat. However, you used the term 'public incitement', saying that it was a concept better understood by all the Member States. Mrs Ludford also shares this concern. She also felt the term was more appropriate, given that we do need to safeguard fundamental freedoms.

The report is indeed the outcome of a long and tricky negotiating process. I do believe, though, that we can be satisfied with the result, particularly from the point of view of the balance between combating terrorism and respecting fundamental freedoms.

The report by my colleague Mrs Roure falls firmly within this second category, since the protection of personal data is one of its key components. I have just one regret, which I know is shared by many people in Parliament, particularly my fellow Members in the Group of the Greens/European Free Alliance. It is the fact that the implementation of a text with such a big impact on the freedoms of European citizens is not subject to the full jurisdictional control of the Court of Justice.

For this to be the case, it would have been necessary to adopt the framework decision under the Treaty of Lisbon regime. Even before the 'no' vote in the Irish referendum and question mark over the entry into force of the new Treaty on 1 January 2009, the Council clearly had a desire to move as quickly as possible to avoid the switch to codecision. In the Committee on Civil Liberties, Justice and Home Affairs we nevertheless tried to work in the most conscientious and detailed manner, while keeping up with the pace set by the Council.

At the vote in committee on 15 July, my draft report was adopted by 35 votes to 4 with 1 abstention, and I hope it will attract a solid majority in plenary too.

Martine Roure, rapporteur. – (FR) Mr President, I would first like to thank all my fellow Members because this debate has shown that the European Parliament was united on a really tricky subject, and we are the representatives of the European Parliament, we are the representatives of the people. It is worth pointing this out.

Today I am addressing the French Presidency in particular. We are asking the Council to fulfil commitments made a long time ago by several successive presidencies. It is absolutely necessary to adopt this framework decision quickly and take account of the European Parliament's amendments. The Council must be true to its word. We absolutely must work in an atmosphere of trust. That is essential. I hope this message will be passed on to Mrs Dati, who unfortunately is absent from this priority debate, which we are very disappointed about.

I would also particularly like to thank Commissioner Barrot for his support, which is very valuable to us.

President. – The joint debate is closed.

The vote will take place today at 12 noon.

Written statements (Rule 142)

Titus Corlăţean (PSE), in writing. – (RO) The establishment of a legal framework for personal data protection within the third pillar has been a concern shared by all EU presidents over the last years. Nevertheless, the framework decision adopted in 2006 was something of a compromise, establishing the lowest common denominator in the protection of personal data. Therefore, we can but welcome a new EP consultation on the extension of the scope of the framework decision and on an analysis of its impact on fundamental rights. The main objective of the changes should be to ensure the same level of data protection as for the first pillar; from this point of view, I regret that the Commission's initial proposal has been modified by the Council. Equally regrettable is the fact that the provision concerning the working group of national data protection authorities was removed by the Council, which is a setback in the process of creating an effective personal data protection system.

Petru Filip (PPE-DE), *în scris*. – (RO) The effective protection of personal data remains a natural requirement of modern democracy. If under certain circumstances this protection requires the modification of community databases so as to prevent the correlation of certain personal or material information with identifiable persons, we should be aware that the management of this global system for the storage and processing of information implies a state-of-the-art security system. As real security cannot be guaranteed simply by our endorsement of a set of common principles, I believe that what is needed is a pragmatic analysis of the risks involved by cooperation between the law enforcement and the judiciary of countries with varying levels of expertise in the field.

For the sake of clarity, I would like to reiterate the need of new Member States for a fast transfer of expertise in the field, so as to prevent any prejudice to the global security of the system.

Dumitru Oprea (PPE-DE), *in writing*. – (RO) Given the growth of terrorism and its inclusion of cyberspace, the possibility of manipulating the masses faster, and the limited possibilities of identifying terrorists quickly enough, I believe that such a decision is welcome in the overall context of protecting the civil rights and freedoms of every citizen and of creating a favourable framework for the quick identification and tackling of crime, particularly of crimes against the security of persons, countries and national infrastructure.

I welcome the decision to consider the objectives set in the framework decision as being of major European interest, particularly as regards common regulations on personal data protection, which will enable Member States to enforce the same rules and principles. Moreover, I think a recommendation is needed with respect to the classification of information by reference to international classifications, so as to eliminate all the differences between Member States and other states in the enforcement of security measures.

There are two basic strategies that should be taken into account in ensuring the protection of data and security systems: "Whatever is not expressly forbidden, is allowed", and "Whatever is not expressly allowed, is forbidden".

Andrzej Tomasz Zapalowski (UEN), *in writing*. – (PL) The question of the increased threat to Europe from terrorist acts is one of the most important challenges facing the security of our continent. Today we are threatened by political terror controlled by states that declare cooperation with us, and groups of a criminal nature, but it seems that the greatest threat facing us is that posed by Islamic fundamentalism.

I am amazed by the lack of concern on the part of those who govern Europe. Our total openness to an unlimited number of newcomers from Islamic countries, as favoured by socialists and liberals, will bring a wave of tragedies for the Community's populace in the future. Unlimited Islamisation of Europe is not on!

Let us give aid to poor countries, but let us not turn our continent into a place where the limits of people's tolerance are tested. Newcomers are currently demanding ever increasing rights, and the traditional peoples of Europe have to consent to all of it along with the destruction of traditions that go back many centuries. This is dangerous. One example of what this may lead to is Northern Ireland, and the groups warring with each other there are simply people practising different Christian religions.

Marian Zlotea (PPE-DE), *in writing*. – The attacks of 11 September 2001 have utterly changed the world. The terrorist attacks of that day have not only altered how Americans see and understand the world but have also offered democratic societies all over the world a new perspective on this modern world, in which terrorist threats of attacks such as those that devastated Madrid (March 2004) and London (July 2005) pose a frequent and daunting challenge.

Now terrorists are using modern means of communication, such as the internet, to push for training, recruiting, and planning attacks. The use of this technology presents a unique threat to the Union, and we should all work together to combat terrorism with all the means that are at our disposal.

However, in order for our democratic society to effectively counter these threats, the fight against terrorism must be accompanied by a strengthening of our fundamental rights and freedoms. To address the threat of terrorism, it is necessary to have common provisions in the EU, and existing legislation should be amended accordingly.

Modern terrorism has a new way of operating, but it must be fought by the EU with the same strength and determination demonstrated in fighting traditional terrorism.

Gerard Batten (IND/DEM). - Mr President, I will be brief. I speak under Rule 145 to rebut remarks and comments made about me by Dame Sarah Ludford in her speech in this debate.

She said a number of things, but in particular she said that I was 'a Europhobe' and that in relation to extradition, I would 'give a cheery wave to criminals who made it to the Channel'.

I would like to correct her factually. I am not a Europhobe. I love the continent of Europe, its history, its culture, its achievements as much as anybody, but I am an EU-phobe. I hate the European Union, which is anti-democratic and undemocratic. In relation to the European arrest warrant and the trials *in absentia*, what I want is for an English or Scottish court to be able to consider *prima facie* evidence against a suspect before granting extradition and, indeed, have the power to prevent it. They must be able to decide that there is a proper case to answer and that a fair trial will be given.

I do this in order to protect the interests of British citizens, such as exemplified by the case of Andrew Symeou, a 19-year-old London man who faces extradition to Greece on 30 September on a manslaughter charge. The evidence against him is extremely suspect, and no account can be taken of that or the fact that witnesses have been allegedly tortured in order to extract statements from them.

I understand Dame Sarah's sensitivity on this issue since her party, the Liberal Democrats, have obviously backed the wrong horse and she fears – quite rightly – the electoral consequences in 2009.

President. – Before suspending the sitting, I would like to reassure the security services, because a rumour has spread that an individual came into the Chamber with his face covered. This was just Mr Borghezio, who gagged himself as a protest, and so the Chamber is not subject to any risks from the security viewpoint. I just wanted to reassure the security services.

(The sitting was suspended at 12 noon pending voting time and resumed at 12.05 p.m.)

IN THE CHAIR: Diana WALLIS

Vice-President

5. Voting time

President. – The next item is the vote.

(For the results and other details on the vote: see minutes.)

5.1. Community statistics relating to external trade with non-member countries (A6-0267/2008, Helmuth Markov) (vote)

5.2. Protection of species of wild fauna and flora by regulating trade therein (A6-0314/2008, Miroslav Ouzký) (vote)

5.3. Statistical returns in respect of the carriage of goods by road as regards the implementing powers conferred on the Commission (A6-0258/2008, Georg Jarzembowski) (vote)

5.4. European Year of Creativity and Innovation (2009) (A6-0319/2008, Katerina Batzeli) (vote)

5.5. Amendment of Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply (A6-0339/2008, Agustín Díaz de Mera García Consuegra) (vote)

5.6. Draft amending budget No 6/2008 - executive agencies (A6-0353/2008, Kyösti Virrankoski) (vote)

5.7. Follow-up to the Monterrey Conference of 2002 on Financing for Development (A6-0310/2008, Thijs Berman) (vote)

5.8. Internal Market Scoreboard (A6-0272/2008, Charlotte Cederschiöld) (vote)

5.9. Improving the quality of teacher education (A6-0304/2008, Maria Badia i Cutchet) (vote)

5.10. The Bologna Process and student mobility (A6-0302/2008, Doris Pack) (vote)

5.11. Alignment of legal acts to the new Comitology Decision (Legislative initiative) (A6-0345/2008, József Szájer) (vote)

5.12. Hedge funds and private equity (A6-0338/2008, Poul Nyrup Rasmussen) (vote)

- Before the vote:

Jonathan Evans (PPE-DE). - Madam President, I rise under Rules 9, 93 and 94, which deal with transparency, to declare that I have an interest in relation to the issues to be voted and so will not be participating in this vote. I similarly declared an interest when we considered this matter in committee and did not participate in the discussion or the vote on that occasion.

5.13. Transparency of institutional investors (A6-0296/2008, Klaus-Heiner Lehne) (vote)

5.14. Amendment of Regulation (EC) No 999/2001 as regards the implementing powers conferred on the Commission (A6-0279/2008, Gyula Hegyi) (vote)

5.15. Waste statistics (A6-0282/2008, Johannes Blokland) (vote)

5.16. Adaptation of a number of instruments to the regulatory procedure with scrutiny, 'omnibus' Regulation, Part Two (A6-0100/2008, József Szájer) (vote)

5.17. Natural mineral waters (recast version) (A6-0298/2008, József Szájer) (vote)

5.18. Colouring matters for medicinal products (recast version) (A6-0280/2008, József Szájer) (vote)

5.19. Foodstuffs intended for particular nutritional uses (recast version) (A6-0295/2008, József Szájer) (vote)

5.20. Roadworthiness tests for motor vehicles and their trailers (recast version) (A6-0299/2008, József Szájer) (vote)

5.21. Extraction solvents used in the production of foodstuffs and food ingredients (recast version) (A6-0284/2008, József Szájer) (vote)

5.22. Combating terrorism (A6-0323/2008, Roselyne Lefrançois) (vote)

5.23. Protection of personal data (A6-0322/2008, Martine Roure) (vote)

5.24. Citizens' petitions during the year 2007 (A6-0336/2008, David Hammerstein) (vote)

- Concerning paragraph 31:

David Hammerstein, rapporteur. – (ES) In order to take into account recent legal decisions, I am tabling this oral amendment, which I will read out in English:

'customs authorities continue to confiscate, as an extraordinary measure only, the cars of Greek nationals', I add, 'provisionally', and I add the last sentence: 'takes note of the ruling of the European Court of Justice C-156/04 (07.06.2007) that deems satisfactory most of the explanations provided by the Greek authorities in this case; welcomes the implementation of new legislation adopted by the latter in the purpose of addressing the shortcomings highlighted in the aforementioned ruling;'.

President. – I see no objections to that oral amendment.

- After the vote:

Zbigniew Zaleski (PPE-DE). - Madam President, looking at our efficient voting time, I think I can make a short but justified remark. In the name of those who can, and do, read the results on the screen, I would like to express my gratitude for your efficient way of doing that. I hope that the other presidents – including Mr Pöttering, who is very efficient – will follow that example.

President. – Thank you. We do our best!

5.25. Hill and mountain farming (A6-0327/2008, Michl Ebner) (vote)

6. Explanations of vote

Oral explanations of vote

– Report: Katerina Batzeli (A6-0319/2008)

David Sumberg (PPE-DE). - Madam President, this is a report that gives me the opportunity to mention the City of Liverpool, which is in my constituency. It has enjoyed the benefits of being City of Culture and has performed extremely well in that role, and the people of Liverpool have responded magnificently to it. Whilst many of the aims of the European Year are laudable in this report, we have to consider the budgetary implications that accompany it.

Excessive bureaucracy and the focus on state-led efforts to foster what is termed 'creativity and innovation' are not really to be welcomed. It would be a much better use of taxpayers' money if we removed these types of promotional exercises and concentrated simply on giving people real choice of decision-making.

– Report: Thijs Berman (A6-0310/2008)

Koenraad Dillen (NI). – (NL) Madam President, is it any wonder that some Member States are demonstrating aid fatigue – to quote this report verbatim? I think not. Ever more Member States and other donors have had enough of continuing to pump funds into all manner of corrupt regimes that really do not give two hoots about good governance or the prosperity of their own citizens.

Approximately one year ago we learned from an unimpeachable source, the aid agency Oxfam, that the wars in Africa had already cost roughly the same as the hundreds of billions of euros in development aid received by the continent in the last few years. It is time Africa took meaningful steps in the fields of democracy, good governance and the fight against corruption first of all. Only then can we talk of highly targeted development aid. Simply advocating without qualification an increase in development funds and presenting all manner of percentages as dogma is totally irresponsible, and so I voted against this report.

– Report: Maria Badia i Cutchet (A6-0304/2008)

Frank Vanhecke (NI). – (NL) Madam President, it is a cliché, but young people are our future, and so I would be the first to admit that the quality of our instructors and of teacher education is extremely important. The

question is, of course, whether it is for the European Parliament to lecture the Member States on this. Is it for Parliament to express its opinion on the composition of the teaching workforce at all levels of school education in the Member States? Must education in the Member States conform rigidly to the 'multicultural society' – we know what is meant by this – and must education in the Member States conform to the 'gender aspect', whatever that may be?

Must all this be made compulsory in teacher education because Europe says so? As far as I am concerned, Parliament can think what it wants, but it has absolutely no competence in this sphere. Education falls within the competence of the Member States, and that is the way it should stay, in my opinion. This is known as subsidiarity, and must be respected.

Hannu Takkula (ALDE). - (FI) Madam President, I wish to say a few words about this report by Mrs Badia i Cutchet on improving the quality of teacher education, which I think is an excellent one.

It is true that teacher education very largely falls within the competence of national governments, and so it should. Since, however, we have a common aim of promoting pan-European Union competence, knowledge and innovation and of developing the European Economic Area, we need to have certain common rules.

That is why we also need wider forms of cooperation in the exchange of best practices in the area of teacher training, because at present, as we all know, there are differences between the course levels for teachers in the Member States which are simply far too great, according to the OECD's PISA survey. This gulf has to be narrowed and we need a mechanism, an open coordination system at EU level, so that all children and young people can receive an adequately sound basic education.

In this respect the report is excellent. I would urge you all, if you have not read it yet, to read Mrs Badia i Cutchet's splendid report. Thank you.

– Report: Doris Pack (A6-0302/2008)

Miroslav Mikolášik (PPE-DE). – (SK) I should first of all like to thank the rapporteur for the report on the Bologna Process and its impact on student mobility. The introduction of harmonisation of the three-cycle system of higher education in the countries of the European Union, quality assurance and, above all, the recognition of qualifications represent a fundamental objective of this intergovernmental initiative.

In today's vote, I unequivocally supported Doris Pack's report, in which the rapporteur emphasises the partnership approach and cooperation in policy-making and implementation of the Bologna Process. This initiative represents an example of dynamic cooperation not only among EU countries, but also beyond. I also agree with the view that the mutual recognition of qualifications should be further simplified and that the Bologna Process should be more uniform at the national level in Member States. Support for student mobility is a basic prerequisite for the creation of a European Higher Education Area.

– Report: Poul Nyrup Rasmussen (A6-0338/2008)

Kurt Joachim Lauk (PPE-DE). – (DE) Madam President, the Rasmussen report is entitled 'hedge funds and private equity'. If we look at the content of this report more closely, it has virtually nothing to do with hedge funds and private equity any more, but now rightly refers to the financial institutions and financial players as a whole. This is important. We have proposed a list of items for regulating the financial markets and eliminating the chaos in these markets. I am pleased that Mr Rasmussen largely adopted our position in the negotiations with us.

Daniel Hannan (NI). - Madam President, the European Union is a solution in search of a problem. Whatever the question is, the answer is always more regulation, and so these recent events in the financial markets have been predictably seized on as a justification for further Brussels rules.

I am reminded of the situation that pertained after the attacks of 11 September 2001, when a number of proposals for the harmonisation of justice and home affairs, which had been kicking around for years, were repackaged as anti-terrorism measures and, in the febrile atmosphere that followed those terrible attacks, nobody wanted to be seen voting against.

Similarly, a bunch of legislation for which there is really no proportionate need in remedying the problem is now being repackaged as a measure for financial stability, and it would take a brave MEP to risk being seen as a speculator's friend, as we saw in the result of the vote today.

I must say that, looking at the underlying causes of the recent financial problems, it seems to me that 'too much government' was the problem, not the solution. Interest rates were kept at too low a rate for too long, and that was a problem in Europe, in the United States and in Japan. If too much government was the problem, it is difficult to see how we can solve that problem by additional regulation at Brussels level.

– **Report: Klaus-Heiner Lehne (A6-0296/2008)**

David Sumberg (PPE-DE). – Madam President, in many ways I would echo the comments of my good friend and colleague, Mr Hannan, in relation to the Lehne report, because in many ways the Lehne report is yet another attempt to impose legislation and regulation on the markets. We should not rush to judgement here.

Nor should we rush to judgement to impose regulation and legislation in respect of markets as a whole in Europe. Markets, by their definition, are different. Markets in Europe, in the different countries, are different, and therefore we should not try to impose a blanket coverage of regulation which would apply to all of them.

The essential thing Europe and the European Union has to remember at all times in these matters is that we are in a global environment. Europe and the individual nations of Europe are competing with the world, and, if we erect barriers against ourselves, then we will damage our own interests and those of the people we represent.

– **Report: Roselyne Lefrançois (A6-0323/2008)**

Hubert Pirker (PPE-DE). – (DE) Madam President, I am speaking here also on behalf of the Austrian People's Party delegation. We voted in favour of this report, quite simply because we have to do everything we can to combat terrorism in good time.

I should like to draw attention to one point, however, against which we would speak out most decisively, as I am of the opinion that Parliament has made a mistake. We should not be replacing the crime of 'public provocation to commit a terrorist offence' with the crime of 'incitement to commit a terrorist offence', for the very simple reason that proof of incitement cannot be provided until the act has already taken place; that is, until people may have already died. We are in favour of the possibility of timely intervention when a terrorist act has not yet been committed – that is, beforehand – so that lives can be saved.

Frank Vanhecke (NI). – (NL) Madam President, I am of course in favour of combating terrorism effectively, and I consider this particular field – the fight against terrorism – to be one that requires very intensive cross-border cooperation in Europe.

For once, therefore, I am less in agreement – you could say in disagreement – with the more Eurosceptic voices. I feel that, in this field, they are playing the national sovereignty card too rigidly.

Having said that, we should have the courage to speak rather more clearly – in this report, too, for example. Terrorism in Europe originates from the extreme left and/or Islam. So does incitement to terrorism, and this is taking place not least in some of the mosques, answerable to nothing and no one, that are currently shooting up like mushrooms in Europe. There lies the heart of the problem of 21st century Europe. Islam is incompatible with our Western values and freedoms, and I fear that we shall come to heartily regret our open-door and open-border policy.

David Sumberg (PPE-DE). – Madam President, this is an important matter. It is probably one of the most important matters that we face in the West today – the threat of international terrorism. I probably depart a little from my own party on this, in that I take the view that, if we have to pay a price in civil liberty to protect the true liberty of our citizens – namely their health, safety and well-being – then that price will have to be paid.

During the Second World War, measures were taken in my country which were not in accordance with civil liberties, in order to protect the population from the external threat. People accepted it. We face today, in Europe and in the civilised world, a threat from those who are not civilised and who do not regard human life as sacred and something to be sanctified. Therefore, if we need to have laws to prevent them doing their evil work, then we should have them and have them speedily.

Czesław Adam Siekierski (PPE-DE). – (PL) The attacks on the World Trade Center in 2001 made the whole world aware of what a huge threat organised terrorist movements are. Thanks to access to modern technologies, these groups have got their hands on previously unattainable means of communication, which, in conjunction with black markets for weapons, make them the number one enemy of the democratic world

today. Despite taking firm action, the European Union has not succeeded in protecting itself from such events. In recognising the particular need to act in order to guarantee the security of EU citizens, I wish to make the point that the best way of combating organised terrorist groups is supranational cooperation between the institutions responsible for security. The common foreign and security policy has established a good basis for this, and its development is in all of our interests.

Philip Claeys (NI). – (NL) Madam President, I voted in favour of the Lefrançois report. It is not perfect, of course, but at least it pays attention to the problem of Islamists who incite to violence and call Muslims to jihad. We all know that there are innumerable mosques that are hotbeds of fundamentalism, where young people are recruited for terrorist organisations and where the faithful are called daily to a holy war on our European values.

It is high time that the final whistle was blown and that tough action was taken against accomplices to terrorist acts, too.

– **Report: Martine Roure (A6-0322/2008)**

Hubert Pirker (PPE-DE). – (DE) Mr President, I voted in favour of this report, quite simply because we have to take every measure to ensure that cross-border police and judicial cooperation is organised efficiently. To do this we need data exchange, but we have to ensure that there are uniform standards across Europe for this.

What made me uneasy – and against which I should have liked to vote, but there was no separate vote – was Amendment 10. Here, Mrs Roure did not want this Framework Decision to be without prejudice to essential and very specific national security interests. By contrast, I should like framework decisions, too, to naturally be without prejudice to very specific national security interests, which concern the internal security of a country, and to naturally enable autonomous action. I consider this absolutely vital in the interest of individual Member States.

Frank Vanhecke (NI). – (NL) Madam President, this House has just decided by a vast majority, after the committee did likewise, that under no circumstances may racial or ethnic origin or a number of other parameters be considered during the processing of personal data.

In my opinion, the original Article 7 of the Council proposal was prudent and balanced, but Parliament – whose political correctness is legendary, of course – amended it. Parliament is on the wrong track with this. Not only the fight against crime, but also any kind of sound management of public affairs requires accurate basic information – and a person's ethnic or national origin could be particularly significant in this regard. This has nothing to do with racism or discrimination.

It never ceases to amaze me how the same MEPs who, in a Stalinist way, call for bans on public speaking or even prison sentences or the loss of parliamentary immunity for right-wing dissidents, get cold feet when it comes to common-or-garden data processing – in the context of the fight against terrorism, mark you.

– **Report: David Hammerstein (A6-0336/2008)**

Victor Boştinaru (PSE). - Madam President, today's vote was an important moment for citizens fighting for their rights, their European rights. National governments at times abandon their citizens and reject their legitimate claims. Through petitions European citizens can raise their voice, can hold their government accountable. Ultimately they can have the justice they deserve. But this is not an important moment only for the European people: it is a crucial time for the European Parliament too.

Today the European Parliament, by voting in favour of the Hammerstein report, shows its commitment to defend and protect European citizens. Today the European Parliament has the opportunity to regain at least part of the confidence and trust that some in Europe have lost. Many of our fellow citizens have worked hard to be in the EU, but membership is not only about duties – it is also about rights. We are here today to show our commitment to the Europe which our citizens expect from us.

Frank Vanhecke (NI). – (NL) Madam President, the Group of the Greens/European Free Alliance has just taken advantage of the voting on the Hammerstein report to hold a vote sneakily – on the quiet, as it were – on the seat of the European Parliament, even though this actually had nothing to do with the report as such.

I should like to clarify that I voted in favour of this amendment by the Greens as I agree that the travelling popular theatre that is the European Parliament is already squandering enough of our taxpayers' money without the monthly migration from Brussels to Strasbourg adding to it. Therefore, I, too, advocate – and this is reflected in my vote – one seat and one place of work in Europe. For the sake of clarity I would just add that, as far as I am concerned, there would then have to be an open debate, and that in my opinion this one seat does not necessarily have to be Brussels. After all, the presence of the European institutions in this city and this region also entails social, political and human costs that do need to be discussed and are on no account to be underestimated.

– **Report: Michl Ebner (A6-0327/2008)**

Czesław Adam Siekierski (PPE-DE). – (PL) Mountains are an important area of biodiversity, a refuge for many animals and a location for unique plant species. They are often also called water towers, as they provide the source of rivers. Their landscape and environmental benefits are valued by tourists all over the world. The lives of those who dwell there and the agricultural activities engaged in this terrain are, however, far from easy.

In most of the EU's mountainous regions we are seeing a process of depopulation, a fall in the level of activity of the people who remain there and an abandonment of agricultural activity. This is particularly true of rural areas that are less attractive to tourists and are forgotten. Problems include the significant distance from towns, harsh climatic conditions, communications difficulties, high production costs and inadequate access to services of all types, including even education and health care. Regional disproportions between mountainous and lowland areas are clearly apparent.

There is therefore an urgent need for special support for those known as hill farmers, who not only grow traditionally environmentally friendly produce, healthy foods, but also take care of the environment and maintain cultures and traditions. The common agricultural policy should do more to support these regions and the people who live there in their struggle against the challenges they face.

– **Reports: Poul Nyrup Rasmussen (A6-0338/2008), Klaus-Heiner Lehne (A6-0296/2008)**

Peter Skinner (PSE). - Madam President, there is none so blind as those that cannot see. I notice Mr Hannan and Mr Sumberg have, unfortunately, left the Chamber at this time, but anyone who thinks that there is no financial turmoil should just pick up the newspapers and read, or watch the television. To believe that the Rasmussen report and the Lehne report did anything else other than try to adequately convey the necessity for us to be able to act and that this has to be done at a collective legislative level is to ignore the truth; it is also to ignore the reality of a global world economy. Frankly, sitting back in a little England may help some people relieve their consciences, but it does not help people meet their mortgage payments, it will not help people keep their homes, and it will not keep people in services and in industry. It is only through the European Union and through activity of regulation, where we are extremely good, that we will be able to do something about it.

It is true that the markets expect us to be delicate, but they do not expect a knee-jerk reaction either. But the fact is that, if we do nothing and just stand still and say nothing, then, frankly, we will in fact be accused of cowardice in the face of strong tumult and crisis.

– **Report: Roselyne Lefrançois (A6-0323/2008)**

Avril Doyle (PPE-DE). - Madam President, I fully support the purpose of the Lefrançois report, but in this context I would just like to use my explanation – having supported it and not being in a position to be able to speak on it – to urge Commissioner Tajani to speed up the ongoing bilateral agreements with other third-country airports' authorities in relation to airport security – which was clamped down on because of the terrorism incidents – particularly bilateral agreements around the whole area of the purchase of duty-free liquids. It may be a very small issue in the context of the major challenges facing us globally today, but we in the EU have to win the hearts as well as the minds of our citizens in terms of what we do. Again this summer, when people visited relations abroad or when relations in Australia and the US and other places came to visit Ireland, the UK, Germany and France, they had all their – what they thought were legitimately purchased – duty-free liquids taken from them as they transited in the main hub airports in Europe to their final destination. This is a small issue – those of us who travel every week will put up with the nonsense of having our lipsticks taken from us, and I am sure it makes a huge contribution to combating terrorism. I do not want to make light of a very serious problem, but I just want a little sense, rationale and bilateral

cooperation brought into this, so that our citizens – our electors – can understand what we do and why we do it.

– Report: David Hammerstein (A6-0336/2008)

Avril Doyle (PPE-DE). - Madam President, as regards the Hammerstein report I followed the PPE-DE line and voted against the Green amendment about the two seats of Parliament. I want to explain why I did so. It is not because I agree with this monthly and sometimes bimonthly trail to Strasbourg. I understand historically why we have got in the position we are in. I understand that 12 visits to Strasbourg per annum are part of the Treaty and we are signed in, but in a rational and calm way. Those of us who have serious concerns about the lack of access, the difficulty of doing work, the need to transport all our files, our staff, the committee staff, Parliament staff, the group staff, to Strasbourg for four days 12 times a year believe it can no longer be justified given the enormous expense.

It is a beautiful building and once they have sorted out the difficulties I feel that we could find another very serious use for that building. Strasbourg and France deserve no less, but a major institution must be housed in that building. But to expect us to work efficiently in terms of human resources and costs and to continue this pilgrimage to Strasbourg can no longer be justified, so having voted one way I support those who say one seat for plenary sessions, but please, a rational debate, not a polarised political debate, on the issue.

Written explanations of vote

– Report: Helmut Markov (A6-0267/2008)

Jean-Pierre Audy (PPE-DE), in writing. – (FR) I voted in favour of the report by my German fellow Member Mr Markov, on behalf of the Committee on International Trade, amending the proposal for a regulation of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95.

I welcome the Commission's decision to make legislation clearer, simpler and more transparent; to adjust the system of extra-Community trade statistics to the changes to be introduced in the procedures regarding customs declaration; to increase the relevance, accuracy, timeliness and comparability of external trade statistics, and establish a system for quality assessment; to support the linking of trade statistics with business statistics; to respond to user needs by compiling additional trade statistics using information available in customs declarations, and finally to control, in line with the European Statistics Code of Practice, the privileged access to sensitive external trade data. I support the amendments aimed at making greater use of comitology with scrutiny.

Rovana Plumb (PSE), in writing. – (RO) I voted in favour of this report because the draft regulation represents the legal framework required for improving the quality and transparency of EXTRASTAT (the statistics on foreign trade between Member States and third countries), by including a single customs declaration in customs procedures, so as to simplify data reporting procedures. The appropriate enforcement of this regulation will make it increasingly possible to compare foreign trade statistics and to strengthen the control over access to inside information regarding sensitive issues of foreign trade.

– Report: Katerina Batzeli (A6-0319/2008)

John Attard-Montalto (PSE), in writing. – We have often asked ourselves whether it is worth dedicating a year to a particular topic. The whole idea is to raise visibility of the topic itself. It is a way of attracting attention and giving extra focus to a particular subject. There can be no harm in this.

The idea has become so popular that we have to make a judicious choice when selecting the subject. It is often a question of priorities.

Creation and innovation are an ideal subject because they affect the very essence of what Europe represents and the direction which Europe has to take.

Creation and innovation cannot be evaluated in a vacuum. They have to be understood on what they can contribute. First and foremost is their importance within the manufacturing sphere. Also, the importance of creation and innovation has to be viewed within the services framework.

It is only through creative and innovative ideas that Europe can remain competitive. It is only by being one step ahead that certain sectors can survive. To an extent Europe has recognised the need to invest more

heavily in research and development, and this is synonymous with the current subject of creative and innovative ideas.

Jean-Pierre Audy (PPE-DE), in writing. – (FR) I voted in favour of the report by my Greek fellow Member Mrs Batzeli, approving the proposal for a decision of the European Parliament and of the Council concerning the European Year of Creativity and Innovation (2009).

I support the series of amendments aimed principally at clarifying the objectives of the proposal and making them more concise. As regards financing, I also agree with the removal of all references in the proposal to the Lifelong Learning Programme so that, where appropriate, programmes and policies in other fields, such as culture, communications, enterprise, cohesion, rural development, research and the information society, can also be used.

Edite Estrela (PSE), in writing. – (PT) I voted in favour of the Batzeli report on the proposal for a decision of the European Parliament and of the Council concerning the European Year of Creativity and Innovation (2009), as I believe creativity and innovation are essential for Europe to be competitive in a globalised world.

Creativity is a key driver of innovation for both economic and social reasons. The European Year of Creativity and Innovation will stimulate political debate, alert the public to the importance of innovation and creativity and disseminate information on best practices within the Union. I also believe it is important that Parliament has opted for co-decision in this area, which will allow it to have influence in this important dossier.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) We have previously criticised the various campaigns for 'European years' devoted to various themes, such as intercultural dialogue and creativity and innovation. These 'European years' are a charge on the EU budget, hence on the taxpayers, but they have little effect on reality.

If there is a demand for 'European years', they should be financed through private sponsorship and not by the taxpayers. We have therefore chosen to vote against the report presented, even though it only dealt with detailed amendments to the Commission's proposal.

Mikel Irujo Amezaga (Verts/ALE), in writing. – (ES) I voted in favour on condition that the Commission committed itself to bringing innovation to all areas. During the Year of Creativity and Innovation, innovation should extend to all organisations and institutions, whether public or private, profit-making or non profit-making, and to all aspects of life; in particular it should promote social innovation and innovation in support of environmental sustainability. We should also take into account non-state authorities, who have a key role to play in this area. In addition, a concept of open innovation should be encouraged. Innovation which, as well as being based on internal capabilities, incorporates all its possible sources – users, suppliers, networks, etc. – and which, going beyond products and technology, includes the intangible and generally manifold aspects leading to value creation. Finally, we need to extend the culture of cooperation, working in networks and using tools and methods aimed at creating the dynamic capabilities in those networks that will enable them to evolve with their environment, and generate cutting-edge research and visible results in terms of competitiveness and creating value for society.

Jörg Leichtfried (PSE), in writing. – (DE) I voted in favour of the report by Mrs Batzeli on the European Year of Creativity and Innovation (2009).

I regard information and promotion campaigns, events and initiatives at European, national and local level to promote creativity and initiative as extremely important. Creativity is also an important factor in the development of personal and social skills. This year of promotion is intended to improve Europe's creativity and capacity for innovation to enable it to rise to certain challenges of globalisation.

This report underlines the importance of creativity and innovation. I see this year of promotion as a great opportunity for disseminating information concerning creative processes and various practices.

David Martin (PSE), in writing. – I support Katerina Batzeli's report on making 2009 the European Year of Creativity and Innovation. The report not only outlines the initiative in more detail, but also adequately attends to the dangers of such European years becoming PR exercises.

Andreas Mölzer (NI), in writing. – (DE) In regions in which nature confronts people with difficult basic conditions, they have to act in a creative and innovative manner in order to survive. The peoples of Europe can therefore look back today on a history of groundbreaking achievements, and specialist firms are in demand worldwide on account of their wealth of ideas.

Europe is also regarded as a cultural stronghold, however – and particular attention should be paid to this in the context of the European Year of Creativity and Innovation (2009). Along with Vilnius in Lithuania, Linz is currently preparing for its role as European Capital of Culture 2009. Creative and innovative projects, with the involvement of the surrounding regions, will provide a cultural experience of a particular kind.

It is to be welcomed if, under this prestigious title, whole city districts gleam in renewed splendour, and new building works and projects are started – provided sustainability is not forgotten in the process. In the EU, emphasis must be placed on ensuring that funds are not blown on one-off events, so that structures set up do not disappear into the ether immediately after the year ends. A Capital of Culture project is only successful and innovative if culture remains permanently in place in the city concerned. More importance should be given to this particular consideration in the current report, and so I abstained from voting.

– Report: Augustín Díaz de Mera García Consuegra (A6-0339/2008)

Jean-Pierre Audy (PPE-DE), *in writing*. – I voted in favour of the report by my Spanish colleague Mr Díaz de Mera García Consuegra, approving as it stands the proposal for a Council regulation amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply. The Council Decision establishing the European Police Office (Europol), providing for the financing of Europol from the Community budget, will apply from 1 January 2010 or the date of application of the proposal amending Council Regulation (Euratom, ECSC, EEC) No 549/69, if this is later.

To ensure that the Europol decision applies from 1 January 2010, it was necessary, in good time, to amend Council Regulation (Euratom, ECSC, EEC) No 549/69 specifying that immunity from legal proceedings does not apply to Europol staff taking part in joint investigation teams set up by at least two Member States at their own initiative.

Gerard Batten (IND/DEM), *in writing*. – This amendment appears to limit the immunity from prosecution of Europol officials but it only does so for those operating as part of Joint Investigation Teams. This is a smokescreen to make it appear that Europol officials' immunity will be limited when in fact Europol's powers will be extended after 2010 and the immunity of its officials will be even more far-reaching. I do not believe that Europol officials should have any immunity from prosecution whatsoever and therefore I voted against this amendment.

David Martin (PSE), *in writing*. – Augustín Díaz de Mera García Consuegra's report on the status of staff regarding privileges and immunities seeks to clarify pre-existing guidelines on the issue. I therefore voted in favour of the report.

– Report: Kyösti Virrankoski (A6-0353/2009)

Jean-Pierre Audy (PPE-DE), *in writing*. – (FR) I voted in favour of the report by my Finnish fellow Member Mr Virrankoski proposing to approve Draft amending budget No 6/2008 of the European Union for the financial year 2008, which includes the following: strengthening of the framework programme for Competitiveness and Innovation – Entrepreneurship and Innovation by increasing the commitment appropriations by EUR 3.9 million; an increase of EUR 2.24 million in commitment appropriations to cover, among other things, part of the rent and related costs of a new 'Arc' building for Eurojust; adjustments to the number of posts in three executive agencies; creation of the necessary budgetary structure to accommodate the Fuel Cells and Hydrogen Joint Undertaking (FCH JU), which is the fifth joint undertaking to be set up under the Seventh Framework Programme, and allocation of EUR 30 million in commitment appropriations and EUR 1.9 million in payment appropriations. I entirely share the rapporteur's view that under Article 179(3) of the Financial Regulation, the European Parliament, as a branch of the budgetary authority, should have been informed of the building project for Eurojust, because this has a significant financial implication for the budget.

– Report: Thijs Berman (A6-310/2008)

Jean-Pierre Audy (PPE-DE), *in writing*. – (FR) I voted in favour of the own-initiative report by my Dutch fellow Member Mr Berman on the follow-up of the Monterrey Conference of 2002 on Financing for Development. We need to constantly reaffirm Parliament's commitment to poverty eradication, sustainable development and the achievement of the Millennium Development Goals (MDGs), as the only way to bring about social justice and an improved quality of life for the one billion people around the world who live in

extreme poverty. The European Union is the biggest international donor for development, providing nearly 60% of Official Development Assistance (ODA) worldwide. I support the proposal to open up access for small-scale entrepreneurs to micro-credit, particularly farmers, as a means of increasing food production and providing a sustainable solution to the food crisis. I also welcome the proposal to call on the European Investment Bank to set up a guarantee fund in support of micro-credit and risk hedging schemes that respond closely to the needs of local food producers in the poorer developing countries, but this proposal only makes any sense under a Commission mandate.

Marie-Arlette Carlotti (PSE), in writing. – (FR) In 2001 the EU made a big commitment: to devote 0.7% of its wealth to development in 2015.

In 2007 Europe turned its back on this commitment, with a drastic fall in its collective effort.

This adds up to EUR 1.7 billion that the poorest people of the planet will not have received.

EUR 1.7 billion that would have provided healthcare for thousands of children at a time when 11 million people are dying each year owing to a lack of access to healthcare.

EUR 1.7 billion that would have provided access to primary education for some of the 114 million children without it.

The EU's primary responsibility when it comes to international solidarity is this: to keep its word.

The EU must, however, guarantee the effectiveness of its aid in order to make any real improvement to the situation of the most deprived.

The Monterrey Conference of 2002 prepared a roadmap, particularly concerning the end of 'tied aid', the acceleration of debt cancellation initiatives and the introduction of innovative finance schemes like the 'Tobin tax'.

Six years on, the EU still has a long way to go. The Doha Conference in a few weeks should enable it to start moving forward again. Half of humanity is counting on it...

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) The United Nations Millennium Development Goals Report for 2008 says that the international community must continue to be prepared to take significant responsibility for the challenges facing humanity. Extreme poverty and hunger, infant mortality, poor maternal health, HIV/AIDS, malaria and other diseases and the lack of universal primary education are just some of the challenges which merit attention and recognition by all countries in the world.

Reflecting the position of Junilistan, the report notes that in many cases these challenges call for international coordination. However, Junilistan thinks that cooperation of this kind should be channelled through organisations with broad international legitimacy and long experience, such as the United Nations, and not through the EU. Junilistan also opposes the passages in the report which blatantly advocate direct control of the bilateral aid schemes of individual EU countries. Aid is and must remain a national matter. For that reason, Junilistan has voted against the report.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) In addition to the many questions and comments that the report's content (and omissions) raise, its condemnation regarding the volume of Official Development Assistance (ODA) should also be highlighted:

- '... notes the alarming decrease in EU aid in 2007 from EUR 47.7 billion in 2006 (...) to EUR 46.1 billion in 2007 ...';

- 'points out that the EU will have given EUR 75 billion less than was promised for the period 2005-2010 if the current trend continues';

- 'Expresses serious concern that a majority of the Member States (18 out of 27, especially Latvia, Italy, Portugal, Greece and the Czech Republic) were unable to raise their level of ODA between 2006 and 2007 and that there has even been a dramatic reduction of over 10% in a number of countries such as Belgium, France and the United Kingdom; ...';

- 'Observes that the 2007 decreases in reported aid levels are due in some cases to the artificial boosting of figures in 2006 by debt relief; ...';

- 'Views as totally unacceptable the discrepancy between the frequent pledges of increased financial assistance and the considerably lower sums that are actually disbursed ...';

Words that speak for themselves ...

Filip Kaczmarek (PPE-DE), in writing. – (PL) I voted in favour of the report. Funding development aid is not an easy task. It is not easy to explain to European taxpayers why their money is being handed out so far from its country of 'origin'. On the other hand the demand for aid funds, arising both from a desire to implement the Millennium Development Goals (MDGs) and from promises made earlier, is huge.

On an EU scale, the attitude of certain states is becoming a particular problem. Some Member States, such as France and Great Britain, have cut back their Official Development Assistance (ODA). It does not require much effort to imagine what a very disincentivising effect this has on countries that are less wealthy than these, in which development aid is only just beginning to appear.

We also need to take a good look at the way in which aid statistics come about. Each country would like to allocate as much outlay as possible to the category of development aid. This leads in effect to some pretty ridiculous situations. In my country, Poland, a report was published last week on aid in 2007. It transpires that the greatest beneficiary of Polish aid was none other than China. This is not because China is the poorest country in the world; nor is it because China has become a priority country for Polish development aid. China has become the greatest beneficiary of Polish development aid simply because an export trade contract with that country has been included in the category of development aid.

David Martin (PSE), in writing. – A common European position is needed on the effectiveness, transparency and flexibility of the way development assistance is financed before the Doha Conference on Financing for Development in late November. Thijs Berman's report goes some way towards helping achieve that goal. I agree that reform is needed to secure greater representation of developing countries to the IMF and World Bank. Indeed, I further agree with the rapporteur's calls to encourage Member States to adequately prepare a timetable to reach the target of 0.7% of Europe's GNP going to public development aid in 2015. I therefore voted in favour of the report.

Jan Mulder (ALDE), in writing. – (NL) The members of the People's Party for Freedom and Democracy (VVD) in the European Parliament voted in favour of the Berman report, one of the reasons being that it makes useful comments about the possible role of the European Investment Bank in developing countries. However, the members of the VVD distance themselves from the 0.7% target for development cooperation laid down in this report. It is not the quantity but the quality of development cooperation that counts.

Toomas Savi (ALDE), in writing. – Turbulent global finance has put the governments of the Member States under serious strain. The Estonian Government, for example, has been struggling for months to draft a balanced budget for the year 2009.

Although I supported Thijs Berman's report, I have serious doubts about reaching the targeted Official Development Assistance level in the next couple of years. As the EU has no command of coercive measures regarding development aid, it would be naive to expect that the Member States would significantly increase their contribution when experiencing financial uncertainty.

– Report: Charlotte Cederschiöld (A6-0272/2008)

Małgorzata Handzlik (PPE-DE), in writing. – (PL) The European internal market is one of the most important achievements of the process of European integration. Only a well-functioning internal market can guarantee competitive conditions for businesses activities and assist the development of the European economy. The internal market scoreboard is an instrument that makes it possible to monitor progress in the introduction, proper transposition and correct application of directives relating to the internal market.

Analysis of the data contained in the internal market scoreboard provides some exceptionally interesting information about the work of Member States in introducing EU legislation. It is a typically political instrument that should, however, not be treated lightly, but should serve as an instrument encouraging responsible individuals to carry out more rapid and proper transposition. This particularly concerns the new Member States, where the deficit as regards transposition of law is often greater than the objective stated by Heads of State or Government. The internal market scoreboard should also be used more frequently in discussions about the state of the internal market. It is therefore essential to come up with a more accessible form of scoreboard that could also be used by citizens interested in internal market matters.

The rapporteur has drawn attention to the fact that certain directives, such as the Services Directive, are more important for the effective functioning of the internal market than others. I share the rapporteur's view on this and as a result I think that the European Commission should take notice of indicators that better reflect the immediate significance of directives for businesses and citizens.

Marian Zlotea (PPE-DE), in writing. – (RO) Through my positive vote today for the internal market scoreboard, I am expressing my support for the timely enforcement and accurate transposition of internal market directives into national law, because these directives constitute the prerequisite for the effective working of the internal market, and for promoting competitiveness as well as social and economic cohesion within the EU. The two scoreboards, those for the internal market and consumption market, respectively, jointly contribute to the improvement of the internal market, which is beneficial to consumers.

The scoreboard should encourage timely and accurate transposition, but at the same time it should become a tool enabling policy-makers to identify barriers and fields that require new initiatives. I hope that the result of today's vote will lead to the strengthening of the SOLVIT network and that Member States will promote the services of this network for the benefit of consumers. Member States must also make sure that SOLVIT centres are adequately staffed, so as to reduce the length of time required for examination and to solve complaints at a faster rate.

– Report: Maria Badia i Cutchet (A6-0304/2008)

John Attard-Montalto (PSE), in writing. – A priority of all education ministries must be the recruitment of the best candidates to the teaching profession. The profession has to be sufficiently attractive. Teachers must benefit from remuneration which reflects their importance to society.

Investment in education is never wasted. More resources have to be allocated to teacher training. The profession has to be fulfilling. It has to be seen as a good career.

Supporting teacher education through the Lifelong Learning Programme is essential. A certain freshness is achieved through teacher exchange programmes between schools in different countries.

The place of a teacher is in the classroom. Bureaucracy in the form of increasing levels of administration and paperwork result in less time spent by teachers with their pupils.

An added concern is violence in school. Aggression in schools, either by pupils or their parents, is on the increase. All efforts must be made to curb violence and aggression in schools.

Jean-Pierre Audy (PPE-DE), in writing. – (FR) I voted in favour of the own-initiative report by my Spanish fellow Member Mrs Badia i Cutchet on improving the quality of teacher education and I strongly support the analysis that 'raising the quality of teacher education leads to substantial gains in student performance.' I fully agree that providing more and better-quality teacher education and recruiting the best candidates to the teaching profession should be key priorities for all education ministries. There is an urgent need to encourage mobility and the learning of foreign languages. However, we should also be promoting excellence in native languages, since this is what enables pupils to acquire other knowledge more easily. All this cooperation will be very useful when the time comes for organising school exchanges (of pupils and teachers), regardless of the level of study, based on the model already used for the Erasmus programme for students.

Koenraad Dillen (NI), in writing. – (NL) As a former teacher at what was known as a multicultural problem school in Antwerp, I can only welcome the rapporteur's expression of concern about the quality of teaching in the EU.

However, it is for the individual Member States and not the EU to work out what can be done about the quality of teaching. If there is one field in which the principle of subsidiarity and respect for the diversity of the various cultures must hold, then that is most certainly education. Education does not have to be multicultural as stated in this report; it only has to be of good quality. In my experience in Flanders, for example, I have seen all too often that it is the multicultural 'concentration schools' – those with a high proportion of migrant children – that bring quality down. Ideological blinkers are not the way to remedy this.

I therefore voted wholeheartedly against this report.

Edite Estrela (PSE), in writing. – (PT) I voted in favour of the Badia i Cutchet report on improving the quality of teacher education as I believe that improving education in the European Union is a key factor in promoting

high-quality education and training, which in turn contributes to job creation and boosting Europe's competitiveness and growth, in line with the objectives of the Lisbon Strategy.

On the subject of violence in schools, I should like to reiterate the rapporteur's recommendation on the need to create the tools and procedures to tackle the phenomenon, for which cooperation between teaching staff and parents needs to be stepped up.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing*. – (SV) We have chosen to vote 'no' in the final vote on this report. This is an extremely important matter – so important that it must remain the political responsibility of the Member States and their devolved authorities.

The Member States must have exclusive responsibility for the organisation of education and the content of training provision. This is another attempt by the European Parliament's Committee on Culture and Education to meddle in an area which currently does not fall within the Union's responsibilities, but which some want the Union to become involved in for the good of us all.

This own-initiative report is a waste of taxpayers' money, which the European Parliament should have nothing to do with.

Ian Hughton (Verts/ALE), *in writing*. – The Badia report has much to commend it. The quality of teacher education has direct and important impacts upon our children's education and EU-wide cooperation to ensure a high standard of teaching is to be encouraged. I do consider, however, that decisions relating to curriculum content and the governance of schools should be taken within the cultural and political context of different nations' separate education systems. At times the Badia report tended towards prescribing issues on an EU-wide basis, and I accordingly abstained on the final vote.

David Martin (PSE), *in writing*. – Maria Badia i Cutchet's report has my support. To preserve the high quality of our respective education systems we need to have well-trained teachers. Teacher training must develop in tandem with the demands of the modern classroom and I believe that this report recognises this fact.

Mary Lou McDonald (GUE/NGL), *in writing*. – The report from Ms Badia i Cutchet on improving the quality of teacher education today touches on some important issues.

The report is right to point out the need for adequate remuneration for teachers along with adequate training and teaching equipment.

Ultimately, however, it is up to the national governments who fund our education systems to manage the education of our children. In Ireland, children today are still being taught in prefabs instead of proper, safe buildings. The pupil-teacher ratio remains too high to allow for the best possible education of our children. These problems need to be tackled first and foremost in Ireland by means of adequate investment in the short- and long-term.

Zita Pleštinšá (PPE-DE), *in writing*. – (SK) The development of information and communication technologies is currently imposing greater demands upon the teaching profession since the educational environment is becoming more and more complex and varied.

I voted for Mrs Badia i Cutchet's report which deals with the Commission's communication entitled 'Improving the Quality of Teacher Education'. The communication assesses the current situation in the EU as regards the education and training of teachers. The report reflects upon the various options in EU Member States.

Within the Union, there are more than 27 different teacher training systems, but the challenges facing teachers are essentially common to all Member States.

Teachers are required to have a quality of teacher training which has a direct effect not only on pupils' level of knowledge but also on the formation of their personalities, particularly during the first years of their school experience. Teachers are also subjected to enormous mental stress, leaving them little energy for self-education.

In the past, teaching was a respected and valued profession. Today, the teaching profession is not attractive. Teachers, most of whom are women, do not enjoy the corresponding level of social recognition, status and, above all, remuneration. For example, in my country, Slovakia, teachers' pay is way below the national average.

I believe that the report will attract the attention of Member States, ensuring that the teaching profession is properly appreciated.

Zdzisław Zbigniew Podkański (UEN), in writing. – (PL) We are voting today on two reports that appear to be mutually complementary: Mrs Pack's report on the Bologna Process and Mrs Badia i Cutchet's report on improving the quality of teacher education.

The objective of these two initiatives is to improve the competitiveness of European education, and consequently to increase the potential and competitiveness of the European Union as a whole.

Placing the emphasis on education is an excellent way to go, but neglect is easy. In many countries we are dealing with all the fundamental sins of the teacher education system. There is a lack of incentive and motivation for the best graduates to choose the teaching profession; the status of teachers (especially at primary and secondary level) is frankly low, teachers are poorly paid and there is no investment in their development. The relationship between the quality of teacher education and the quality of teaching, and consequently the level of knowledge of pupils, is obvious. Neglect in this area may therefore have disastrous consequences, not only cultural, but also economic.

The recommendations for Member States that are contained in the report seem to be the right ones, and these are: employment of the best candidates, improvement in status, teacher recognition and remuneration, investment in training at all stages of an individual's career, exchange of best practice among the 27 different education systems in the EU, and an increase in schools' powers.

Bernard Wojciechowski (IND/DEM), in writing. – (PL) A high level of teaching is an essential element of a high quality of education, which should be a crucial factor in Europe's long-term competitiveness and its capacity to create new jobs.

It transpires from the Commission's analysis that:

- on-the-job training is compulsory only in 11 Member States (Austria, Belgium, Germany, Estonia, Finland, Hungary, Lithuania, Latvia, Romania, Malta and the United Kingdom),
- where there is on-the-job training, this usually lasts less than 20 hours a year and never exceeds five days a year,
- only half of the states of Europe offer new teachers any form of systematic assistance during the first few years of employment (e.g. induction into occupation, training, pedagogical care).

If pupils are to be suitably prepared for life in the EU, teachers should be required to apply the latest educational methods. An improvement in the quality of teacher training may guarantee that the EU has the highly-skilled employees it needs in order to tackle the challenges of the 21st century.

– Report: Doris Pack (A6-0302/2008)

Jean-Pierre Audy (PPE-DE), in writing. – (FR) I voted in favour of the own-initiative report by my excellent German colleague Mrs Pack on the Bologna Process and student mobility. I share my colleague's view that an increase in student mobility and the quality of the different educational systems should be a priority of the Bologna Process beyond 2010, which aims to establish a European Area of Higher Education. To encourage student mobility, a whole series of measures needs to be taken since the problem of mobility goes beyond the scope of higher education and concerns the scope of social affairs, finance, immigration and visa policies. Special assistance must be provided to students from disadvantaged groups in society by, for example, proposing inexpensive and decent accommodation. I support the introduction of a single European Student Identification Card in order to facilitate mobility and to enable students to get discounts for accommodation and subsistence, culture and transport.

Nicodim Bulzesc (PPE-DE), in writing. – The aim of the Bologna process, launched in Bologna in June 1999, is to establish a European Higher Education Area by 2010. The main objectives of the process are the reform of the higher education system and the elimination of remaining barriers to the mobility of students and teachers.

I voted in favour of the report since I agree that our universities need an innovative and methodical curricular reform that would better support student mobility and the transfer of qualifications. Also, I support the

rapporteur's recommendation to obtain reliable statistics on student mobility and the socio-economic profile of students.

Carlos Coelho (PPE-DE), in writing. – (PT) Next year's 10th anniversary of the signature of the Bologna Declaration signals the need to redefine the aims of the Process.

Seriously redefining these goals will require reflection on how the Bologna Process has been implemented in the Member States. We will need to examine whether the policies followed in the name of Bologna have actually led to the desired consolidation of a European Area of Higher Education that can meet the challenges of competitiveness on an international scale.

I support this initiative – it is a tangible contribution towards identifying problems and challenges that have arisen over 10 years of implementation on the one hand, and issues that need to remain priorities on the other. This is the case with student mobility, the cornerstone of a richer and more competitive education and an essential contribution towards developing the concept of European citizenship.

It is essential to call on the Member States to assess the impact of this Process as regards ensuring that young people are adequately qualified and prepared. As our rapporteur points out, we must not lose sight of the goals of the Process or of the notion of students being at the heart of all questions concerning their education.

Edite Estrela (PSE), in writing. – (PT) I voted in favour of the Pack report on the Bologna Process and student mobility as I believe that high-quality, effective and innovative European higher education that is accessible to every European citizen is vital for the European Union to continue to be competitive and successful in the face of the demands of globalisation.

With this in mind, I believe measures such as promoting reciprocity in terms of the flow of students, ongoing training of teachers in the various areas of study and developing means of financing student mobility are essentials for achieving the Bologna Process objectives.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) Although the rapporteur says she is particularly concerned about student mobility within the European Union and considers that Member States should be supported in their efforts to modernise and innovatively reform their respective higher education systems, the fact of the matter is that the entire report tackles this question by focusing on the Bologna Process and on what is deemed absolutely necessary in order to face the challenges of globalisation, insisting that the process should be deepened. We therefore abstained, as we disagree with this analysis.

However, we do agree that it is time for reflection and debate on the Bologna Process, in particular to try to determine how education systems have changed and how these developments and changes have affected the quality of higher education in the various Member States.

Access to high quality education must be an option for every citizen, regardless of their citizenship, country or area of birth. In addition, mobility can have extremely positive effects, not only for the individual taking part in a mobility scheme, but also for higher education institutions and society as a whole. Moreover, its social dimension should not be forgotten, as has happened up to now.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) This own-initiative report from the European Parliament's Committee on Culture and Education, as usual, exceeds the Committee's competence in putting forward new ideas on how the EU should become more involved in education. This is a field which currently falls within the responsibility of the Member States, and that is the way we think it should remain.

Among other things, the report proposes the introduction of a single student ID card in the EU. We find it hard to believe that these proposals in themselves would increase mobility for students; they are more likely to increase the bureaucracy associated with student activity. The rapporteur also writes in her explanatory statement about the need for a legal framework for students at EU level.

These proposals seek to circumvent the arrangements agreed in the EU regarding the levels of political responsibility for various policy areas. We have therefore voted against this report.

Vasco Graça Moura (PPE-DE), in writing. – (PT) Next year's 10th anniversary of the signature of the Bologna Declaration signals the need to redefine the aims of the Process.

Seriously redefining these goals will require reflection on how the Bologna Process has been implemented in the Member States. We will need to examine whether the policies followed in the name of Bologna have

actually led to the desired consolidation of a European Area of Higher Education that can meet the challenges of competitiveness on an international scale.

I support this initiative – it is a tangible contribution towards identifying problems and challenges that have arisen over 10 years of implementation on the one hand, and issues that need to remain priorities on the other. This is the case with student mobility, the cornerstone of a richer and more competitive education and an essential contribution towards developing the concept of European citizenship.

It is essential to call on the Member States to assess the impact of this Process as regards ensuring that young people are adequately qualified and prepared. As our rapporteur points out, we must not lose sight of the goals of the Process or of the notion of students being at the heart of all questions concerning their education.

Małgorzata Handzlik (PPE-DE), in writing. – (PL) The aim of the Bologna Process is to establish a European Area of Higher Education by the end of 2010. It is intended, among other things, to help students choose from the rich educational assortment on offer. The introduction of three cycles of education, educational quality assurance and recognition of qualifications and study duration periods are crucial to the functioning of the Area.

Clearly the attractiveness of the European Area of Higher Education will be greater, the better and more evenly spread the quality of education in the different Member States. It is therefore crucial to support Member States in their efforts to modernise and reform their higher education systems. All European citizens must have the opportunity to access higher education, regardless of their citizenship, country or place of birth.

Increasing student mobility is one of the anticipated benefits of the Bologna Process. Mobility has a positive impact not only on individuals who move, but also on higher education institutions. Exchange of views, heterogeneity and drawing on the experience of others are, after all, components of the academic experience. We should not forget either that there is a social dimension to this: mobility provides for the acquisition of invaluable and rich experience in the sphere of scientific, cultural and social variety.

Monica Maria Iacob-Ridzi (PPE-DE), in writing. – (RO) Although I voted in favour of this report, I would like to point out two issues that need to be carefully analysed and regulated by the Commission.

First of all, we need to look at the geographic distribution of scholarships granted through the Lifelong Learning Programme. Most of the universities that benefit from student exchanges are concentrated in the old Member States. At the same time, the number of students in the new Member States is much lower. The Commission should take urgent action, such as by accrediting an increased number of universities capable of participating in academic exchange programmes, thus increasing the attractiveness of new Member States as destinations for students from all over Europe. The Commission must also make sure that a proportionate number of students from each Member State get the opportunity to have a European scholarship.

Secondly, I believe that article 11 of the report should be applied to all Member States, notwithstanding its recommendation status. This period of academic mobility, be it for a term or for a year, can contribute significantly both to the knowledge and to the personal development of young Europeans. However, I must add that the inclusion of such a provision should be accompanied by corresponding financial support for the Member States.

Mikel Irujo Amezaga (Verts/ALE), in writing. – (ES) Various sectors that are critical of the Bologna Process consider that the change will cause university education to become elitist. This report calls for special assistance to be provided to students from disadvantaged groups in society by, for example, proposing 'inexpensive and decent' accommodation, and taking into account that extra support after arrival is often necessary. Although I tabled an amendment on this point to extend it to all expenditure, in other words, so that the assistance is not limited to accommodation, I think that the report is based on a concept of universal education that is accessible to the whole of society.

Mieczysław Edmund Janowski (UEN), in writing. – (PL) In the voting Mrs Pack and her report on the Bologna Process and student mobility received my support. This is a good, business-like report. In the EU today we continue to see inadequate outlay on scientific research and academic education. The Bologna idea, which is already nine years old (and currently unites 46 countries), should lead in 2010 to the appearance of a European Area of Higher Education.

The underlying principles of this process come down to three priority fields of action. These are: the education cycle (which covers three stages: bachelor, masters, doctorate), provision of high-quality education and

recognition of qualifications obtained and periods of higher education study. What is needed, then, is multiple and cohesive actions in all Member States, including in our universities.

Evaluation systems in the form of what are known as ECTS points should be clear, understandable and unified. This will enable us to sustain the potential for the flexible and mobile education of young people at a variety of academic centres and the very necessary exchange of professorial-level staff. Although higher education does not form part of EU competence, we must nevertheless – while maintaining the independence of Member States in this matter – strive for close cooperation and coordination. We must also remember to provide EU citizens with equal opportunities to access education at as high a level as possible, and this requires both organisational changes in the education system and appropriate financial outlay.

David Martin (PSE), *in writing*. – Doris Pack's report 'The Bologna Process and student mobility' is a constructive contribution to the debate on student mobility. The ability for students across the EU to be able to move freely between Europe's borders must remain a core element of the Bologna process. Students from all backgrounds should have the opportunity to benefit from the wealth of cultural and intellectual opportunities the EU offers. I therefore voted in favour of the report's recommendations.

Andreas Mölzer (NI), *in writing*. – (DE) The objective of making it easier for students to choose from a wide range of high-quality courses as part of the Bologna process is, of course, to be welcomed. The EU has also placed an important emphasis on student mobility, and furthermore wants to improve the mutual recognition of training.

The fact that not everything is running smoothly in this regard as yet is beyond question. Not only are there serious problems with recognition, some courses converted to bachelor's and master's degrees are supposedly so specialised that a change in the place of study – either at home or abroad – is no longer possible, which runs counter to the objective of a European Higher Education Area and of increasing mobility. Critics also believe that the ECTS (European Credit Transfer System) is being administered so differently from country to country that achievements are barely comparable any more. In this respect, the intention to take stock provisionally will be beneficial, and so I, too, voted in favour of the report.

Dumitru Oprea (PPE-DE), *in writing*. – (RO) I voted in favour of the report on "The Bologna Process and Student Mobility" for several reasons: the Bologna Process was one of the most revolutionary elements in the world market of education and training. The labour market itself was not ready for such a change. It is still not fully receptive to the 3-cycle educational system (bachelor, master's degree, doctoral degree) in the 3-2-3 structure; on the other hand, before the new system was applied, enterprises often hired undergraduate students.

Another element of progress was student mobility in European schools and the common degree system, facilitated by the ETCS. The success of these mechanisms has been proven by the tendency of major universities around the world of moving students to several geographical locations, particularly where they have older branches.

Another revolutionary proposal is that of ECVET (European Credit system for Vocational Education and Training), meant to transfer, acknowledge and accumulate the results of learning acquired by an individual in formal, non-formal and informal contexts, with a view to obtaining qualifications, irrespective of the time spent learning or acquiring these skills and aptitudes. This is a worldwide trend.

Zdzisław Zbigniew Podkański (UEN), *in writing*. – (PL) Mrs Pack deserves our thanks for her contribution to the development of and creative reflection on the Bologna Process, which is an initiative enabling students in Europe to choose their own educational path and career without reference to state boundaries. This initiative, which enhances the competitiveness of the European education system, enriches the nations themselves through cultural and scientific penetration.

Clearly questions of the content of education and raising its quality at every level currently lie in the hands of the EU Member States. In this respect there is still much to do. Mobility, and increasing it at European level, which is the principle motif of Mrs Pack's report, happens, in Poland for example, on the principle of the outflow of a valuable workforce, which quite often cannot be recovered. I agree with the report's thesis according to which the most important thing is student mobility, with the creation of a system of incentives and facilitations, so that young people may take advantage of offers to study wherever they like.

One particularly important matter, though, would appear to be that of fully educated and developed people returning to their country in order to make use of their potential in their country of origin. This is definitely

a challenge for the new Member States and I think that prudent continuation of the Bologna Process is a step in this direction.

Andrzej Jan Szejna (PSE), *in writing*. – (PL) A united Europe is not just a matter of a single currency, free movement of people and a common market in goods and services. It is also, or even primarily, the intellectual, cultural and social dimension of Europe.

The intergovernmental initiative known as the Bologna Process, which began just under 10 years ago, is chiefly aimed at making it easier for students to choose courses of the highest possible quality. One of the most important elements in the idea of setting up a European Area of Higher Education is increasing student mobility and the quality of education, as these are what specifically create the opportunity for personal, social and scientific development.

I think that, in striving to improve the quality and attractiveness of education, what is important is actions taken at both European level (the European Parliament treats mobility as a priority issue) and national level.

We must bear in mind that in the European Union higher education is not among the duties of the European Commission. The content and organisation of studies remain within the remit of the individual states, which is why their role, and that of the universities themselves, is so great. They should place emphasis on the need to create European curricula for doctorates, and make an effort to provide special assistance to students from social groups that are in an unfavourable situation.

Another important aspect is dialogue and a two-way exchange of experience between businesses and universities, so higher education institutes should strengthen cooperation with the private sector with a view to discovering new and effective mechanisms for co-financing student mobility.

– **Report: József Szájer (A6-0345/2008)**

Jean-Pierre Audy (PPE-DE), *in writing*. – (FR) I voted in favour of the own-initiative report by my Hungarian colleague Mr Szájer containing recommendations to the European Commission on the alignment of legal acts to the new Comitology Decision. For the sake of quality legislation, it is becoming increasingly necessary to delegate to the Commission the development of the non-essential and more technical aspects of the legislation, as well as its prompt adjustment to take account of technological progress and economic change. However, this delegation of powers must be facilitated by giving the legislator the institutional means to scrutinise the exercise of such powers. It should be noted that the current alignment of the *acquis* with the Comitology Decision is still not complete, since there are still legal instruments that provide for implementing measures to which the new regulatory procedure with scrutiny should be applied. I support – and to my mind this is essential if European democracy is to function properly – the granting of additional resources in the European Parliament for all comitology procedures in preparation for the eventuality that the Treaty of Lisbon enters into force, but also during the current transitional period, in order to ensure that every comitology procedure between the three institutions functions satisfactorily.

Mikel Irujo Amezaga (Verts/ALE), *in writing*. – (ES) I agree with the report when it says that for the sake of the quality of legislation, it is increasingly necessary to delegate to the Commission the development of the non-essential and more technical aspects of the legislation as well as its prompt adjustment to take account of technological progress and economic change. However, such delegation of powers must be facilitated by giving the legislator the institutional means to scrutinise the exercise of such powers. Parliament should be the guardian of this scrutiny, something which, despite the subject having been discussed for so many years, has still not been completely resolved. There are still parliamentary committees that have been lacking information in decisions taken under the comitology procedure. Parliament therefore needs to remain very vigilant.

– **Report: Poul Nyrup Rasmussen (A6-0338/2008)**

Johannes Blokland (IND/DEM), *in writing*. – (NL) It is very important to further examine how the supervisory structures in the European Union can be improved. However, the report by Mr Rasmussen concerns the recommendations to the European Commission on hedge funds.

On procedural grounds, I do not support the amendments by the Group of the Greens/European Free Alliance to the recitals. The recitals are not the place to draw up value judgments on the current situation on the financial markets.

I voted against Amendments 6 to 10 inclusive this morning not because I oppose European supervision of financial markets, but because this report is not the right place to launch this initiative.

I would advocate that the Committee on Economic and Monetary Affairs deliberate upon supervision of financial markets and the desirability of reinforcing this at European level. If a good report is presented on this, there is every likelihood that I shall yet be able to support this initiative from the Greens.

Szabolcs Fazakas (PSE), in writing. – (HU) Contrary to expectations, the financial crisis that started in America last year, triggered by the unregulated, speculative financial processes there, has now, far from abating, shaken the whole world, including Europe.

The current crisis requires a long-term change of paradigm by European decision-makers in two areas, so that in future they will not only reduce the danger of a financial crisis but also promote stable economic growth.

The developments in America have demonstrated that the market itself is not capable of dealing with these and similar crises. It is therefore necessary that we create, as soon as possible, the central European financial supervisory authority which was proposed by the Hungarians last year and was subsequently embraced by the French Presidency and which would, among other things, see to it that such risky, speculative transactions in the banking and financial system can be subject to conditions that can be monitored and calculated. This would be the prerequisite for Europe gradually to take over America's broken role in the world of finance.

In order for the European economy, which has also been hit by the current crisis, to get on track for the growth it wants as soon as possible, it would be necessary to bring funding for real economies to the fore as soon as possible, instead of the risky, speculative transactions of the finance and banking world. A prerequisite for this is that the European Central Bank should not only, as up to now, concentrate on fighting off inflation, but also promote the recovery of the real economy using preferential interest rates.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) We voted against this report as, notwithstanding the odd token gesture and criticism in relation to the financial crisis, it does not include any specific measures to effectively combat the increasing financialisation of the economy, unregulated speculation, the proliferation of financial instruments and products to secure ever-greater speculative profits, nor does it decide on an end to tax havens or banking secrecy.

As we stated in the plenary debate, it is always the same people who will suffer the consequences: workers who lose their jobs and the general public who have to pay more interest, including here in the European Union, particularly in countries with weaker economies, as is the case for Portugal, where the debt ratio is around 120% of GDP, while household debt is roughly 130% of disposable income.

We therefore stress the priority of supporting the creation of jobs with rights, production, solving poverty, improving the purchasing power of workers and pensioners, supporting quality public services and increasing low-interest credit facilities to support micro, small and medium-sized entrepreneurs.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) Hedge funds and private equity are high-risk investment vehicles. In order to restore confidence among investors, among the public and – not least – among the supervisory authorities, operations must be subject to both transparency and satisfactory legislation.

Junilistan welcomes many of the points and proposals for action contained in the report.

Despite this, we have chosen to vote against the report in its entirety. We have done that because the report gives preference to measures at EU level, despite the fact that it ought to be obvious to everyone in this situation that solutions to the potential risks associated with such vehicles as hedge funds and private equity should be sought primarily at global level.

Jens Holm and Eva-Britt Svensson (GUE/NGL), in writing. – It is regrettable that the report by Rasmussen on hedge funds and private equity has been watered down following the compromise negotiations between the three largest groups in Parliament. It is also regrettable that the amendments tabled by the Greens and the GUE/NGL group, which were taken directly from the Rasmussen draft report, were not adopted during the plenary vote. For example, one of the paragraphs which has been weakened from the original draft emphasised the need for enhanced appropriate levels of transparency towards the public, investors and supervisory authorities, including, in the future, any new EU supervisory body. In spite of this, we decided to support the report in the final vote. This is due to the urgent need and necessity to counteract harmful

financial speculation and instability in the markets. In this respect, the report could be seen as a step in the right direction.

Ian Hudghton (Verts/ALE), in writing. – The Rasmussen report comes at an appropriate time in the week following the financial turmoil which saw Scotland's oldest bank being sacrificed by, in the words of Scotland's First Minister, "spivs and speculators". The Scottish financial sector has been let down badly by the UK's regulators and I support tighter regulation of the market. I voted in favour of the report which contains a number of recommendations which are worthy of consideration and look forward to the day when independent Scottish regulators will work in this area in cooperation with our EU partners.

Ona Juknevičienė (ALDE), in writing. – Both global and local financial markets are developing complex financial instruments, making it very difficult for financial institutions to develop adequate regulations and supervise systems. As a result of this, there are possibilities for actions which are not transparent and cases of speculations by financial market participants, which lead to the perversion of the financial markets. In this regard, I support Amendment 2 tabled by the Greens group, which calls for substantial reinforcement of the European Regulatory and Supervisory Framework in order to maintain financial stability.

Kartika Tamara Liotard and Erik Meijer (GUE/NGL), in writing. – It is regrettable that the report by Rasmussen on hedge funds and private equity has been watered down following the compromise negotiations between the three largest groups in the Parliament. It is also regrettable that the amendments tabled by the Greens and the GUE/NGL group, which were directly taken from the Rasmussen draft report, were not adopted during the plenary vote. In spite of this, we decided to support the report in the final vote. This is due to the urgent need and necessity to counteract harmful financial speculation and instability on the markets. In this respect, the report could be seen as a step in the right direction.

Astrid Lulling (PPE-DE), in writing. – (FR) I voted in favour of the hard-won compromise negotiated by the three political groups in this Parliament and I am pleased with the comprehensive, balanced content of the report. The rapporteur had tried to place the burden of the financial crisis with hedge funds and private equity, but these products are neither the origin nor the catalyst of the current crisis, and I congratulate the rapporteur on having recognised this and put it right.

The recommendations we are making to the Commission are intended to cover all relevant actors and financial market participants and to close the loopholes in existing regulations to address and combat those practices that contributed to the property market collapse in the United States becoming a global financial crisis.

We are thus addressing bad risk management practices, the lack of transparency of certain investment products and conflicts of interest in credit rating agencies, which are the main causes of the financial crisis we are currently experiencing.

David Martin (PSE), in writing. – Colleagues, the recent financial crisis has many victims, of which HBOS – who last week were taken over by Lloyds TSB – was one. To see such high-profile casualties is not only destabilising for the world economy, but for those who entrust their money and their future to these companies. What the world has learnt from the last few weeks is that our approach to market regulation is outdated. We need global measures to regulate a globalised financial system.

The EU and the European Parliament therefore has a significant role to play in resolving the root causes of the crisis and must act responsibly by voting in favour of Mr Rasmussen's report. In encouraging hedge funds and private equity firms to be more prudent and transparent in their dealings, the EU will help construct a solid framework that will help restore much-needed stability to the financial sector.

Mary Lou McDonald (GUE/NGL), in writing. – It is regrettable that the report by Rasmussen on hedge funds and private equity has been watered down following the compromise negotiations between the three largest groups in the Parliament. It is also regrettable that the amendments tabled by the Greens and the GUE/NGL group, which were directly taken from the Rasmussen draft report, were not adopted during the plenary vote. In spite of this, we decided to support the report in the final vote. This is due to the urgent need and necessity to counteract harmful financial speculation and instability on the markets. In this respect, the report could be seen as a step in the right direction.

However, a stronger hand is required in applying these ideas. The secretive nature of many hedge funds is unacceptable as the system as it currently stands does not allow for transparency for the public. It is therefore

difficult to assess the nature of hedge funds, and their capacity to contribute to sustainable social cohesion and economic stability cannot be ascertained by citizens.

Luís Queiró (PPE-DE), in writing. – (PT) The concerns mentioned in this report, which are accompanied by due acknowledgement of the importance of the financial products in question, lead me to agree on the whole. Bearing in mind that we are going through a period of obvious turbulence in the financial markets, it is important to react firmly, but also calmly and with knowledge of the facts. Much of the economic success of recent decades in Europe, the United States and in fast-growing economies is precisely because of the agility of the financial markets. In terms of the corrective action the current system needs, it is important to tackle the roots of the crisis, but without wiping out the virtues of the system. This is how the European Commission needs to understand this call for action by the European Parliament.

Olle Schmidt (ALDE), in writing. – (SV) The role of the European Parliament in the EU system is to be the voice of the people. This voice is strengthened in particular by the work done in the Committee on Petitions, which takes up questions arising from citizens' initiatives. A good example is the 'One Seat' campaign – to move the seat of the European Parliament from Strasbourg to Brussels – which was taken up for formal discussion through the efforts of the Committee.

Certainly, some recommendations to the Member States are rather extreme and some proposals are not very well considered. Nevertheless the work of the Committee on Petitions is a crucial part of the work of the EU on behalf of citizens, which for me was a crucial factor in my decision to support this report.

Bart Staes (Verts/ALE), in writing. – (NL) The financial world is rocking on its foundations. Ordinary American taxpayers are paying the price of a rescue plan (USD 700 billion) whilst those who caused the problem are getting off scot-free. In the form of the Rasmussen report, the European Parliament had an instrument with which to do something to improve scrutiny of certain areas of the financial sector: hedge funds and private equity. With the crisis now so urgent, we had an opportunity to call on the European Commission to introduce strict legislation. The Group of the Greens/European Free Alliance therefore tabled various amendments to this report but, since these were rejected by Parliament, we voted against the report. There is to be no European authority to monitor the financial sector, no European legislation on the registration and monitoring of hedge funds, no limit on private investment companies taking root excessively. In the very week when the capitalist system is on the point of imploding, the European Parliament has missed its opportunity. We Greens are signalling that we shall continue to devote ourselves to severely curtailing a free market whose only objective in speculating seems to be to make the fastest possible profit for a small group of people. This is socially and economically irresponsible.

– Report: Klaus-Heiner Lehne (A6-0296/2008)

Ona Juknevičienė (ALDE), in writing. – (LT) I have always been in favour of market liberalisation, as, in my opinion, it is the main prerequisite for competition among market participants, which is always beneficial to consumers, enabling them to choose and purchase goods at the lowest possible price.

However, in voting for the transparency of institutional investors, I support the rapporteur, Mr Lehne, who is asking the Commission to propose certain standards to prevent investors from 'robbing' companies (the case of the partial sale of companies) and abusing their financial powers so that companies encounter problems in the future and there is no benefit either to the company itself or its employees, creditors or business partners.

In my view, the European Commission should investigate the measures implemented by the Member States to prevent the partial sale of companies.

David Martin (PSE), in writing. – I support the general approach of Klaus-Heiner Lehne's report on the transparency of institutional investors. Recent events in the financial markets point to the need for global action to improve market regulation. Well-functioning markets depend on the respect of transparency across the board, and this report is a step in the right direction. I voted in favour of its recommendations.

Dimitrios Papadimoulis (GUE/NGL), in writing. – (EL) The acute and ongoing crisis of casino-style capitalism is burdening American taxpayers and the entire world economy because of the failure of the profiteering games played by companies. Radical changes to the regulatory legal framework for the inspection of transparency and audits are needed. The Commission must act immediately and propose a comprehensive framework for a common model of transparency. The policy of less legislation has failed miserably.

Luís Queiró (PPE-DE), in writing. – (PT) Transparency should be a guiding principle in how markets operate – financial markets in particular. However, this should not be the only consideration, lest the principle should become the rule, confusing the desired result (healthy and efficient financial markets) with the proposed means of achieving this (sufficiently regulated and supervised markets). In the context of the current political and economic debate on financial markets, it is important for the Commission to interpret this recommendation in this sense, committing itself to defending the quality of European financial markets. Let us not forget that the greatest economic benefits for society stem from the smooth and fundamentally free functioning of these markets.

Olle Schmidt (ALDE), in writing. – (SV) Transparency is crucial to restoring confidence in the financial market. Recent months have shown what problems can arise in a complex and fast-moving market if there is no possibility of understanding and following advanced products as well. There have certainly been problems in the OTC market, but there must also be transparency in other areas of the financial market. In the light of this broad complex of problems therefore, I chose to abstain in the vote since the amendments which would have given the report the breadth it needed were not adopted.

– Report: Gyula Hegyi (A6-0279/2008)

Jean-Pierre Audy (PPE-DE), in writing. – (FR) I voted in favour of the report by my Hungarian fellow Member Mr Hegyi, amending the proposal for a regulation of the European Parliament and of the Council modifying, as regards the implementing powers conferred on the Commission, Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (TSEs). I support the proposed amendments aimed at using the regulatory procedure with scrutiny to adopt certain measures concerning products of animal origin derived from or containing ruminant materials. The same goes for assessing whether the level of protection applied by a Member State is equivalent, by way of derogation from Regulation (EC) No 999/2001, as regards measures following detection of the presence of a transmissible spongiform encephalopathy (TSE).

Ilda Figueiredo (GUE/NGL), in writing. – (PT) We voted in favour of this report as Transmissible Spongiform Encephalopathy (TSE), commonly known as mad cow disease, is a serious threat to our health.

As we know, this deadly infectious disease spreads through a protein which can be found in infected meat and causes deterioration of the human brain. It has been possible to reduce this epidemic, thanks to strict European regulation.

In this report, the rapporteur builds on the work of the previous rapporteur by adding new elements to be regulated by the regulatory procedure with scrutiny.

We therefore agree that the Commission's proposal should be amended so as to guarantee that controls are not reduced. We have to be extremely cautious to ensure that the regulatory procedure with scrutiny does not slow down the implementation of measures against this disease. We also have to avoid creating loopholes in the legislation when granting derogations to Member States. Hence the importance of this report. Let us hope the European Commission bears it in mind. After the well-known scandals concerning this disease, the public in the Member States rightly needs and deserves this transparency.

David Martin (PSE), in writing. – Gyula Hegyi's report on amending Regulation (EC) No 999/2001 as regards the implementing powers conferred on the Commission seeks to propose amendments to the regulation on transmissible spongiform encephalopathy – a deadly disease spread by infected meat. Updating the regulatory procedure associated with this issue to one that involves the European Parliament more is a positive step. The report therefore has my backing.

– Report: Johannes Blokland (A6-0282/2008)

Andreas Mölzer (NI), in writing. – (DE) Every year the EU has to contend with two billion tonnes of waste, 40 million tonnes of which are hazardous waste. The quantities of waste products similar to domestic waste produced probably constitute the major part of this together with industrial waste, even though the latter does, of course, contain a disproportionately higher risk potential. The statistics reveal all this, which is why the EU has set itself the lofty aim of reducing the amount of waste to be disposed of by 20% by 2010.

In any case it is to be hoped that, in the agricultural waste sector, for instance, the need to obtain statistical data does not end up tying our farmers up with red tape. Since I was not able to find any indication of this in the report, I voted in favour of it.

Rovana Plumb (PSE), in writing. – (RO) I voted in favour of this report because, through this new legislative proposal, the Regulation on waste statistics is adapted to comitology, that is to regulation by control.

The European Parliament's resolution also calls on the Commission to submit the evaluation reports on pilot-studies in time, in order to avoid the double reporting of data concerning waste statistics.

Daciana Octavia Sârbu (PSE), in writing. – (RO) Insufficient data on waste generation and management prevents the European Union from enforcing a harmonised policy regarding waste. Statistic tools are necessary for an evaluation of compliance with the principle of prevention of environmental degradation as a consequence of waste usage and the monitoring of waste at the time of generation, collection and disposal. Member States have recognised that there are insufficient statistical data and that the definitions contained in this report are not enough to lead to comparable results between the states. This is why data collection can be done much better at Community level, in line with the principle of subsidiarity.

As far as agriculture, fisheries and forestry statistics are concerned, we should take into consideration the degree of coverage by this Report of the treatment of agricultural and biological waste. Therefore, there are several essential issues that need particular attention in order to ensure the accuracy of data and consequently the harmonisation of statistical information at Community level.

– Report: József Szájer (A6-0298/2008)

Šarūnas Birutis (ALDE), in writing. – (LT) The spectrum, like other natural resources (sun, water, air), is a public asset. Market mechanisms themselves, despite being an effective means of generating optimal economic value (private and public), cannot satisfy general interest and generate public assets, which are vital for the creation of an information society. Therefore, the coordination of political and market measures is a must.

Better coordination and a greater level of flexibility are necessary in order to make full use of this limited resource. However, it is also necessary to maintain the balance between flexibility and harmonisation in order to achieve the added internal market value of the spectrum.

The spectrum does not recognise national borders. To enable Member States use the spectrum effectively, better cooperation must be achieved within the EU, especially in the area of the expansion of European service and negotiations on international agreements.

Although the management of the spectrum remains within national competence, it is only EU principles that can ensure that the EU's interests are defended worldwide.

Urszula Gacek (PPE-DE), in writing. – (PL) I am in favour of the further protection of economic interests in locations where mineral water is exploited, as guaranteed in the European Parliament's Directive on the exploitation and marketing of natural mineral waters.

The income obtained by districts and businesses, particularly in the Małopolska province, constitutes a significant contribution to the development of the region and its attractiveness as a health resort and tourism destination.

It is worth pointing out that these areas are often agricultural and have little opportunity to generate income because they are located in hilly and mountainous terrain, although they conceal beneath their surface very valuable mineral and spring waters with therapeutic properties.

– Report: József Szájer (A6-0280/2008)

Šarūnas Birutis (ALDE), in writing. – (LT) The EU mineral water document specifies a Europe-wide standard on natural mineral water.

This regulation determines the conditions under which natural mineral water is to be recognised as such and lays down guidelines for the use of mineral water sources. Specific rules for supplying the market with mineral water are also laid down in the guidelines. The discrepancies in these regulations interfere with the free movement of natural mineral water, creating different competition conditions, which have a direct impact on the functioning of the internal market in this product.

In this particular case the existing obstacles could be removed by each Member State agreeing to accept mineral water recognised by other Member States in their territory with the introduction of general guidelines on meeting microbiological requirements for the product, which would determine the name of a certain mineral water brand.

The principal aim of any regulation on mineral water is to protect consumers' health and prevent consumers from being misled by information on the product, thus guaranteeing fair trade.

– Report: József Szájer (A6-0299/2008)

John Attard-Montalto (PSE), in writing. – Needless to say, roadworthiness tests for motor vehicles are an important ingredient for the safety of drivers, passengers and pedestrians. They are also essential in the fight against climate change in terms of CO₂ emissions.

On the other hand, the Government of a country has the obligation to provide a framework which contributes to the health and safety of drivers, passengers and pedestrians.

Malta and Gozo have one of the highest densities of private cars per capita. Cars in Malta are extremely expensive, due to a high registration tax. This is making it very difficult for citizens to change to more efficient cars. The Government must address the issue of car registration immediately and should do so in the next budget.

People use private transport because the situation of public transport is not acceptable. It is about time a general overhaul of public transport was carried out.

In addition, the state of many of our roads is terrible. The allocation of Structural Funds by the EU for 2007-2013 is 53%. Under the circumstances all major roads have to be brought up to standard.

– Report: Roselyne Lefrançois (A6-0323/2008)

Graham Booth, Nigel Farage and Jeffrey Titford (IND/DEM), in writing. – UKIP considers terrorism as a major problem. We simply do not believe that the EU should decide about the actions to be taken to fight terrorism. We feel nation states are best placed to decide appropriate security measures through intergovernmental cooperation.

Philip Bradbourn (PPE-DE), in writing. – British Conservatives supported the report whilst having some reservations with regard to the necessity of the EU's involvement in this area, given that there is already in existence a Council of Europe Convention covering the same issues. We favour close cooperation between Member States but also in the context of a global approach to the war on terror. We are, however, unconvinced of the effectiveness of 'one size fits all' approaches at a European level.

Marco Cappato (ALDE), in writing. – (IT) I voted against the proposal to insert a new offence of 'provocation' or 'public provocation to commit a terrorist offence' into European law in implementation of the Council of Europe Convention because I believe that the definition put forward by the Commission is too vague and is based on purely subjective elements, jeopardising human rights and fundamental freedoms, particularly freedom of expression in Europe.

In fact, any public statement, or any statement reported in the media, or any message posted on the Internet that might in some way – whether directly or indirectly, on the basis of 'intent' and with 'the danger that such offences may be committed' – be considered incitement to commit a terrorist offence, will be made a crime at European level. The declared objective is to come down on 'terrorist propaganda' on the Internet. The rapporteur has attempted to clarify the European Commission's text in order to make it more respectful of human rights, seeking to introduce greater legal certainty. Despite this, I believe that we should reject this proposal, partly in order to send a clear signal to the Commission and the Council, which have already announced that they do not wish to accept Parliament's proposals.

Charlotte Cederschiöld, Christofer Fjellner, Gunnar Hökmark and Anna Ibrisagic (PPE-DE), in writing. – (SV) The Swedish Freedom of the Press Act represents fundamental values in Swedish society. We cannot accept laws to combat terrorism which are at variance with the Swedish Constitution. There are many other ways and possibilities by which to achieve the same aims.

The proposals we voted on today do not offer any scope for an opt-out which would allow us to retain our legislation in Sweden.

We support the improvements which the European Parliament has proposed but cannot support the proposal as a whole. Since a settlement in line with the Swedish Constitution has been reached in the Council, however, we choose to abstain instead of voting against the report.

Koenraad Dillen (NI), *in writing*. – (NL) The Lefrançois report proposes a number of good measures to improve the efficiency and coordination of the fight against terrorism within the EU. I therefore voted in favour of it. The ETA attacks a few days ago and the murderous attack in Islamabad have demonstrated that we can never be too vigilant and efficient in this fight. Cross-border cooperation in the fight against terrorism – which, nowadays, is mainly Islamic in origin – is essential if we want to achieve results.

However, we cannot disregard past mistakes either. After all, for years the Schengen area has been offering potential terrorists and criminals an ideal environment to carry out their criminal plans, often with impunity. There is an urgent need for Europe to reflect on its open-border policy and the pernicious consequences of this policy with regard to immigration, crime and Islamic extremism. If not, the framework proposed here will also prove worthless.

Edite Estrela (PSE), *in writing*. – (PT) I voted in favour of the Lefrançois report on the proposal for a Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism, as I believe we need to adapt the instruments for combating terrorism to the new information and communication media available to terrorists.

Revising the EU framework decision will allow the inclusion of the concept of terrorism in specific preparatory acts, such as recruitment and training for terrorism and public provocation to commit terrorist acts, which will become criminal offences in all Member States. It is also important to highlight the important amendments tabled by the Socialist Group in the European Parliament, with the aim of guaranteeing the fundamental freedoms of speech and association.

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) The current international and Community legal framework includes a set of instruments that are more than necessary for combating real terrorism and the organised, violent and transnational crime that is associated with it.

The aim of this proposal is to step up the set of security measures, which, on the pretext of the events of 11 September 2001, have put citizens' rights, freedoms and guarantees at risk.

This proposal, as the rapporteur herself points out, puts forward ambiguous definitions that do not safeguard respect for fundamental freedoms.

As in 'Framework Decision 2002/475/JHA on combating terrorism' – with its definition of 'terrorism' – once again the possibility remains open for implementing security measures and criminalising individuals or groups who speak out against or write about State terrorism.

This proposal does not represent any added value in combating real terrorism and the associated transnational crime and in fact poses genuine threats to the security and fundamental freedoms of citizens in the various Member States.

As we have pointed out, rather than security measures we need to tackle the real causes fuelling terrorism.

As we have already stated, 'we will not trade freedom for security, as we will be left with neither'. We therefore voted against the report.

Carl Lang (NI), *in writing*. – (FR) On Saturday 20 September a suicide bomber caused a lorry to explode in front of the Marriott Hotel in the heart of the Pakistani capital, reducing it to a burned-out ruin and killing at least 60 people.

This attack was attributed to the Pakistani Taliban linked to Al-Qaeda.

On Sunday 20 and Monday 21 September it was the turn of ETA, the Basque separatist organisation, to spill blood in three attacks. The preparations for these attacks are thought to have been made in France.

Terrorism has no borders, and the Schengen area offers it the perfect cradle in which to recruit, indoctrinate and make the logistical preparations for attacks.

In France the Interior Minister Michèle Alliot-Marie said on the subject that 'French prisons are a hotbed of recruitment for radical Islamists.' An honest admission! It is a fact that terrorism has many causes, but today they mainly lie in the armed combat of radical Islam. Curiously, there are no legislative texts aimed at detecting and preventing recruitment in prisons or in certain so-called 'sensitive' neighbourhoods.

The European Union intends to give itself a body of legislation to combat terrorism.

(Explanation of vote cut pursuant to Rule 163 of the Rules of Procedure)

Jörg Leichtfried (PSE), *in writing*. – (DE) I voted in favour of the report by Mrs Lefrançois, since a central tenet of the fight against terrorism has to be the prevention of terrorist offences.

Provocation to commit a terrorist offence, recruitment for terrorism and training for terrorism are three preparatory acts that are also to be regarded as offences. In so doing, however, fundamental rights must continue to be protected. I therefore voted for the use of the term 'incitement' rather than 'provocation', since this is more accurate and gives less leeway. Action must be taken against the Internet as a virtual training camp, as the new information and communication technologies mean that it is becoming increasingly easy for terrorists to disseminate their propaganda.

The EU must counter terrorism clearly and decisively, and the adoption of the three new offences is an important step in doing so. Freedom of the press, freedom of expression and the right to respect for the privacy of correspondence and secrecy of telecommunications, which also includes e-mail and other kinds of electronic correspondence, should not be curtailed, however, and so I support the amendments by Mrs Lefrançois.

Andreas Mölzer (NI), *in writing*. – (DE) We certainly have sleepers within the EU, who could become active at any time. It should not be forgotten, though, that terrorists do not appear from nowhere, but come into a country and grow up in an environment hostile to that country. If the EU really wants to pursue counter-terrorism effectively, it has to grapple with measures to counter the formation and expansion of parallel societies and suchlike, instead of condemning wholesale those who highlight the problems of coexistence with migrants. Equally, counter-terrorism should not lead to a stealthy cutback in citizens' rights, which even the European Court of Justice recently brought into the arena, or result in the fight against crime receding as a result of the obsession with terrorism.

If we bear in mind that Islamist zealots are at the forefront of the terrorist threat, cracking down on Islamist preachers of hatred and criminalising terrorist camp training at European level is long overdue. On this note, I voted in favour of the Lefrançois report.

Rareș-Lucian Niculescu (PPE-DE), *in writing*. – (RO) The recent attacks in the Basque Country show once again that terrorism is a daily reality and that we need effective instruments to fight it. The Council's new framework decision on fighting terrorism is certainly a step forward and I welcome its adoption.

I am surprised that the commemoration of 7 years since the New York terrorist attacks of 11 September 2001 went unnoticed by the European Parliament. We should try not to forget the victims of those attacks, and we should have stressed that Transatlantic relations are a priority among the day-to-day tasks of the European Parliament.

Luís Queiró (PPE-DE), *in writing*. – (PT) Legal clarity of the legal framework for combating terrorism is just as necessary as clarity and determination in this whole regard. In this sense, the Commission's concern about the mechanisms, means and methods involved in recruiting terrorists, particularly those who are recruited in European countries – who are often born and bred here – is understandable. In this area, we need to ensure that police authorities and the State have the necessary means to act, preferably in a preventive way. Actions aimed at combating this phenomenon that do not involve police or judicial authorities are also relevant. It is a question of ensuring that, alongside the reaction of the legal system, there is also an alert and attentive political system that can take action, whether by strengthening integration, promoting the voice of the moderate majority, or tackling the marginalisation associated with illegal immigration. For all these reasons, the political authorities need to be attentive and active. Whilst it is impossible to prevent all acts of terrorism, it is possible to avoid an environment that promotes, provokes and fuels terrorism.

Andrzej Jan Szejna (PSE), *in writing*. – (PL) One of the main aims of the European Union within the framework of a policy for a common area of freedom, security and justice is ensuring the security of its 500 million citizens. To achieve this, the European Union and its states must face up to modern terrorism.

The most controversial issue in the content of the proposal to revise the Council framework decision on combating terrorism is the demand for the introduction of the concept of public provocation to commit terrorist offences.

There is a very fine line between freedom of speech and breaking the law. We cannot allow a situation to develop where increasing security causes a restriction of citizens' rights and freedoms.

For this reason I take the position that it is indispensable to ensure the highest possible legal level for the framework decision under discussion, and this should primarily be done through a tighter definition of the concept of public provocation to commit terrorist offences. The newly created document must be clear and harmonious from a legal aspect in order to make it an effective instrument in combating terrorism, while at the same time providing a high level of human rights and fundamental freedoms.

Bernard Wojciechowski (IND/DEM), in writing. – (PL) The attacks in Madrid and London have shown us what an important problem terrorism is for the EU.

The year 2008 reaped an enormous harvest, beginning on 1 February with the attack in Baghdad during a funeral, which caused the deaths of 30 people, and ending on 20 September with the attack on the Marriott Hotel in Islamabad, in which over 60 people died and over 250 were injured. There have been as many as 49 terrorist attacks in total during 2008. For the sake of comparison it is worth adding that this is the same number of attacks that took place between 2002 and 2007 (inclusive).

One of the most effective ways of combating terrorism is to eliminate its causes.

This is why I think that the European Union should apply every effort to combat terrorism on a global scale, with respect for human rights. The EU should make Europe safer by enabling its citizens to enjoy freedom, security and justice, which must to a large extent depend on the will of the Member States.

– Report: Martine Roure (A6-0322/2008)

Koenraad Dillen (NI), in writing. – (NL) I voted against this report out of absolute conviction. The Roure report demonstrates for the umpteenth time how political correctness is blinding Europe. It is evident that, in the fight against crime and the fight against terrorism, the government has the right to gather as much data as possible on potential suspects, including ‘ethnic’ data. Even the rapporteur admits this.

However, why should the civil authorities not process data in other fields too – while respecting personal privacy – if this guarantees good governance? Why, for example, should the Italian Government not take the fingerprints of illegal immigrants if this is the only means of identifying them?

The original Council proposal on the matter was sufficiently balanced. Similarly to the left, taking action against dissidents throughout Europe like a full-blown thought police – as a Fleming I know a thing or two about that – the intention here is to act as a watchdog of civil liberties. It is too ridiculous for words.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) Bearing in mind that this is a case of the Council ‘consulting’ the EP, we would like to emphasise that although we have supported amendments put forward by the EP, even though they water down previously adopted positions, we believe that this proposal falls far short of what is needed in the area of ‘protection of personal data processed in the framework of police and judicial cooperation in criminal matters’.

In addition to other crucial aspects in our negative assessment of this proposal, we highlight the fact that it does not rule out, even though it attaches (pseudo) conditions, ‘the processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership and the processing of data concerning health or sex life’, which is unacceptable!

As was pointed out in the debate, it is a proposal based on a lowest common denominator for an issue of such overarching importance as safeguarding the rights, freedoms and guarantees of the citizens of the various Member States, that is below what is laid down in other legal instruments, particularly those of the Council of Europe.

Ensuring the protection of personal data is an urgent and indispensable issue. It cannot be achieved through a legal instrument that – because of its gaps and flaws – does not guard against the possibility of non-compliance or non-protection.

That is why we abstained.

Jörg Leichtfried (PSE), in writing. – (DE) I voted in favour of the report by Mrs Roure, which guarantees a high level of data protection with regard to the processing of personal data.

Combating terrorism should not be at the expense of citizens’ fundamental rights, which is why it is imperative to guarantee the protection of personal data. The Council’s agreement has some deficiencies and therefore cannot guarantee this. This report remedies the shortfalls and modifies the Council’s agreement to the effect

that the use and dissemination of personal data is more strictly regulated. The report words the proportionality and purpose of data processing more precisely, imposes stricter controls on transfer to third countries, and calls for a group of experts, which is to function as both supervisory authority and performance location.

The lengthy discussion in the European bodies shows the contentiousness and sensitivity of the subject. Reaching agreement on it is difficult, but should not lead to a superficial result or the watering down of data protection in the EU. Personal data must always be handled with extreme care and with every possible safeguard.

Mary Lou McDonald (GUE/NGL), in writing. – While the measures put forward by the Commission in this Framework Decision fall short of what I would have liked to see, I supported the general principle of setting a minimum level for personal data protection.

The Civil Liberties Committee of Parliament did some good work in improving the proposal, which I hope will be taken on board.

Sinn Féin supports the highest possible level of data protection for citizens and will continue to support any measures which improve the privacy and rights of citizens in this field.

Dimitrios Papadimoulis (GUE/NGL), in writing. – (EL) The Council's proposal can on no account be accepted in its present form. Its forfeiting of the protection of personal data is unacceptable. A comprehensive legal framework on personal data is needed to ensure that there is substantial protection and no processing of such data by the state or by individuals, at either international or national level. The European Parliament's criticisms and recommendations on the Council proposal are generally a move in the right direction, but they are not enough.

– Report: David Hammerstein (A6-0336/2008)

Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE), in writing. – (SV) We Swedish Social Democrats chose to vote for Amendment 1 to the Report on the deliberations of the Committee on Petitions during the parliamentary year 2007 (A6-0336/2008). The reason for this is that we think the European Parliament itself should be able to decide on its own seat. However, we think that, in the interests of our climate and environment and on economic grounds, the European Parliament should only have one seat: in Brussels.

Proinsias De Rossa (PSE), in writing. – The Petitions Committee of the European Parliament performs an invaluable service to the European Union citizens, channelling their concerns to the Commission, questioning national, regional and local authorities on irregularities in the application of EU law, and taking on instances of violations of citizens' rights.

The sharp increase in the number of petitions received by the European Parliament last year illustrates both the citizens' growing awareness of how Parliament can serve them and the need for the Committee to be adequately funded and staffed.

No less than 65 petitions concerned Ireland in the year 2007, and the country has been visited by a Committee fact-finding mission due to the breach of EU Directives concerning water and the environment.

I am convinced of the crucial role of the Petitions Committee as a resort for citizens faced with breaches of rules, as well as a bridge between them and all levels of administration and government within the EU via their elected MEPs.

Koenraad Dillen (NI), in writing. – (NL) This report deserved an abstention. It is a good thing, of course, that European citizens are able to petition the authorities – including their 'European authorities' – but I regret the federalist undertones of this report. One example is the completely irrelevant way it extols the Charter of Fundamental Rights chiselled into the Treaty of Lisbon. Another example is its call for even greater efficiency – read 'interference' – towards Member States on the part of the Commission.

The way in which this report has been used to argue in favour of one European seat, to be located in Brussels, also disturbs me. Naturally we are all sick of the waste of money caused by the 'fragmentation' of the European Parliament, but this one seat could of course just as easily be located in Strasbourg.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) This report is in fact an activity report from the European Parliament's Committee on Petitions. But, since the report refers at several points to the

Treaty of Lisbon in glowing terms and in the hope that it will soon be ratified, we have chosen to vote against the report in its entirety.

Our fundamental view is that the Treaty of Lisbon has been rejected, since voters in one Member State and in one referendum said 'no' to the Treaty. Yet there are many more Member States in which there is no doubt that a majority of voters would have rejected the Treaty of Lisbon if they had been given the chance.

That ignorance, which the European Parliament's Committee on Petitions shows at various points in its report, is something we cannot endorse.

As regards the question of a single seat for the European Parliament, we back the principle that it is for the Member States together to decide on the seat of the European Parliament, but we also think it reasonable for the European Parliament to express an opinion on the matter.

Ian Hudghton (Verts/ALE), in writing. – I voted in favour of Mr Hammerstein's Amendment 1 to his own report. We have today discovered that next month the European Parliament will once again embark upon its monthly trek to Strasbourg at a cost of billions of euros to the taxpayer. We must end this travelling circus, and Parliament itself must be at the heart of the debate.

Mieczysław Edmund Janowski (UEN), in writing. – (PL) I voted in favour of Mr Hammerstein's report on the deliberations of the Committee on Petitions during the parliamentary year 2007, as it provides a transparent presentation of the positive effects of this committee's actions.

The committee itself, chaired by Mr Libicki, has shown through its actions that it is very much needed. It enables EU citizens to submit petitions concerning breaches of their rights as citizens by public authorities in the Member States. Rule 191 of the European Parliament's Rules of Procedure states that 'any citizen of the European Union ... or ... person residing ... in a Member State shall have the right to address, individually or in association with other citizens or persons, a petition to Parliament on a matter which comes within the European Union's fields of activity and which affects him, her or it directly.'

I consider the provision of the ePetition database to be a significant achievement in the work of this committee. Thanks to this database it is now possible to gain online access to all documents relating to each petition. Mention should also be made of the significant rise in the number of petitions submitted electronically. Last year this amounted to 42%. The Committee on Petitions cooperates well with the relevant departments within the European Commission and with the European Ombudsman, and also with the appropriate representatives of the Member States and regional and local authorities, in providing appropriate explanations. The fact-finding visits by committee representatives are very helpful to its work. The well-functioning secretariat does a lot to increase the effectiveness of its work.

Ona Juknevičienė (ALDE), in writing. – (LT) The signatures of more than 1 million EU citizens have been collected in support of the EU-wide citizens' initiative calling for one permanent seat for the European Parliament. This gave the people involved the right to submit a petition to the Committee on Petitions to appoint a permanent seat for Parliament. In my view, the European Parliament's existing system of working arrangements is inefficient and involves unjustified financial expenses. Taxpayers' money is being wasted instead of being put to good use with the aim of creating added value for citizens. Back in 2005, during the preparation of the report on the European Parliament's budget, I suggested that the European Parliament work from a single seat, thus eliminating travel expenses and enabling Parliament to save on financing travel by its Members and staff. However, in today's vote I am not supporting the amendment tabled on behalf of the Group of the Greens/European Free Alliance on a permanent seat for the European Parliament in Brussels. In my opinion, it is not right to presume that Brussels should exclusively be appointed as the permanent seat of the European Parliament. This is a matter that falls within the competence of the Member States.

David Martin (PSE), in writing. – I welcome the report's acknowledgement of the rising significance of the Committee on Petitions. This year has seen a 50% increase in the number of petitions received compared to 2006. I also recognise the rapporteur's concerns about the length of time taken by the Commission and the Court of Justice to resolve cases referred to the Committee. I voted in favour of the report.

Mary Lou McDonald (GUE/NGL), in writing. – I welcome the Hammerstein report on the Petitions committee today.

In particular, I welcome the report's taking to task of the Irish government on many issues. The Irish government's decision to push ahead with the M3 motorway through the heart of one of our most historic

national sites is unjustifiable. The project should be abandoned or re-worked to protect our national monuments.

The campaign must continue in Ireland and Europe to make sure that this happens before it is too late as the government is trying to ensure.

Dimitrios Papadimoulis (GUE/NGL), *in writing*. – (EL) I have voted in favour of the Hammerstein report on the work of the Committee on Petitions. It supports the work of that committee, which is one of the primary channels of communication between citizens and the European institutions. The effectiveness of the Committee on Petitions in negotiating and supporting citizens' causes needs to be improved by strengthening its institutional role and further improving its cooperation with the European Commission, the European Ombudsman and the authorities of the Member States.

Catherine Stihler (PSE), *in writing*. – The failure of Parliament to support Amendment 1 on the issue of the one seat is disappointing. This is the second Strasbourg part-session which we have had in Brussels, and we have proved that we can meet effectively and vote in Brussels. We no longer need to hold sessions in Strasbourg. I encourage colleagues to sign Written Declaration 75 calling on Parliament to meet in Brussels and end Strasbourg sessions.

– **Report: Michl Ebner (A6-0327/2008)**

Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE), *in writing*. – (SV) We Swedish Social Democrats have chosen to vote against the report, since we are opposed to the introduction of special support for hill and mountain farmers in the form of a dairy cow premium. Although we welcome a comprehensive strategy for hill and mountain regions, increased support to the dairy sector is not the right way to go. If the aim is to reduce the share of the common agricultural policy in the EU budget as a whole, transfers from the first to the second pillar are also not appropriate.

Konstantinos Droutsas (GUE/NGL), *in writing*. – (EL) The report on the situation and outlook for hill and mountain farming identifies, if only in a piecemeal way, the specific problems faced by farming and stock-rearing in those regions. Among other things, these are inaccessibility, high transport costs and difficult soil conditions for crops etc. However, the report does not mention the responsibility of Member States and the EU for the lack of infrastructure, and for the substantial absence of specific measures. Such measures should be aimed at minimising the natural disadvantages of these regions in producing and marketing agricultural products, and at making good use of comparative benefits.

The EU uses vague wording and empty expressions of good intent. Whatever measures are taken turn out to be ineffective and fail to halt the depopulation of these regions. The same unproductive stance is maintained in the report, which tries to whitewash Community policy. It contains no mention of the steady reduction in EU agricultural funding, the fiscal budgets and the negative impact of the CAP.

On the contrary, the EU is merely repeating the same old measures, which it is trying to adapt to the framework of the forthcoming CAP health check.

An essential pre-condition for improving living conditions, and increasing agricultural income in hill and mountain regions, is the struggle of the farmers themselves against the CAP, and the demand for special funding for hill and mountain regions in a bid to improve infrastructure and support the agricultural production process.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing*. – (SV) The European Parliament's Committee on Agriculture and Rural Development wants to bestow favours on all the special interests it comes across in this sector. If special provision now needs to be made for hill and mountain farmers, the question arises whether special measures and agreements need to be drawn up to protect agriculture in Norrland.

We are strongly opposed to this report on grounds of principle. Junilistan notes once again that it is fortunate that the European Parliament does not have codecision powers on the EU's agricultural policy. If it did, the Union would be caught in a trap of protectionism and costly subsidies to all the various groups involved in agriculture.

Jan Mulder (ALDE), *in writing*. – (NL) The members of the People's Party for Freedom and Democracy (VVD) in the European Parliament voted in favour of the Ebner report, one of the reasons being that it gives a good impression of the specific problems of hill and mountain farming. However, the members of the VVD do

not agree with the provisions of the report that anticipate the decision-making procedure in respect of the CAP 'health check', particularly the plea for a 20% national reserve.

James Nicholson (PPE-DE), *in writing*. – This report highlights the key role mountainous regions play in terms of the environment, agriculture and even culture and tourism. Most importantly, it is recognised that these areas are essential for maintaining pockets of biodiversity and the implementation of a forestry strategy.

However, these unique areas can also present significant challenges for people living and working in them, especially in terms of infrastructure, communications and high production costs. It is for this reason that these areas deserve a coordinated and integrated strategy, much like the approach which relates to the European Union's coastal regions.

Of course, sheep farming is intricately linked to agriculture in these areas, and it must be recognised that sheep grazing is especially important for their environmental stability. However, although this industry is currently facing many challenges, the Commission has aggravated the situation with its recent proposal on electronic tagging. Moreover, although special assistance for sheep farmers is urgently required, unfortunately it does not seem to be forthcoming.

Neil Parish (PPE-DE), *in writing*. – I and my British conservative colleagues welcome the focus that this report places on mountain and hill farming, which does need specific measures to ensure that environmentally beneficial farming practices can continue in such regions.

Unfortunately the Ebner report calls for a number of measures using primarily the first pillar, including the introduction of a dairy cow premium for mountain areas and for the upper limit of resources under Article 69 to be raised to 20%.

We do not favour the introduction of new coupled subsidies within the first pillar. They are not consistent with the ongoing reforms of agricultural policy and do not offer good value for money for the European taxpayer. The challenges faced by these regions can best be met through rural development funding in the second pillar of the common agricultural policy.

For this reason we will not be supporting this report.

Zita Pleštinšká (PPE-DE), *in writing*. – (SK) I voted for Mr Ebner's report because I consider it an important signal from the European Parliament to the mountainous regions of Europe. I base this on personal experience as I live in a mountainous region in northeast Slovakia, in the foothills of the High Tatras. I have undertaken a few studies on the attraction of life in mountainous regions. I thank the rapporteur for incorporating into the report my draft amendments which I submitted to the Committee on Regional Development and which received support when the committee voted.

Mountainous regions can provide quality agricultural produce and more diversity of agricultural products in the European market and there is therefore a need for greater coordination of rural development and structural support for the development of common programmes and maintenance of other activities, such as the exploitation of biomass and agri-tourism, thus increasing the incomes of local people.

Mountainous regions have a constant requirement for sustainable, modernised and multifunctional agriculture. Sustainable forestry exploitation will make it possible to produce energy using wood residues. The preservation of certain animal and vegetable species, upholding traditions, ecological activities and tourism will make a contribution to the fight against climate change by protecting biodiversity and capturing CO₂ through permanent grassland and forests.

I am convinced that mountainous regions require new means of protecting their territory against flooding with the emphasis on flood prevention, whilst farmers and foresters could support anti-flooding measures by means of the direct area-related payments which they receive under the common agricultural policy.

Brian Simpson (PSE), *in writing*. – I support this report looking at promoting sustainable development in mountainous regions.

The move to a more market-orientated CAP means that mountainous regions, where agricultural production is less competitive, are not only facing new challenges but also, I believe, new opportunities.

Mountainous regions may not be able to adapt as easily to competitive conditions and may entail extra costs so that they cannot produce very competitive products at low prices, but the focus needs to be on exploiting the resources available, including the beauty of the natural landscape to attract tourists, and exploiting the

potential competitive advantage of these regions, including the array of regional and traditional products, the wealth of traditional knowledge and manufacturing procedures, which give their products competitive edge.

I differ from some of my colleagues here in the European Parliament in that I do not believe the solution to the challenges facing mountainous regions is to throw more CAP money at these regions. Where there are clear public benefits to supporting farming in mountainous regions, such as environmental benefits, I believe that public funding under the rural development pillar would be more appropriate.

Exploiting the potential of mountainous areas is key to their sustainable development, not simply throwing more public money at them.

7. Corrections to votes and voting intentions: see Minutes

(The sitting was suspended at 13.00 and resumed at 15.00.)

IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ

Vice-President

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

9. Community vessel traffic monitoring and information system - Investigation of accidents in the maritime transport sector - The liability of carriers of passengers by sea in the event of an accident - Port State control (recast) - Ship inspection and survey organisations (Directive recast) - Ship inspection and survey organisations (Regulation recast) (debate)

President. – The next item is the joint debate on

– the recommendation for second reading (A6-0334/2008), on behalf of the Committee on Transport and Tourism, on the Council common position (05719/3/2008 – C6-0225/2008 – 2005/0239(COD)) for adopting a directive of the European Parliament and of the Council amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (Rapporteur: Dirk Sterckx),

– the recommendation for second reading (A6-0332/2008), on behalf of the Committee on Transport and Tourism, on the Council common position (05721/5/2008 – C6-0226/2008 – 2005/0240(COD)) for adopting a directive of the European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Directives 1999/35/EC and 2002/59/EC (Rapporteur: Jaromír Kohlíček),

– the recommendation for second reading (A6-0333/2008), on behalf of the Committee on Transport and Tourism, on the Council common position (06389/2/2008 – C6-0227/2008 – 2005/0241(COD)) for adopting a regulation of the European Parliament and of the Council on the liability of carriers of passengers by sea in the event of accidents (Rapporteur: Paolo Costa),

– the recommendation for second reading (A6-0335/2008), on behalf of the Committee on Transport and Tourism, on the Council common position (05722/3/2008 – C6-0224/2008 – 2005/0238(COD)) for adopting a directive of the European Parliament and of the Council on port State control (recast) (Rapporteur: Dominique Vlasto),

– the recommendation for second reading (A6-0331/2008), on behalf of the Committee on Transport and Tourism, on the Council common position (05724/2/2008 – C6-0222/2008 – 2005/0237A(COD)) for adopting a directive of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (recast) (Rapporteur: Luis de Grandes Pascual), and

– the recommendation for second reading (A6-0330/2008), on behalf of the Committee on Transport and Tourism, on the Council common position (05726/2/2008 – C6-0223/2008 – 2005/0237B(COD)) for

adopting a regulation of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations (recast) (Rapporteur: Luis de Grandes Pascual).

Dirk Sterckx, *rapporteur*. – (NL) Mr President, Commissioner, President-in-Office of the Council, the question we must ask ourselves is whether, nine years after the accident involving the *Erika* and almost six years after the one involving the *Prestige*, we are prepared if anything like this should happen again. This is the real question before us.

Is everything in order? Do we have a sufficient number of experts who are independent enough to take decisions? Can they work quickly enough? Have we finished all the preparations enabling them to call on other specialists or on relief workers to resolve the matter? Is the crew properly treated in such a case? Is compensation paid out? Do we know enough about the ships travelling along our coasts? These are the questions we asked after the *Erika* and also after the *Prestige*. At that time, the Commission lost no time in presenting proposals in this regard, and we also put a few things down on paper – which we now need to refine.

We have had a first reading, to which the Council responded in the form of a common position – a particularly disappointing one. However, to my great satisfaction I must say that, since then, we have held informal talks with the Council – first with the Slovenian Presidency and now, particularly, with the French – that have produced very good results.

As regards the competent authority, we are almost there. We have a good text down on paper that I would at all events advocate to my fellow Members. There is an authority that is involved in planning, is permanent in nature, has the necessary expertise and can take independent decisions to improve the accommodation of ships. We have also made progress in the field of vessel monitoring, not only by means of ordinary radar, but also by satellite. We have more detailed information on the cargo and know who is responsible for providing this information. Monitoring also applies to fishing vessels, so that the safety of small vessels can also be increased. We have worked out the measures to be taken in the presence of ice.

We have made progress, therefore, but we are still not completely finished. What remains to be resolved? The tendency to regard crews as criminals, compensation in the event of financial losses for ports, and compulsory notification for bunker fuel. After all, small quantities of this highly polluting fuel can sometimes do very great damage to the environment – as was the case, for example, with the *Tricolor* accident off the Belgian/French coast, where 180 tonnes of fuel, although a very small amount, caused fairly considerable damage.

President-in-Office, I should like to express my appreciation for the work that we – Parliament and the Council – have managed to do together in connection with my report, and I wish to encourage Parliament and the Council to continue in that vein.

This brings me to the two texts on which we have no common position. As rapporteur for one of the texts, I would urge the Council to adopt a decision on the two missing texts, too. I know that the President-in-Office is working hard on this, but the two issues of the financial responsibility of shipowners and the task of flag states are regarded by Parliament as an essential component in order to reinforce maritime safety. The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea ('HNS' Convention), for example, must be ratified by all Member States if a proper system for the accommodation of ships is to be developed for the various Member States and for the Union.

Parliament urges the President-in-Office to do everything possible to ensure that the Council adopts a decision on these two texts, too. If it does not, we shall have a very serious problem; the likelihood is that Parliament will regard everything we have achieved, however much I value it, as unsatisfactory. I would ask the President-in-Office to keep up the good work, therefore. Parliament – this rapporteur, in any case – is behind him. Let us continue to work to achieve the best possible result for maritime safety.

President. – I do not see Mr Kohlíček in his seat. We will move on to the other rapporteurs, and if he arrives in time we will give him the floor.

Paolo Costa, *rapporteur*. – (IT) Mr President, President-in-Office of the Council, Commissioner, ladies and gentlemen, we were in this Chamber in April 2007 for the first reading. Now it is September 2008, and I do not think that the time has passed in vain. There have been many developments, many advances have been made, and I remain confident that we will be able to go the last mile that we still have to travel for the

completion of a major task, that of giving all European citizens, and non-Europeans too, in fact all those who sail on Europe's seas, safety conditions that are certainly better than the existing ones.

I would like to call to mind not only the *Erika* or the *Prestige*, as mentioned by Mr Sterckx, but – and this is the task that I have set myself for my report on the sector – I would also like to say that we must avoid tragedies such as that of the *Princess of the Stars*, with 800 deaths in the Philippines, as well as the 'mere' 4 deaths recorded in the collision between a container ship and a hydrofoil on the Strait of Messina or again the 'mere' 2 deaths a few days ago among those on *La Besogne*, which hit a *bateau mouche* in Paris. To sum up, there are risks on all waters, and we need to take action on all waters.

The direction is very simple, though: it seems to me that we cannot put ourselves in the position of regretting not having taken the decisions required in the face of accidents that recur. I would like to make the point again – these decisions relate not only to the protection of the environment, shores and seas, such as *Erika* and *Prestige*, but also to the protection of human lives such as in the serious accidents that have, through luck, up until now taken place on seas far from us – recently – as well as those incidents that seem smaller. I gave just two examples: one on the Strait of Messina and the other on the River Seine a few days ago.

My report also contains a strategy, which I believe we should all adopt: making the best use of all European competences in terms of environmental protection and consumer protection. In this case, that means protection of lives, of individuals, and protection of safety and security to improve on the current situation.

We need to be careful, however: we need to use the competences that the Treaty allows without any absolute transfer of further sovereignty, and without taking away any area from the Member States that, as we believe, and as we want to believe, fully share this objective.

From this viewpoint, then, I think that we ought to continue to work in the area to which my report relates to find mechanisms whose scope can be extended in ways that nobody can reject, and to find gradual methods of implementation over a reasonable period that will allow everyone to adapt over time, without demanding that things should happen overnight. On the limitation of liability, we need to find a way to combine certainty on the part of the shipowner regarding the liability it is assuming and the amount of damages that it might incur, with certainty on the part of potential victims that they will receive compensation. We therefore need to come up with some solutions that take up the option of moving around the upper or lower limits – which are currently fixed – that we want to or will be able to impose. We need to ensure that better information is given to those who travel on our vessels and we need to make it possible for action to be taken immediately when accidents happen, including through advance payments in limited, appropriate cases, which can be verified.

I believe that on these issues we can find an agreement very easily; we can find a way to respond to those points that still remain and close the dossier. The fundamental point remains, however: we must not permit ourselves to tackle just one point, but we need to close the issue and to be able to say to European citizens that we are working on all fronts and in all sectors.

I will not repeat the issue relating to the two – let us say – reports that are missing, the two provisions that are missing. I would like to tell the French Presidency that it has made an enormous effort and I am sure it will continue to do so. Personally speaking, and as regards Parliament, I can assure you that in any case we will work every day, at all times, from now until 31 December this year, to ensure that the dossier can be closed under this presidency and that it can be closed in the best way possible for all those who are watching us. I am convinced that in the end we will all be able to feel proud of having made progress on maritime security in Europe, with nobody feeling – how shall I put it? – that they are losing any responsibility that they want to exercise directly.

Dominique Vlasto, rapporteur. – (FR) Mr President, President-in-Office of the Council, Commissioner, ladies and gentlemen, to begin, may I just remind you all here that maritime safety must remain a priority on the European political agenda. We cannot wait for another major accident to happen at sea to make us realise that maritime safety is a priority for us as political leaders, and also for the population, which will no longer put up with seeing its coasts polluted, not to mention the fact that these accidents constitute an environmental catastrophe and cause financial disasters.

The first reading in Parliament was in April 2007. It has taken the Council more than a year to advise us of its Common Positions and this has only been on five of the seven texts in the package. I must admit that I find this quite difficult to accept.

It can, of course, happen that some issues raise major problems and it can be difficult to reach agreement. At least we agree on the package of legislation, which is indeed complicated, but I see few valid reasons to prevent agreement on technical yet concrete texts that actually form a very coherent whole. As I recall, a year ago we were all very happy – even pleased with ourselves. Clearly, along with my fellow Members, I would like to know why it has taken the Council so long to look at this dossier, and I would also like the Council to tell us what prevented it from reaching agreement on two important proposals, namely shipowners' civil liability and flag state obligations, particularly because the flag state text is the natural complement to my report on port state control. In view of this, it is quite easy to see how the interaction of one text with the other texts fully justifies this 'package' approach and the need for agreement on all of them.

I may sound a bit harsh, but I want to know what is going on. However, I applaud the genuine efforts made by the French Presidency of the EU, which has tried to resolve the blockage and revive discussions on the two proposals currently missing: those of the Savary and Fernandez reports. It has not been a lack of progress on each of our texts or individual difficulties with each proposal that have prevented us from reaching agreement with the Council, but the fact that two proposals are not in the package at the moment, which obviously presents a problem for all the rapporteurs.

Personally, I believe we will soon come to an agreement on each of the proposals, because we will have to, even if the conciliation procedure is used. Anyway, I know that the French Presidency is working on it and I hope it will succeed.

I am not particularly concerned for my report on port state control because I know that at the end of our informal dialogue many problems were resolved. Apart from various differences in formulation, three major differences with the Council remain, for which my preference was to reinstate Parliament's First Reading position.

The first point was the application of the Directive to anchorages, which is a key issue for maritime safety. We must include anchorages in this text. I believe we are sending the message of a firm and consistent policy. Ships that are not up to standard must not be able to escape inspection, regardless of their shipping route and where they are calling in European waters.

The second point concerns the application of permanent bans. Once again, I believe this is a measure that should be kept as a deterrent for bad behaviour. This measure should, in fact, be used only rarely because there should be few vessels that meet its conditions of application, but it must exist for vessels that are not up to standard so that these vessels are not likely to present new problems and leave a feeling of impunity.

The third point concerns the flexibility measures for the application of the inspection system. At First Reading we chose flexibility mechanisms based on specific circumstances; for example, inspections missed because bad weather prevents inspections from being carried out, or where safety conditions are not met. The possibility was included of postponing the inspection of a vessel from one Community port to the next.

The Council wants more.

(The President cut off the speaker)

Luis de Grandes Pascual, rapporteur. – (ES) Mr President, Mr Bussereau, Commissioner, ladies and gentlemen, today we are returning once again to the debate that we brought to a close at first reading a year and a half ago.

We are doing so with more reasons than we had then to be pleased with the results achieved, which were the fruit of the cooperation and consensus that exists in this House on such a sensitive issue for the public as safety on our seas.

However, I regret that our pleasure is not complete or as we had hoped, as despite the fact that we have all learned lessons from the past, with the tragic examples of the Erika and Prestige disasters, which are still very recent in our eyes, and despite the need to act now and not wait for the consensus that always follows disasters, the attitude of the Council has unfortunately prevented us from being able to bring the matter to a close today with the adoption of the eight proposals that make up 'the third package' on maritime safety.

This does not prevent me from recognising and expressing thanks for the will of the French Presidency, as it has taken the baton from the Portuguese and Slovenian presidencies, and has set the right pace in the Council, with the sound intention of reaching an agreement on a package of proposals that should be treated

as a whole, as we all agree, because there are overlaps between them, and all those in the maritime transport chain are involved.

There is therefore no room for discussing, as unfortunately many, or at least some governments think, whether any of these proposals are unnecessary or inappropriate. Each and every one of them is essential.

Based on this, I call on the Council not to let slip away a precious opportunity for us to conclude this matter in conciliation, which some of us will come to with our homework almost done, as the informal dialogues that have been held so far, and the complete consensus that exists with all the shadow rapporteurs, have produced very satisfactory results and could provide a good basis for the final agreement.

Having said this, ladies and gentlemen, there is still an issue that concerns me greatly, which I would like to mention, as it concerns an essential aspect of the package, in our opinion. I am referring to the independence of the organisations and authorities created specifically for the purpose of adopting the best possible decisions in the shortest possible time.

In this respect, I am specifically talking about the independent authority to be created to make what is always a difficult decision: to accommodate a vessel in distress in a place of refuge.

Ladies and gentlemen, there would be no point in creating an authority that is independent from the influences of political power if it is not provided with the necessary resources and decision-making capacities, but what is even more serious is to invest it with powers if, when the moment of truth comes, it is only left with one option: compulsory accommodation of the vessel, even if it does not have insurance or guarantees.

That being the case, the entire burden will fall on the Member State concerned, which will end up being the victim of the ecological and social damage that may be caused by accommodating a vessel in a place of refuge, as well as having to cover that damage.

So I say yes to creating this authority, but it should be given powers, and a vessel in distress should be accommodated only if the prior assessment of the situation leads to the conclusion that this is the best decision, and the risks are contained.

I must tell you that I am not alone in this battle, as the European association that represents all of our ports has also protested greatly about this.

Having said this, I thank Mr Sterckx for his persistence in this difficult undertaking, in which he has had to fight a battle.

I particularly welcome the progress made with the ship monitoring tools, which are essential for reducing risk situations.

As far as the differences are concerned, there will be time in conciliation, and we will make every effort to reach compromises; I have no doubt that we will reach them.

Finally I will move on to my report. Having been examined by the Council, what was previously only a proposal for a directive has been split into two legal instruments, a proposal for a regulation and a proposal for a directive, and the members of the Committee on Transport and Tourism felt that this was the right thing to do. Our view of the common position is therefore positive, as it largely accepts the line advocated by Parliament: being able to strengthen the monitoring mechanisms for recognised organisations through the creation of an assessment committee of an independent nature with permanent powers and which acts autonomously; achieving a more flexible, fair penalty system, which is ultimately more effective, as it punishes those who do not act as they should, but does so based on the seriousness of the violation committed and the economic capacity of the organisation; finally, having managed to make progress on the very thorny issue of the recognition of class certificates, setting out the conditions under which the recognised organisations will have to recognise each other, without putting maritime safety at risk, and using the most demanding rules as a reference point.

In any event, ladies and gentlemen, I am convinced that there is a solid basis for a final agreement, and that together we will find a sound solution for all the people of Europe.

Jaromír Kohlíček, *rapporteur*. – (CS) Ladies and gentlemen, in all sectors of transport there has long been careful investigation of the causes of serious transport accidents. Individual Member States view such investigations and the determination of technical causes as an essential component of accident reduction. The only exception up to now has been maritime transport. There are of course some framework regulations,

but maritime transport and shipping are far more complex than other types of transport when it comes to establishing which state is to be responsible for investigating the causes of accidents. A ship owner need not be the operator of the ship and the two of them may come from different states. The seafarers may be multiethnic and multinational. Passengers may also be of different nationalities. The same goes for the cargo and for the client commissioning the voyage. A ship sails from a port in the territorial waters of one state to another, on the way passing through the territorial waters of other states or international waters. As if this were not complex enough, some states have subordinated the investigative bodies we are calling for to different state organisations. They are therefore not even organisationally independent.

The investigation of accidents in the field of maritime transport has been discussed with shadow rapporteurs and with the Presidency. The Committee on Transport and Tourism decided that it is desirable to retain the basic outlines of the draft directive. This involves standardised investigations in accordance with a common methodology, whereby deadlines for determining which state is going to conduct an investigation and for the submission of a final report must be laid down. It is of course open to discussion as to what classes of accidents are to be compulsorily investigated in accordance with the methodology adopted and as to how precisely the organisational independence of the investigative body is to be defined. During discussion of the materials, we reached agreement that the conclusions of a technical investigation may be used for further, for example criminal, investigations. The details of a technical investigation must, however, remain confidential. It was also clarified in committee that it is not possible to ignore the provisions requiring fair treatment of seafarers on ships which have been involved in maritime accidents, unless this is prevented by the inclusion of such provisions in other regulations. There is also agreement that the independent investigative body must comprise experts from several countries and that individual states may reach mutual agreement on representation in the investigation of maritime accidents.

I should like to emphasise that one of the main aims of the maritime package under consideration is to strengthen the responsibility of the flag state. It is therefore appropriate that the proposed wording relating to the rapid notification of technical shortcomings identified should remain part of the directive, as should specification of the ships to which the directive relates. I do not think it would be a good idea, following the experiences with tanker accidents on the Spanish coast, for it still to be possible for several technical investigative bodies to be able to work in parallel. If the European Commission does not feel itself to be sufficiently competent to decide on the conduct of investigations, then the only option is for such decisions to be taken in the European Council. I certainly consider the launch of several parallel technical investigations to be a poor solution. The still incomplete investigation into the accident involving the tanker *Prestige* shows where such a buck-passing dispersal of responsibility for an investigation leads. It is right that the whole maritime package should be discussed at the same time, thus avoiding differences in the definitions of individual concepts in the various component directives and thus enhancing the clarity of the resultant materials.

I believe that, even with the directive on maritime disasters, we can reach a sensible compromise which will be practicable and will make a contribution to a reduction in the likelihood of occurrence of further maritime disasters and perhaps to a thorough re-examination, including of the technical aspects.

Dominique Bussereau, *President-in-Office of the Council*. – (FR) Mr President, Commissioner, ladies and gentlemen, tomorrow you will vote on the third maritime safety package. As you know, the maritime economy provides jobs for approximately 3 million people, making it a key sector for the European Union.

There were seven legislative proposals in the package sent through by the Commission in early 2006. They aimed to introduce measures for preventing accidents at sea and to establish measures to be taken following accidents – that is, to analyse the causes and compensate any victims. The priority of the package is ensuring the safety and quality of shipping, while respecting the environment, as well as improving the competitiveness of the European maritime sector.

The Council, Parliament and the Commission all support the objective of promoting maritime safety. At the Copenhagen European Council in 2002, the Council welcomed efforts to improve maritime safety and recalled the European Union's determination to 'take all necessary measures to avoid a repetition of similar catastrophes' to the *Erika* accident. The Council can also have no qualms about accepting many of the demands expressed by Parliament in its resolution of 27 April 2004. However, there are still some differences over the third maritime package, and these will require further consultation between the parties.

Since the package was presented by the Commission, through the work of several presidencies – most recently the Slovenian Presidency – the Council has adopted six Common Positions on the following proposals: investigation of accidents, classification societies, port state control, traffic monitoring, and the Athens

Convention, all while taking account of European Parliament opinions such as those adopted in April last year.

Since the start of its term of office, the French Presidency has been making a major effort to reach agreement in Parliament at Second Reading on these six texts, for which the Common Positions were communicated by the Council in June 2008. During informal contacts with the rapporteurs during the summer months by the President of Coreper, real progress was made on each dossier, the purpose of which was to reach rapid agreement on these texts. In a recent letter, Mr Costa, you described this as 'substantial progress'.

Furthermore, as you know, in accordance with the commitments I made last April, the Presidency has energetically and enthusiastically revived discussions in the Council on the last two texts on civil liability and flag state obligations. This revival was very necessary for maritime safety and, Commissioner, also came in response to constant requests from your Commission. You know this item was put on the agenda by the Presidency at the informal meeting in La Rochelle, to which I had invited the European Parliament representatives Mr Costa and Mr Savary, who were kind enough to attend. You know we are currently continuing with the technical aspects of the work so the Transport Council can look at it at its next meeting, planned for 9 October.

Let me be frank with you: in view of the momentum this has triggered, I would have hoped we might avoid going to conciliation. Nevertheless, here we are. We must now make sure we do not lose the momentum, and above all we must not give the impression that all this progress and effort has been in vain, because this would send a poor message to the public. For this reason, in parallel with the work going on in the Council on the last two texts, the Presidency is still happy to maintain informal contact with each of the rapporteurs on the first six texts in order to reach agreement on the content.

I particularly wanted to share this analysis with you, and I will tell the Council about it at its meeting on 9 October, when we will be looking at the last two texts. The Council will decide what its position is regarding conciliation on the first six texts.

Mr President, I really hope that Parliament, the Council and the Commission can find a way forward for close cooperation on these dossiers. I think we have very nearly reached a final agreement, something we are all longing for.

Antonio Tajani, *Member of the Commission*. – (IT) Thank you, Mr President, ladies and gentlemen, and thank you in particular to my colleague. After so many years of being an MEP, I am pleased to be here in the Chamber. Mr President, Mr Bussereau, ladies and gentlemen, how could I not share the concerns and aims that have emerged from the outset of the debate on this maritime package?

Our concern and the concern of Parliament, which represents the peoples of Europe, is to provide guarantees or to seek to provide guarantees to European citizens that tragic events such as those we have unfortunately had to witness a few kilometres from the coasts of Europe do not recur. There have been accidents such as the more recent one, although it was less serious, in the port of Tarragona, that confirm that our undertaking is right, that confirm that we need to give answers to citizens. Of course, it is impossible to prevent accidents from happening, but we must certainly do all we can to prevent them, through legislation, and through political action.

How can we do this? Firstly, we can do so by making life more difficult for unscrupulous operators, with more rigorous, systematic checks in all EU ports and also with more effective provisions regarding the taking in of a vessel in danger to a place of refuge, and finally through more rigorous control of the organisations authorised to inspect vessels and issue security certificates on behalf of the Member States.

In brief, we need to improve the way in which we tackle the consequences of accidents, obtaining fair compensation for passengers or their families or for the maritime community, and learning more thorough lessons from the investigations that take place after accidents. This is one of the important issues – understanding what happened in order to prevent it happening again. It is these various aspects that you will have to deal with, once the Council has decided on five of the seven proposals in the third maritime safety package.

As we know, the Transport Council last April was not able to consider the proposals relating to the obligations of flag States or the civil liability of shipowners. We should not underestimate the difficulties expressed by the Member States, which also emerged during the course of the informal Council meeting in La Rochelle – concern about a transfer of competences to the European Union for subjects covered by international conventions and the fear of an increase in the administrative burden of checks.

We sought during the Council meeting in La Rochelle – at which Mr Costa was present – and by ‘we’ I mean the Commission and the President, as well as the French Presidency, which I thank for the work it has done in coordination with the Commission to try to get the whole package adopted speedily, without abandoning two legislative texts that we all consider to be very important, as Mr Bussereau stressed.

I really must warmly thank the French Presidency for the action it has taken, its attempt to mediate, and its wish to involve Parliament in what is a very delicate and also very difficult legislative decision. Certainly, I cannot say that I am satisfied with the situation as it is today. There are two issues that are at risk of being put to one side, and they are of extraordinary importance.

The Commission wants the whole package to be adopted, and we will work and persist in attempts to reach an agreement. Europe cannot permit itself to fail to give concrete answers to its citizens; we must have an aim that is simple but binding: that all vessels flying flags of Member States are fully compliant. Our concern must be to guarantee, in addition, that the victims of maritime accidents receive adequate, uniform compensation throughout the European Union.

In La Rochelle, we tried to set out on a path that will lead to an agreement between Parliament and the Council. We are working with the French Presidency, seeking to put forward texts that will receive a positive verdict from the Council and at the same time a positive verdict from Parliament. Yesterday, I met the Federal Republic of Germany’s transport minister, and urged that Germany should also play its part; what I am trying to do with all the Member States, in the meetings that I have, is to try to take a step forward by supporting the mediation activity that the French Presidency, together with the European Commission, is attempting.

I understand perfectly that meanwhile Parliament wants to insert into the texts at second reading amendments designed to incorporate the substance of the two proposals that have remained pending. I back these amendments. As for the dossiers that are being officially examined, I know that significant progress has been made in bringing the viewpoints of Parliament and the Council closer together and even though it has not been possible to translate this progress into compromise amendments, I am convinced that the rest of the procedure will be considerably facilitated by this progress. Naturally, I will be able to talk about these issues and the amendments envisaged after having heard what you have to say.

I believe, however, that it is still possible for us to reach an agreement; it would be wrong to say that negotiations are easy, because they will be complex, but I believe that there is still room to attain an objective perhaps even before conciliation; certainly we cannot give up until we have made every effort to achieve the objective of the adoption of all the texts that make up the maritime safety package.

Representatives of the Council, ladies and gentlemen, you can count on the active commitment of the European Commission, all the managers and officials in the Cabinet and the Directorate-General that I have the honour of leading and my staff, in order to seek to achieve the objective of a specific answer for all the citizens of the European Union.

Georg Jarzembowski, on behalf of the PPE-DE Group. – (DE) Mr President, President-in-Office of the Council, Commissioner, I am pleased to note the common ground – there is actually a great deal – that has emerged in the debate so far. Our French Council representative, our friend, has said he is of the opinion that we shall still be able to reach agreement by the end of the year. Yes indeed, let us reach that agreement! I should also like to thank the Vice-Presidents for the support of the Commission during the discussions between the rapporteurs and the French Council Presidency.

President-in-Office, we wish to acknowledge that you and your colleagues have already made great progress in the individual discussions on the six dossiers. We are very much on the right track but – and I also say this to you to support your reluctant colleagues in the Council – there is either one package or no package. I therefore hope that you will make progress in the two dossiers that are still unresolved at the next Transport, Telecommunications and Energy Council meeting on 9 November. These are not unimportant dossiers. I do not wish to delve into the details of the civil liability of shipowners, but I do consider it particularly important in the case of the flag States.

It is evident, however, that, despite all their professions to have maritime safety and the safety of seafarers, of passengers and of coastal waters in mind at all times, Member States are shying away from ratifying and implementing very specific obligations or even just the IMO resolutions on maritime protection. If we want these flag State obligations to become established, if we – Parliament and the Commission – want to be able to put pressure on the Member States – in court if necessary – to fulfil their obligations under the IMO Convention on maritime protection and the protection of coastal populations, the Member States recoil.

Although there are good people who fulfil their flag State obligations, there are some who are very reluctant to comply with the inspection by Parliament and the Commission to ensure they are fulfilling their flag State obligations. This is unacceptable.

We had the disasters of the *Prestige* and the *Erika*, and my fellow Members have also pointed out the disasters of recent times. We are beholden to people and to the natural environment to ensure that flag States, in particular, fulfil their obligations.

It is bizarre. In Mrs Vlasto's sound report, we talk about port State control, which, in theory, is our way of checking the safety of third-country ships anchoring at our shores. We therefore inspect ships from third countries, but the Member States fear being subjected to the obligation to be checked to ensure they as flag States are fulfilling their duties with regard to ships' safety. This is unacceptable.

In this respect, I should like to encourage the President-in-Office effectively to win the majority over on 9 October. I say 'majority', President-in-Office, because it could be, if I am not completely wrong, that majority decisions are possible in the transport dossier. You may perhaps have to break through the *esprit de corps* in the Council – if an individual is reluctant, the others will not push him – because this concerns the safety of the natural environment and people and we shall have to reach a majority decision if need be.

I appeal to you to carry on. We are proud of you – you have fought well in the Council to date. Please pass on the following message to the Council: we are behind you, and we are ready and willing to achieve good results together with the French Presidency. However, some do need to budge – including the German Government. Let us all fight together on this!

10. Welcome

President. – Before moving on to the next speaker I would like to inform Members that Mr Bronisław Komorowski, President of the Polish Parliament, is in the official gallery, accompanied by a delegation.

(Applause)

Mr Komorowski has responded to an invitation from our President, Hans-Gert Pötering, and a moment ago they both opened the photographic exhibition with which we are recalling the career in pursuit of freedom of our dear, much admired friend and colleague, Bronisław Geremek, who is no longer with us. Mr Komorowski, we warmly welcome you to this your home, the European Parliament.

11. Community vessel traffic monitoring and information system - Investigation of accidents in the maritime transport sector - The liability of carriers of passengers by sea in the event of an accident - Port State control (recast) - Ship inspection and survey organisations (Directive recast) - Ship inspection and survey organisations (Regulation recast) (continuation of debate)

Gilles Savary, on behalf of the PSE Group. – (FR) Mr President, since I became a shadow rapporteur when the Council swept away my report, I have only two minutes to speak. I will therefore cut to the chase, firstly to say that I am not addressing the French Presidency, which is supporting us, or the Commissioner, who is supporting us, but the Council. I am also addressing my fellow Members to thank them for their solidarity, and to say that the *Erika* and the *Prestige* were very bad experiences. The Member States have accused Europe of not doing enough about them.

Now, thanks to Commissioner Barrot, we are attempting to establish, from scratch, an honourable European maritime transport space. One of the measures we are proposing is shipowners' civil liability. What does that mean? It means that, at the very least, we are ensuring that all vessels are insured by solvent insurance companies for the damage they cause, at least within the framework of the IMO conventions. In La Rochelle I was pleased to see Member States who had not joined the IMO suddenly becoming ardent fans of the organisation.

My advice to them is to ratify the IMO conventions, starting with the one on chemicals. There could be a chemical hazard, a chemical disaster, today, or tomorrow morning. We would be transported back to the time of the *Exxon Valdez*. Practically no Member States have made a legal commitment as regards chemical hazards with the IMO. That is the first thing.

The second is to create a guarantee and insurance certificate for the European maritime transport space. We need to have confidence in Europe. When it forges ahead, it takes the world with it. We have seen this particularly with the airlines blacklist. Ladies and gentlemen, I was recently at a symposium looking at whether the *Erika* was still possible. Indeed it is, and it was so in the Black Sea on 11 November 2007, when five vessels sank in the Strait of Kerch with worthless insurance policies.

I genuinely believe we need to sort this out, and that is why I think, President-in-Office, that Parliament's resistance is not a question of pride. It is a question of public health and public interest. We will never accept the blame here for Member States' negligence if they fail to do their bit. I am counting on you.

Anne E. Jensen, *on behalf of the ALDE Group*. – (DA) Mr President, President-in-Office of the Council, Commissioner, I share the other rapporteurs' hope that we are close to adopting this important legislation. I think it strange that it should take the Council so long to come up with a common position on the seven directives that are intended to prevent maritime pollution disasters and also to reinforce preparedness for when things go wrong.

It is regrettable that we have failed for so long with regard to the two directives on the obligations of flag States and the liability of rescue workers. In my opinion, this too must be included in the overall package. Several others have said, and I agree, that the French Presidency is making wholehearted efforts to seek a solution, for which I should like to thank the Presidency on behalf of the Group of the Alliance of Liberals and Democrats for Europe. Let us hope that these efforts will be crowned with success.

We all agree, of course, that shipping is a global industry, and so the legislation we adopt must be compatible with the international maritime agreements under the auspices of the IMO and under the Paris Memorandum of Understanding on Port State Control. Parliament has supported this all along. The third maritime safety package is intended to make coffin ships a thing of the past in European waters. There must be better traffic monitoring, better quality control of ships and better exchange of experience on what constitutes an incident risk.

The issue of ports of refuge has been a bone of contention between Parliament and the Council. In fact, I myself live near a port that has been designated a port of refuge, and I must give my clear support to Parliament's requirement that ports of refuge must be protected from an unpleasant additional bill in the event that a ship leaking oil is towed into port. It is important to ensure that it is not small local communities who are left with the financial burden of any subsequent clean-up operation.

I should like to highlight in particular two directives for which I have been the rapporteur for my group, namely the Directive on port State control and the Directive on the investigation of accidents. With regard to the Directive on port State control, a consensus is emerging on the principles proposed by the Commission, namely that all ships must be inspected, and that ships in poor condition must be inspected extra thoroughly. Port State control must meet a suitable standard in order to render controls more uniform in all EU ports. There are still some sticking points, however. The Council has not accepted the inspection of ships at anchor, nor is its stance as firm as Parliament's on refusal of access for the very worst ships. The ALDE Group fully supports the position of the rapporteur, Mrs Vlasto, and thus backs the reintroduction of a number of first reading proposals.

There are also a few points on which Parliament and the Council still disagree regarding the Directive on the investigation of accidents. Incident investigations and the communication of their results should ensure that accidents are not repeated. We have to learn from the accidents that do take place, and as many people as possible must learn from each other's experiences. As in aviation, it must be ensured that all parties involved provide as open and honest an account of the course of the accident as possible. A witness statement to the investigative inquiry must not be used in direct connection with any charge made as, in such cases, the accused must be granted proper rights during questioning. It is a difficult balance to strike, and there are some suggestions from Parliament's first proposal that the Council has not accepted, which we are therefore reintroducing. The main bone of contention, however, is the issue of which types of incident should be covered. The Council wishes to include only the most serious accidents, but it may well be equally valuable to learn from minor accidents, indeed even near-misses. In addition, the Council actually wants to give equivalent status to parallel investigations carried out by several countries, whereas we want some clarity regarding which investigation is considered the official one. It must be avoided at all costs that an accident investigation is politicised and the authorities seek to disclaim responsibility and influence the outcome of the investigations.

The ALDE Group thus wholeheartedly supports Mr Kohlíček's proposal to reintroduce the first reading proposal.

Roberts Zile, *on behalf of the UEN Group*. – (LV) Mr President, Commissioner, firstly I would like to express my appreciation to all the rapporteurs on this package for the fact that they are maintaining a consistent approach on this extremely important maritime legislation. At the same time, I would like to express my group's fears regarding two points in Mrs Vlasto's report on port State control. Firstly, it seems to us that, in relation to small States with small fleets, recital 13 was much better expressed in the common position than in the current version drafted by Parliament's committee. The original version said that Member States should endeavour to review the method of drawing up the white, grey and black lists of flag States in the framework of the Paris Memorandum of Understanding, in order to ensure its fairness, in particular with respect to States with small fleets.

To be precise, if a merely mathematical approach is taken, then it is very difficult for a State with a small fleet of just a few ships that is included in the grey area of all these lists to be removed from that area; what reason do the ships have to become part of the grey list fleet if, in that event, they cannot improve the mathematical proportion? I think that the Council common position had a very much more balanced approach towards EU Member States with small fleets. The same also applies in relation to the indefinite refusal of access, where there should have been a distinction between States on the grey list and States on the black list. The second point is that I believe that the Council common position also took a more balanced view of the possibility of having exceptions, when inspections need not be carried out, particularly if these take place at night, in a short period of time, and also very far from the shore; in such a case it is not possible to carry out high-quality inspections in States in which there are severe winters and northern seas. I therefore call upon you in this instance to support the position adopted in the Council common position on this issue.

Michael Cramer, *on behalf of the Verts/ALE Group*. – (DE) Mr President, President-in-Office of the Council, Vice-President of the Commission, ladies and gentlemen, the catastrophes associated with the names *Estonia*, *Erika* and *Prestige* have shocked Europe. The EU must therefore make improvements to maritime safety quickly, efficiently and credibly.

Many seafarers and passengers have lost their lives in the past because the safety regulations and measures were not adequate. Furthermore, accidents such as these have caused dire environmental catastrophes on the coasts of the Atlantic, Mediterranean and Black Sea. The ecological damage has been enormous and taxpayers have had to bear the cost, not the polluters. The European Union's intention to adopt the necessary Europe-wide and cross-border binding legislation must not be delayed by national interests.

The Council, in particular, should keep this at the back of its mind during the negotiations now pending, as its refusal in particular to instruct independent authorities, with all their expertise in accidents involving ships, to investigate such accidents, is totally incomprehensible. What is the rule for catastrophes involving aircraft should not be impossible for accidents involving ships.

The Group of the Greens/European Free Alliance welcomes all seven Commission legislative proposals, and we therefore support the rapporteurs' recommendations on the five common positions, including the split and separate votes on the recommendations of the Costa report concerning inland waterway transport. This also applies to the Sterckx report concerning ports of refuge.

The specific measures such as ports of refuge, transparency and liability are very important to us. It is essential for maritime safety that we retain the maritime package as a whole. We call on the Transport, Telecommunications and Energy Council to adopt a common position quickly within the next few weeks on the two open-ended subjects of shipowners' liability and port State obligations, in order that the package can finally be adopted as a whole.

The fact that those very Member States want to block European agreements by referring to international IMO regulations who have not yet transposed these into national law themselves is sheer lunacy. A decision must be taken in the EU before the next shipping catastrophe rocks Europe.

IN THE CHAIR: MRS KRATSA-TSAGAROPOULOU

Vice-President

Erik Meijer, *on behalf of the GUE/NGL Group*. – (NL) Madam President, in shipping, entrepreneurial freedom can lead to dangerous abuses. Entrepreneurs wanting to keep their costs as low as possible can be tempted

to operate ships that are old and dangerous. These present a danger to the crew and others and a potentially serious threat to the environment. Poor working conditions, as enabled by opting to register under a flag other than that of the owner's own country and the real operating base, also lead to abuses. The operating costs can also be reduced by discarding ship-generated waste and cargo residues into the sea along the way.

To tackle all these abuses it must be possible to ban the ships of malicious entrepreneurs definitively from European ports, and also from anchorages outside ports, and a sufficient number of inspections must be carried out to determine what is wrong. There must be strict compliance with the port State obligations contained in the International Labour Organization's Maritime Labour Convention, the 'polluter pays' principle must hold and all the rules must also apply at night.

All attempts by the Council to treat such entrepreneurs more leniently than Parliament wanted at first reading would have unacceptable consequences. The Council has rejected the vast majority of Parliament's 23 amendments with regard to the investigation of shipping accidents, which could jeopardise the independence of investigations. The Council has applied the brakes in the case of the protection of passengers on board ships, too, having refused to comply with the Athens Convention in 2003.

The common position of June 2008 restricted liability and the obligation to inform. The Council does not support the proposals of the Commission and Parliament in the area of disasters at sea, which aim to ensure that ships in distress are always accommodated in a port of refuge in time and that crews are protected from punishment for negligence for which they are not responsible. All dangerous situations and abuses in shipping must be eliminated as quickly as possible. For this reason, it is important that Parliament stick to the line taken previously towards the Council at second reading too.

Johannes Blokland, *on behalf of the IND/DEM Group*. – (NL) Madam President, today is the second time we have discussed the Erika III package in plenary. Although it is a shame that we are lacking two proposals, I am pleased with the contents of the package in its present form, and I am grateful to the rapporteurs for their work.

There is one part of the package with which I am not satisfied, however. Two sections have found their way into the Costa report on the liability of carriers of passengers that ensure that the same level of liability is imposed on carriers of passengers by inland waterway as is imposed on carriers of passengers on the high seas. This is wholly undesirable.

Firstly, there is no need. There are hardly any known cases of accidents involving the transport of passengers by inland waterway. Besides, these two sections would sound the death knell for a large number of carriers of passengers by inland waterway, as they would be unable to afford the associated exorbitant insurance premiums, assuming anyone would insure them given a level of liability such as this. After all, we are talking about smaller undertakings that transport at the most tens of passengers and whose turnovers are not so huge. It strikes me as abundantly clear and logical that the same level of liability should not be imposed on such carriers as is imposed on large carriers of thousands of passengers by sea. We must not make ourselves a laughing stock by imposing a sky-high, extremely expensive level of liability on carriers of passengers by inland waterway.

In addition, I am still extremely unhappy about how these sections have once more found their way into the text. The Chair of the Committee on Transport and Tourism should never have declared the amendments concerned admissible, as there was already agreement on this matter at first reading between the Council and Parliament. For these reasons, I have requested roll-call votes on sections 9 and 20. I hope and anticipate that many of my fellow Members will back me up in rejecting these sections.

Ioannis Kasoulides (PPE-DE). – (EL) Madam President, let me mention the Sterckx report on vessel traffic monitoring and congratulate both Mr Sterckx himself and the Council Presidency on the good progress made in consultations. At this second reading, the most important point for me is the provision made for vessels in distress to be accepted at designated ports of refuge.

Many accidents causing environmental disasters could have ended very differently had suitable refuge been offered at the right moment.

In order to reach agreement with the Council, there was, on the one hand, a need for an independent committee to take decisions on places of refuge. On the other hand, it was necessary to agree on a satisfactory system of compensation for ports of refuge in the event of any consequences. A balanced agreement here is a

self-evident requirement. There has also been a favourable development as regards the Automatic Identification System (AIS) within the scope of the SafeSeaNet.

To conclude, let me repeat here that shipping in some Member States contributes substantially to GDP. As an industry it has a worldwide influence. For this reason, efforts by the EU to make the seas a safe environment for people and for the ecological system must apply to everyone, not just to EU vessels. There should be no unfair competition at the expense of European shipping.

Emanuel Jardim Fernandes (PSE). – (PT) Madam President, Commissioner, ladies and gentlemen, as the shadow rapporteur for the report by Mr Costa and as rapporteur for the 'flag State' report, I should like to comment on the civil liability of passenger carriers and on the package as a whole.

As regards the Costa report, my focus has been on strengthening the rights of passengers in the event of accidents or incidents, on guaranteeing appropriate financial compensation and timely support to alleviate the consequences of incidents at sea or on inland waterways, where sea voyages often terminate, and also on enhancing the information provided to passengers. I therefore agreed on keeping these proposals at second reading.

Madam President, ladies and gentlemen, as far as the package is concerned, I would say that each of the reports stands on its own and each definitely brings added value. Yet I believe that the package as a whole, including the area for which I was rapporteur – on the obligations of flag States – brings extra added value for maritime safety, which leads me to ask the Council and the Commission, and everyone, for their commitment towards adopting the package. Furthermore, I really must extend my thanks to the French Presidency for their efforts, following on from the Slovenian Presidency, to move forward in this area.

Ladies and gentlemen, I believe that it is only through an integrated package that we will promote maritime safety. In this regard, I would like to take this opportunity to congratulate all the rapporteurs. Unless we look at the package as a whole, we shall leave here with a 'hobbled response', because the only way to stop another 'Erika' or 'Prestige' happening again in the near future is to take the package as a whole, and this is the only approach through which we can effectively ensure maritime safety.

Ian Hudghton (Verts/ALE). - Madam President, I represent Scotland, a nation with a long maritime history and a nation with tremendous potential for its future.

Scotland is geographically very well-placed to be developed as a maritime transport hub between Europe and the rest of the world and we have considerable scope to develop additional short sea routes, both for passengers and for freight. Improved safety is therefore of considerable importance to us, having had our own share of serious accidents involving shipping in Scottish waters.

The carrying of hazardous materials must, of course, be transparently declared and properly controlled. Crews should have the right to be treated fairly with due consideration for their safety. We must learn from past failings and ensure that independent investigations are carried out when accidents do occur.

The Scottish Government recently announced that a new operator is to resume a ferry service between Rosyth and Zeebrugge. I would hope that if we are to move traffic from roads to the sea that the European Union can assist more proactively in the development of such ferry routes.

Georgios Toussas (GUE/NGL). – (EL) Madam President, the Erika III legislative package on maritime safety comes stiflingly combined with more general EU anti-popular policy, the enforcement of competitiveness and the increase in profits made by shipowners and by EU monopoly groups generally. The package fails to address the seriously aggravated problems of the safety of human life at sea and protection of the environment.

The Council has refused to accept even the utterly inadequate proposals by the Commission and the European Parliament, which fall far short of real needs. Complying with the shipowners' orders and the demands of uncontrolled capitalist profiteering, the Council opposes even the most basic measures to protect the environment and human life at sea.

The Council is trying to undermine every positive measure; it is systematically eliminating the measures proposed. It does not tolerate anything that could have the slightest impact on the profitability of companies or impose the slightest restriction on the unaccountability of shipowners. This is why it has rejected even the inadequate proposals that lay down the flag states' responsibilities and inspection obligations and the shipowners' civil liability and financial guarantees.

A serious issue is the enactment of shipowners' civil liability to compensate the victims of maritime accidents, in accordance with the 2002 Protocol to the IMO Athens Convention, which the governments of the EU Member States refuse to ratify.

Even today we have witnessed attempts to invalidate the relevant proposal by the rapporteur, Mr Costa, on the need to extend this liability for shipowners and outfitters to all categories of ships involved in domestic and international carriage by sea, and carriage by inland waterway.

Derek Roland Clark (IND/DEM). - Madam President, what is this: a bridge over troubled waters? For the UK it was peaceful waters until the CFP got to work and near destroyed our fishing industry. Now you want to ruin our maritime trade.

Seemingly the Sterckx and Vlasto reports just aim to use the automatic identification system, with Galileo, to plot ship movements in EU waters. That is spying on the movement of every ship in UK waters, in our harbours, at anchor off our shores, no matter what nationality.

The details will be connected to an EU data centre, which like any database is prone to security lapses. The IMO fears that data of shipping information with cargo details could, in the wrong hands, endanger ships trading with Europe.

Collecting data leads to control systems and the vessels of our trading partners, especially of our Commonwealth, could be ordered away in an EU trade war. For a nation that relies upon maritime trade to feed itself, this really is the end of independence. The EU would decide whether Britain eats or starves.

The UK has the greatest interest in these reports, because we trade around the world – we have been doing it for centuries – and every UK MEP represents a region – bar one – with a coastline. Meanwhile, as the EU erects its protective trade barriers, all its Member States, whether or not they have a coastline, get to have a vote.

I will encourage my government to reject this rotten proposal, for British maritime trade and global maritime trade are under threat from bureaucrats you would not trust with a rowing boat.

Worse, according to Vlasto, the EU will be able to refuse ships access to our waters. So the EU could decide if foreign warships are permitted to visit – those of our friends and allies perhaps? A nuclear-powered ship might be rejected for political correctness, which could apply to the Royal Navy's nuclear submarines. Now, they helped to keep the Soviet Union at bay and guaranteed the freedom you now enjoy.

Well, if the EU goes on meddling with powder kegs like Georgia or Ukraine, you might just need that sort of protection again. What price political correctness then?

Corien Wortmann-Kool (PPE-DE). – (NL) Madam President, Mr Clark, you should really examine this proposal thoroughly and not just rabbit on about other matters, as what you are saying is all wrong. You have really failed to understand that this is about maritime safety. I shall not take up any more of my precious two minutes with this, but instead move on to the real contents of this package.

The course of this maritime safety package has been turbulent. We, the European Parliament, are digging our heels in, as we want the whole package. Yet evidently the Council, too, is digging its heels in. I am shadow rapporteur for the report on the independent investigation of accidents, and the Council has proved rather less than accommodating up to now. If, however, both of us now show some flexibility and make some concessions, we should succeed in reaching an agreement by the end of this year.

One of the key points with regard to the independent investigation of accidents as far as the Group of the European People's Party (Christian Democrats) and European Democrats is concerned is that this investigation must be truly independent. The Council's position on this point is currently unsatisfactory. There must also be one person bearing ultimate responsibility for an investigation – as citizens find it very unclear, and lacking in transparency, if three Member States each carry out their own investigation. One person bearing ultimate responsibility is needed, therefore. Thirdly, we must not only investigate rare accidents that receive extensive media coverage, but also, as the PPE-DE Group sees it, investigate other serious accidents meriting investigation according to the ground rules of this Directive.

Finally, I concur with what Mr Blokland said about the proposal in the Costa report to include inland waterways in the liability regime. The PPE-DE Group opposed and continues to oppose this. I would ask the Council,

therefore, to hold firm on this point, and I hope that no qualified majority is reached for Amendments 11 and 20 tomorrow.

Bogusław Liberadzki (PSE). – (PL) Madam President, we have been recalling examples of disasters – ones that are known throughout Europe. I am from Poland, a country that recently commemorated another anniversary of the deaths of dozens of people on board the ferry *Jan Heweliusz*. Safety is of crucial importance. It is good that we are looking at safety as part of a package. It is a good package, numerically good, with seven regulations. The safety of people, ships, waters and even the safety of economic trade should be, and is, reflected in this package. In this regard I consider Mr Sterckx's report, for which I had the honour of being the rapporteur's auxiliary, to be a particularly good one.

Yes, monitoring of ships must be carried out. Mrs Wortmann-Kool is right to say that we need to investigate the causes of potential disasters and prevent disasters from happening. Moreover, I am of the view that for sailing we should refer to the situation in aviation, in other words investigate near collision situations, because we could gain a better understanding of the mechanisms and causes of the occurrence of hazards.

I do not understand and am far from being able to agree with the position taken by Mr Zile, who spoke of special, or specific, treatment for small states. Surely the size of an EU Member State has little to do with the numbers of vessels flying its flag.

Jacky Hénin (GUE/NGL). – (FR) Madam President, ladies and gentlemen, be serious! Despite a few positive measures, the majority of the reports being proposed to us will never have any more therapeutic value than a plaster on a wooden leg, as far as maritime safety is concerned.

Parliament and the Commission pretend to get cross with the Council, but this play-acting is no more than another crude attempt to bury responsibilities and favour private interests to the detriment of the general interest. All this will do is give the European institutions even less legitimacy in the eyes of the people if there is another disaster, especially with the knowledge that the European Union is engaged in the WTO general trade agreement, known as GATS, whose Commission on Maritime Transport says that the current maritime transport environmental and safety regulations are excessive and should be relaxed. The inhabitants of the communities that were the victims of the *Erika* shipwreck and others will appreciate the EU's cynicism.

Properly addressing the problems of maritime transport safety means grasping the evil by the root. We should be attacking the tax havens that allow maritime transport activities to be segmented into a jungle of shell corporations that offer the possibility of sidestepping the regulations. We need to bring an end to the practice of flags of convenience – including on EU territory – which reduce registration fees and cut crew costs by 60% on average. Above all, we need to give new rights to employees as regards safety.

You will never do this, though, because it would mean attacking the very foundations of globalised capitalism.

Reinhard Rack (PPE-DE). – (DE) Madam President, some of you are probably wondering, rightly, what a Member from a landlocked European country such as Austria is doing in a debate on deep-sea shipping. There is no very simple answer to this question, but it can perhaps be stated in a few words why this subject is important to us as well.

Firstly – and this really applies to all the Member States of the European Union, not just to us – the safety and optimum organisation of navigation on the high seas are an important concern for all those involved. Catastrophic events, and not just those associated with the flowery name *Erika*, have made this very clear to many of us.

However – and now we come to a very particular point, to which some of my fellow Members have already alluded – the incorporation of inland waterway transport in the rules on liability is a European act of folly without parallel. We should reject it, regardless of whether we hail from seafaring nations or from landlocked countries. It would entail excessive costs and excessive bureaucracy, and therefore pose a problem overall, for inland waterway transport in Europe, and this is a problem we should not be exacerbating. Quite the opposite. We should be establishing rules on liability for inland waterway transport too in the form of a sound special regime, and not artificially subjecting it to the rules for deep-sea shipping.

Rosa Miguélez Ramos (PSE). – (ES) Ladies and gentlemen, with the adoption of this third maritime package we are giving a clear response to many of the demands made by European society after the *Erika* and *Prestige* disasters, five and seven years ago.

These proposals, which strengthen each other, as many of my fellow members have said, will enable us to make a decisive move in favour of the quality of the European maritime sector, and also, ladies and gentlemen, its transparency.

The proposal for a directive on technical investigations after accidents is the guarantee that we will never again see a spectacle of opaqueness like the one that surrounded the tragic *Prestige* accident.

The text strengthens the independence of the organisations responsible for investigating maritime accidents and incidents, and the obligation to make the results known in order to improve procedures and exchange good practice.

I would therefore like to congratulate the rapporteurs, because their excellent work has meant that the firmness of our position as the European Parliament regarding these proposals has been made clear. They are proposals that have no other purpose than to make the European maritime space one of the safest in the world and to contribute to the reorganisation of the European fleets, as well as ensuring that operators take greater responsibility for damage caused to third parties and, in particular, national assets.

Silvia-Adriana Țicău (PSE). - (RO) The third maritime package is the consequence of the collisions involving the "Erika" and the "Prestige", the December 2007 accidents in the Black Sea and the accident in Taragona harbour this month. These unfortunate events caused immense damage to coastal areas and to the marine environment in particular.

The package deals with the monitoring of traffic at sea, investigations into accidents at sea, the liability of people carriers in case of accident at sea, port state control, common standards and regulations for the organisations involved in ship inspection and control. I would like to state that the new version of the Paris Memorandum entered into force on 17 September 2008. It is essential that all ships entering European harbours should comply with certain safety standards. Let me remind you that the black and grey lists published on 18 June 2008 on the Paris Memorandum website include one and six Member States respectively. Therefore, one quarter of the Member States must improve the safety of ships registered under their flags

Irrespective of its technical condition, a ship in danger must have access to a specially designated and equipped refuge area. European harbours should provide this facility, and harbour administrations should be able to recover the cost incurred with dry-docking and repairing the ship. I believe that the masters' liability in the case of passenger freight should apply to inland waterways as well. I would like to congratulate my colleagues who worked on and negotiated this maritime package. I believe it to be of essential importance to the economic future of the European Union.

Inés Ayala Sender (PSE). - (ES) The truth is that I would like to congratulate us all on the adoption and presentation of this third package. I would first of all like to congratulate the Commission and its Commissioner, Mr Tajani, who very early on, as a Roman, showed that he was ready to be sensitive to all aspects related to the sea and its ports; I would also like to congratulate all my fellow rapporteurs, because the truth is that it is such a complex and broad subject and at all times they have been able to maintain Parliament's positions, which defend better and greater safety for all citizens in such a complex, tempestuous environment as the sea.

I also think that it is right that we are responding after the various accidents, and that European citizens should see that Parliament and the European institutions not only look after them when there has been a disaster, but that having learned these lessons, they are capable of moving forward and making progress on the legislative aspects. In this case, I think that they are the aspects relating to safety: specifically safety in terms of the environmental impact, which we could say started the whole movement, but also safety, at present, in relation to the responsibilities of the different actors involved, identifying and clarifying which they are and how we should act in response to them, establishing landmarks for the future fight against piracy, and, even more importantly, making progress with improving the working, social and professional conditions of those who work at sea. I think that it is precisely on those aspects that we still need to make progress, and we ask the Commission to continue considering them.

All that remains for me to say is that, from our point of view, there are some reservations regarding the guarantees needed in order to ensure that ports of refuge are the ports that we all need.

Maria-Eleni Koppa (PSE). - (EL) Madam President, the serious maritime accidents we have witnessed on European seas must certainly not be repeated. In my country, Greece, we had last year's shipwreck on Santorini, the causes of which have not yet been investigated. The loss of human life, the considerable damage

done to tourism and the environmental time-bomb of the oil trapped in the tanks, are proof enough that we cannot afford to be careless.

The issue of safety at sea is of vital importance. The Union must not only ensure the sustainability of European shipping, but constantly upgrade it so that it can compete internationally. Meanwhile, we should not neglect the need to protect natural resources.

If we do not act immediately, we shall undoubtedly have lost valuable time in responding effectively to the consequences of maritime accidents. In the wake of a maritime accident, systematic technical research carried out on the basis of international rules is an effective way of gaining a better picture of the causes. The independence of investigating bodies is therefore of key importance and I regret that the Council fails to grasp this.

Another important issue is that of cooperation between authorities, especially when an accident affects a number of Member States. The question of ports of refuge and of the vessel inspection system is crucial in maritime safety. It must be extended to ships in transit, which should provide guarantees that they are able to respond in the event of an accident or another such disaster.

I would like to end by congratulating the rapporteurs on their strong position with regard to the Council, and I hope that after the vote the Council, understanding our position, will contribute positively towards completing the legislative procedure.

Marusya Ivanova Lyubcheva (PSE). – (BG) Madam President, Commissioner, safety of the maritime transport sector is an important element of transport policy owing to the fact that a large part of the goods are carried by sea and by water. The increased insecurity, in terms of possible adverse natural phenomena, terrorist acts, deliberate incidents and accidents, increases dramatically the risks to which vessel traffic is exposed. The adoption of this Directive is an exceedingly important act for the entire European Union. The replacement of the code, which has been applied on a voluntary basis so far, by this directive enhances the commitments as well as the responsibilities through designation of competent bodies and specific procedures which Member States must prepare, lay down and implement. The need of Member States aligning their legislation to this Directive raises the requirement for full-scale co-operation in its implementation among states and shipowners, as well as for the achievement of strong control and co-ordination.

I would note two things: the need of more in-depth coverage of interaction with third countries, and the formulation of a clear port policy, because our seas are open and this is very important. Investigating incidents and their causes and effects is obviously of substantial importance. This is related to clarifying a number of incidents and, above all, to taking preventive measures. Several incidents, with lives lost and damage to property and the environment, have occurred in my country in recent years. This is exceedingly important, and I congratulate the rapporteur on this subject.

Justas Vincas Paleckis (PSE). – (LT) The safety of sea transport, prompt response to accidents and the efficiency of accident investigations are of vital importance to the countries of the Baltic Region. The Baltic Sea is secluded and shallow; its water changes only once every 30 years, which makes it very vulnerable. With the constant increase in sea transport in the Baltic Sea, thanks to Lithuania's experience we are aware of accidents at sea being followed by disagreements and mess, which reveals a real lack of relevant rules.

I therefore commend the rapporteur on the very important work carried out. We should not agree with the Council's proposal that safety investigations be carried out only in the event of a major incident. It is not only major incidents that have a disastrous impact on countries' economies and environment as well as their welfare. The attempt to minimise the number of bureaucratic mechanisms should not hinder the quality of investigations. Moreover, it is very important that the same methods of investigating incidents are employed in all the Member States.

Dominique Bussereau, President-in-Office of the Council. – (FR) Madam President, Commissioner, ladies and gentlemen, I have drawn a great deal of encouragement from your speeches. As almost all of you have said, agreement should soon be reached on the first six texts.

Of course, I am slightly disappointed that we have entered the conciliation procedure, but I am encouraged to continue our dialogue and to bring it to completion.

I have taken your messages on board: you are keen on the liability of states, on the need to be able to conduct investigations in a large number of cases, on the ratification of the IMO conventions especially, and you have strongly reiterated that the package cannot be broken down or chopped up. I have heard this and I will pass

it on to the Council at our meeting on 9 October. You know that the discussions will be complex, but you have also pointed out that it has taken too long to get where we are today. However, I can confirm that our determination is strong and it is intact. I hope that together we can establish a comprehensive, coherent system that ensures the responsibility of each actor within it. I think that is the price of maritime safety in Europe. It therefore requires progress on the last two proposals. As you know, we will be working on it right up to the last moment of our Presidency.

In the words of a compatriot of the Commissioner, Mr Tajani, the chairman, Mr Costa, and Antonio Gramsci, in these discussions we are seeking to balance the pessimism of our intelligence with the optimism of our will. Whatever the case, I thank Parliament in advance for everything it can do to fuel this optimism.

Antonio Tajani, *Member of the Commission*. – (IT) Mr President, ladies and gentlemen, my thanks to Mr Bussereau for the commitment that he continues to show. I would like to go into the substance of the various reports and the various amendments that have been tabled.

With regard to the first vote, Mr Sterckx's report on the monitoring of maritime traffic, I am very pleased with Parliament's broad support for the objectives set out in the Commission's proposal. The most important provisions in the proposal are those relating to places of refuge. I fully back Parliament's attempts to maintain the principle of independence in the decision-making process for accommodating a vessel in distress in a place of refuge.

The amendments, however, that take over the substance of the proposal for a directive relating to Mr Kohlíček's report, civil liability and the financial guarantees of shipowners, can be endorsed without reservation, except for the two that refer to the establishment of a Community Office for the management of financial-guarantee certificates. My staff have doubts about the effects of this proposal on the administrative and financial levels, and we will have to examine it more thoroughly. On the other hand, having read the report by Mr Kohlíček, I am satisfied that Parliament's support for the proposal on investigations following accidents is not failing.

At times, however, the best is the enemy of the good, and the Commission has shown itself sensitive to the argument that emerged during debate in the Council, namely that in order to guarantee the quality of investigations it is better not to unnecessarily multiply them: what matters is that in addition to cases of very serious accidents, an investigation is carried out in order to draw out useful lessons for the future through an understanding of the accident's causes. This aim, which in any case corresponds to the approach adopted by the IMO, is met by the common position, and I am therefore not able to back amendments such as Amendments 7, 13 or 14. Finally, three amendments – 18, 19 and 20 – are designed to add to the directive a mechanism to resolve any disagreement between Member States regarding a single investigation. While it is true that the Commission's proposal, and the common position, in fact, require the Member States to avoid conducting parallel investigations, it is also true that they do not deny the Member States involved the right to carry out their own investigations. In any event, it cannot be the Commission's task to act as a mediator between Member States, which are each convinced that they have a vital interest in carrying out an investigation. What matters, in this case, is to ensure that the investigating bodies are independent.

With regard to the compensation of passengers in the event of accidents in the report by Mr Costa, you know that the Commission is determined to see the rights of travellers strengthened in all transport sectors, throughout Europe. When presenting this proposal three months ago, the Commission started with an observation: if an accident takes place in Europe on board a vessel on the sea or on a river, the victims will not be properly compensated in so far as the applicable rules differ too much from one Member State to another and in fact also appear to be in the main out of date. In fact, they make no provision for compulsory insurance, the compensation ceilings are inadequate and the liability systems stipulate that it is the victim who must provide proof that the carrier is at fault and, moreover, this is difficult to prove in the case of the shipwreck of a vessel.

In the face of this observation, the Commission saw just one solution: to seek harmonisation. This means implementing the Athens Convention; the negotiations are under the aegis of the IMO, and it means applying it in full to guarantee that all victims receive compensation under the terms set out in the Convention and on the basis of the maximum amounts fixed in it. The Council has shown that it takes the same view. All the amendments tabled by the European Parliament aim to improve the future regulation; we therefore endorse them without any reservation.

With regard to the scope, which ought to be as wide as possible, the difficulties of certain operators of national or river transport cannot, however, be denied. It would therefore be legitimate to stagger over time the implementation of the regulation in order to allow the necessary adjustments. I therefore support the relevant

amendments. As things stand currently, the maximum compensation amounts depend on the size of the vessel and the number of victims, and this is unacceptable. We need to put this right, and one way of doing this is by helping the insurance sector by setting a single maximum compensation amount that will apply Europe-wide. This is the aim of Amendments 12, 13 and 14, (first part), which the Commission endorses.

I am taking a long time, Mr President, because I believe that it is right to give an opinion on the various amendments tabled, and so, if you will permit me, I will take another two minutes. With regard to the Vlasto report, on port State control, I would like to thank the rapporteur and Parliament for their support for this proposal, which will lead to the implementation of an ambitious new inspection system for Europe.

I would like to make two points on two vital aspects: the first relates to the mechanisms through which to establish in which conditions ship inspections cannot be carried out. On the one hand, there is the issue of flexibility, which has correctly been said to be justified for operational reasons and already provided for in the directive in force, and therefore in our view this ought to be maintained. For this reason, I cannot accept Amendments 19 or 23.

The most important aspect in political terms is that of banning, dealt with in Amendments 31 and 32. While the Commission can accept the point of view of the Council, which introduces a less strict system for ships on the grey list, I am nonetheless pleased that Parliament supports the Commission on the issue of a permanent ban.

On the report by Mr de Grandes Pascual on classification societies, I am happy that Parliament accepts the division of the act into a directive and a regulation, as the Council wished. This approach seems to me to be both fair and rigorous in legal terms. With regard to the amendments, I would say that Amendments 27 and 28 make changes to the civil liability regime of the recognised bodies, and these seem to us to be inconsistent in practice. In any event, under the directive, death caused by a negligent act should continue, to be covered by a minimum liability.

With regard to Amendment 1, which seeks to delete recital 3 added by the Council to the draft regulation, we can accept this. This recital seems to us superfluous and dangerous; I would not want our inspectors to encounter difficulties in carrying out their work on its account. Finally, as I have already said, I can accept the amendments that seek to incorporate into the draft directive some elements from the 'flag State' proposal.

I apologise for having spoken at length, Mr President, but there were a large number of amendments and I believed it was right to make the Commission's view known to Parliament.

Dirk Sterckx, rapporteur. – (NL) Madam President, allow me to begin by saying a few words to my Spanish fellow Members about their reservations concerning ports of refuge. If a competent authority in a Member State takes a decision, there can indeed be a problem with the compensation of ports of refuge to which ships may possibly be taken. Indeed, this is discussed in my report and, incidentally, is a problem that the Council and Parliament have thus far been unable to resolve between them: one of the difficult problems. How can it be solved?

I had a relatively simple solution to this, namely placing financial responsibility on the Member State in that case. The Council is not in agreement, and we shall have to come up with something. It is not that we have failed to consider this problem or take account of it, therefore – I just wanted to say that to avoid any misunderstanding.

We are now going to conciliation and, President-in-Office, both the Council and Parliament have the task of ensuring that this conciliation is successful. We cannot afford to fail. I must thank you once again – you and your colleagues – for the fact that 90% of the work is already behind us, particularly on my report. The vote tomorrow will not reflect this, but, as far as I am concerned, you can rest assured that, for my part, what we have agreed will remain on paper, and that we shall deal with the outstanding points and achieve a result very quickly.

The problem during conciliation will lie with the two missing reports, the two missing texts, and I should like to emphasise once more that *'nous sommes avec vous, nous devons travailler ensemble, le Parlement est avec le Conseil et ça ne se passe pas tous les jours!'*

Jaromír Kohlíček, rapporteur. – (CS) Let me please try to summarise why the maritime package should be discussed as a single entity and not as a set of reports from which the Council and the Commission can pick and choose, push some forward, set some aside and wait for the next presidency or the one after that. First of all, it is essential to establish in the same way, in all cases, in all these reports, to which ships all the proposals

apply. There were differences in the initial reports. I should like to draw your attention to this once more. Secondly, safety is indivisible and therefore it is vital to strengthen the responsibility of the flag state. This responsibility must be clearly defined because, without responsibility on the part of the flag state, it will be impossible to take this package forward. Thirdly, the fair treatment of seafarers on ships running into difficulties must be generally accepted. Whether someone has adopted the IMO guidelines or not is immaterial. Fourthly, the environment is so important that discussion as to who is responsible for maritime transport in the event of problems with one ship or another must cease, and buck-passing must be sidelined. There will be just one person in each state who decides where a ship in difficulties can go. Fifthly, if there is an accident, it must be made clear within the timeframe laid down who is going to conduct the technical investigation, which state is responsible, where the final report is to be sent and what the structure of the report is to be, otherwise we are simply playing games. The independence of the investigative body is an obvious requirement. Sixthly, if I could ask you, Commissioner and Mr Bussereau, to listen to the wishes not only of the European Parliament, but also of the citizens of the Union and look at the maritime package as a single entity.

Paolo Costa, rapporteur. – (IT) Madam President, Mr Bussereau, ladies and gentlemen, please accept a small suggestion drawn from the experience that I have accumulated over this period, although it has not been very long. I assure you that you need have no fear of conciliation: conciliation is a creative stage that makes it possible to overcome even problems that seem insoluble.

I guarantee you that we will come to agreement even on the limited overall liability that all shipowners would like to have, faced with the need for each passenger to be treated in the same way. Today it seems impossible, but some effort of imagination that all of us together make will definitely be able to make things work. In brief, apart from the optimism of will that I shall certainly, with Gramscian memory, instil, I also ask you to adopt the suggestion of the anonymous Frenchman of 1968 – with a little power to the imagination, we will reach some sort of definitive solution.

I must say I am less happy about certain remarks by some of my fellow Members regarding their resistance, which seems to me incomprehensible, to extending the protection of passengers to internal waters too. I must say, it upsets me to have to openly state the fact – the fact that a child and his father who died on the Seine should receive different protection from what would apply if they had died on the open seas. This seems to me truly unacceptable, and I cannot believe that Mr Rack, Mrs Wortmann-Kool and Mr Blokland truly meant to make out that the protection of small interests – because what is involved is very small insurance costs for events that, because they are highly improbable, have very low insurance costs – that the small interests of some small operator can undermine a position which I am happy to have heard confirmed by the Commission too, and which it would also do Parliament credit to espouse.

Corien Wortmann-Kool (PPE-DE). – (NL) Madam President, I should like to voice my strong objection to Mr Costa's suggestion of a link between people who have died on the Seine and the fact that the Group of the European People's Party (Christian Democrats) and European Democrats is refusing to support his proposals. This is a link that Mr Costa should not be making, and so I wish to register a strong protest.

Dominique Vlasto, rapporteur. – (FR) Madam President, in closing, I can say I have found that this debate today has revealed a common desire to achieve a result. I think this is very important.

A lot of work has been done, particularly under the French Presidency, and we can be pleased with this. I hope that after the Transport Council meeting on 9 October, President-in-Office, we will find a solution that everyone supports, without letting anything fall by the wayside. Parliament is united in support of the package, and I hope we will be successful in ensuring that the package is adopted in plenary.

Luis de Grandes Pascual, rapporteur. – (ES) I would like once again to thank the French Presidency, which has not only showed will, but has also proven its intelligence.

Let us hope that, through its firmness, which has also been set in motion, some governments will not be deaf but will listen to this intelligence, French intelligence, and will cooperate in a measured way in order to achieve the objectives that they and we are committed to achieving.

With regard to the Commission, the Vice-President is aware that we have held some informal dialogues, but that, undoubtedly, what he called incoherence is natural, due to the timing and parliamentary formulas, but it is perfectly rectifiable.

From these dialogues we have reached the goal, in terms of the reports for which I am responsible, of recognised organisations, and there is no doubt that we can reach a consensus on solutions.

Finally, Mr Sterckx made a recommendation to us as Spanish people: for us to have the sensitivity to take on board his proposals. I ask you to accept that there are deep-seated reasons for our differing positions, but also that this position is not irredeemable and that in conciliation, there will undoubtedly be formulas that we agree on, and that we will be able to accept a formula that everyone can understand that provides a solution not only for the countries that have vessels, but also those of us who suffer because we have coastlines.

President. – (EL) The debate is closed.

The vote will take place tomorrow, Wednesday, at 11.30 a.m.

Written statements (Rule 142)

John Attard-Montalto (PSE), in writing. – It is important to have common rules and standards for ship inspection and survey organisations and for relevant activities of maritime administration.

On the other hand, it is important for the European Union to increase the number of ships registered with its Member States. The ship registers of Malta, Cyprus and Greece have enabled the European Union to remain one of the major global players as far as ship registration is concerned. Through this the European Union is able to raise standards and maintain a certain scrutiny of their vessels.

Without compromising on safety the European Union has to make sure that the vessels on its members' books do not migrate to other states, especially those known states which enable ships to fly 'flags of convenience'.

It must be appreciated that shipping is one of the cleanest ways of transportation. It is also one of the cheapest. We must be careful not to overburden this important industry.

All measures taken have to bear this in mind. Transportation by shipping has to be encouraged and this has to be taken into consideration when regulating on the industry without making any compromises on security, health and safety.

12. Sea piracy (debate)

President. – (EL) The next item is the statements by the Council and the Commission on sea piracy.

Dominique Bussereau, President-in-Office of the Council. – (FR) Madam President, Commissioner, ladies and gentlemen, on Saturday 14 September – so just a few days ago – a French tuna fishing boat was chased by pirates 420 miles from the coast of Somalia. This was not an isolated incident. Since the beginning of July 10 vessels have been captured and 250 seamen have been taken hostage. Consequently, fishing vessels – and you can understand their reasons – are reluctant to operate, and the 50 or so French and Spanish tuna vessels that used to fish off the Seychelles and Somalia have decided to go back to the Seychelles archipelago.

Apart from the fact that these acts of piracy are on the increase, it seems clear that they are no longer happening just along the coast but are tending to extend further out, to international waters, disrupting not only the activities of fishing and cargo vessels in transit, but also – and this is very serious – of vessels operating within the framework of humanitarian programmes, particularly the World Food Programme, which supplies essential aid to the very many displaced populations in Somalia.

This phenomenon has become a cause for concern at global level. The French President, Mr Sarkozy, recently said that these were no longer isolated cases but a criminal industry challenging one of the fundamental freedoms, the freedom to circulate, as well as the freedom to conduct international trade. The French President finished by saying: 'the world cannot accept this!'

Against this background, in May and June the United Nations Security Council adopted Resolutions 1814 and 1816. In response to the worsening of this issue, it is currently working on a new resolution aimed at mobilising the international community to apply existing instruments of repression and prevention more effectively within the framework of the Law of the Sea and Security Council resolutions.

For their part, the EU Member States have already set out to do this and on 26 May expressed their determination to work together to combat piracy off the coast of Somalia. A crisis management concept

was approved by the Council on 5 August. More recently, at the General Affairs and External Relations Council on 15 September, the Council adopted a strategic military option with a view to a possible naval operation under the European Security and Defence Policy. I would like to remind you formally that the launch of a naval operation is clearly envisaged, as the French Presidency said last Tuesday to Parliament's Committee on Foreign Affairs, at the end of the aforementioned Council meeting.

Until an operation takes place, because of the urgency of action, a first step was taken by the Council with the formation of a naval coordination cell. It is directed by a Spanish senior officer and consists of four maritime experts whose role is to facilitate the exchange of information between merchant navies and any naval vessels in the area, on a regular or occasional basis. The Cell, located in Brussels, will be responsible for supporting surveillance and protection actions conducted by the Member States off the coast of Somalia. This initiative should be in three sections: the accompanying of certain vulnerable vessels in transit through the Gulf of Aden, the protection of World Food Programme humanitarian convoys destined for Somalia, and the surveillance of fishing areas off the southern coast of Somalia. Member States with naval units operating off the Somali coast are invited to inform the Cell of this, in particular to improve the chances of protecting the most vulnerable merchant vessels.

In parallel, Madam President, the European Union will continue preparations for a possible naval operation under the European Security and Defence Policy. An information-gathering mission, consisting of European experts from the Military Staff of the European Union and the Secretariat-General of the Council, is currently in the region, refining a strategic plan. It is due to deliver its conclusions on 29 September.

You will see, ladies and gentlemen, that the European Union is not only showing its determination to act, but is also affirming its position as a prime mover on the international scene in the fight against piracy. We must give ourselves the resources to act quickly and in a coordinated manner, for the benefit, of course, of commercial interests, but also in the interest of freedom of circulation, which is a global principle, and finally for the benefit of our humanitarian objectives.

Antonio Tajani, *Vice-President of the Commission*. – (IT) Madam President, President-in-Office of the Council, ladies and gentlemen, the Commission firmly condemns the criminal acts regularly committed in some regions of the world against the interests of the EU Member States, both sea piracy and armed robbery against ships in waters subject to the jurisdiction of a state.

Acts of this kind affect not only maritime transport, but also fishing on the high seas and maritime tourism. Besides, these acts make living conditions yet more dangerous for sailors who already have to do their work under difficult conditions. Therefore, because we must not only condemn such acts, but must also take action, we must realise that there is a risk of regressing by hundreds of years to a situation of an organised presence of criminal networks and pirates operating in four main areas: the South China Sea, the Straits of Malacca and Singapore, the Gulf of Guinea and the Horn of Africa. The majority of crimes are committed in these areas, and the intensity and seriousness of the offences are constantly changing.

Furthermore, there is still a concern about developments and even about the expansion of piracy to other areas of the world, demonstrating, in fact, that these are not merely occasional incidents, but we are convinced that there is an organised network of criminals who wish to carry out scientific attacks on cargo ships, tourist vessels and passenger vessels.

Given that the European Community is a member of the United Nations Convention on the Law of the Sea of 1982, the European Commission has always undertaken to promote freedom of navigation in all its aspects and the development of appropriate instruments to prevent illegal acts against ships. In this context, the Commission has systematically backed the attempts by the Member States and the international community as a whole to draw up legislative instruments of high quality within the framework of the United Nations and its specialised body in the sector of maritime transport, which is the International Maritime Organization.

After the work last June in the UN Informal Consultative Process on Oceans and the Law of the Sea, which dealt in particular with the issue of the legal treatment of pirates when caught, efforts still continue with the current review of the IMO's three legal instruments on the prevention of piracy and armed robbery against ships. The review is expected to be completed in December 2008.

Availing itself of its legislation on the safety of ships and port facilities, which incorporated into Community law the ISPS code, which is an IMO instrument, the European Community favours the promotion of these maritime safety standards by its international partners, and in particular by the Euro-Mediterranean partners

through the Safemed II programme. In the same way, a high-level seminar on the issue is being prepared as part of the ASEAN Regional Forum under the co-presidency of the European Union and Indonesia. Cooperation with countries outside Europe is thus becoming particularly important.

In a similar conceptual sphere, the Commission is studying the possibility of using the stability instrument to support existing regional initiatives or ones that are being drawn up, backed by the International Maritime Organization, both in the area of the Straits of Malacca and in the Horn of Africa area, to promote the safety of maritime navigation in those areas that are of strategic significance for European interests and supplies.

I should also emphasise the continuing support for development granted by the European Community to countries neighbouring these at-risk areas, to improve their standard of living, which is an essential precondition for compliance with the rules of law. It is thus also vital in seeking to remove the workforce from criminal organisations, which can focus on the conditions of extreme poverty experienced by certain groups of people.

With regard to the repression of acts of piracy on the seas and of armed robbery against ships, the Commission is delighted at the adoption of UN Security Council Resolution 1816 on the repression of acts of piracy and armed robbery off the coast of Somalia, as well, of course, at the important step taken by the European Council, which adopted a detailed action plan at its meeting of 15 September 2008. Mr Bussereau has stressed what these initiatives are, and what commitments are being made by the European Union and the Member States, and we share and endorse these commitments.

There is another question that is raised regarding this constant growth in piracy: do acts of piracy serve to fund international terrorism? This is a question that we must ask ourselves, and that we must seek to answer, even if today there is no proof that terrorism is funded through the payment of ransoms; there is nothing that would allow us to establish *a priori* that this is not a possibility. Thus, we are doubtful about rejecting the hypothesis, particularly in the light of the obvious links that exist between certain countries that provide refuge for pirates and the existence of concealed bases for terrorist groups.

The Commission will, however, launch an investigation into this subject, in order to improve its understanding of the financial flows linked to the phenomenon of piracy on the seas. We must never lower our guard in the fight against terrorism and therefore every suspicion, even if we cannot make *a priori* judgments, must be carefully assessed and we must take all appropriate steps to prevent terrorism from benefiting from the assistance and organisational and economic support of criminal organisations. This is why we will continue to work in harmony with all the Member States, with the Council and also with countries outside Europe that are particularly involved in combating piracy.

Georg Jarzembowski, *on behalf of the PPE-DE Group.* – (DE) Madam President, President-in-Office of the Council, Commission Vice-President, I completely agree with the Vice-President's statements. We have to differentiate between the straits where there are responsible countries with whom we can cooperate on cracking down on piracy, and the maritime operations where there is no responsible country, for example in Somalia, where we have to do something ourselves.

President-in-Office, I thought what you said was, in all honesty, rather too little. Setting up and deploying a crisis unit is always a good thing to do, but it does nothing to help. The crisis unit is here in Brussels or somewhere else. What we need is a concerted maritime operation locally, with the ships from the EU Member States that are already there. We have to appeal to the Member States who do not yet have any ships there to take part in a joint marine operation.

We cannot allow a situation where two pirate mother ships sail happily along on these waters attacking our fishing and merchant vessels and we are for ever having to run round after them and watch to see how we can bring this under control. I am waiting to hear what my general has to say, who will be here in a short while, but we need a clear strategic and tactical assessment of the situation here, and we need enough manpower capable of controlling piracy, as appeals simply do nothing to help. We have to hunt down the pirates, we have to catch them, otherwise it will not work.

Ninety per cent of Europe's imports, on which we depend, arrive via maritime routes. We have a high level of responsibility for seafarers, for fishermen fishing off foreign coasts, in accordance with jointly agreed treaties, and we have to protect these fishermen and seafarers, and also tourists. Unfortunately, in areas where there is no governmental authority, this only works if we develop our own European activities on the basis of UN resolutions.

In this respect, President-in-Office, it is good to set up a crisis unit, but we are expecting to see a well-defined operations base and well-defined operations during the next stage.

Rosa Miguélez Ramos, on behalf of the PSE Group. – (ES) Ladies and gentlemen, we urgently need to tackle this problem. My figures, which I do have, are even worse than those that Mr Bussereau has just given us: there are reportedly currently 13 vessels and 300 sailors under the power of pirates.

And what is clear is that, if this phenomenon is not stopped, it will continue *in crescendo* as it has done so far, and of course it is not going to stop or improve.

The tenacity of the French and Spanish Governments, among others, and also the tenacity of this Parliament have borne fruit. In a short time we have secured a UN resolution on this phenomenon, which extends the right to prosecution, and also a cell has been created to coordinate operations at European level.

However, you should be aware that it is essential that first of all we work to achieve an extension of the UN mandate, because it is only valid for three months and, if it is not extended, our brand-new coordination cell will have to close in early December.

With regard to the second part of the Ministers' decision, the strategic military option, we need this operation to come to fruition and a large number of Member States to show as soon as possible that they are prepared to participate in it, and I support what Mr Jarzembowski said. It would be the first European military naval operation of the European security and defence policy, ladies and gentlemen, and an important sign of visibility for Europe.

The circumstances demand it. Piracy in the Indian Ocean is currently an extremely profitable business, which is growing day by day. Someone said to me today that the profession of pirate was, however incredible it might seem, growing in status in some of the countries bordering the Indian Ocean.

We need to stop this spiral, we need to protect vulnerable vessels, whether they are merchant or pleasure vessels, and the numerous fishing boats that fish in the area. We also need to provide protection and escorts for the World Food Programme vessels, because on 27 September Canada will be finishing its mandate and we still do not have a country to take over.

Philippe Morillon, on behalf of the ALDE Group. – (FR) Madam President, would the increase in acts of sea piracy not be a chance for the European Union to use the means to defend its values and interests, if necessary and wherever necessary?

In any case, do not tell our fisherman, who had to take refuge in the port of Mahé in the Seychelles last week, or the crews of our merchant and cruise ships who are being threatened further and further by Somalia's territorial waters, that it is none of Europe's business! That would be to forget what European citizens expect of Europe: primarily safety, and particularly safety at sea.

That is why, Commissioner, the Commission's initiatives to implement a European policy of the sea and oceans were so widely welcomed. That is why I suspect, President-in-Office, that there is a large majority in this Parliament that will approve the measures you propose at the end of the consultation, which I understand is still going on.

Today, people are saying it is not that easy, that it might be better to consult our allies throughout the world first and to think about legality as regards international law. What was done for the recent release of the hostages on the *Ponant* and the *Carré d'as* shows that we have the means for effective action, provided that the will is there. If only this will, President-in-Office, could be the subject of a broad consensus in the Council!

Raül Romeva i Rueda (Verts/ALE). – (ES) The coast of Somalia is obviously one of the most dangerous coastlines in the world, as the figures show, in particular the fact that, last year alone, at least 25 vessels were victims of all sorts of acts of piracy.

The case of the *Playa de Bakio* is perhaps one of the best known, at least in Spain, but it is obviously not the only one.

Today it is also obvious that the Transitional Federal Government in Somalia does not have the resources or the means to establish peace and security in the country and therefore is much less capable of guaranteeing safety in its waters or in areas close to them, therefore international support is needed to do this, in line with what was laid down by the United Nations in June, as the previous speakers said.

Personally I am also concerned by something else, which I would like to mention: the reports that we sometimes receive of foreign boats, some of which are perhaps European, that are taking advantage of this situation of lack of control in order to fish unlawfully in one of the richest fishing grounds in the area, or even to use it as a dumping ground for hazardous substances, which the Federal Government is also not in a position to control.

Therefore I think that it is a priority – and I stress this – to guarantee the safety of the vessels that are legitimately operating in the area in line with international legislation, but it is also a priority, or even more so, that we commit ourselves to resolving the conflict that is devastating that country, so that ultimately responsibility for safeguarding the security of the area can be taken over by independent, legitimate, recognised Somali institutions.

Luis de Grandes Pascual (PPE-DE). – (ES) I am not going to repeat the facts that have been set out here. I want to describe them: they are scandalous, they cause social alarm among our citizens, who are undoubtedly perceiving a degree of defencelessness. Not to mention the feelings of our fishermen, who are experiencing an understandable fear about their jobs and even their physical safety, given that the pirates are not making empty threats, and workers are not required to risk their lives for their jobs.

In addition, shipowners suffer serious economic damage that their insurance does not always cover, because the circumstances are extraordinary and tend not to be covered by insurance policies.

What can we do about the pirates? Of course, anything apart from the amateur spirit that prevailed in the Council of Foreign Ministers on 15 September. Against piracy we need conclusive action on two levels: in the area of diplomacy, supporting African countries, which suffer from the presence of genuine mafias on their territory, who use extortion and kidnapping in order to blackmail fishermen and merchants from one part of the world; in the area of legitimate use of force, using it as a dissuasive tool, which is perhaps the only language that pirates understand.

Having said this, where should we act and at what level? At national, European or international level? I think, ladies and gentlemen, that we need to act initially at national level, as France has done in an exemplary manner, with the protection of international law and in an effective way, which was exemplary.

I regret that the Spanish/French proposals were not adopted by the Council, as what was ultimately agreed was insufficient. I think that we need to give a vote of confidence to the French Presidency so that it proposes European action that is capable of defending our interests, and I hope that, when the time comes, the offer that NATO is making of global and international coverage can operate in this context.

However, let us act as we always do, let us move forward, let us take decisions and then wait for others to help us. Let us not continue to be defenceless, with citizens feeling that we are not capable of defending ourselves.

Gilles Savary (PSE). – (FR) Madam President, I would first like to thank the Council and the Commission for agreeing to Parliament's request for a debate on this issue: a very topical issue that is of concern to us. We have talked about it in particular in the Committee on Transport and Tourism, where we were visited by Mr De Rossa, who gave us an idea of the extent of the problem. I would like to say that we should congratulate ourselves on the rapidity of the reaction by the Member States concerned – I am talking about France and Spain – and on what has already been done in the UN and the Council. I think that is quite a quick response.

I think we need to avoid several things. Firstly, demands by civil vessels for weapons. I can see this happening and I think we need to watch out because we know this would only make the situation more dangerous. Secondly, we need to make sure we do not neglect the situation and let it drift into terrorism. I mean that we should prevent political groups from getting involved because it would then assume completely different proportions. Thirdly, we need to avoid a situation where Member States are acting separately.

In this regard, I was just thinking about the Stability Pact. Obviously we demand that certain Member States do not have a deficit, but these are the same Member States who are always asked to provide protection because they have the means to do so. I therefore believe we need to show a bit more solidarity there at EU level, and that those who do not have the means to be protected are protected by those who have the military means. In this case, let us draw any conclusions we might like to draw at any level.

I would also like to say that, although it is a matter of great urgency that we provide a deterrent, through the measures taken by the French Government, for example, and on the *Ponant* and the *Carré d'as*, we know very

well that crime is part of human nature but its legitimacy feeds on people's despair. It is therefore very important to take diplomatic action towards these countries and find ways of helping them from the point of view of both security and development. Then they will not have to endlessly look on with an empty stomach as plates of plenty go by.

Josu Ortuondo Larrea (ALDE). – (ES) Madam President, Minister, Commissioner, European citizens cannot understand why, in the age of technology, telecommunications, satellites, etc., we are experiencing incidents of piracy that appear to be transporting us back four or five centuries in our history.

I cannot accept what others have been saying in terms of being satisfied with the response. For several years I have been saying here in the European Parliament that the situation in the Indian Ocean, the situation off the coast of Somalia for European fishermen and for vessels that operate and work there is unsustainable, and there has not been a great deal of response. I do indeed welcome the fact that finally the Council has taken a first step, which I think is an insufficient one, by creating this cell in Brussels that is going to be responsible for accompanying fishermen, protecting humanitarian aid, which is so necessary in Somalia, and also securing agreements on fishing grounds.

I think that with what has been created and agreed so far, it is not going to be possible to achieve all of these ambitious objectives. The sea is very big, as is the coastline of the Indian Ocean, and we need the contribution and cooperation of all European countries, because the question is not whether the fishermen or vessels are French, Basque, Spanish, or Dutch; the question is that they are European and that we all need to contribute to this together.

Angelika Beer (Verts/ALE). – (DE) Madam President, ladies and gentlemen, the protection of seafarers is a heartfelt concern for all of us, but I am nevertheless taking the liberty of asking how we can best guarantee this.

I take issue expressly with the commendation of the French Presidency, as politically and technically it has bungled the job, from start to finish. I should like to explain why. We have been conducting this debate as part of the Green Paper on maritime policy. We have pointed out that piracy is a problem and that we need a long-term strategy to be able to combat this phenomenon.

I am also taking the liberty of pointing out that the phenomenon has existed since the sixth century B.C. Then Mr Sarkozy comes along, knocks it all on the head and talks about naval deployments. German Defence Minister Franz Josef Jung is already having the guns polished on his naval ships, and there is an ESDP mission that has not even been discussed in the relevant committees yet – the Committee on Foreign Affairs and the Subcommittee on Security and Defence – but only in the Committee on Transport and Tourism. What kind of game is this? It is not the business at all!

I have the impression that we are trying to react in an ad hoc frantic manner in order to legitimise something that will have very, very long-term international ramifications. If we deploy naval forces to protect seafarers, we have to talk about the consequences. What do we want? Gunboat policy? Do we want a shot across the bows? Do we want to sink ships? If this is indeed connected with international terrorism, where is the long-term strategy there? I say this only as a warning. We shall be analysing this keenly, and in the second week in October we shall hopefully reach a rather more businesslike conclusion more helpful to people in the region.

Carmen Fraga Estévez (PPE-DE). – (ES) I have just attended a meeting of the Long Distance Fleet Regional Advisory Council, and I could see the enormous concern for the fate of 51 vessels and around 1 500 crew of the Community tuna fleet that fishes in the Indian Ocean.

For years the fleet has been reporting incidents of piracy in the area adjoining Somalia, but not even the capture of the Spanish tuna boat *Playa de Bakio* in April caused some governments to react in time, including my own, unfortunately, until, in recent days, the fleet had to withdraw to the port of Victoria, and from that point, the measures taken have been highly inadequate.

We need to understand that fishermen live in an especially dangerous situation as, while all the vessels passing through the area are cause for concern, the merchant vessels tend to have established routes, which provides greater opportunity to monitor them as they pass through.

Those 51 fishing boats, however, are scattered, following the migrations of tuna, over an area of more than 3 200 square miles, which is five days' sailing, and they are therefore much more vulnerable, so a naval operation is essential and urgent.

In addition to what has been said about the Strait of Malacca, in addition to Somalia, we are now receiving reports from the fishing fleet about piracy in the Mozambique Channel and in areas of India and the Caribbean.

We cannot, therefore, remain inactive, and we need to react, in addition to the reactions that may come from our governments and the Council. All the Community institutions are involved in creating a coordinated strategy to combat international piracy.

I have therefore proposed to my political group, the Group of the European People's Party (Christian Democrats) and European Democrats, an amendment to the budget in order to allocate one million euros to studying a viability plan for implementing this strategy, and I ask Parliament to give it the green light, so that all Community citizens, wherever they are, receive the message that the European Union is supporting them and, above all, protecting them.

Margie Sudre (PPE-DE). – (FR) Madam President, President-in-Office of the Council, Commissioner, ladies and gentlemen, over the last few months we have seen an increase in acts of piracy, particularly off the coast of Somalia. These attacks use much more sophisticated means and are therefore a reflection of a powerful mafia. I share the concern of all my fellow Members for European fishermen, who are extremely vulnerable.

However, the European Union has established the means to respond to these attacks. The meeting of European Foreign Affairs Ministers on 15 September produced results that I felt were quite significant. On the one hand, the 27 Member States approved the creation of a Coordination Cell and on the other, the ministers adopted a strategic military option, opening the way for a possible EU naval operation.

The use of private protection agencies has sometimes been mentioned. This does not seem like the right solution to me. The only long-term solution, as Mr Savary said, is both diplomatic and political. Piracy prospers thanks to the weakness of governments. It is by helping the countries concerned to stop the illegal activities, by helping them to achieve political stability and escape from poverty, that we will end this scourge. That is how the Malacca Strait got rid of pirates a few years ago.

Obviously the European Union cannot act alone, as Mr Sarkozy said. The international community must be mobilised, otherwise it will be impossible to guarantee the protection of shipping, particularly because sea piracy is rife not only off the coast of Somalia. The European Union has taken the initiative of a concerted response. It is now up to the entire international community to assume its share of the responsibility.

IN THE CHAIR: MR DOS SANTOS

Vice-President

Daniel Varela Suanzes-Carpegna (PPE-DE). – (ES) President-in-Office of the Council, Commissioner, ladies and gentlemen, I am very pleased that we are having this debate. Since 2005 Parliament has been warning both the Commission and the Council of the dangers involved in navigating the waters around Somalia, even the international waters.

Following various hijackings of boats and armed robberies, the European Union has just created a 'coordination cell'. It is very welcome; at least it is finally being recognised that there is a problem. However, I fear that even with this cell, the problem will continue to exist.

Until we have real cooperation and a genuine Common Foreign and Security Policy, the Member States whose interests are affected will continue to be forced to protect themselves and defend their legitimate national interests. France has clearly understood this, and I congratulate it on its decisiveness, courage and efficiency.

Spain has also reacted by planning to send a reconnaissance plane, in other words, an unarmed plane to dissuade armed pirates. It is a shame that this plane will not be enough to adequately defend and protect our fishermen if there is an armed boarding of our fleet.

We need to ask for and secure more cooperation between the Member States that are affected, we need to take advantage of the French Presidency of the Council and allocate more resources so that legal fishing in international waters is not, as it is there, a high risk activity, due to acts of piracy that are inconceivable in international society in the 21st century.

Geoffrey Van Orden (PPE-DE). - Mr President, I address my remarks particularly to the presidency of the Council.

I am all in favour of robust international action to deal with piracy on the high seas. I congratulate the French Government on the action by French commandos earlier this month. You may recall that in the days when Britain truly had an ethical foreign policy the Royal Navy swept the oceans clear of pirates. It blew them out of the water and we got rid of the slave trade as well.

Now we seem helpless. Our navies have been run down and we are frightened to act lest we fall foul of some aspect of human rights legislation, or become embroiled in lengthy judicial procedures.

The EU response is to try and invent another military operation by setting up a committee, a so-called EU coordination cell, which says it will coordinate military operations in the seas off the Horn of Africa. But, there is already a military operation in those waters. It is Combined Task Force 150, involving the US Fifth Fleet and warships from other NATO navies, led by a Dane at the moment.

I have a question to the Council presidency. Why is the EU getting involved? This is a job for NATO and, more to the point, what are European allies in NATO going to do to ensure that more warships are provided for this task? They have rules of engagement that make them effective, and there is international law in place at UN level to deal with captured pirates without inflicting them on our own countries.

Tobias Pflüger (GUE/NGL). – (DE) Mr President, we have here the Commissioner for Transport and the French President-in-Office of the Council with responsibility for transport. Yet we are talking here about very tangible military deployment. Information was given very late to the relevant committee, the Subcommittee on Security and Defence, even though press reports on this EU mission to combat piracy have been in circulation since back in August. This is unacceptable. We need to have basic information in good time and then we can take a proper decision.

According to information from the BBC, France wanted a power of attorney of general, worldwide scope, not just for Somalia, but was fortunately unable to win through on this. For the first time we are talking about a curtailing of maritime sovereignty here, and we are also talking about a palpable breach of international law. We ought to be specifying this very clearly. We are talking about direct support for the so-called government in Somalia, which is supported by Ethiopia and the United States. There is direct cooperation with Operation Enduring Freedom, which is unacceptable, and funding is to be channelled through Athena. We do not have any information of any kind on this either.

We ought to be informed directly. What this is about is the protection by military forces of access to raw materials, which cannot be done like this. What we need is a way of dealing with this other than by military means.

Giorgos Dimitrakopoulos (PPE-DE). – (EL) Mr President, in this very important discussion let me focus on two points that I think are significant. One of them concerns the legal aspect. I think it is time for an update of the Convention on the Law of the Sea, so that we can improve the legal basis for implementing various methods of combating the problem.

The second point is the operational side of things. The maritime aspect of the issue is important, but not sufficiently so. An operational plan is needed; sea and air forces must be used in order to allow effective action.

Lastly, there is a series of interrelated matters. Commissioner Tajani said that the link between piracy and terrorism is being investigated, and I must add a further dimension: the interconnection between piracy and organised crime should be investigated.

Ioannis Varvitsiotis (PPE-DE). – (EL) Mr President, I have listened carefully to all the speakers. Everything they have said is correct, but here we are faced with an issue that requires immediate action. We cannot wait for the new maritime code or turn a blind eye on this situation.

Let me point out that NATO is stepping in and playing the part of an international policeman and busybody. Could it not at least intervene here, with our backing, to form a unit from all Member States, with sea and air forces? Now if we Europeans, who have no common defence policy, wait until we can create such a unit, I think we shall be too late.

Since NATO plays the policeman where it is inconvenient for us, let us call on it to do so to suit our needs.

Dominique Bussereau, President-in-Office of the Council. – (FR) Mr President, Commissioner, ladies and gentlemen, first I would like thank you for this debate of a very high standard.

I sincerely believe that piracy is a form of terrorism and it is taking on uncontrolled proportions. The truth is that if nothing is done, the freedom of circulation for shipping in the Gulf of Aden and off the coast of Somalia may well disappear entirely, with the massive consequences that would of course ensue. I am delighted that the European Union is the first to have taken responsibility for this. I would add that, as you know, there are other areas of the world where piracy also poses a problem, particularly in the Malacca Strait and around Singapore. This is an equally important and difficult question for Europe. We should be able to make a decision on whether to continue planning a naval operation under the European Security and Defence Policy in early October.

The role of NATO was mentioned in several speeches. Dealing with piracy is not within NATO's remit. It does have a mandate for terrorism. They may look similar, but they are not the same thing. Until October, the Coordination Cell will continue to play its supporting role towards the Member States to try to improve the security conditions in the area. Mr Savary mentioned poverty in Somalia and I would stress that we have to get cargo vessels for the World Food Programme through there. Somalia and its population really need them.

In parallel, we will need to take action to set up a joint legal framework for the whole of the international community so that these acts of piracy can be brought to justice more effectively. There are pirates who have been arrested and brought to European prisons. Obviously we now need to look at the judicial aspect and the legal framework for all of this.

I would like to say that, unlike one Member who spoke earlier, I am pleased about the concrete action that has been taken by a number of Member States. This concrete action sends a very strong signal that could save lives, because there could be not only ransom demands but also killings. Some fishing vessels were fired on a few days ago. The situation is therefore dangerous, so a military response is appropriate.

Finally, I will appropriate the lovely phrase that your fellow Member Mr Morillon used: it is about protecting our interests and values. Protecting our values is a strong and proper action for Europe!

Antonio Tajani, *Vice-President of the Commission*. – (IT) Mr President, ladies and gentlemen, it seems to me that this debate has been very useful, because it has certainly demonstrated the wishes of Parliament, the Commission and the Council to take action together to tackle a phenomenon that is becoming ever more worrying, namely piracy, and to give a response to European citizens on this issue.

I endorse the analysis that has emerged from the debate: it is not enough merely to take military action, which is a fundamental point, but it must also be taken swiftly, and I do not believe that we should dwell over-long on issues of competence, whether it ought to be the European Union or NATO – we must not waste time. I believe that we must step up coordination, but we have a duty to intervene, to prevent pirate organisations from strengthening their positions.

At the same time, it is important to take action to prevent and eradicate the possible causes of the growth of the phenomenon and of the recruitment of pirates. Someone said during course of the debate that it is becoming very profitable to carry out piracy, and in areas where poverty is at very high levels it is clear that it is easy for pirate organisations to recruit people, especially the young, who are prepared to do anything and prepared to enlist in these paramilitary organisations.

That is why, at the same time as taking measures directed at control and repression, which must be taken by the EU countries, and I am pleased about what has already been done, we must act – and here the Commission has a significant role to play – to help certain developing countries to grow in economic terms, to prevent poverty from becoming a tool that facilitates piracy.

Of course, we must then also work to understand – and here again the Commission can play a very important role – what lies behind piracy, what the links are with fundamentalism and with terrorism; what the points of strength are, what the reasons are. The Commission can give significant help here to the other European institutions.

We can certainly not stand by, we can certainly not wait, and certainly, too, with the strong action by Parliament pushing the Council and the Commission to act, we must guarantee safety for sea workers, and we must guarantee safety for goods coming from outside the European Union to supply the European Union. We must guarantee the issue not only – it is right to deal with it not only in the seas closest to the European Union – where there are also fishermen operating and Mrs Fraga told us, with concern, about events that are taking place even closer to us.

We must also look at what is happening in other parts of the world because piracy also affects ships flying the flags of EU countries in very remote seas. That is why we must not waste any more time, but it seems to me that the wish of the European Union has been clearly shown today, and particularly that of the Council, with the support of the Commission, to intervene and to continue to take firm action to prevent and, I also believe, through strategic projects to prevent any increase in terrorist action.

That is why the Council will receive support from the Commission on all initiatives to combat terrorism and also to prevent it; we want to prevent and to combat terrorism, let us say, that is linked to piracy. Thus, with the vigilant eye of Parliament, I believe that this cooperation can lead us to a positive result. On defence, I also endorse the view of Mr Bussereau on the words of our friend General Morillon: it is a matter of defending not just the interests but also the values of the European Union.

President. – The debate is closed.

The vote will not take place until the October session.

(The sitting was suspended at 5.50 p.m. and resumed at 6 p.m.)

IN THE CHAIR: MR DOS SANTOS

Vice-President

13. Question Time (Council)

President. – The next item is Question Time (B6-0462/2008). The following questions have been submitted to the Council.

Question No 1 by **Silvia-Adriana Ticau** (H-0614/08)

Subject: Importance given to road transport policy

Parliament has expressed its position at first reading on the 'road transport package', consisting of proposals for the modification of three regulations on, respectively: access to the occupation of road transport operator (2007/0098(COD)); access to the market in the carriage of goods by road (2007/0099(COD)); and access to the market in the carriage of passengers by coach and bus (recast - 2007/0097(COD)). These regulations concern and affect the activity of more than 800 000 transport operators in Europe, as well as some 4.5 m jobs. It is vital that there should be a clear legislative framework making it possible to promote business and development strategies

Given that the new version of the regulation on access to the occupation of road transport operator will come into force on 1 June 2009, and that by 1 January 2012 the Member States should have interconnected their national electronic registers as defined by that regulation, can the Council state what degree of priority is being given to the 'road transport package' for the next five months, and what timetable is proposed to enable the new modified regulations to be adopted by 1 June 2009?

Jean-Pierre Jouyet, *President-in-Office of the Council.* – (FR) Mr President, first I want to express my sympathy following the shooting of 10 people at a Finnish school in Kauhajoki. My sincere condolences go to the families of the victims and to Finnish MEPs either here in this Chamber or detained by their work.

To answer Mrs Țicău's question, I just wanted to say that in its session on 13 June 2008 the Council reached a political agreement on the three proposals in the road transport package. The purpose of these new texts is to harmonise national regulations, which can differ and are therefore a source of legal uncertainty for road transport operators.

The principal amendments that have been made are basically as follows: there is a more precise definition of the concept of 'cabotage', a standardised presentation of the Community licence, certified copies and driver certificates, strengthening of the provisions forcing a Member State to take measures when a transport operator commits an infringement in another Member State and, finally, better interconnection of national registers of infringements so that there can be better monitoring of road transport operators across Europe.

The European Parliament adopted the reports on this package at First Reading during the session on 20 May. Work should now be focused on securing a compromise between the Council and Parliament. Taking account of translation times, the work on preparing the texts of the respective Common Positions could not start

until the end of August but the Council is hoping to be able to adopt the Common Positions on the three proposals in the next few weeks and present them to the European Parliament as soon as possible.

Silvia-Adriana Țicău (PSE). – (FR) I just wanted to say that we have still not received the Common Position from the Council and I wanted to highlight the fact that the date of entry into force of the Regulation, as far as access to the occupation of road transport operator is concerned, is 1 June 2009. There are 4.5 million employees and also nearly 800 000 businesses involved here. This is therefore a very important matter and we are hoping that the Council's political agreement will give us the time necessary for its Second Reading.

Jean-Pierre Jouyet, President-in-Office of the Council. – (FR) Mrs Țicău, I am well aware of the urgency you mention. I can assure you the Council will do its utmost to ensure that the Common Position is defined and sent to Parliament as soon as possible, in view of the urgency you mentioned, which is quite legitimate.

President. – Question No 2 by **Manuel Medina Ortega (H-0616/08)**

Subject: European immigration pact

Can the Council explain the likely consequences of the recently adopted European immigration pact for the future of the Union's immigration policy?

Jean-Pierre Jouyet, President-in-Office of the Council. – (FR) Mr Ortega, the European Pact on Immigration and Asylum aims to express at the highest political level the common principles that should guide migration policy at national and Community level, and the strategic orientations to be pursued to give them substance.

The proposed text was positively received by the Council and the Commission. The final version should be approved by the European Council in October. As you know, the aim of the Pact is to lay the foundations of a strengthened common policy, based on two principles at the heart of the European project: on the one hand, responsibility, and on the other, solidarity.

It is based on three dimensions of the overall approach to immigration. The first is better organisation of legal immigration; in particular, this involves taking more account of the needs and reception capacities of the Member States, but also encouraging integration. The next is a more effective fight against illegal immigration, particularly by ensuring that illegal migrants return under conditions of dignity; we also want to protect the EU better by improving the effectiveness of controls at external borders, particularly within the framework of the Schengen enlargement. Lastly, there is the promotion of a close partnership between the countries of origin, transit and destination of immigrants, for the benefit of our partners' development; this is the concept of co-development.

Finally, as the Vice-President of the Commission said again today, we hope the Pact will enable us to mark out a common asylum policy and a Europe of asylum. We know that national traditions differ, but we still want to make progress in this area.

As you know, the French Presidency has consulted the European Parliament informally throughout the preparation of this Pact. There have been many discussions within the Parliament framework. Parliament's political support for this initiative is essential. We have no doubt that the Pact will deliver to European citizens the concrete results they have the right to expect and will show that Europe is taking concrete action to deal with the problems they may be experiencing.

Manuel Medina Ortega (PSE). – (ES) I am satisfied with the way in which the Presidency of the Council has answered my question, and I think that the Immigration Pact is an important step.

In what we could call the second part of my question, I am talking, above all, about the influence that this pact could have on the development of the European Union's policy on immigration. In other words, can we expect to make progress? As the President-in-Office of the Council is aware, at the moment we have, on the one hand, a feeling of alarm in the European Union and, on the other hand, the need for immigration and the need to have adequate regulation, which means that often the information is highly deficient.

Can we expect that this will be followed by legislation and specific provisions that will resolve this problem?

Jean-Pierre Jouyet, President-in-Office of the Council. – (FR) Yes, I do believe, as Mr Ortega has quite rightly pointed out, that there is a need for immigration in Europe, and we are not denying that. That is why, as I pointed out, we need to lay down conditions for reception and integration as well as conditions for adapting migratory flows to Europe's economic and social situations. We need to look at immigration needs within this framework.

We often have a tendency to reduce these needs to skilled immigration. However, this is not appropriate, because in Europe we also need unskilled immigration, and the discussions in the Council are on exactly that – how to better manage these immigration needs and how to find the best solutions in terms of employment, qualification and reception in schools and universities.

That is where we are at, and we will have a better picture after the European Council on 15 October, when the orientations will be defined. It is on these bases that the legislative measures Mr Ortega referred to, which are indeed necessary, will be translated.

President. – Question No 3 by **Eoin Ryan** (H-0619/08)

Subject: Anti-corruption tools

What anti-corruption tools does the Council have in place to ensure that EU aid is being delivered directly and effectively to those most in need in developing countries?

Jean-Pierre Jouyet, *President-in-Office of the Council.* – (FR) Mr Ryan, the question you raise is important because it concerns the effectiveness of development aid. It is important to maintain a significant volume of development aid, and I will come back to that, but you are quite right to point out in your question that this aid must be effective. For aid to be effective, and to be able to combat fraud and the improper allocation of development aid funds, we particularly need better coordination and complementarity between donors. That is why we are working on joint multiannual programming based on strategies to combat poverty, which give us a better picture of how funds are targeted and according to what objectives, and which also enable us to control this allocation better.

This is why we have set up common implementation mechanisms, including joint analyses. In particular, there are some large-scale joint missions, financed by both donors and beneficiaries, so that co-financing mechanisms are in place.

These issues were on the agenda of the Third High Level Forum on Aid Effectiveness held in Accra last week. We debated this here at the last session at the beginning of this month. At the Forum in Accra in early September, a plan of action was adopted. It largely meets our expectations as regards the European Union.

The principal commitments made by the donors are as follows: better planning, three to five years in advance, of the aid countries hope to provide; the use of administrations and organisations in partner countries; switching from political conditions imposed by third countries to conditions based on targets set by the developing countries themselves.

As regards monitoring the supply of aid, the Council, like the European Parliament, gets the chance to evaluate how the EU's external aid has been used each year. This evaluation is performed through the Annual Report on the European Community's Development Policy and the Implementation of External Assistance, which the Commission generally presents towards the end of June – which must have been done in June, if I am to believe the information I have here. I would add that the development cooperation instrument provides tools to protect the Community's financial interests, particularly as regards fraud and irregularities, as Mr Ryan hopes.

There are therefore evaluation mechanisms, control mechanisms, mechanisms that aim to ensure better coordination between donors and beneficiaries; but at the end of the day, the real objective is to ensure that these policies are appropriated by the beneficiary countries, to continue to stress good governance and ensure there is a greater sense of responsibility, particularly on the part of the beneficiaries of this aid as regards the allocation of our support.

That is what I wanted to say.

Eoin Ryan (UEN). – Mr President, by sheer coincidence, Transparency International, the anti-corruption watchdog, released its annual corruption perception index today. It estimates that levels of corruption are adding about USD 50 billion to the cost of achieving the Millennium Development Goals, which is an absolutely staggering amount of money. It is approximately half of the annual global aid outlay.

Even if that figure is exaggerated – even if it is half what they say – it is still a staggering amount of money. President-in-Office of the Council, do you not think that more needs to be done to try to tackle this? Whatever we need, one thing we do not need is for the general public in Europe to feel that the money they give to aid programmes is in some way being mislaid or abused. I think it is very important that a figure as staggering as this needs to be addressed in a more coherent way.

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) I would like to reiterate what I said earlier. Mr Ryan is right. It is true that one of the problems for public opinion in Europe is, on the one hand, that the volume of development aid remains high. In this respect, as you know, the European Union is the biggest donor of development aid. On the other hand, it is essential that the mechanisms of good governance and effective control are in place. There must also be better information for the public about aid and the appropriation of aid by beneficiary countries and, to be honest, monitoring of governance – a certain conditionality, if you like – must be at the heart of development policy.

You are all right, corruption is a scourge. I do not know whether Transparency International's figures are accurate, as you yourself acknowledged, but in any case the point you made was correct. Consequently, there cannot be an increase in development aid except through a reinforcement of control mechanisms, anti-fraud mechanisms, anti-corruption mechanisms, and each time this should be one of the objectives of the agreements.

This is also what the Council concluded on 27 May in terms of its development policy objectives. There must be better control mechanisms and conditionality to protect financial interests, but more importantly, as you pointed out, Mr Ryan, to combat corruption.

President. – Question No 4 by **Seán Ó Neachtain** (H-0621/08)

Subject: Rising food prices

Among the Council priorities for the French Presidency is sustainable development in the agriculture and fisheries sectors. In the current economic climate, when Europe and the wider world are affected by rising food prices, what can and will the Council do to ensure that the urgent short-term needs of food supply are met without compromising the sustainability of future development in agriculture and fisheries?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) Mr President, Mr Ó Neachtain, the Council is fully aware of the need to look for adequate and effective solutions to the problem of rising food prices. This is a complex issue, which the Commission thankfully analysed in detail in its Communication of 23 May 2008. It was on this basis that the European Council of 19 and 20 June adopted its decisions.

In the agriculture sector, the EU has already acted: we have sold intervention stocks, reduced export refunds, abolished the need for set-aside in 2008, increased milk quotas and suspended import duty on cereals. This has enabled us to improve supply and has helped stabilise the agricultural markets. However, this is not enough.

We need to continue the reform of the common agricultural policy; we must make it more market-oriented while encouraging sustainable agriculture throughout the EU and assuring adequate supply. Agriculture ministers are discussing this – in fact they may even still be discussing it today – at the informal meeting in Annecy and will report back to the 'Agriculture' Council on 17 and 18 November. In this context, the French Presidency is determined to strengthen the crisis management instruments in an increasingly uncertain international context and to maintain all market regulation instruments to prevent the volatility that you quite rightly mention.

The question of food prices is not just linked to agriculture; other mechanisms are at work. I am thinking for example of the fisheries policy, which has to cope with the consequences of the increase in diesel prices. On 15 July the Council adopted a series of emergency measures to encourage the restructuring of the fleets that have been hit hardest by the crisis. There is also regulation of the retail sector: the Commission is due to submit a report to the European Council next December. There are also policies concerning biofuels, which must take economic and environmental constraints into account and ensure that there is a cap on the prices of these new fuels.

As you can see, these diverse issues, not to mention those that we have already raised – in other words, development policies and procurement policies with regard to food imports – cover a wide range of policies and are high on the Council's agenda. The European Council will examine this in October and December, and of course I will be delighted to take on the task of informing you of the results.

Seán Ó Neachtain (UEN). – (GA) Mr President, thank you for your response. I would like to inquire of the President-in-Office of the Council if he believes that it is more important than ever that Europe's agricultural policy, that is Europe's policy on food supply, continues after 2013 due to the current crises in the global policy on food supply so that food suppliers in Europe have some sense of certainty?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) What I wanted to say is that, as Mr Ó Neachtain knows, we want to make sure that the Health Check ends with a reflection on the future of the common agricultural policy. This was the aim – the main aim, in fact – of the discussions taking place today and yesterday between agriculture ministers in Annecy. Mr Ó Neachtain knows that he can count on the determination of the French Presidency in this respect.

President. – Question No 5 by **Liam Aylward** (H-0623/08)

Subject: White Paper on Sport

Can the Council outline what elements of the EU White Paper on Sport it will seek to implement and promote during the French Presidency of the EU?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) This is a subject that interests me a great deal, so I will try to keep it brief. I will try not to confine myself to the legal aspects, although such aspects do exist.

The EU has no specific competence in sport. I would like to point out to Mr Aylward that, for its part, the Lisbon Treaty offers a legal basis for real sports policies. We are aware of this and for that reason, as well as for many others, we are waiting for the Treaty to be implemented. We would like to ensure that Europe is aware of the various dimensions of sport and the influence that it has on people of all ages, especially young people, but above all its social and educational aspects. As current holders of the EU Presidency, we attach a great deal of importance to cooperation between Member States on this subject.

Before there can be new legal bases under the Lisbon Treaty, I think we need to recognise the specificity of sport in our society. At an informal meeting of ministers in charge of European affairs, which I convened in Brest on 12 July, we addressed this issue in the context of the European Union. We raised the question of the conditions of recognition of this specificity within a legal framework which should be clear with regard to Community law and the need to improve the governance of sport at European level.

We have had discussions, particularly with UEFA President Michel Platini, which were based on the White Paper on Sport, the Pierre de Coubertin Action Plan, which was unveiled by the Commission last July. These discussions will continue between sports ministers in Biarritz on 27 and 28 November.

There will also be a European forum on sport. The Presidency will invite ministers to look at a number of subjects that seem to me to be extremely important for the cohesion of our society and for the educational value of sport, particularly health and sport, anti-doping, and also the fact that we need to maintain sport at grass-roots level, ensuring that clubs are given feedback about the players they train and the issues of a dual career, of dual training.

As you can see, we are extremely committed to highlighting the role of sport in the European Union and giving it its rightful place in Europe. We have set ourselves three goals: to recognise the specificity of the role of sport in society; to take account of the place occupied by physical activities and sport in economic development; and finally to guarantee, in an increasingly complex society, good governance of sport, of all sports.

Liam Aylward (UEN). – President-in-Office, I welcome the fact that you referred to the different dimensions of sport. Nowadays, we hear about professional sport all the time but I am particularly concerned about volunteerism in sport and the ‘Sport for all’ concept. I would like an assurance from you that the EU will support voluntary groups and volunteerism, and in particular the ‘Sport for all’ concept. It is vitally important at a time when all the emphasis in the media and elsewhere is on professional sport.

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) Mr President, Mr Aylward is absolutely right. We would like to ensure that there is a better balance between amateur and professional sport, we would like there to be supervision, in some cases, of professional sport and we would effectively like to support and encourage the thousands of voluntary associations that are involved in sport across Europe.

It is here that we effectively need to ensure that the European Union provides incentives. It is crucial that we know at this stage which associations are involved in backing sport within the European Union. We need to have a detailed study on voluntary work in the EU, and particularly voluntary work in sport, and if Mr Aylward would like to take part in the study we propose, then he will obviously be most welcome. In any case, this is an important dimension that we would like to take into account.

In this respect, I would like to point out that we are also going to meet in Paris on 5 October with all the European athletes who took part in the Olympic Games. There are, in fact, still a number of amateur athletes who compete in the Olympics.

President. – Question No 6 by **Brian Crowley** (H-0625/08)

Subject: Objectives of European Conference on Alzheimer's

I welcome the French Presidency programme highlighting the promotion of better care for sufferers of Alzheimer's disease and their families. Fostering the exchange and sharing of national experience and cooperation on best practice between Member States on health is what the EU is all about. Increased exchanging of information and best practices between Member States on all health matters will hugely benefit our medical professions and more importantly our citizens.

I am aware that a large European conference will be held in October on the subject of Alzheimer's disease. Can you outline the set objectives of this conference and what the French Presidency would like to achieve?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) This is an extremely serious issue. The French Presidency of the Council attaches the utmost importance to Alzheimer's disease and to other neurodegenerative diseases. This is an issue that affects every family in Europe at some point. We must tackle the issue head-on, unless we want to be overtaken by the ageing European population.

As announced on 1 July by President Barroso and President Sarkozy, together we must prepare a European plan to tackle Alzheimer's disease based on three pillars: research, patient care and quality of life, and ethics and legal aspects, particularly with regard to those involved in treating this disease.

It is in this context that the French Presidency will hold a ministerial conference in Paris on 30 and 31 October entitled 'Europe against Alzheimer's Disease'. This conference will focus on the disease, but will also tackle other related diseases such as Pick disease, Binswanger's disease and Lewy body disease.

We will cover all of these diseases so that we can look at how to reconcile the care given to patients with social support, how to tailor professions and skills according to patients' needs, how to expand our knowledge – in other words, everything to do with research and medical expertise – and how to ensure better coordination of research programmes in various European countries, as well as how to find out about the latest scientific results concerning this disease and the development of new drugs.

There is no question that the European dimension can and must provide a significant impetus for the various campaigns to tackle these diseases. The results of the ministerial conference will help provide a basis for the conclusions of the European Council next December, although we are fully aware that this is a work in progress.

This will be a long-term project and it is vital that subsequent presidencies, starting with the Czech and Swedish Presidencies, continue the good work. Knowing how sensitive the European Parliament is, I know that we can count on your support, as well as on the commitment of the European Commission, to provide the continuity that is needed.

Liam Aylward (UEN). – Let me compliment the French presidency on holding this conference 'Europe Against Alzheimer's' and the proactive role that it has adopted.

I notice, however, that you have not mentioned the issue of dementia specifically and, as you know, Alzheimer's associations are clamouring for increased awareness and education on the condition. Can you tell me, Minister, if the conference will address the issue promoting awareness of the condition in order to decrease the stigma associated with it?

Zita Pleštinová (PPE-DE). – (SK) In the European Union and in my country, Slovakia, Alzheimer's disease and the care of people suffering from this are still being given insufficient attention. Experts estimate that, in the next 40 years, Alzheimer's disease may affect up to four times more people than today, but early and accurate diagnosis may help to slow the development of the disease.

Will the French Presidency not prepare a special information campaign or give new encouragement to the Commission to prepare programmes to cofinance the activity of citizens' associations aimed at helping people with memory disorders and Alzheimer's disease?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) Mr Aylward is right: the conference must study all aspects of prevention and education, as Mrs Plešinská and Mr Aylward both point out. We must fully take into account the different aspects of dementia, as well as aspects linked to Lewy body syndrome, as I think I underlined in my speech.

This is a natural process, since Alzheimer's disease is a neurodegenerative condition; in other words a condition in which neurons deteriorate and die. The disappearance of these neurons, which are used to plan sequences of actions, are debilitating. Although we associate Alzheimer's disease with loss of memory, other parts of the brain are also affected. Clearly this can also be accompanied by types of dementia, which is something we must take preventive action against. From this point of view, I can assure Mr Aylward that the conference will fully address these issues.

In terms of the question from Mrs Plešinská, I believe that some marginalisation does exist. You mentioned the rise in Alzheimer's in your country. Unfortunately, this is not an isolated case in Europe. Here, too, we need to focus on the issue of earlier diagnosis. We need to share information; we need better coordination between specialists in these issues at European level. However, early diagnosis is particularly important to prevent patients from being marginalised and gradually falling victim to the disease without others noticing.

President. – Question No 7 by **Avril Doyle** (H-0631/08)

Subject: Agricultural policy and the French Presidency

The Presidency of the Council states in its work programme that it 'will review the legislative proposals on the assessment of the Common Agricultural Policy, with the aim of adopting new provisions by the end of 2008. To do this, it will work closely with the European Parliament... the Presidency will [also] propose to its partners that they take a broader view of the issues and the objectives that European agriculture and agricultural policy will have to meet in the future'.

Given this, can the Presidency of the Council update Parliament on the informal meeting of agriculture ministers scheduled to take place in Annecy on 21-23 September 2008?

In particular can the Presidency report to Parliament on the progress made with regard to the CAP 'Health Check' and the animal health strategy?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) Mr President, I would like to thank Mrs Doyle for allowing me the opportunity to inform Parliament of the recent developments concerning the common agricultural policy. The Council is working intensively and constructively on the Health Check – as I have already said – with a view to achieving a political consensus as soon as the European Parliament has given its opinion, which it is expected to do by November 2008. We are keen to work closely with Parliament based on the report that the Committee on Agriculture and Rural Development is due to submit on 7 October. The Council is, in turn, due to discuss this at the end of the month, on 27 and 28 October.

As I mentioned, the Council is continuing to examine the Commission's legislative proposals on matters relating to the modulation of aid, market management mechanisms, milk quota management and conditionality. These were discussed by ministers of agriculture in Annecy yesterday and today. Ministers have raised issues concerning both the CAP Health Check and the future of the CAP, distinguishing between internal and external aspects. As far as internal aspects are concerned, it is important that a higher proportion of CAP appropriations are allocated to the most vulnerable people, especially in view of the price increases we have seen. External aspects must include the introduction of an emergency EU food programme.

As for the concern expressed by Mrs Doyle on the subject of the animal welfare strategy, following the unveiling in September 2007 of the Commission Communication on the Community Animal Health Policy and its strategy over the period 2007-2013, on 17 December 2007 the Council adopted conclusions on the strategy, inviting the Commission to present an action plan. This action plan was adopted by the Commission on 10 September and it is on the basis of this document that the French Presidency is determined to continue working. We would particularly like to strengthen Community procedures for epizootic control, both in the Community and regarding imports, and to review legislation on biosafety and compensation.

Jim Higgins (PPE-DE). – (GA) Mr President, when we speak of agriculture we speak of food. It is my understanding that the Commission recommended that the European Union have a policy on food labelling where foods of European origin would be clearly indicated on our supermarket shelves – I make this remark especially in reference to meat. It has been said, however, that the Council will not accept this policy. I would like to inquire of the President-in-Office of the Council why that is?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) Listen, I share the concerns of Mr Higgins, so I am going to see what the Council is prepared to accept. What seems very clear, Mr Higgins, is that, as holders of the Presidency, we share your concerns regarding guaranteeing food safety for citizens and ensuring the traceability of foodstuffs. It is therefore crucial that we satisfy the demand for food quality and diversity. Consumers are going to be even more critical when it comes to food safety. We will ensure that we improve consumer information on the public health issues linked with a balanced diet and the origin and quality of products.

You should know that this is one of the Presidency's concerns, and that during the various summit meetings we will try to ensure that concrete expression is given to this objective, which is important to us all, Mr Higgins.

President. – Questions Nos 8 and 9 were not deemed admissible.

Question No 10 by **Jim Higgins** (H-0635/08)

Subject: Irish rejection of the Lisbon Treaty

Does the rejection by the Irish electorate of the Lisbon Reform Treaty have implications for EU enlargement and will the Council spell out precisely what these implications are?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) Mr President, Mr Higgins, as you know, the European Council has acknowledged the results of the Irish referendum on the Treaty of Lisbon. It has also acknowledged that the ratification process is ongoing and has issued an explicit reminder that the aim of the Lisbon Treaty is to help the enlarged Union act more efficiently and more democratically. Heads of State or Government will address this issue at the October Council. We must all reflect on the consequences of the current institutional situation for all policies, including enlargement, and on the institutions themselves. The Treaty of Nice, in political terms, was designed for a Europe of 27 members.

However, what I want to be clear about is that during its Presidency, France has acted impartially in continuing the negotiations under way with Croatia and Turkey, in view of the progress made by the candidate countries in satisfying their obligations.

With regard to Croatia, 21 of the 35 chapters are still open, while 3 have been provisionally closed. Two intergovernmental conferences are planned under the French Presidency. We have already opened the chapter on the free movement of goods.

In terms of Turkey, we had a troika last week during the meeting of EU foreign ministers. At the present time 8 of the 35 chapters are open, 1 chapter has been provisionally closed, and if the conditions are met, we hope to be able to open 2 or 3 more chapters with Turkey by the end of the year.

Jim Higgins (PPE-DE). - Minister, is it not clear that, by 31 December, all 26 Member States except Ireland will have adopted the Lisbon Treaty, and that there is no question of renegotiation? You cannot go back to the text.

But, apart from Ireland and Lisbon, you take France and the Netherlands in relation to the Constitution: we have a major problem in that there is a huge disconnect between the ordinary citizen and the European project.

Would the Minister consider that an idea would be for us to have a Europe Day – not just a Schuman Day, where we just have Brussels and Belgium closed – a Europe Day, a public holiday, where all the citizens of Europe, in all the 27 Member States, would collectively celebrate our common European citizenship and identity?

Gay Mitchell (PPE-DE). -I understand that the Council has been supplied with the results of a survey carried out by the Irish Government. Can I just say that I think that this sort of window dressing is what got us where we are. They did not survey the 47% who voted 'yes'. The reason that the referendum was not carried in Ireland was a failure of leadership, and secondly because – leaving aside the original vote on the Treaty of Rome – we went to the people six times in referendum: in the Single European Act, Amsterdam, Maastricht, twice on the Nice Treaty, and then on Lisbon. And then we hand the people an entire Treaty and say: what do you think of that? Was it not a recipe for disaster, when there was no leadership? The question is: will there be leadership now?

I would like to ask the President-in-Office if he would indicate what the implications will be if Ireland does not ratify either now, or if it continues to vote 'no' in the future. Give us an indication of where Europe is going.

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) Mr Higgins and Mr Mitchell have raised important questions. I will leave Mr Mitchell to answer for his comments. Personally I cannot comment on his remarks, and he will understand this, in view of my responsibilities before this Assembly.

There are numerous causes. I believe that the report that was produced after the Irish voted 'no' to the referendum highlights a number of issues: it raises questions of leadership, thematic questions, and highlights the lack of understanding of what the Lisbon Treaty actually is. The French Presidency will do its utmost to find a solution to this major institutional problem. We need the Lisbon Treaty and, in agreement with our Irish friends, we will look at all possible options from now until the end of the French Presidency.

To answer Mr Higgins, I think he is right. There is no doubt that the referendums have shown that there is a disconnect between the European project and public opinion. This is why we need to look at what the fundamental issues are, as well as examine the communication issues. This morning the Commission, representatives from your Assembly – Vice-President Vidal-Quadras and the committee chairman Mr Leinen – and I tried to define an interinstitutional architecture, a political declaration aimed at improving communication between the three institutions. For the Council – and I speak objectively here – this has required effort and has not been particularly easy.

As for your suggestion, I can only speak personally, but I must say that the idea of a 'Europe Day' celebrated across Europe seems to me effectively to be a symbol of more shared citizenship, of a Europe that is better understood. However, this is an idea that you and I and the most ardent Europe supporters must promote. Personally, though, I think it is a good idea.

Paul Marie Coûteaux (IND/DEM). – (FR) Thank you for clarifying these matters. I would also like you to clarify a more specific point. We have talked at length about Ireland, but four other Member States have still not ratified the Treaty, as you know: Poland, the Czech Republic, Sweden – we do not even know what stage Sweden is at with the ratification process – and Germany. In terms of the latter, I would like to remind you that everything hangs on a ruling by the Karlsruhe Constitutional Court. The president of the court has said that she does not intend to hurry and will not decide until early next year.

Consequently, I would be grateful if you could also explain the next steps to us. I thought that this Treaty, which was signed in December last year, had to come into force in a few months' time. Where exactly are we with this?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) I have always agreed with the strict assessments of Mr Coûteaux. We have intellectual differences, which is not surprising, but I recognise that his assessments are thorough.

What I wanted to make very clear is that we need to treat Germany as a separate case. We will see what happens, but I am not overly concerned, with all due respect for the Constitutional Court of Karlsruhe. I do not have any further information on this subject. With regard to Poland, we are in contact with the Polish authorities. There is also cohabitation in Poland, although I believe that the Polish Government is committed to the ratification of the Lisbon Treaty. As for Sweden, there is nothing to suggest that the process will be blocked. I believe that ratification will take place in November. With regard to the Czech Republic, as you know, we need to wait for the court's decision. Senate elections are currently taking place and an important conference of the majority party will take place in early December. This seems to me to be the most likely scenario.

I do not share the deduction made by Mr Coûteaux; I do not share his pessimism. There is no doubt that this will take time and that we need to give it time, but political will must be allowed to speak and the French Presidency, for its part, has decided to show voluntarism in this respect.

President. – Question No 11 by **Gay Mitchell** (H-0638/08)

Subject: Iran and the development of a nuclear capacity

Will the Council comment on its position towards Iran and the potential nuclear threat it represents since it decided to abandon the containment and surveillance measures of the 1997 Additional Protocol of the

International Atomic Energy Agency limiting the intrusive powers of the inspectors and putting a halt to snap inspections?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) Mr President, to answer Mr Mitchell on this serious issue, the EU still has serious concerns over Iran's nuclear programme and the country's lack of interest in responding fully to the concerns raised by the possible military dimension of this programme. In December 2007 the European Council declared that it would be unacceptable for Iran to have a nuclear military capability.

In this respect, the Council has on numerous occasions condemned the fact that Iran has not fulfilled its international obligations, which are laid down in Resolutions 1696, 1737, 1747 and 1803 of the United Nations Security Council, specifically the obligation to suspend all activity linked to uranium enrichment, which is crucial if we are to have the necessary framework to begin negotiations and move towards a long-term solution.

The EU has always supported Iran's right to the peaceful use of nuclear energy, and if Iran wants to rebuild the confidence of the international community in the peaceful nature of its nuclear programme, it must suspend sensitive activities involving the nuclear fuel cycle. The proposals made by Mr Solana in June 2006, repeated in June 2008 on behalf of the six most closely involved countries, still apply and must be used to break the current deadlock.

The EU strongly regrets the fact that Iran suspended the provisional application of the Additional Protocol in February 2006. As a result of this – as underlined by the Director General of the International Atomic Energy Agency (IAEA) – the IAEA knows less about certain aspects of the Iranian nuclear programme.

In addition, as we were recently reminded once again by the Director General of the IAEA in his report of 15 September, Iran is still refusing to answer specific questions that the IAEA has put to it about activities linked to the design and production of nuclear weapons. As the IAEA Director General said – and I cannot draw a different conclusion – this situation is a source of grave concern for the EU and the international community.

Gay Mitchell (PPE-DE). - I thank the Minister for his reply. I would like to ask the Minister – since this is clearly of grave concern to the international community and to the European Union – the following question. Sanctions, to date, have not worked. We do not want to get to the stage where military intervention is necessary, so can the Minister tell this House what other sanctions or what other plans the Council has to be proactive to try to bring the Iranian administration to its senses? Are there alternative sanctions? Do you have a list of alternative sanctions, and what are the future steps to be taken? At times it is very hard to see in this game of cat and mouse just who is the cat and who is the mouse.

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) We have not reached the point of military action. I am saying this again here very clearly. The six countries have confirmed their support for the dual approach, which must combine dialogue and sanctions in order to reach a negotiated solution that satisfies the concerns of the international community. As far as sanctions go, these vary in nature. They must be targeted and must include the economic and financial sector.

President. – Question No 12 by **Marie Panayotopoulos-Cassiotou** (H-0640/08)

Subject: European agreement on migration and asylum arrangements

The formulation of a European agreement on migration and asylum arrangements proposed by the French Presidency seeks to achieve an active political commitment on the part of the EU and the Member States concerning common principles for the formulation of migration policies in a spirit of solidarity and responsibility.

In this connection, what binding agreements with countries situated on the EU's borders and in particular applicant countries (Turkey, Croatia, FYROM) concerning immigrants from third countries does the Council intend to propose with a view to making Europe an area of security, justice and freedom?

Jean-Pierre Jouyet, *President-in-Office of the Council*. – (FR) What I wanted to say is that the most effective weapon that we have in the fight against illegal immigration is the readmission agreements with third countries that share borders with the EU.

The Community has signed agreements with 11 third countries. This is the case with the former Yugoslav Republic of Macedonia, where the agreement came into force on 1 January 2008. All of these agreements contain provisions relating to third-country nationals in transit through the territory. With regard to Turkey, formal negotiations began in 2005. For Croatia, there is no mandate for negotiating a readmission agreement and the Council wanted there to be swift progress in the negotiations for this country.

The agreement that will be discussed and, we hope, ratified by the European Council on 15 October will cast the political spotlight on the importance of readmission agreements in the fight against illegal immigration.

Margie Sudre (PPE-DE). – (FR) I would just like to thank the President-in-Office for his answer. Mrs Panayotopoulos offers her apologies because she had to leave owing to a prior engagement. She asked me to thank you for your answer, President-in-Office.

President. – Question No 13 by **Alain Hutchinson** (H-0642/08)

Subject: Reform of French public-sector television

French President Nicolas Sarkozy has undertaken to implement a major reform of public-sector television in France. The reform, which would bring to an end all commercial advertising, is facing major resistance from workers in the sector and, in a broader context, from public opinion, with fears that public-service television would soon cease to exist as it would not be able to compete with private channels if it no longer received income from advertisements. From here it is but a short step to believing, as many people do, that France has decided to kill off public-sector television to the benefit of the private sector, which stands to gain much from the procedure.

Is this an isolated case, or is the initiative likely to spread to all Member States? I would also like to know the Council's position on this issue and whether this kind of reform conforms to European legislation?

Jean-Pierre Jouyet, President-in-Office of the Council. – (FR) Mr President, it is a pleasure. Thank you for this final question, which is a joy to receive. I will of course answer as representative of the Council Presidency and it will come as no surprise to Mr Hutchinson – we know each other well – when I say that funding for state television comes under the remit of the Member States, that the Protocol annexed to the Treaty on European Union on state broadcasting in Member States is unequivocal and that therefore it is up to each Member State to decide how state television companies are funded. This is what I wanted to say to Mr Hutchinson.

Alain Hutchinson (PSE). – (FR) Minister, thank you for your answer. This is what I thought you would say. I would simply like to say that I am one of those non-French French-speakers – and there are many of us out there – who are devoted viewers and listeners of French state television and radio stations, and that we are concerned about the future of state television and radio stations following the decisions taken by the French Government and announced by its President, who, by chance, also happens to be the current President of the European Council.

I would also like to say that Mrs Reding, Commissioner for Information Society and Media, to whom I put the same question in a recent interview, admitted that she had not been convinced by the French President's proposed reforms unveiled in January. She also lamented the President's decision to tax Internet service providers to finance state television. I would like to know where you stand on this.

Jean-Pierre Jouyet, President-in-Office of the Council. – (FR) First of all, in my own country, as far as I know, different political parties, regardless of their sympathies, asked that there be an end to the ratings tyranny and the way in which this threatens quality and multicultural programming. This much I do know. Secondly, you have singled out the reform of existing advertising resources and public funding. Funding should continue to meet the needs of the public service and we should have sufficient funding to cover these needs. This is a fact and is not disputed. Thirdly, as usual, France has no intention of imposing any particular model and, as I said, this remains the preserve of each Member State. Having said that, everyone here is keen to see that a high-quality public audiovisual service is maintained.

President. – That concludes Question Time.

Questions which have not been answered for lack of time will be answered in writing (see Annex).

(The sitting was suspended at 7.05 p.m. and resumed at 9 p.m.)

IN THE CHAIR: MR ONESTA

*Vice-President***14. Migration to the second generation Schengen Information System (SIS II) - Migration to the second generation Schengen Information System (SIS II) (debate)**

President. – The next item is the joint debate on:

– the report (A6-0351/2008) by Carlos Coelho, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on migration to the second generation Schengen Information System (decision) (12059/1/2008 – C6-0188/2008 – 2008/0077(INI)), and

– the report (A6-0352/2008) by Carlos Coelho, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on migration to the second generation Schengen Information System (regulation) (11925/2/2008 – C6-0189/2008 – 2008/0078(CNS)).

Carlos Coelho (PPE-DE). – (PT) Mr President, President-in-Office of the Council, Vice-President of the European Commission, ladies and gentlemen, we are examining two instruments: a regulation and a decision on migration from SISone4ALL to SIS II, including a comprehensive test that will assess whether the level of performance of SIS II is equivalent to that of the current system. These proposals are the result of a change in the migration strategy.

Four points: firstly, the initial plan was to have a migration of 15 Member States in a process lasting around 8 hours. In the meantime, the number of Member States increased to 25, which made the process much more complex and difficult. Secondly, an interim technical architecture will have to be created that will allow SIS1+ and SIS II to operate in parallel for a limited transitional period. This is a wise solution that we should agree to and it will enable us to have a fallback in the event of something going wrong. Thirdly, a technical tool – a converter – will be made available during this interim period that will connect the SIS I central system to the SIS II central system, enabling both to process the same information and ensuring that all Member States stay on the same level. Lastly, the mandate given to the Commission in 2001 expires at the end of this year.

We raised four concerns. Firstly, the need for the European Commission to continue to have a mandate to develop SIS II until it is operational. We are opposed to the idea, which was considered, of the Commission's mandate finishing when work on the C-SIS central system is concluded. Secondly, for there to be a clear definition of the European Commission's competences and of those of the Member States. Thirdly, that all the conditions laid down in No 2 establishing the legal basis for SIS should be fulfilled before the migration of the data takes place. Lastly, that this migration should be carried out in a single, one-shot phase, processed by all Member States.

The proposals we received on 3 September, on the same day that they were approved in Coreper, make major changes to the initial proposals. Normally Parliament should be consulted again when the texts presented involve substantial changes. However, once again, we are up against a tight schedule; the Commission's mandate expires at the end of 2008 and it is essential that the Council approve these proposals at the end of October. Once again Parliament is showing it is living up to its responsibilities and it is not our fault that the process is delayed. As a matter of fact, the changes that have been made do answer most of the concerns outlined in my draft reports, especially in terms of clarifying the Commission's responsibilities and those of the Member States and that the Commission will continue to have a mandate to develop SIS II until it is operational.

In conclusion, I should like to congratulate the French Presidency on the excellent work it has put into achieving a good agreement between the Commission and the Member States, which had looked as if it was going to be difficult. The European Parliament wants to contribute to avoiding further delays and to having SIS II operational by the new date set: 30 September 2009. We are, however, concerned, as various experts have said informally that it is more than likely that this date will once again not be respected.

There are two essential points that the European Parliament considers as key and that all the political groups support. Firstly, that the European Parliament should be updated on a six-monthly basis on the development of the project and, secondly, that the mandate given to the new Commission should not be an open-ended mandate and that a rule be included whereby the European Parliament has to be consulted again if there is

a delay of more than one year. We sincerely hope that this time the project will be concluded in a timely fashion and that SIS II can start operating on the scheduled date.

President. – We will now hear from the Council. Mr Jouyet, on behalf of the European Parliament, I would like to thank you for being here all day. I believe that your attentiveness before this Assembly is a reflection of your commitment to Europe.

Jean-Pierre Jouyet, President-in-Office of the Council. – (FR) Mr President, thank you for your kind words. Obviously I return the compliment in terms of commitment to Europe, and to the Vice-President of the Commission, Jacques Barrot.

Mr Coelho, ladies and gentlemen, redesigning the Schengen system is necessary to develop the new functions that crime prevention and border control will demand in future. The 'SISone4ALL' system, Minister, developed on the initiative of the Portuguese Presidency, is a happy compromise that allowed the Member States that joined in 2004 to be included and, more importantly, led to the removal of controls at internal land borders, in December, and then at air borders, in March.

We all felt emotional seeing the last iron curtain come down, seeing Slovak and Austrian ministers symbolically cut down the wooden barrier at the Berg-Petržalka crossing point to the east of Vienna. I think that this is a proud moment for any staunch European supporter, knowing that we have an area of free movement of 3.6 million km². This is the largest area in the world, although – as you know – the necessary corollary of this great freedom is an electronic system that allows us to identify suspected criminals and to follow the trail of false papers and stolen passports, while applying stringent data protection rules to guarantee individual freedoms. I would like to emphasise this point.

However, as you quite rightly said, the current system does not allow the use of modern technology, even if this complies with the fundamental principles of data protection and especially the principle of proportionality. How can the police be efficient with a central database that does not currently allow them to look at digital photographs of wanted criminals, to identify them with any certainty? This is why the aim of the Schengen II or SIS II information system must be maintained; as you clearly explained, this is the real issue in our debate. Mr President, on behalf of the Council, I would like to thank the Vice-President, Mr Barrot, who, under a new mandate, has agreed to continue overseeing the development of the new SIS central database, in addition to the connection with national databases. I would like to thank him for being personally involved in this project.

The draft texts that you will be asked to vote on tomorrow set out a clearer division of responsibilities between the Member States and the Commission during each phase, whether in terms of project development, final tests, the interim phase, with the converter, or the final migration of one system to another, in the interests of establishing an overall balance between the obligations of Member States and the responsibilities of the European Commission.

I would particularly like to thank Mr Coelho, who has worked swiftly, effectively and imaginatively on this important project, together with his colleagues from the Committee on Civil Liberties, Justice and Home Affairs. I would also ask him to pass on my thanks to the committee chairman, Mr Deprez. Mr Coelho has encouraged support for the texts needed for today's plenary, and these texts incorporate the proposals that you made, Mr Coelho. Parliament's support today allows us to embark on a new phase in the transition to SIS II, in time for the expiry of the Commission's current mandate – an ad hoc mandate, I should point out – which is due to expire on 31 December. I would just like to reassure the Vice-President on this point.

Of course, the launch of the new system represents an enormous technological challenge, and one that was no doubt underestimated at first. In fact, the transfer of 22 million records involving more than 24 parties whose national databases are in different formats is, as you can imagine, no mean feat. However, the efforts that have been made in this project are, I think, up to the task. In view of these technical and financial efforts, the European Parliament deserves to be kept fully informed of the progress and of the difficulties that exist in the transition to the new system. A deadline should be set – as you said, Mr Coelho – to test the new system and check that it will be fully operational – as we all hope – in September next year, as agreed during the Justice and Home Affairs Council Meeting on 6 June.

We realise that we have set ourselves a tight deadline. The technical experts realise this. We can only meet this deadline if everyone is wholeheartedly committed to the SIS II project and shoulders their responsibilities. With this report, the European Parliament is sending out a positive signal this evening by asking perfectly legitimate questions. This is why the Council proposes to unconditionally approve the amendments tabled,

which, I should point out, have received the support of all political groups within the European Parliament. Thank you so much for all your hard work.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, I too would like to thank the Presidency and Mr Jouyet for agreeing just now with Mr Coelho's report, since I truly believe that progress needs to be made in this crucial area now, without delay. I would also like to thank Mr Coelho for his report and for his personal commitment to the success of SIS II. If SIS II ever sees the light of day, then we will owe much to you, Mr Coelho.

Your report again highlights the level of interest and ongoing support within the European Parliament for plans to develop the second generation Schengen Information System. Evidently, SIS II will be a key tool in the Common Space of Freedom, Security and Justice and, to that end, it is clearly essential that this system should be operational as soon as possible.

I am pleased, therefore, that an agreement has been reached on legal instruments relating to the migration of SIS I to SIS II. This agreement is acceptable because it respects the following three key principles:

- a clear delimitation of the tasks and responsibilities of those involved (Member States, Commission, Council);
- effective and unambiguous decision-making processes;
- the setting of compulsory milestones.

The adoption of this legal framework by October will help ensure that the work necessary for SIS II continues in 2009. It is true, as Mr Jouyet pointed out – you pointed this out, President-in-Office – that 30 September 2009, a date now recognised in the proposed legal instruments on migration, is an ambitious deadline. Even this summer we actually had to suspend some tests with Member States following an informal expert consultation.

The contractor now has a period of 20 days in which to correct the existing problems. However, there is no doubt that we need to keep a close eye on all of the potential problems that might arise and prevent us from keeping to the timetable for SIS II. We are currently in discussion with Member States on the best way of finishing the work on SIS II. We also need to find the right balance between the political priority attached to this system and, at the same time, the guarantee of excellence of the service rendered to the national authorities that will use it.

In any event, the proposed adaptation mechanisms give us some flexibility and oblige us to adopt the necessary transparency with regard to the development plan. Therefore, Mr Coelho, we are in full agreement with your amendments; that goes without saying.

On the one hand, setting an expiry date for legislative acts on migration for the end of June 2010 will give us sufficient room for manoeuvre in the event of problems with finalising the development of SIS II or with migration. This date will also ensure that SIS II is fully operational by mid-2010.

On the other hand, the twice-yearly presentation by the Commission of reports relating to the development and migration of SIS I to SIS II will ensure that work on SIS II is transparent for the European Parliament.

For my part, Mr President, I would like to emphasise – like Mr Jouyet, speaking on behalf of the Presidency – that for Schengen to truly be a complete success – which it already is – we need SIS II. This is a real technological achievement, illustrating what Europe can do when it decides to use new technology. It is also absolutely essential.

This is why I am extremely grateful to Parliament, which, almost without opposition, has accepted all of these aspects and has approved Mr Coelho's report.

Marian-Jean Marinescu, *on behalf of PPE-DE*. – (RO) I endorse the rapporteur's proposal of setting the deadline for this new legislative package for 30 June 2010; this is important in order to prevent any possible delays in the implementation of the second generation of the Schengen Information System, SIS II.

The removal of border controls on land and at sea, which started on 21 December 2007, as well as in the air (March 2008) is a relevant step for nine of the ten Member States. The Council decided that border control in the three outstanding states, Cyprus, Romania and Bulgaria, would cease when the operability of the Schengen System has been guaranteed following an evaluation. However, the working of the Schengen System in the three states depends on the working of SIS II in the current Schengen countries. As is known,

SIS II was initially scheduled to start operating in May 2007, then it was delayed for December 2008, and now it has been postponed again to September 2009. This rescheduling may trigger delays in the three Member States. We should not forget that all of these three Member States are border states of the European Union and that they have both land and maritime borders.

The first two measures in the Schengen acquis are the removal of border control, its movement to external borders, and common procedures for the control of persons crossing external borders. These measures in the acquis are undermined by the fact that countries such as Romania, Bulgaria and Cyprus depend on the delayed implementation of SIS II in countries which are part of the Schengen Area. Therefore, I call on the Commission and the French Presidency to solve the problem of managing SIS II and to negotiate with the contractor, so as to avoid the imposition of a new timeline for the implementation of SIS II.

Roselyne Lefrançois, *on behalf of the PSE Group*. – (FR) Mr President, I wanted to say that Mrs Roure is the shadow rapporteur for this report. She could not be here today and so I am speaking on her behalf and on behalf of the Socialist Group in the European Parliament.

I share the comments made by the rapporteur, whom I thank for his work. This situation is in fact totally unacceptable. The launch of SIS II is considerably behind schedule. We have already had to extend the Commission's mandate once until the end of December 2008 to carry out the migration. The Commission has again fallen way behind schedule and is now asking for an unlimited extension of its mandate to carry out the migration. This seems unacceptable to me, as any future consultation of the European Parliament on this issue would then be impossible.

However, we do not want the migration of SIS to SIS II to be rushed, since this would impact on the quality and security of the data and of the system as a whole. Consequently, every precaution must be taken to ensure that data is protected and that the system is secure. This is why we could agree to moving the calendar back and extending the Commission's mandate to carry out the migration properly.

However, there is no way that this process can continue without democratic scrutiny by the European Parliament. This is why the PSE Group supports the rapporteur, in order to safeguard the powers of the European Parliament.

Henrik Lax, *on behalf of the ALDE Group*. – Mr President, I would also like to extend my recognition to the rapporteur of his very good work.

The Schengen Information System is the largest common European database which operates as a joint information system for the Member States. This information can be used by the police and the judiciary when cooperating on criminal matters, as well as for checking individuals at external frontiers or on national territories, and also for issuing visas and residence permits.

The decision to create the second generation of the SIS – SIS II – took account of the need to introduce biometric data and new types of alerts, for instance because of the European arrest warrant. SIS II is also needed to bring on board the new Member States, as we have heard.

The new system was originally scheduled to begin operating in March 2007. We know there have been many delays, and a new timetable was announced providing for it to become operational by the end of this year. And, thanks to the transitional solution presented by the Portuguese Government and also mentioned here by Minister Jouyet, the so-called 'SIS One 4 All', it is now fully operational and it has allowed nine of the new Member States to be connected to the SIS. Nevertheless, as underlined by Commissioner Barrot, in this enlarged Schengen area, the reinforcement of security requirements has become even more urgent and can only be fully achieved by a full transition to the next generation of a system.

A must for this transition is that SIS II meets all the legally-defined technical and functional requirements, as well as other requirements such as robustness, response capacity and performance. Parliament is now asked to give its opinion on the two current proposals aiming to establish the legal framework governing the transition. As the ALDE shadow rapporteur, I fully support the line taken by the rapporteur, notably that the Commission shall submit by the end of June 2009, and then by the end of every six-month period, a progress report to the Council and to Parliament concerning the development of SIS II and also concerning the migration from the Schengen Information System to the SIS I+ to the second generation SIS II.

It has been extremely disappointing to face the fact that SIS II is not yet operational. With this new mandate and the rigorous testing that will take place, I hope that SIS II is finally on track to a successful launch by September 2009.

Tatjana Ždanoka, *on behalf of the Verts/ALE Group*. – Mr President, I would like first of all to thank Mr Coelho for his customary productive work on the reports concerning transition to SIS II. The reports cover mainly technical things, but I would like to look at SIS II from a broader perspective.

Firstly, I would like to acknowledge the fact that the Portuguese presidency provided an opportunity for the 10 new Member States to join the old version of SIS. Otherwise, the new Member States, including my own, would have had to wait at least until September 2009 – in other words, almost two more years.

On the other hand, 'late' does not necessarily mean 'bad'. SIS II will operate under two pillars. Nevertheless, we still do not have a legally binding framework decision on data protection within the third pillar. As SIS II introduces the processing of biometric data, the issue of data protection remains largely unresolved.

I would like to stress that my political group is extremely cautious where biometrics is concerned. Maybe we really have to wait for a solid legal background for data protection before we start using SIS II.

Another field where the operation of SIS might be useful is the entry bans introduced by the Member States for third-country nationals. According to the Schengen Convention, national law is applicable when a person seeks the deletion of an alert concerning him or her. In this respect, the regulation on SIS II provides for better procedural guarantees at European level.

To sum up, in some fields SIS II gives us a better Europe. Nevertheless, we will have to continue working on various significant flaws. If we have to wait in order to get more guarantees, perhaps we should be prepared to wait.

Pedro Guerreiro, *on behalf of the GUE/NGL Group*. – (PT) As various organisations that follow the process of communitarisation of justice and home affairs, areas at the very core of States' sovereignty, have emphasised, with the 'migration' of the Schengen Information System to its second version, the characteristics of this information system and database have been extended with the inclusion of new types of alerts, such as the European arrest warrant, the addition of new data categories, such as biometric data, and access being given to new entities. New characteristics and functionalities have also been developed that interlink alerts and connect the system to the visa information system. It is also worth mentioning the worrying possibility that records may be kept, where necessary, for a long period of time, yet I wonder who will decide when this is necessary. Clarification is also needed on the all too vague area of the possible exchange of data with third countries.

It is our belief that this extension compared to the previous system brings with it risks as regards safeguarding citizens' rights, freedoms and guarantees by adding new elements to a database which will be more accessible and which will mean a greater degree of information sharing. Basically, much more than responding to the enlargement to new countries, there is an attempt to adapt SIS to the dangerous preoccupation with security that is part of the increasing communitarisation of home affairs in the European Union, which we reject.

Hélène Goudin, *on behalf of the IND/DEM Group*. – (SV) Mr President, the subject we are now debating is of much greater importance than others that are regularly debated in this Chamber. We are discussing something as fundamental as the mobility of people within the so-called Schengen area. There is no doubt that this system eases travel for many individuals, but the downside of the system, it has to be said, overshadows its positive aspects.

I am referring to the fact that Schengen also results in the mobility of huge numbers of people being restricted because of social systems. Schengen is a further step towards the creation of a superstate, Fortress Europe. The creation of a society of control with immense powers. I do not wish to contribute to that.

There is indeed no doubt that cross-border crime is one of the greatest problems we are faced with today. Hence there is a need for cross-border solutions. However, I do not believe that Schengen, or the EU for that matter, is the right forum for the purpose. There is already Interpol, an excellent and efficient international police body in which sovereign states throughout the world participate. Instead of building up parallel systems, more should be done to strengthen Interpol. We know that criminality is not limited to our continent, but consists of worldwide networks. These were a few points of a general nature; now for the more specific ones.

One aspect, which in my opinion is treated all too lightly when it comes to the Schengen information systems, is the question of confidentiality. The personal data which will be processed and stored are of a highly sensitive nature. One of the most important tasks for the State is to provide its citizens with full safeguards against unauthorised access to personal data. Hence I see this as a national matter, since it is my firm opinion that

the EU is in no position to provide the safeguards required. Besides, I consider it unnecessary and costly to establish new structures. After all, it is taxpayers' money which has to finance the system.

I have long been of the opinion that the development of the EU, or European integration as some like to call it, can be compared to the growth of tyranny by small steps. Frighteningly enough, the steps are no longer particularly small. Instead we are witnessing large, determined and rapid strides towards the creation of an EU State. No true Europhile should accept that.

Zita Pleštinšá (PPE-DE). – (SK) Ladies and gentlemen, we are once again discussing the Schengen Information System (SIS) which is the main tool for the application of the Schengen principles. It is undoubtedly the backbone of a 'borderless' Europe and the Area of Freedom, Security and Justice and therefore it is essential that SIS II should begin to operate.

At the present time, the SISone4ALL system is fully operational as a transitional technical solution, allowing the nine new Member States to be connected to the SIS and of course, through accession to the Schengen area, to become full members of the Union. The date of 21 December 2007 was a great day in the history of my country, Slovakia, and of the entire EU. It marked the real fall of the iron curtain.

This is why I should like to thank Carlos Coelho for producing this report and for the tremendous efforts he has made. I am convinced that, but for him, the Schengen area would not have nine new members today. I believe that the new generation SIS will also manage to operate equally quickly and without any problems.

Jean-Pierre Jouyet, President-in-Office of the Council. – (FR) Thank you very much to all of the speakers for an excellent debate and for the wide support for the principle of the new mandate, as well as the position of the rapporteur, expressed by various speakers.

Mr Marinescu, I have praised the excellent work of the Portuguese Presidency, which has allowed new Member States to join the system. I have made a note that Romania wants to join the system as soon as possible under the supervision of the Commission, subject to any technical adjustments that might be necessary in this regard.

Concerning the observations made by Mrs Lefrançois and Mr Lax, the Council can only apologise for the delay, but we all recognise the efforts made by the Commission, the personal pledge from Vice-President Barrot to get things back on track and the strict measures imposed on the contractor. The Council will also remain vigilant alongside the Commission and all the Member States, who will remain strongly committed to completing the project, as planned, by ensuring that it is both technically feasible and effective, as well as guaranteeing citizens' freedoms, of course.

In answer to Mrs Ždanoka and Mr Guerreiro, I understand – and Mrs Lefrançois underlined this – that several of you would like a further discussion on incorporating new functions into the system, but it is vital that we complete SIS II before we allow these. Therefore, I believe that it would be natural for there to be a political debate on what these new functions should be. However, as several of you have pointed out, this should not hinder the launch of the new system. In fact, it would be unacceptable to abandon these functions for the sole reason that an obsolete system – in this case SIS I – could not accommodate them. First of all, before we have this debate, it is essential that we have the system and that the technological development is completed.

In terms of the other speeches, which were mainly concerned with data protection, I would like to point out – as the President did, and we took part in this morning's debate on personal data protection with Commissioner Barrot – that we effectively want to continue the work undertaken at European level, and that we believe that the guarantees you requested, in terms of protecting this data and sharing information with third countries, must be in place. Without returning to the general debate that we had this morning, I would just like to say that, in terms of the protection of this data, it was agreed that we would follow the recommendations of the European Data Protection Supervisor so that these concerns are taken into account.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, I too would like to thank all of the speakers and the rapporteur once again. To follow up on what Mr Jouyet said, I would also like to remind everyone that we are very mindful of compliance with data protection rules. As you said, President-in-Office, the services are in regular contact with those of the European Data Protection Supervisor to ensure that these rules are properly integrated into the development and management of SIS II. A visit to Strasbourg by the European Data Protection Supervisor is planned in the first half of 2009, before the migration takes place, to ensure that data protection is secure.

The converter, which is in the process of being developed, will also enable secure data transfer from SIS I to SIS II. Mrs Lefrançois quite rightly said that this migration should not be rushed, and she is right. We need to be very careful.

In any case, the legal instruments contain specific provisions aimed at ensuring compliance with the principles of data protection. That is all I can say about data protection, bearing in mind that we need to pay close attention to ensuring that this system is consistent with what we are trying to achieve elsewhere in Europe in terms of data protection.

Now, going back to the matter of the delay: I completely understand Mr Marinescu, Mr Lax and Mrs Lefrançois, who clearly expressed their concern following the series of delays that we have had. As for SIS II preparations at central level, we are keeping a close watch on progress, we have introduced measures that will help us monitor things closely and the Commission's services will specifically see to it that there are enough resources to follow up on the work of contractors.

Evidently, if necessary we can resort to the penalties provided for in the contracts, as my predecessor did by imposing a fine of more than EUR 1 million on one of the contractors. However, Mr President, ladies and gentlemen, rather than resort to penalties, I would prefer to see contractors working efficiently and keeping to our timetable.

Nevertheless, the implementation of SIS II does not just concern the central SIS II. Clearly we also need a considerable effort from the Member States. I am glad that the French Presidency is here today, because I know how committed it is to this.

To assist the Member States in their preparations at national level, the Friends of SIS II, established by the Slovenian Presidency and recognised by the French Presidency, is extremely useful. This high-level group, in which the Commission is actively involved, has the task of monitoring the implementation of SIS II in the Member States. It is only through solid cooperation that we will succeed in overcoming the problem.

I would just like to say that we are not trying to turn Europe into a fortress with SIS III; we are simply trying to make sure that the removal of internal borders does not mean a greater risk of uncertainty, violence and terrorism for the European Union and for European citizens. Therefore, I cannot allow it to be said that by creating SIS II we are closing the doors to Europe. It is not a question of that. It is simply a case of ensuring that, having removed our internal borders, we can offer European citizens a space – yes, I will say it – a space of security and freedom.

That is all, Mr President. In any case, I would like to thank the European Parliament and Mr Coelho personally for investing so much in the construction of SIS II, which again is key to the success of Schengen.

Carlos Coelho, rapporteur. – (FR) Mr President, I am taking the risk of making my final comments in French in response to the courteous remarks made by Mr Jouyet and Vice-President Barrot. Therefore, I am now going to thank you in your own language. It has not been easy to reach a consensus within the Council, but you have succeeded. For us, two things are truly important: a clear division of competences between the Commission and the Member States, and the issue of the Commission's mandate.

The Commission's mandate cannot end until SIS II is working properly. I would also like to thank the Council, the Commission and all political groups in the Committee on Civil Liberties, Justice and Home Affairs for their work on drafting the amendments that we will vote on tomorrow. For us, the transparency clause is crucial: citizens have the right to be kept informed about Schengen and SIS II. As for the question of the Commission's mandate, an unlimited mandate is unacceptable. However, we have managed to address that problem.

To finish, Mr President, I would like to explain why we like SIS II to those who have spoken rather negatively about the system. We like SIS II because we like freedom of movement in Europe. However, for there to be freedom of movement in Europe, we have to be sure that our external borders are secure. The security of our external borders is a condition of the freedom of European citizens, and that is why we urgently need SIS II.

President. – The debate is closed.

The vote will take place tomorrow.

15. International Tropical Timber Agreement 2006 - International Tropical Timber Agreement 2006 (debate)

President. – The next item is the joint debate on:

- the report (A6-0313/2008) by Caroline Lucas, on behalf of the Committee on International Trade, on the International Tropical Timber Agreement, 2006 (11964/2007 – C6-0326/2007 – 2006/0263(CNS)), and
- the oral question (O-0074/2008 – B6-0458/2008) to the Commission on the International Tropical Timber Agreement 2006, by Helmuth Markov, on behalf of the Committee on International Trade.

Caroline Lucas, rapporteur. – Mr President, let me start by thanking all of my colleagues in the Committee on International Trade and in the Committee on Legal Affairs for their excellent cooperation on my report on the International Tropical Timber Agreement (ITTA) 2006. The wide political consensus we found is very reassuring, given the extreme importance of the issue of forests, timber and trade.

You may note that almost a year has elapsed between the referral of this agreement to Parliament and this debate this evening. That definitely does not represent any underestimate on the part of the Committee on International Trade as to the importance of this issue; rather it stems from our view that the agreement requires parliamentary assent rather than simple consultation, not least because we have some strong and specific views on the agreement which we believe should be taken into account.

The chairman of the Trade Committee, Mr Markov, will explain further the detailed procedural efforts we made to get a greater role for Parliament on this file and he will also, I am sure, outline the very disappointing response we had from the Council in terms of delay and ultimate refusal.

I said that Parliament has some strong and specific views on the agreement. Without doubt it does represent an improvement on the older ITTA agreement of 20 years ago which, although it was billed as an agreement promoting both trade and sustainability, is in reality very much about trade and not very much about sustainability. Maybe that explains why one of the key signatories to the agreement, Indonesia, has irrevocably lost about three quarters of its forests and why half of all logging in regions like the Amazon, the Congo Basin, South-East Asia, is still done illegally.

So, while the new agreement is an improvement on the former one, and we therefore offer support to the Community's ratification of it, this should be understood as very much a reluctant endorsement of an unsatisfactory agreement. ITTA 2006 falls well short of what is required to address the problem of the loss of tropical forests. For example, it still defines as its objective the promotion of the expansion of international trade, before moving on to speak in just a few words about sustainability. Again, if you look at the voting structure of the organisation behind the agreement, it gives more votes to producer countries that export more timber, and awards more votes to import-heavy consumer countries. In other words, for all the rhetoric about sustainability, the system is still designed to give greatest influence to those who trade the most.

So our report calls on the Commission to begin already to prepare for the next round of ITTA negotiations to secure a greatly improved successor agreement. Parliament's assent to any future agreement will depend on a radical change in the underlying objectives of the agreement towards the protection and sustainable management of tropical forests, with trade in tropical timber taking place only to the extent that it is consistent with that objective. That means that the Commission should propose appropriate financing mechanisms for countries that are willing to limit their timber exports, as well as proposing a major reorganisation of the ITTA voting system.

But we also have another demand to make of the Commission, and that is to do with the long-awaited legislative proposal on further measures to combat illegal logging. We absolutely have to see this without delay. It was under preparation at the start of the year, it was supposed to have been voted on by the Commission in May and has been repeatedly delayed due, we understand, to industry pressure. This is despite numerous expressions of wide political support from Parliament for the proposal. The last information we have is that the proposal is to be voted by the college of Commissioners on 15 October – I would be grateful for any confirmation of that – and I would call very strongly on our Commissioners to take their responsibilities very seriously, because this issue of deforestation is a massively important one; it is one that concerns the whole Parliament. I look forward to a very strong and optimistic response from the Commission today.

Helmuth Markov, *author*. – (DE) Mr President, Commissioner, ladies and gentlemen, I am delighted that today we have the opportunity of discussing the International Tropical Timber Agreement.

Protection and sustainable management of tropical forests is becoming increasingly important in view of the need to fight climate change, maintain biodiversity and protect the rights of indigenous populations. Accordingly, there is broad support in the Committee on International Trade for the concept of an international agreement. Nevertheless, as our rapporteur Mrs Lucas has already said – and I should like to thank her very warmly at this point for her wonderful report – there is some doubt as to whether this agreement will indeed be sufficient to tackle the problem of deforestation seriously. Thirteen million hectares of tropical forest are disappearing every year owing to logging, and approximately 20% of greenhouse gas emissions can be attributed to this.

The reason that virtually a whole year has elapsed between the referral of the text to Parliament and today's discussion on the agreement in plenary is by no means that the Committee on International Trade wanted to delay this debate or failed to attach sufficient importance to the problem. Instead, the reason was that, in our opinion, or rather the opinion of the Committee on Legal Affairs in particular, this agreement requires Parliament's assent and not just that of a consultation procedure. At this point I should like to thank in particular the rapporteur, Mrs Panayotopoulos-Cassiotou, and the Chair of the Committee on Legal Affairs, Mr Gargani, for their clear and rapid legal advice regarding the legal basis.

In the light of the opinion of the Committee on Legal Affairs, President Pöttering wrote to the Secretary-General of the Council in January and explained that, in our view, this agreement establishes a specific institutional framework and therefore requires Parliament's assent under Article 300(3)(2) of the EC Treaty. Regrettably, the Council did not reply to this letter until 23 May 2008. The reply – four whole paragraphs – did not contain any kind of legal argument or any other grounds for rejecting Parliament's request. It was in this context that the Committee on International Trade adopted the report by Mrs Lucas, the present oral question and the corresponding resolution we are debating here.

I should therefore like to highlight not only the significance of the agreement itself and of the fight against climate change, but also the issue of Parliament's rights and prerogatives. The current Treaties grant scarcely any major competences to Parliament in the area of international trade agreements, with the exception of those agreements falling under Article 300(3)(2). The establishment of a specific institutional framework such as this is the most frequent basis for application of this Treaty provision, and it also provides the justification for applying the assent procedure when concluding Economic Partnership Agreements between the EU and the ACP countries and possible agreements with Korea or India and South-East Asia – which, in turn, is of particular importance in the fight against deforestation.

Why is the application of the assent procedure so important to us? What we are concerned with is conducting parliamentary discussion and carrying out scrutiny on behalf of the citizens of Europe and thereby conferring greater legitimacy and public recognition on agreements. Indeed, it is thus also in the interest of the Council and the Commission to include Parliament as co-legislator in this.

In the light of the public interest in the preservation of biodiversity and in fighting climate change, I hope that the Commission will now at least comply with our request to present annual reports on the implementation of the International Tropical Timber Agreement and on its interaction with bilateral agreements.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, ladies and gentlemen, please allow me first of all to thank Mrs Lucas for her report, which draws attention to the overwhelming need to face up to the problem of the destruction of tropical forests.

Despite its imperfections, the agreement signed in 2006 is an important step in this direction and its entry into force can only further the cause that you quite rightly defend in your report. This agreement has a much greater environmental and social bias than its 1994 predecessor. It is clear that the International Tropical Timber Organisation (ITTO) cannot put an end to over-exploitation and illegal logging on its own, since the main reasons for these often come from outside the forestry sector. For example, these might be the permanent or temporary replacement of forests by farmland, the relatively low profitability of forest maintenance compared with other land use and, quite simply, poverty. In this difficult context, this organisation has become one of the major players taking practical measures aimed at improving the sustainable management of tropical forests. It therefore deserves the attention and support of the Community.

In terms of the legal basis for this agreement, the Commission has conducted an analysis of the issue and has arrived at the conclusion, supported by the Council and Member States, that it should maintain its original proposal. The priority today is to finalise the procedure for the entry into force of the new International Tropical Timber Agreement in 2009.

Rather than repeat the legal arguments underpinning this decision, I think that it would be more useful to address the other issues raised in your report and to answer the related oral question from Mr Markov.

I would just like to say that there is no formal link between the International Tropical Timber Agreement and other agreements such as the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and the Forest Law Enforcement, Governance and Trade (FLEGT) bilateral agreements. In fact, these agreements are very different in terms of their signatories, content, scope and organisation. The interaction between these different agreements is based on the extent to which the developments achieved as part of this process fuel the debates and initiatives that are taking place elsewhere, as well as the ability of the various processes to generate synergy. Within the framework of all of these agreements, the European Union is pursuing its main objective of capitalising on the enormous contribution that trade can make to sustainable development: for example by ensuring support for multilateral agreements and national legislation on the environment.

The Commission is of course ready to report to the Council and Parliament on the activities of the ITTO, but I would still like to draw your attention to the fact that this organisation publishes its own annual reports. Therefore, we can consult these, and the Commission is prepared, if necessary, to provide additional information. As for the Forest Law Enforcement, Governance and Trade (FLEGT), the Council regulation already stipulates that the Commission must present an annual report on the functioning of the licence system.

This is all the information I can give you. Since Commissioner Michel is away and could not be with us this evening, despite members of his staff being here, I am personally authorised to forward any comments and observations resulting from this interesting debate to him, at a time when we are pondering the development of a number of countries, particularly African countries.

Therefore, I would like to offer my sincere thanks to the House and to Mrs Lucas and Mr Markov for all their hard work. I will now listen carefully to the comments from the various speakers.

Georgios Papastamkos, *draftsman of the opinion of the Committee on Legal Affairs*. – (EL) Mr President, the Chairman of the Committee on International Trade, Mr Markov, referred to the legal aspects of the matter we are discussing when standing in for Mrs Panayotopoulos-Cassiotou and speaking on behalf of the Committee on Legal Affairs. As you know, at the sitting on 19 December 2007, the committee in question gave its opinion on the legal basis of the motion for a Council resolution. This resolution was taken on behalf of the European Community with regard to the conclusion of the 2006 International Tropical Timber Agreement, tabled by the Commission.

The proposed legal basis comprises Articles 133 and 175 in conjunction with the first subparagraph of Article 300(2), and the first subparagraph of Article 300(3) of the EC Treaty.

The European Parliament Committee on Legal Affairs decided to propose a change to the legal basis, so that a reference would be made to the second subparagraph of Article 300(3). This requires the assent of the European Parliament rather than simple consultation.

The Commission responded differently and is continuing with the legal basis that it proposed. The Committee on Legal Affairs justifies the decision to change to the legal basis. This is a case of an international agreement creating a special institutional framework through the organisation of procedures for cooperation.

Zbigniew Zaleski, *on behalf of the PPE-DE Group*. – (PL) Mr President, Commissioner, timber is a valuable building material; it is healthy, practical, perhaps a bit lacking in fire resistance, but increasingly sought-after. In brief, it is a sought-after and attractive commodity, and often a country's main export product. Tropical wood – that is, wood that is restricted to a narrow geographic band – is even more attractive and is the subject of trade that is often illegal and destructive to forests and to the entire ecosystem.

We are, then, faced with a dilemma: on the one hand we need timber, we have a need for building materials, while on the other hand we need to protect the tropical forests. If exploitation is no longer under good and rational control, this will end not only in environmental disaster, but also in demographic disaster. Without forests there will be no other vegetation, no animals and no people there. International agreements are

needed, but an awareness of rational timber management probably takes priority here. If such rationality does not prevail, we will destroy an important element of the irreplaceable natural world. We will be destroyers instead of wise managers.

To sum up, then, I support the extension of the agreement (bearing in mind the possibility of continuing to improve it), which, albeit only partially, regulates free and just – or ‘fair’ – trade in such timber and may at the same time be a model for the exploitation of timber from other regions – from Siberia, Commissioner, about which we hear so little these days, from the Amazon, about which we hear a little more, and from other vulnerable regions of the world.

David Martin, *on behalf of the PSE Group*. – Mr President, let me say at the very start of this debate that the Socialist Group congratulates Caroline Lucas on her report, truly supports it and will vote for all the amendments that she proposes in her report.

I welcome the fact that the revised International Tropical Timber Agreement places a greater emphasis on sustainable management – for example by tackling illegal logging – and on the restoration and conservation of degraded forests. As others have said, the preservation of tropical forests is vital in maintaining biodiversity and in our fight against climate change because, as we now know very well, tropical forests play a central role in removing carbon dioxide from the atmosphere. Currently the felling of these forests is responsible for 20% of global carbon emissions.

I share Caroline Lucas’s objective in trying to ensure that the revised agreement does in reality give priority to social and environmental issues rather than solely focusing on increasing trade in tropical timber.

Of course, developing countries must have the resources to protect, restore and sustainably manage the forests. The agreement makes a provision for funding based on thematic programmes, in addition to project funding. I hope that the thematic programmes can focus on issues such as governance and poverty reduction, and that Member States can contribute generously to these programmes.

I share the disappointment that both Caroline and Helmuth Markov have expressed regarding the fact that Parliament has not been granted the assent procedure on this agreement, and I share the view that we should have been given that procedure.

I hope that we can count on the Commission to submit to Parliament an annual report analysing – and ‘analysing’ is the key word – the implementation of the agreement. I understand what the Commission has told us tonight, that the International Tropical Timber Organisation publishes its own annual report, but we want to hear the Commission’s response to that document.

On the subject of bilateral agreements, earlier this month the EU signed an agreement with Ghana to prevent the import of illegal timber into EU markets. This agreement will in theory ensure that the basic rules of forest conservation, such as sound monitoring by government of timber felling, are respected – and at present, we have to note, the Ghanaian forests are being felled at an annual rate of almost 2%. If this bilateral agreement works, it can bring benefits to both parties. In Ghana, where illegal logging has reduced the rainforest by up to 25% of its original size in under 50 years, the agreement will help to secure the future of its timber industry – its fourth most profitable industry.

In the European Union, where consumers are becoming increasingly environmentally conscious, we can ensure that the timber we import from Ghana is fully certified as clean. Although this deal may take a few years yet to become fully operational, I think it is a promising start, and I support the Commission’s plans to reach similar agreements with other African countries, such as Gabon, Cameroon and Liberia.

Finally, I want to reiterate a point made by Caroline: this agreement is a modest start; it is better than nothing, but it does not go far enough, and we need further proposals from the Commission and from the international community.

Magor Imre Csibi, *on behalf of the ALDE Group*. – Mr President, I would like to congratulate the rapporteur on the conclusions of her report, which I fully endorse. After more than 20 years of tropical timber agreements, their impact on the sustainable management of tropical forests seems limited. The UN Food and Agriculture Organisation estimates that between 2000 and 2005 alone, tropical deforestation rates increased by 8.5% when compared to the 1990 levels.

It is a pity that parliamentarians and civil society are not more involved in the design of such agreements, in order to balance trade interests and push for a more sustainable management of tropical forests. But, however

effective it may be, an agreement has to be part of a more general approach, where every region acknowledges its responsibility and takes firm action to stop forest devastation.

In Europe we might think that we have effective mechanisms to protect biodiversity and the consumer, but reality proves us wrong. Large volumes of illegal timber and timber products arrive in EU ports every day. Once the illegal timber has penetrated the market of one Member State it can easily be sold in any of the other 26 Member States without any further control of its legality. In this way, European consumers buying, in good faith, furniture or construction materials from supposedly legal sources, instead become unwitting accomplices to forest crimes.

As a main importer and consumer of wood and having committed itself to halving deforestation as part of its plans to fight climate change, the EU has a responsibility in combating illegal logging and trade in illegally harvested timber products. If we really want to get serious about tackling deforestation and illegal logging, we should first sharpen up our act back home by enforcing European legislation that prevents the marketing of illegal timber and timber products in the EU. Regrettably, a legislative proposal in this sense has constantly been delayed, despite the EU resolution in July 2006 and the announcement made by the Commission work programme in October 2007.

On the occasion of this debate, I would like to invite the Commission to clarify the reasons that led to the postponement of the publication of the forest package. Furthermore, I urge the Commission to present, without further delay, legislation which requires that only legally harvested timber and timber products are placed on the EU market.

I am afraid too much time has been wasted already. At this point I call on the Commission to speed up the procedure to put forward this important piece of legislation, so as to allow a first reading before the end of this parliamentary term. We need to ensure that we are sending the right messages and that we are sending them on time.

Wiesław Stefan Kuc, *on behalf of the UEN Group*. – (PL) Mr President, Commissioner, the conclusion of an International Tropical Timber Agreement is certainly a very significant step towards protecting tropical forests and making trade in certain species of timber more civilised. Procedural matters, however, should not blind us to our fundamental objectives. It may be important to establish a legal basis, it may be important whether this is a consultation or an assent procedure, but will this enable us to protect the tropical forests and to go further?

Every day thousands of hectares of forests, and not just tropical forests, die irretrievably. The land that remains turns into swamp or desert. Deforestation cannot be averted by new planting, at least not in the short term. The poor countries of Africa, America and Asia do not have the means to control excessive exploitation of the forests, to prevent it or to carry out rational management. This is also true of the Siberian forests. We do not protect trees and we have no respect for timber. The poorer the country, the more this is true. During the Cultural Revolution in China many square kilometres of forest were cut down. Timber is utilised as a primary source of energy.

This is why the International Tropical Timber Organization has such an important part to play. Let us remember that technical progress and modern machines for felling and skidding trees are accelerating this process, and cheaper timber originating from illegal felling is attractive to traders. Every closed loophole in trade, every obstacle, certificates of origin and control will be another success. I hope that this agreement fulfils its role as soon as possible.

Margrete Auken, *on behalf of the Verts/ALE Group*. – (DA) Mr President, I should like to thank Mrs Lucas for an excellent report. We have established, and there is agreement all round, that the trade in tropical timber in the EU is a disgrace. As has also been said repeatedly this evening, we are tired of seeing only solemn declarations and no action. I hope that the Commission hears how many people are calling for it to take action to try to change things, so that the future will be a little brighter.

Illegal timber is pouring into the EU, and this in itself is completely absurd. If it was any other product we would call it handling of stolen goods. Voluntary labelling schemes are a rather odd step. Unlawful acts should be prohibited, including in the EU; they should be curtailed not by means of labelling but by actual prohibition. I believe it will come as a surprise to most people that it is at all legal to buy illegal timber in the EU. Naturally, labelling is better than nothing.

The extent of the control of large logging firms – some of the worst of which come from my own country, Denmark – over EU legislation, or lack of such legislation, is also grotesque. Therefore, I support the rapporteur's call for the Commissioner to now set about revising the international agreement, and we must also set to work at EU level. We badly need to introduce efficiency. Even if bad governance and corruption in timber-producing countries plays a significant role, we cannot ignore demand, as has also been said many times, because that is the most important factor.

The EU must assume its responsibility as one of the world's largest timber importers. We need effective legislation that ensures that all timber products sold within the Community – including processed products – are both legal and sustainable. We can get started straight away with public procurement. Anything else would be inconceivable.

Jens Holm, on behalf of the GUE/NGL Group. – (SV) Mr President, the destruction of tropical forests continues unabated. Thirteen million hectares per year or one football pitch per second – that is the area of forest which is disappearing from the world each year. This is happening despite the fact that the first timber agreement came into being as long as 20 years ago. In 2006, the International Tropical Timber Agreement was signed. Although the agreement is general in its scope and leaves something to be desired, at least it provides a tool for us to tackle the problem.

Mrs Lucas has drawn attention to this, and her much-needed amendments will give us a better means of protecting tropical forests. I would like to put a question directly to the Commission. Mrs Lucas said in her introduction that the entire European Parliament is waiting for legislation from the Commission to combat illegal logging. When shall we get this legislation on illegal logging? Is it true that the Commission already voted on this matter in May this year? Why then have we not got to see anything? You did not touch on this in your speech, but we in Parliament want to know about it. What has happened to the legislative proposal? Please give us an explanation.

Otherwise I thank Mrs Lucas for highlighting the whole problem of trade in timber. Is it really reasonable that so much forest has to be cut down and the produce exported? My own country, Sweden, is the EU's most densely forested country. At the same time we import one sixth of all the timber we consume. Why? Obviously because it is very cheap to buy timber on the world market. Mrs Lucas wants to do something about this and asks the EU to support countries which adopt strategies to protect their tropical forests. Quite right, a very good proposal.

Another measure which Mrs Lucas touched upon is to attach conditions to trade agreements and ensure that both European businesses and producers in the south have a responsibility to live up to, and that international conventions and agreements are observed. The idea is that international trade should be put to use – as a tool to promote sustainability and development throughout the world.

Another dimension of deforestation which is too little debated is the meat industry. A large part of the meat and animal feed consumed in the world comes from land that was previously covered by forest. Meat production is one of the main causes of forest destruction in Amazonas. The Chairman of the United Nations Panel on Climate Change, Rajendra Pachauri, recently called for a reduction in meat consumption. He is quite right in doing so. Here then is another question for the Commission: when will there be a strategy for reduced meat consumption? As I mentioned earlier, Mrs Lucas is also right in most of what she says in her report. The European United Left Group therefore supports this excellent report.

Maciej Marian Giertych (NI). – (PL) Mr President, the existing international agreements relating to tropical dendroflora are very clearly inadequate. The genetic resources of tropical forests are shrinking at an alarming rate through their excessive exploitation by man.

There are two reasons for this. The most interesting species of tropical timber still have a market in wealthy countries. They are ever more efficiently sought out and felled. Meanwhile, the potential for farming them under managed forestry conditions is limited by the lack of nursery methods enabling them to be farmed. Seeds are usually non-dormant. In other words, they are not suited to storage and transportation. They sprout as soon as they have fallen from the tree. Special studies on these dying species are therefore needed in seed production, plant breeding and nursery management. People trading in such timber should be taxed to support such studies.

A second reason is the excessive exploitation of tree cover, including bushes, by local people, who use them for firewood and to prepare food. This devastation cannot be halted without organising supplies of some other fuel for these people.

Georgios Papastamkos (PPE-DE). – (EL) Mr President, the conclusion of the 2006 International Tropical Timber Agreement is an extremely positive development. Furthermore, it reflects the consensus of 180 producer and consumer state governments and international organisations.

There is no doubt, then, about the importance of the objectives set out in the agreement. We need only think of the harmful effects of illegal felling and deforestation, especially their contribution towards the greenhouse effect. It is therefore essential to back the national policies of the producer countries for the sustainable use and exploitation of tropical forests, and to strengthen their ability to implement forest legislation and effectively combat illegal felling.

The matter of adequate funding to achieve the aims of the new agreement is of course crucial. We in the EU are called on to ensure that only lawfully felled tropical timber is imported and distributed on the European market. We must promote actions to inform and raise awareness among consumers.

Let us, however, consider whether voluntary programmes are enough, or whether legally binding rules and specifications need to be enacted in respect of lawful trade in tropical timber. This objective must be pursued not only at international level, but also at the level of bilateral agreements covered by the FLEGT programme and the trade agreements under negotiation; in other words, free-trade agreements. The EU-Ghana Agreement is an example that points the way to bilateral cooperation.

Francisco Assis (PSE). – (PT) Mr President, this specific case is a clear instance in which concern about liberalising international trade should take second place to more important objectives, in this case of an environmental and social nature. The preservation of tropical forests is essential for maintaining the planet's ecological balance and we can state, without exaggeration, that, as such, tropical forests really are the heritage of mankind and that we all bear a responsibility for the conservation of tropical forests. The more developed and wealthiest countries in particular have responsibilities that they cannot shirk. These forests are located in countries that are in most cases poor countries, countries facing enormous difficulties, and whatever rhetoric we come up with here will be absolutely useless if we are not able to promote development actions directed at those countries.

It is crucial that we help those countries and it is of the utmost necessity that the world's main consumers and most developed areas, as is clearly the case with the European Union, commit themselves to ensuring on the one hand that there are thorough control mechanisms for how these forests are used, but at the same time it is vital that those countries commit themselves to guaranteeing support for producer countries.

Those countries depend on tropical forests and their economies are to a great extent linked to forests. Rapid deforestation will end up having dramatic consequences from all points of view – for us on a more global level, from an environmental point of view, but for them at a more tangible level, from an economic and social perspective and will even put their very survival on the line – and, therefore, everything that can be done has to start there. We have to lend support and we must have measures that encourage development and the transformation of the production structure in those countries, so that they may have a relationship with their forests, with their resources, that is better tailored to their interests and more in line with the global interests of humanity. This is a responsibility of the European Union. This agreement is heading in the right direction: it is still not enough but the report clearly points out these shortcomings, yet offers us some hope for the future.

Jean-Claude Martinez (NI). – (FR) Mr President, tropical timber tonight, the financial crisis this week, major pandemics, migration, the food crisis... it all leads us to the same conclusion: the major political issues of today are global and require a global political response.

Of course, in principle no one is contesting the permanent sovereignty of Indonesia over its tropical forests and its right to plant palm trees to produce palm oil, just as Brazil has the right to replace its forest with cattle, just like Gabon. However, it appears that the exercise of territorial sovereignty has negative consequences outside the sovereign territory. Deforestation, poverty, the threatened extinction of fauna and flora and cheap timber all cause damage on a global scale. Therefore, it is not a question of saying, 'people who harm others must make amends for the problems they cause.' It is a question of addressing these issues at a legal level. How do we tackle this problem? Where do we start? In Europe, by labelling timber, certifying it as a sort of 'fair-trade' timber, in the same way as we do with fair-trade coffee, with bilateral trade agreements? No doubt this is an essential first step, but the solution must be global. We need much more than a multilateral agreement on timber because people in the Communities, because Africans, Latinos and Asians, are also entitled to be rewarded for the various functions that they perform. This is why, Mr President, we need to look at these problems politically, at a global level, and find concepts and models to enable life on our planet to continue.

President. – Thank you for your transnational plea, Mr Martinez.

Corien Wortmann-Kool (PPE-DE). – (NL) Mr President, I too should like to thank Mrs Lucas and also Mr Zaleski sincerely for their efforts in bringing about this resolution. After all, regrettably, trade in illegally or unsustainably harvested timber is still taking place on a large scale in Europe.

The European Commission's 2003 FLEGT Action Plan, specifically intended to prevent trading in illegally harvested timber in Europe, has had only a very limited effect. For this reason, it is regrettable that the European Commission has yet to present the new proposals. After all, misconduct on the part of importers still seems to pay, as action is hardly ever taken against the illegal trade and there are no sanctions. Responsibly minded timber importers therefore pay a high price, both literally and figuratively, for compliance with environmental and safety standards, since trade in the much cheaper illegal timber is still taking place on a large scale.

The timber industry itself has already undertaken some sound initiatives, such as certification. We must underpin these with binding legislation, in accordance with the WTO framework. For this reason, I also advocate the recognition of existing certification systems that have been set up partly by the sector itself and partly by NGOs. What Mrs Lucas wants, namely the creation of a new European body too, would entail a great deal of red tape and is in our view unnecessary.

Of course, measures must be taken locally in the regions to combat illegal logging, but we also expect the European Commission to present a proposal for the introduction of sanctions, which should also have a preventive effect on timber importers. After all, if we do not impose sanctions on businesses engaging in illegal trade, the danger is that this illegal behaviour will continue to pay, and that is what we must eliminate.

Rovana Plumb (PSE). – (RO) I would like to congratulate rapporteur Lucas and all her colleagues for their work on this report. I believe that the International Agreement on Tropical Timber will contribute to the sustainable management of world forests, even if 80% of them have already been destroyed or damaged. We all know that forests are a haven for the preservation of biodiversity and that they play a crucial role in the fight against climate change. Low-priced timber and furniture imports done by virtue of voluntary agreements cause imbalances in the world market as well as the loss of employment both in the exporting and in the importing countries. Therefore, I would like to stress once again the need for legislative measures to protect tropical forests and other forests as well, and to prevent illegal timber. I welcome the revised agreement, and I rely on the Commission to forward an annual report on the evolution of this agreement.

Béla Glattfelder (PPE-DE). – (HU) We can only stop climate change if we also stop deforestation. Our European endeavours to protect the environment will remain ineffective if we tolerate the destruction of the environment in other parts of the world.

The liberalisation of international trade and globalisation stimulate destruction of the environment that spans the continents. The WTO's rules must be supplemented by stringent provisions on protecting the environment, otherwise further liberalisation will lead to even more destruction of the environment. Now it is not enough to ban illegal trade in wood: the importing of products and furniture manufactured from illegally lumbered wood must also be banned.

Do people really think that importing cheap Chinese furniture has nothing to do with deforestation? This report is a step in the right direction, but even more radical measures are needed because the state of our planet demands it of us. Until more stringent rules come into being, we must call on the big international furniture dealers like IKEA to use transparent restraint, and not to deal in furniture manufactured from illegal wood.

Finally, deforestation stimulates not only trade in wood and furniture but also increases in agricultural prices and in demand for biofuels. If we allow trade in biofuels produced through deforestation, then we have to be aware that, every single time we fill our cars with such fuels, we have also contributed to the felling of a few square metres of rainforest.

Zuzana Roithová (PPE-DE). – (CS) Mr President, the state of the tropical rain forests has been alarming for some years now and it is impossible to turn a blind eye to the unscrupulous plundering of this key component of our planet's biosphere. It is sad that legislation to combat illegal logging of tropical timber has come up against serious obstacles in Europe, while every year 13 million hectares of ancient forest are said to be lost, which of course contributes greatly to the increase in CO₂ emissions. I fully support the call for environmental protection requirements to be included in the European Union's common trade policy. I am very pleased

that Mrs Lucas's report also places emphasis on the dissemination of information on the catastrophic consequences of deforestation. This type of agreement should be ratified by Parliament and it is important that we discuss the Commission's report on the implementation of this international agreement and the state of deforestation every year here on the floor of the European Parliament. Unfortunately, we are too late to avert or stop climate change, but it is our responsibility at least to put a brake on it. This agreement, although not enough, is a step in the right direction.

Czesław Adam Siekierski (PPE-DE). – (PL) Despite its addiction to environmental protection slogans, the united Europe appears to be ignoring the growing problem of the disappearance of primary forests, the main reason for which is rapacious forest management to meet the demands of the tropical timber trade. Almost 80% of the total area of such forests has so far fallen victim to deforestation.

The EU must increase the financial assistance it gives to producer states in order to prevent illegal felling and to promote sustainable forest management. Another positively good idea is to introduce timber certification for the European market. According to official statistics, timber imports into the EU constitute a small percentage of total production, but let us not forget, meanwhile, the enormous amounts of timber imported into Europe in processed form. The battle to maintain what is left of our primary forests is *de facto* a battle for the future for succeeding generations.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, thank you to those members who have spoken. First of all, I would just like to remind everyone that the 2006 agreement aims to promote the expansion of international trade in tropical timber from forests that are sustainably managed and exploited legally and to encourage sustainable management of timber-producing tropical forests.

I would also like to say that this is the only multilateral international instrument that places forests, particularly tropical forests, in a legally approved framework. This agreement also affects other forests indirectly, although this is less evident and more marginal.

What is interesting is that the agreement establishes a framework of cooperation combining all forestry initiatives. Naturally the Commission intends to be an active participant in this agreement, with the Community contributing towards the administrative budget, and we would also like to finance large-scale measures through thematic programmes.

However, this should not replace the bilateral agreements under the FLEGT programme – indeed quite the reverse. You were right to underline this. In these bilateral agreements, which will increasingly adopt a more global approach, we are introducing the concept of respect for tropical timber.

It is true that the agreement that we have discussed tonight is a modest start – to quote someone here – but this should be the starting point for a much more effective strategy than in the past. In principle, the texts on illegal logging and the implementing regulation for FLEGT are planned for October. I believe that with these, the Commission may be able to satisfy the expectations that you have expressed here.

Therefore, I would again like to thank Mrs Lucas, and of course I would like to thank the author of the question, Mr Markov. I will be sure to pass on all Parliament's comments and sensibilities to this problem, which, in fact, is a major issue, as each of you has pointed out. This is a crucial human legacy for the future. I loved the expression 'the cradle of biodiversity'. It is clear that our forests are cradles of diversity.

The protection of our forests is a truly major initiative that concerns the future of the entire planet. I would like therefore to thank the European Parliament for being truly committed to this and I hope that, with the Commission, we can gradually meet everyone's expectations, having witnessed today how important and acute these are. I would again like to thank all members, and particularly your rapporteur.

Caroline Lucas, rapporteur. – Mr President, I would like to thank my colleagues for their comments and support, but I do want to have a few words with Commissioner Barrot in particular. I hope you have heard the impatience and the frustration that has been expressed right across this House tonight about the endless delays to this long-awaited legislative proposal on measures to combat illegal logging. Please take back to your colleagues the fact that this Parliament believes that it is utterly unacceptable that that legislative proposal is constantly delayed.

I am very sorry that you have not been able to answer a question that has been put to you at least three times by people here tonight about when we might expect that proposal. I think it plays very badly with the public as well. I think it looks very bad that the EU is unable to get its own house in order. We like to talk about the political leadership that we like to think that we have in the world. If that political leadership means anything,

then it should mean that we stop the sale and the import of illegal timber into the EU, and we want to see much more urgent action to achieve that.

While I have the floor, I would just like to raise one other issue. Many colleagues have mentioned the link between deforestation and climate change, and I would like to add a final point about the climate package that colleagues will be voting on in the coming weeks. You will know that deforestation is a key issue when it comes to the emissions trading system, and I want to urge colleagues not to be persuaded by arguments in favour of including so-called 'sink credits' in the emissions trading system. We held a lunchtime debate about this today in which we underlined why putting deforestation into the emissions trading system is a bad idea for a host of reasons, not least that it would swamp the whole emissions trading system. There are big problems around the verification, monitoring, reporting and liability regimes. We certainly do need to tackle deforestation as part of the climate package, but we are arguing that that should be done by using the auctioning revenues to properly invest in those countries that have that issue.

Commissioner, please make autumn the moment when the EU really starts to get credible on forestry. Please assure us that you will bring forward that proposal as soon as possible.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Perhaps Mrs Lucas did not hear me. I thought that I had given a clear answer. I announced a text for October. Is it the interpretation? Was I not clear enough? I would like to clarify this. I am used to listening to Parliament. At the risk of repeating myself and incurring the wrath of the House, I did mention October just a few minutes ago.

President. – Right. October, that's next week, so a meeting next week then. Thank you.

To conclude the debate, I have received a motion for a resolution on behalf of the Committee on International Trade, in accordance with Rule 108(5) of the Rules of Procedure⁽¹⁾.

The debate is closed.

The vote will take place tomorrow.

Written statements (Rule 142)

Péter Olajos (PPE-DE), *in writing*. – (HU) Nobody can any longer be in doubt that the clearance and destruction of forests has an impact on climate change and biodiversity. To be precise, deforestation now affects 13 million hectares worldwide and is the third biggest source of greenhouse gas emissions. Illegal wood production causes erosion, undermines the subsistence of local communities and constitutes a loss of EUR 10–15 billion a year for wood-producing countries.

I naturally welcome the creation of an international agreement on tropical timber, but even with this we are still nowhere near the target. We will get there if we manage to adopt a more comprehensive approach to forests in temperate zones, at least within the European Union; an approach that ensures both that wood products are manufactured in an honest way and also the traceability of the entire selling chain. Only such an agreement could make a real contribution to protecting forests and to the sustainable use of timber.

Of course, I am under no illusions, especially since the statement that several of my colleagues and I wrote during spring and summer this year has been signed by a quarter of all MEPs.

I trust that, sooner or later, the issue of tropical forests might turn attention to us, to Europe. Maybe, thanks to an agreement on tropical forests, the Commission will come forward with legislation stipulating that only wood and wood products that have been produced legally may be imported into the European Union.

16. Proceedings before the Court of Justice (Amendment of Rule 121) (debate)

President. – The next item is the report (A6-0324/2008) by Costas Botopoulos, on behalf of the Committee on Constitutional Affairs, on amendment of Rule 121 of Parliament's Rules of Procedure (2007/2266(REG)).

Costas Botopoulos, *rapporteur*. – (EL) Mr President, the draft report we are discussing today concerns the amendment to Rule 121 of the Rules of Procedure of the European Parliament regarding proceedings before

⁽¹⁾ See Minutes.

the European Court of Justice. As the Rule stands, it regulates such proceedings only in cases where the European Parliament brings an action before the Court.

However, the text does not tell us what happens when Parliament decides to state its views through its representative, the President, by submitting observations or intervening in prejudicial proceedings. These proceedings serve to contest the validity of a legislative act that the European Parliament itself has approved within the framework of the co-decision procedure.

A question has therefore been put by the Chairman of the Committee on Legal Affairs, Mr Gargani, whom I would like to take this opportunity to thank for his help in preparing this report. He asks whether this procedure of intervention and submission of comments is covered by Rule 121, and if not, what we should do.

The first answer I give in my report is that one procedure cannot be considered to be included in the other; that the word 'action', used in Rule 121, cannot be considered to include the qualitatively different case of submission of comments or intervention in Court. On this basis, the first answer is that we cannot proceed merely on the basis of interpretation.

Can we stick to the Parliamentary practice whereby the decision in such cases lies with the President of Parliament, as our head and representative in court cases? Once again, I think the answer is no. A more reliable course of action is to work out a new procedure in detail.

Why, though, is this really so? Because there have in practice been occasions when the President of Parliament has decided not to follow the recommendation of the Committee on Legal Affairs. This is when it is a matter of defending the validity of a prior decision of Parliament before the Court.

This has happened twice in Parliament's recent history. We have grounds for saying that we should work out the procedure from scratch.

What solution is proposed? Following a recommendation by the Committee on Legal Affairs, the President, if he agrees, submits his comments. If he does not agree, he settles the matter after discussion in the Conference of Presidents. Why the Conference of Presidents? Because it is a collective body that can reach decisions with due regard to the pros and cons in each case.

Only in cases where the Conference of Presidents decides that, for exceptional reasons (revision of the Treaties, for example), Parliament should not protect its previous position, only in such cases is the matter referred to Plenary, because Plenary alone is in a position to amend a previous decision it has reached.

Georgios Papastamkos, *on behalf of the PPE-DE Group*. – (EL) Mr President, as rapporteur – of the Group of the European People's Party (Christian Democrats) and European Democrats, that is – I wish to say that tonight we are discussing an issue that concerns the organisational autonomy and sovereignty of the European Parliament.

The Rules of Procedure of the European Parliament form a regulatory nexus based on the long-term validity of individual provisions. By this, I do not mean provisions that are applicable pending an amendment, but those with regulatory durability and robustness.

I shall not mention the more specific aspects of the dispute settlement procedure described in the text of the amendment – Mr Botopoulos has in any case covered this aspect accurately and thoroughly. The text of the amendment proposed by the rapporteur is the outcome of conciliation between the PPE-DE Group and the Socialist Group in the European Parliament.

The paragraph added to the existing text of Rule 121 of the Rules of Procedure of the European Parliament deals with a potential difference of opinion between the President of Parliament and the Committee on Legal Affairs on a decision concerning submitting comments and interventions by Parliament during proceedings before the Court of Justice.

Until now, there has not been a clear, explicit provision on such cases in the Rules of Procedure, and the amendment we are discussing serves to close this legal loophole and this regulatory gap in the internal workings of Parliament.

Maria da Assunção Esteves (PPE-DE). – (PT) Mr President, the European Parliament is represented before the Court by its President and, in controversial cases, the President first consults the plenary. This is what happens with proceedings. The new report extends this system to other procedural acts where the President

represents Parliament and, in controversial situations, consults the plenary. Yet there is something new in the report in the way it brings in the Conference of Presidents as an intermediary decision-making body between the President and the plenary. This solution is not problematic in itself, yet it would be good to take this opportunity to stress that the European Parliament must never lose sight of the traditional parliamentary principle of concentrating all final decision-making power in the plenary. The plenary is sovereign in all things, as it embodies the legitimacy arising from the ethics of representation.

It is true that institutions that govern complex and broad areas, as the European Parliament does, often cannot avoid the temptation to surround their own democratic power with red tape. This temptation is often impossible to avoid, yet the fact remains that we have to steer clear of wrapping democracy in too much red tape, as the efficacy of good governance must never mean losing the space for politics, still less abdicating space for politics to quasi-administrative forms such as committees and, sometimes, conferences. This is because, to borrow Mirabeau's expression, these are not a real 'cross-section of the population'.

Zuzana Roithová (PPE-DE). - (CS) The amendment of the Rules of Procedure may appear to be just a technical matter, but in reality it involves strengthening or weakening their democratic legitimacy. The two precedents, in which the Presidents did not have to follow the recommendations of Parliament's Committee on Legal Affairs, have revealed a gap in our Rules. I will support the amended version of Rule 121, which will ensure that in such cases the President shall submit the matter to the Conference of Presidents and then to plenary. However, I believe that the President should present and defend his position before the Committee on Legal Affairs rather than before the chairmen of the other committees. It is a pity that there is no mention in the amendment of the possibility of a group of Members suggesting a third alternative to plenary, or whether plenary only has the choice of accepting or rejecting the alternative submission by the President or the Conference of Presidents. We are dealing here with a new precedent, which will only be tested in the future. I do not think that this is about bureaucracy, but about democracy.

Íñigo Méndez de Vigo (PPE-DE). - (ES) Normally, when the opposing parliamentary group comes to the aid of the rapporteur, who is from another group, the rapporteur should be concerned. This is the night of the Group of the European People's Party (Christian Democrats) and European Democrats. Four members of the PPE-DE Group speaking in the debate on the Botopoulos report! What is most surprising, Mr President, is that we are here to applaud the proposal made by Mr Botopoulos, because we think that it is a good proposal, a consensus proposal, a proposal which, I can announce, will have the approval and political support of my Group.

Parliamentary life is an expression of life in general, it is a life that changes, a life that we need to react to. Therefore, in response to an interpretation of the Rules of Procedure as to whether a specific article included the possibility of Parliament making observations in proceedings, Mr Botopoulos has clarified the issue by making a positive proposal, which is what life requires.

Therefore, Mr President, my congratulations to this young MEP, for whom I predict great success in Parliament, and the support of my group, Mr President, for this reform.

Costas Botopoulos, rapporteur. - (EL) Mr President, may I first of all thank the speakers, and please allow me also to thank my fellow Members who helped me a great deal in this, my first report, which, as Mr Méndez de Vigo said, will hopefully not be the last.

I have some very brief comments on what has been said. Mr Papastamkos is right to say that the report is the outcome of conciliation, because that is what actually happened. However, it is the outcome of conciliation between political groups in the best sense of the term. In other words, it is not the lowest common denominator, but represents the common ground we have been able to agree on and what I think are more reasonable and democratic solutions. I believe this resolution is democratic precisely because it allows proceedings to develop in the most appropriate way.

Mrs Esteves has quite rightly said that we should not make excessive use of plenary sittings. How true! For this reason the logic here is that we should go to plenary only when absolutely necessary; in other words, only when it is necessary to amend a decision already taken by Parliament.

Mrs Roithová also quite rightly pointed out that the role of the Committee on Legal Affairs is important; it is exercised in accordance with the way the regulation is formulated. In other words, the Committee on Legal Affairs is heard at the beginning, in the middle and at the end of proceedings.

Let me say here, and I did not do so the first time, that when in exceptional cases the Committee on Legal Affairs does not have time to give an opinion, the President alone may reach a decision. However, in this case too, it is expressly stated, with an explanation, that the Committee on Legal Affairs should be allowed to submit its decision in whatever way it thinks fit. Thank you all very much.

President. – The debate is closed.

The vote will take place tomorrow.

17. Decisions concerning certain documents: see Minutes

18. Agenda of the next sitting : see Minutes

19. Closure of the sitting

(The sitting was closed at 10.55 p.m.)