MONDAY, 15 DECEMBER 2008

IN THE CHAIR: MR PÖTTERING

President

(The sitting was opened at 5.05 p.m.)

1. Resumption of the session

President. – I declare resumed the session of the European Parliament adjourned on Thursday 4 December 2008.

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

3. Composition of Parliament: see Minutes

4. Signature of acts adopted under codecision: see Minutes

5. Corrigendum (Rule 204a): see Minutes

6. Calendar of part-sessions: see Minutes

7. Documents received: see Minutes

8. Oral questions and written declarations (submission): see Minutes

9. Lapsed written declarations: see Minutes

10. Petitions: see Minutes

11. Decisions concerning certain documents: see Minutes

12. Order of business: see Minutes

13. One-minute speeches on matters of political importance

President. – The next item is the one-minute speeches on matters of political importance.

Maria Petre (PPE-DE). – *(RO)* Thank you, Mr President, ladies and gentlemen. On behalf of all the women in Romania, I would like to thank you today for the exceptional honour we have already enjoyed on two occasions in winning the prize from the International Association for the Promotion of Women of Europe. I would like to give a special note of thanks to Mrs Kratsa-Tsagaropolou, Vice-President of the European Parliament.

The first prizewinner from Romania was Maia Morgenstern, one of our great actresses, who won the award in 2004. The second Romanian woman is this year's winner, Monica Macovei, Romania's former independent justice minister. Monica Macovei fully deserves this recognition for the extraordinary efforts she has made to ensure that Romania is on a European journey of no-return, without facing obstacles such as safeguard clauses.

The second matter relates to the Republic of Moldova. An independent TV station has had its licence extension refused. This is PRO TV. This action is one in a series of many other actions aimed at restricting the freedom of expression in this country.

For this reason, I am calling on both the European Commission and Parliament to stand firm this time and for us to ask the authorities in Chişinău specifically and urgently to put an end to these abuses. Thank you.

Gyula Hegyi (PSE). – *(HU)* For the moment, we cannot say anything specific about the future of the climate package, since the decision will be made in a few days or a few weeks. But I would like to emphasise one thing: long-distance heating has been given an exemption from the so called climate tax. I consider this very important. The initiative for this to be done came from Hungarian MEPs, myself among them. We feel that residents in apartments with long-distance heating are mainly low-income people who would not be able to afford the extra charges. Besides, we should be aware that long-distance heating is environmentally friendly, and since individual heating is in any case exempt from all climate taxes, I think the funds created should go towards updating the long-distance heating systems. If we modernise long-distance heating in Central and East European countries with EU financing, then similar exemptions will of course no longer be warranted after 2020.

Jules Maaten (ALDE). – *(NL)* Mr President, a number of weeks ago, legal proceedings instituted by the junta in Burma in a bid to put scores, at least one hundred, of members of the opposition, including the comedian Zarganar and the monk Ashin Gambira, behind bars following shady trials, were being wound up. Draconian penalties were being meted out, while there is no sign of the human rights situation in Burma improving. In 2010, elections will be held in that country, and the opposition, quite justifiably, has quite a few misgivings about these elections, not least following the referendum on the Constitution in May 2008.

Unfortunately, though, sanctions and isolation of the regime have in recent years not really done anything to help bring about change. I think it is now time for a change of tack. The regime has no clue as to what other countries mean or expect, and new generations of leaders and military do not gain any new insights as they are not in contact with other countries.

I take the view that this Parliament should consider paying Burma a visit, formally or informally, to establish contact with the opposition there, and should probably bring fresh and more pressure to bear on the junta, something which will not happen, unfortunately, simply on the strength of sanctions.

László Tőkés (Verts/ALE). – *(HU)* This very day in December 1989 saw the beginning in Temesvár (Timişoara) of the movement which within one week led to the phenomenally quick downfall of the infamous nationalist, communist and atheist Ceauşescu dictatorship. On the morning of 15 December, Hungarian members of the Reformed Church stood up with astounding courage in defence of their church and their pastor, chasing away the henchmen of the Securitate and the militia, and proceeded to form a human chain around the church. Within hours, hundreds of Romanians, Hungarians, Germans, Serbs, Catholics, Baptists, Lutherans, Orthodox Christians and Jews joined the resistance. By evening, the peaceful movement had turned into a demonstration against communism and the regime. In 1989, the Transylvanian city of Temesvár (Timişoara) became Romania's first free city. By God's grace, faith in action attained freedom. Blessed be the memory of the heroes, martyrs and victims! We must carry on with regime change! The road from Romania to Europe runs through Temesvár (Timişoara).

Giovanni Robusti (UEN). – *(IT)* Mr President, ladies and gentlemen, I have learnt that in Italy alone, every day, 4 million kilograms of food that is still safe to eat is destroyed, with a value of at least EUR 4 million – roughly half what Italy spends on international aid – and that the situation in many other countries of the Union is very similar.

We are concerned here with food that is within its expiry date, but is destroyed or removed from the market due to marketing regulations, overly strict European legislation and company image issues. This matter has already been raised by the Italian government minister Luca Zaia at the last Council of Agricultural Ministers: better defining Community legislation and adequately supporting projects such as the food bank or the last minute market could not only help that proportion of the population suffering from the economic crisis, a percentage that now stands at double figures, but would also eliminate what is in any case an abominable waste.

I therefore call on the competent parliamentary committees to begin to examine this issue without delay, so that we might seek a solution to it.

Věra Flasarová (GUE/NGL). – *(CS)* Mr President, Commissioner, ladies and gentlemen, I would like to talk about the visit of a delegation from the European Parliament to Prague Castle on 5 December. I would prefer to ascribe the lack of mutual understanding that occurred there to the nervousness and impatience that clearly prevailed on both sides of the negotiating table and not to ill will, which is a sentiment that can no

longer be justified in the Europe of today. I would like, however, to mention one concern. The Czech public was informed about the talks in the Castle through the media and from various players on the political scene, who added commentaries for their own purpose. Some attacked the President of the Republic because it suited them to do this and others called for a change in the European Union out of a desire to boost their public ratings in any way possible. I would therefore like to make an appeal for good manners and for greater sensitivity towards each other. There are still many unhealed wounds in Central and Eastern Europe that can be exploited for the wrong reasons. This affair may bring unpleasant consequences in six months time in the elections to the European Parliament.

President. – To prevent the situation from escalating I wish to refrain from commenting, other than to say that the Conference of Presidents has taken the matter in hand.

Gerard Batten (IND/DEM). - Mr President, as the world faces an economic downturn of unknown proportions, the value of the pound sterling is falling against the dollar and the euro. But the ability of the pound to adjust itself against other currencies is a benefit not enjoyed by members of the European single currency.

Civil unrest and rioting has broken out in Greece. The Greek writer, Mimis Androulakis, has said: 'There is a deep dissatisfaction among young people today against the structure of Europe. We cannot reduce the price of the euro to give us an advantage in exports'.

Membership of the EU and the euro has led to increased living costs in Greece, and the younger generation fear that their future is one of poverty. The European Union is an ideological project being forced upon European peoples who would rather live in democratic nation states. The price of political ideology is always human misery.

Sergej Kozlík (NI). – *(SK)* In almost all European countries there are tough legal measures against holocaust denial and the promotion of fascism.

In order to properly combat displays of neo-Nazism and other forms of extremism in Hungary there is a need to amend not only laws but also the constitution. However, Hungary has lacked the political will for such a step for a relatively long time now. The FIDES party, a member of the grouping of European people's parties, has refused to toughen up laws intended to combat nationalism and radicalism more effectively. FIDES is thus indirectly supporting extremism in Hungary.

Only one month has passed since Hungarian extremists in fascist uniforms marched across the border into a peaceful Slovak town to the horror of local people. On behalf of all European citizens of good will I call on Hungary's politicians to speedily adopt effective laws to combat displays of fascism and extremism in Hungary.

Carlos José Iturgaiz Angulo (PPE-DE). – *(ES)* Mr President, exactly one year ago the people of Venezuela voted in a referendum that Hugo Chávez should not extend his term of office as president, which is fixed under the Venezuelan constitution.

Well, Hugo Chávez has ignored the sovereign people's democratic decision and has announced that he is going to change the law so as to remain in power.

Hugo Chávez has thus demonstrated once again that he is not a democratic president but an autocrat, a military dictator whose aim is to convert the whole of Venezuela into his own private ranch and thus to continue threatening, insulting and attacking his opponents and dissidents. He also intends to go on crushing freedom of expression by closing down the media, as he has done with Radio Caracas Televisión.

The European Parliament must strongly condemn and reject the tricks and subterfuges that Hugo Chávez wants to put into practice in order not to give up the presidency of the country. We urge Venezuelan society to uphold the values of democracy and freedom, which are the total opposite of what Hugo Chávez does and says.

Csaba Sándor Tabajdi (PSE). – *(FR)* Mr President, at the end of May, the French National Assembly voted in favour of amending the French Constitution with regard to respect for regional languages. The latter, it may be said, constitute France's national heritage.

One might have hoped that this decision was the start of a crucial turning point in the Jacobinic French concept applied to regional languages and to traditional national minorities. Unfortunately the French

Academy of Sciences rejected it and put pressure on the Senate, who ultimately voted against this positive amendment to the French Constitution, which would have been important not only for France but for the European Union as a whole.

I do not believe that educating people in Alsatian, Breton or Catalan, or using these languages in the administration, would in any way undermine the territorial integrity or the national unity of the French nation; quite the contrary, in fact.

Mr President, long live the French-speaking world, long live regional languages, long live linguistic diversity!

(Applause)

Marco Cappato (ALDE). – *(IT)* Mr President, ladies and gentlemen, a few days ago, Marjory Van den Broeke, spokesman for the European Parliament Secretariat, told the press that the European Parliament has purchased eight body scanners, items which we debated in plenary for weeks, even adopting a resolution on the subject.

We have purchased these machines, and during the debate no one – neither the Secretariat, nor the President – informed us of this fact, while we were questioning whether or not this same equipment should be authorised in airports. This was, I believe, an incredible mistake on the part of the Presidency and the Secretariat. What is more, on 4 November I submitted a written request for information on this matter, and I am yet to receive a response. I had to find the answer out for myself in the EU Observer on 10 December.

How is it possible, I wonder, that we should have purchased this equipment and that during the debate, when we expressed our disapproval of the use of these machines, we were not even told that Parliament had already purchased them? This has made us a figure of fun in the eyes of the public.

President. – I have no knowledge of this, but we shall look into the matter.

Monica Frassoni (Verts/ALE). – *(IT)* Mr President, ladies and gentlemen, as you know, last week there was a European Council meeting and once again, as has been the case for several months now, MEPs were not able to enter. They were not even able to enter the press centre. I believe that this situation is absolutely ridiculous – we have asked them to intervene on this, but have gained no result at all.

I think that this is a real problem, not merely a question of vanity for Members who want to wander around there and show their face; I believe that we are co-legislators on the issues and topics discussed in that place. It is highly important for public opinion to have access to the Council, through journalists of course, and also through the voice of Members of the European Parliament. The current situation cannot continue.

We have asked them many times to take action, we hope that you also have done so, but perhaps it could be done a little better. We do hope that we will manage to win a positive result because the current state of affairs is frankly shocking.

President. – Mrs Frassoni, as you have addressed me personally and – at least in the interpreted version – made an insinuation, I wish to assure you that we have been making efforts and are doing our best. I am not the one who can ensure success, however; it is the Council who must take the decision. You can rest assured, however, that my colleagues and I have been giving of our best.

Mieczysław Edmund Janowski (UEN). – *(PL)* Mr President, on 10 December we celebrate the 60th anniversary of the proclamation of the UN's Universal Declaration of Human Rights. Article 2 of the Declaration states that: 'everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion...'. This document was signed by India, a country that owes so much to Mahatma Ghandi, who was a fervent advocate of the rights of the individual. Unfortunately, however, we are constantly receiving most alarming news about the persecution of Christians in India. The news includes accounts of cruel murders, assaults, rape, and the burning of homes and places of worship. The situation is particularly serious in the state of Orissa.

Mr President, we did not remain indifferent to the crimes committed by terrorists in Bombay, and we must not remain indifferent either to the so-called *pogroms* against Christians. We must endeavour to put an end to these expressions of hatred, which are a clear case of violation of fundamental human rights, namely the right to freedom of belief and the right to life.

Søren Bo Søndergaard (GUE/NGL). - *(DA)* Mr President, over these few days we are celebrating this year's Sakharov prize. It would therefore be appropriate to ask how things are going with previous recipients of

the prize, for example the Kurdish/Turkish politician Leyla Zana, who received the prize in 1996. In 2004, she was released after ten years' imprisonment, but last Friday, 5 December, she was once again sentenced to ten years in prison. The reason for this is that she continues to work to secure fundamental rights for the Kurds in Turkey, such as the right to speak their own language. This demonstrates, unfortunately, that the human rights situation in Turkey is not progressing, but regressing. I would therefore urge all Members to express their solidarity with our former Sakharov prize winner, Leyla Zana, and I would call on the President to present a proposal for how the European Parliament can protest to the Turkish authorities.

President. – Mr Søndergaard, I would point out that I visited Leyla Zana in prison on another occasion. We shall continue to take action in this matter.

Georgios Georgiou (IND/DEM). - *(EL)* Mr President, I feel obliged to ask for your attention and the attention of all my fellow Members and your assistance in addressing Alzheimer's disease. This is a disease that affects the elderly and is currently making the lives of 6 million of our fellow European citizens a misery. However, it does not only make their lives a misery; it makes the lives of 6 million families a misery, bringing the number to 25 million people, who are fighting to cope with this disease without feeling that they have any help from Europe, which could ease their plight by dealing with this scourge, which appears to be on the increase.

I therefore call on all of us to ask the Commission and the governments of the Member States to make it a priority in Europe's health programmes, so that we can free 25 million of our fellow citizens from this tragedy.

Irena Belohorská (NI). – *(SK)* At the time when Slovakia submitted its application to the European Union it was already a member of the Council of Europe and had therefore already signed and ratified the Charter of Fundamental Human Rights and Freedoms.

The standard required by the Council of Europe was both equal and binding for all states. If there was uncertainty or a failure to comply, a request for verification could be made to the so-called monitoring committee. The European Parliament deals with this issue only selectively, when some MEPs choose to raise the issue. Unfortunately, however, the situation has not been monitored simultaneously in several states. In addition, it seems to me that a certain minority in the European Union or rather in Europe, enjoys greater and privileged rights.

In Vojvodina there is a large Slovak minority which for more than 200 years has retained traditions that many of us in Slovakia have now forgotten. Mr President, I have learned that the Hungarian minority in Vojvodina, which is smaller than the Slovak minority, is to receive a special statute enabling it to enjoy the rights of a Member State.

I am asking, therefore, for the European Union to ensure equality not only of obligations but also of rights in order that members of the Slovak minority living in the Vojvodina may enjoy the same rights as their fellow citizens of Hungarian nationality.

Ioannis Varvitsiotis (PPE-DE). - *(EL)* Mr President, a bullet fired by a policeman which killed a fifteen-year-old boy was the cause of the events which have taken place in Athens over recent days. The death of this boy was without doubt a tragedy which saddened us all. However, this incident alone cannot explain the extreme events which followed. I fear that we are facing a phenomenon which threatens to get completely out of control, and not just in Greece, because the young generation sees a dismal future for itself, with insurmountable obstacles. Similar events have also occurred in other European capitals. No one underestimates the seriousness of these events. However, in Greece's case, it was highly exaggerated, primarily by those who published articles and made negative comments predicting that the organisation of the Olympic Games in Athens would be a failure and, when they were a success, then had to apologise publicly. I am sure that everyone has understood what is happening.

Maria Matsouka (PSE). - *(EL)* Mr President, since Saturday 6 December, when we started to mourn the needless loss of a young student, the attention of Europe has been on Greece. The fatal bullet set off demonstrations by young people throughout the country which were unprecedented in Greece. Young people lost their temper and tried, in their own way, to tell us that they have no desire to live in a venal society and that they refuse to accept that knowledge is a commodity and that insecurity, competition and greed have no place in their vision of the future.

Let us be honest, what young people are contesting today is the sovereign model of inhumane development which deconstructs the welfare state, which turns the rule of law into a police state, which alienates, estranges

and leads to mutual extermination. We must not be indifferent to and, more importantly, we must not underestimate the harrowing screams of our young people. The solution lies not in repression; it lies in a change of attitude, a change of policy. We owe it to the young generation; we owe it to the memory of Alexander, the boy who suffered this needless death.

Zbigniew Krzysztof Kuźmiuk (UEN). – *(PL)* Mr President, the tragic death of a Polish citizen, Robert Dziekoński, at Vancouver airport last year had a profound impact on public opinion in Poland and in Canada. By chance, the events were recorded on film. The recording shows that Robert Dziekoński's death was the result of brutal action by the Canadian police, who made needless use of an electric stun gun against a totally exhausted individual in need of assistance. We were amazed to learn recently that a Canadian court has ruled the police officers will not be held responsible for their action in any way.

In my own name, on behalf of my fellow Member Mr Wojciechowski and conveying the wishes of many people in Poland and in Canada, I appeal to the President of this House to call on the Canadian authorities to provide accurate information concerning the circumstances surrounding the death of a Polish citizen. This person was of course also a citizen of the European Union.

Roberto Musacchio (GUE/NGL). – *(IT)* Mr President, ladies and gentlemen, the word from the United States is that they are genuinely considering nationalising the big automobile groups in order to tackle the crisis facing the industry. As always in the US, at certain times ideologies are laid aside, including the doctrine of laissez-faire, and very practical steps are taken.

Europe cannot just sit by and watch while the motor industry is in crisis. Of course it is important to pass the new emissions regulation, it is right that the Commission should say that the environment and innovation should guide the measures to address the crisis and that the motor industry should be cited in this, but that is not enough. I would ask you to consider, Mr President, and also the Council and the Commission for their part, whether what we need is in fact a truly extraordinary plan to take immediate action, before the dismissals and redundancies proliferate; they are already numerous in Italy, in my country, and are hitting large groups, from Eaton to Fiat itself.

Hans-Peter Martin (NI). – *(DE)* Mr President, it is significant that the plenary session of the European Parliament has not been told what the Vienna Regional Criminal Court decided some time ago. This Court requested the extradition – that is, the waiver of immunity – of Mr Hannes Swoboda MEP. This case has been publicised in the media, and we are talking about a punishment of up to one year. Yet here in Parliament we are told nothing about it.

In my case, however, things were quite different. Scarcely had such a request been made when you, Mr President, read it out here, to the jubilation of a wide range of Members. Yet you did not inform Parliament, Mr President, that no legal proceedings of any kind ensued, that the judge shelved the matter, that the decision by the instances was unanimous, or that the waiver of immunity was by no means appropriate.

This is not what I call democracy, Mr Pöttering.

President. – Mr Martin, since you are constantly lecturing me, I should like to point out that, if we were to follow the d'Hondt system – that is, to proceed quite fairly – you would not have even been given the floor.

Marie Panayotopoulos-Cassiotou (PPE-DE). - *(EL)* Mr President, if we want to project the importance of the European Union, which is over fifty years old, we must highlight the fact that it has abolished war and that we live in a time of peace. However, we can see that this peace is being jeopardised by other enemies and one major enemy is violence. That is why we must turn our attention to violence and counter it with a culture of love, a culture of solidarity.

I think that we have forgotten to highlight the power of the support of one human being for another and to guide people, especially young people, towards the prospect of knowledge, innovation and culture. If we advise young people to express their views violently, then we must fear for the European Union.

Maria Eleni Koppa (PSE). - *(EL)* Mr President, I should like from this tribune to express my indignation and distress at the murder of a fifteen-year-old boy by a policeman in Athens. This incident was the cause of the events which have rocked Greece over recent days. Greece is in the midst of a social explosion with general unrest in numerous towns. The people in the streets, mainly students and pupils and the unemployed and underpaid, are voicing the crisis in a society which feels that it has no prospects. Anger, indignation and protest have met with explosive results. In the face of this situation, a weak outgoing government, the New

Democracy government, has let things get out of control, with the result that there has been no state for days.

The roots of these events are complicated and run deep: the outbreak of civil unrest is the result of the unceasing increase in inequality. It is the result of a neoliberal policy which is creating more and more poverty, marginalisation and exclusion, with the result that social cohesion is in jeopardy and we are heading towards extreme events such as those we are currently witnessing. In condemning violence, we must listen carefully to the protest being voiced in Greece, to which we must then give specific and honest answers.

Jelko Kacin (ALDE). - *(SL)* The Italian state is once again exerting heavy-handed pressure on its Slovenian minority, by cutting resources for minority education and culture, which are the prerequisites for the survival of any minority.

However, the incident which occurred in the Slovenian school in Barkovlje near Trieste on Tuesday this week was also an attempt to terrorise the headmistress, the teachers, the children and their parents. The appearance of the Carabinieri at the school was intolerable. The Carabinieri have no business searching a school. This is like something out of the fascist era. Meanwhile, hundreds of establishments in Trieste display Chinese signs and lettering, and that does not seem to bother anyone. And yet, by contrast, Slovenian symbols on a Slovenian school do bother some Italian politicians, and they bother the Italian authorities, who even ordered a search and the presence of the Carabinieri.

These are neither European nor Slovenian standards of behaviour. This is pressurising and is an intolerable disgrace, Mr President.

László Surján (PPE-DE). – *(HU)* It was a marvellous feeling for all of us a year ago when the European Union's expansion reached a new stage: the elimination of the Schengen borders over a very large area, adding new members to the Schengen community. One year has gone by. Its advantages are now enjoyed by many. But disadvantages have also appeared, disadvantages that suggest some people are more interested in isolation. Roads where automobiles could pass are artificially closed with traffic signs or by the placement of flower planters. Mr President, it would be very good if each and every European citizen realised that free movement is our common treasure and must not be limited by any interests, as is the case for instance near Sátoraljaújhely.

Silvia-Adriana Ţicău (PSE). – *(RO)* Thank you, Mr President. I am pleased that Commissioner Špidla is also in the hall. The European Union is based on the four fundamental freedoms involving the movement of goods, services, capital and people.

On 1 January 2009 it will be two years since Romania and Bulgaria joined the EU. The accession treaty signed by both countries in 2005 gives Member States the opportunity to put in place on a bilateral basis barriers preventing the free movement of Romanian and Bulgarian workers for a minimum period of two and a maximum period of seven years. Some Member States have already abolished these barriers even before 2009, while others have announced that they are going to retain these barriers for internal political reasons.

I believe that at this time of financial and economic crisis, the abolition of these barriers has become an urgent necessity. Abolishing the barriers put up against the free movement of Romanian and Bulgarian workers signals respect for European principles and values. It also signals respect for the European Union's fundamental treaties. I am therefore calling for the abolition of the barriers that exist preventing the free movement of Romanian and Bulgarian workers. Thank you.

Jaromír Kohlíček (GUE/NGL). – *(CS)* Ladies and gentlemen, in recent years a delegation from the European Parliament has been visiting the future holder of the presidency. This is a good thing and I applaud it. What I do not like is the lack of tact shown at the appearance of the delegation in Prague Castle. We all know that the chief methods used by Mr Cohn-Bendit to raise his profile are provocation and insolence. It troubles me that on this occasion in Prague the President of our Parliament joined in with him. You have disappointed me and I feel I must revise my good opinion of you. You lack the humility and patience required to listen to an opinion you do not share. I often disagree with the opinions of the President of the Czech Republic, but I do not express my views in such an insolent manner as you allowed a member of your delegation to do. I therefore expect an official apology and not the usual arrogant retort.

President. – Mr Kohlíček, if you had been there, you would not have spoken as you have just done.

Mairead McGuinness (PPE-DE). - Mr President, an Italian colleague mentioned the extent of food waste in Italy as being a big problem, and certainly the issue of food waste and surplus food going back into the food chain is a problem which hit Ireland in the last seven days. It showed that if we do not have proper controls over every aspect of the food chain, not just from farm to fork but from fork back to farm, we can have huge problems.

The cost to the Irish state is EUR 180 million, and we are grateful for EU solidarity in relation to the availability of a private storage aid scheme, but we need to know what exactly went wrong in the food chain in Ireland which allowed an ingredient with dioxins in it to be fed to animals.

We are grateful that the problem has been resolved, but we need to know how it happened so that we can prevent it from happening in future. If we cannot control what is going into the animal feed chain in terms of food or surplus waste, then we will have to stop it. We need to control home mixing and we need country of origin labelling to guarantee to our consumers the meats they are eating.

Marco Pannella (ALDE). – *(IT)* Mr President, ladies and gentlemen, in future memory, this time, if it is recalled, will be seen as a time of genetic change in that Parliament and that European Union, Mr President, that back in 1985 you knew well and helped to shape: the European homeland versus the ruinous illusion of the old Europe of homelands.

Today, every day, we are moving in that direction. Only yesterday, and the day before, at the Council there were calls for the Europe from the Atlantic to the Urals, the old nationalist memory, not a pro-European one. The Europe of Coudenhove-Kalergi, of Winston Churchill, of our forefathers who gave their name to our Parliament. They were in favour of a United States of Europe, today all we do is talk of partnership to all those who actually want membership, who want to be part of Europe. I believe that we are consigning them all – look at the Mediterranean – to a fate that is surely dangerous and will surely be a blow to the pro-Europeans and democrats in those countries.

Ioannis Gklavakis (PPE-DE). - *(EL)* Mr President, I should like to speak about the regulation on plant protection products. I trust that everyone will agree that the careless use of pesticides is dangerous both for man and the environment. However, I also trust that everyone accepts that the use of pesticides has allowed the mass production of food and the people to be fed. As such, plant protection products are needed, but we need to use them properly.

However, I am afraid that the new regulation raises numerous questions and numerous fears. European farmers are worried that only applying restrictions to them will oust them from production and that they will not be able to produce on competitive terms. Then consumers really will have to worry, because third country products are of dubious quality. Finally, in third countries, in which production methods are uncontrolled, we shall have huge inroads into and massive destruction of the environment. This being so, I trust that we shall pay particular attention to this issue, because there is a possibility that we shall do more harm than good. We need to look at this issue very attentively, knowing the real facts.

IN THE CHAIR: MR VIDAL-QUADRAS

Vice-President

Dariusz Maciej Grabowski (UEN). – *(PL)* Mr President, we all know that the positions of court jester and clown existed in times gone by. It was the duty and privilege of these persons to entertain their lord, even if they offended the rest of those present in so doing. A jester was asked to leave, however, if a lord wished to discuss serious matters.

I would like to pose the following question to our President. Mr Pöttering, do you intend to revive this old custom, slightly amended, in the European Parliament? Will it be acceptable for politicians who used to be red in hue and are now tinted green to insult national leaders, claiming to act on behalf of this House, and for them to do so in the presence of its President? That is what actually happened in the Czech Republic in relation to President Klaus. As Members of the European Parliament we should be demonstrating how democracy ought to be understood. We should be giving an example of respect for the law and for the leaders of Member States of the Union. Are the Members of this House to be represented instead by people who once upon a time enthused about democracy and now treat it with contempt? Nobody is venturing to reprimand or silence them.

This situation should not be allowed to continue. An apology is due to President Klaus for the events that occurred in Prague during that visit by a delegation from this House. I call for such an apology to be issued.

Dimitrios Papadimoulis (GUE/NGL). - *(EL)* Mr President, Greek society abhors violence and that is precisely why it was so shocked by the murder of a fifteen-year-old boy by a policeman. It caused young people to take to the streets in peaceful protest because it was the spark that ignited a fire and brought other impasses to the fore: scandals, inequalities, inflation, unemployment, nepotism, corruption and a lack of rule of law. The Court of Justice of the European Communities has often condemned the Greek authorities over recent years for displays of excessive violence and high-handedness, which have gone unpunished. I call, Mr President, on you and on all wings of Parliament to do as the Greek parliament did in memory of this fifteen-year-old boy and for the European Parliament, as the guardian of human dignity and human rights, to observe one minute's silence now in memory of the young, fifteen-year-old boy who was murdered in Athens a week ago.

Milan Gaľa (PPE-DE). – *(SK)* Last week we commemorated the 60th anniversary of the Universal Declaration of Human Rights, which was adopted under a resolution of the UN General Assembly on 10 December 1948.

The opposition in Belarus has attempted through a series of protests on the occasion of Human rights Day to draw attention to the violation of human rights in their country. Activists in Minsk marched in imitation prison clothing and carried placards bearing the slogan 'I am a political prisoner'. At another location activists handed out to passers-by the text of the declaration and in the west of the country in the town of Grodno a demonstration took place. The Lukašenko regime responded to all opposition events by arresting the activists.

It is paradoxical that Belarus has signed a commitment to guarantee the human rights of its citizens. It is unacceptable for the international community that a signatory country forbids the dissemination of the actual text of the declaration.

Ewa Tomaszewska (UEN). – *(PL)* Mr President, the idea of establishing a House of European History was put forward at a meeting of the Committee on Culture and Education a few months ago. No documents were tabled at the time, however. In addition, there was insufficient time for discussion. Nonetheless, Members expressed concerns about the idea itself.

I now have before me the basic premises relating to the House of European History, and I have to say that I am shocked at the quality of the work. It contains historical errors, such as dating the origin of Christianity in the fourth century of the present era. Furthermore, certain events are given undue prominence in the text, whilst others are totally overlooked. This is particularly true of the period of the Second World War and also of the most recent two decades. It would seem that an attempt has been made to deliberately misrepresent the history of Europe. The European Parliament should not sign up to such a dubious venture, nor should it provide any funding for it.

Nicodim Bulzesc (PPE-DE). - Mr President, the outcome of the Council meeting in Brussels last week and the conclusions of the UN Climate Change Conference in Poznań have been positively welcomed by many MEPs in the European Parliament. For ordinary citizens, it is difficult to understand what it means to buy or sell pollution allowances for CO_2 or what the risks of carbon leakage are. However, what they have to understand is that Europe has become the champion in dealing with climate change and will continue to be so for the future.

Romania and other eastern European Member States welcome the offer to receive more free CO_2 emission permits, as well as the new compromise to increase the size of the Solidarity Fund. In this way, industries such as cement, chemicals and glass will not have to delocalise their factories, jobs and CO_2 emissions to other parts of the world. I look forward to tomorrow's plenary debate on the whole package and thank all the rapporteurs and MEPs involved.

Pedro Guerreiro (GUE/NGL). – *(PT)* I should like to take this opportunity at the beginning of the European Parliament's part-session to express our utmost solidarity with the railway workers who are suffering repression at the hands of the Board of Directors of the Portuguese rail operator, Caminhos-de-Ferro Portugueses (CP).

Nine railway workers have been subjected to unacceptable disciplinary proceedings for dismissal, prompted by CP's Board of Directors, for having participated in a strike picket complying with the law. The same has happened to another three workers from the rail infrastructure operator, REFER.

We must express our indignation at this attitude and demand an immediate end to these proceedings and respect for democratic legality, workers' rights and trade union freedom.

Colm Burke (PPE-DE). - Mr President, I welcome the entry into force of the UN Convention on the Rights of Persons with Disabilities on 2 December 2008. The European Community is a co-signatory of this Convention. It provides protection for 50 million EU citizens with disabilities, such as amputees.

However, Ireland is one of the Member States in the European Union where a person who loses a limb has to fund, from his or her own resources or by insurance, the purchase of a prosthetic replacement.

Despite the entry into force of the Convention, the Irish Government made no provision in the recent budget for aiding amputees in funding prosthetic replacements. I condemn this careless disregard for people with such a serious disability, and I call on the Commission to draw up guidelines so that Member States are obliged to provide adequate funding for such persons with disabilities.

Ryszard Czarnecki (UEN). – *(PL)* Mr President, I should like to draw attention to a somewhat unusual situation that has arisen in my country, Poland.

In relation to the European Parliament and in particular to elections to this House, Polish law states unequivocally that any changes to the electoral statute must be tabled six months before an election. The Polish Government was late in submitting changes to the electoral statute for the European Parliament, however. One of these changes concerns reducing the number of Polish MEPs.

As a result, the new electoral statute providing for fewer Polish Members of this House could be challenged by the Constitutional Court. Indeed, the legality of European Parliament elections in my country, Poland, could actually be called into question. This is an extraordinary situation, unheard of in the history of the European Parliament. Unfortunately, responsibility for it lies with the Polish Government.

Ilda Figueiredo (GUE/NGL). – *(PT)* The problem of unemployment, the curse of precarious and poorly paid work and the drama of late payment of wages are growing in northern Portugal and threatening increasing numbers of workers.

I would mention two examples: the media have reported that 51 Portuguese construction workers from the area of Marco de Canavezes have today gone to protest at a company in Galicia, Spain, which has not paid them two months' wages and holiday pay. These workers have also not yet received any unemployment benefit. Meanwhile, at the semiconductor company Quimonda in Vila do Conde, Portugal, there is increasing concern about the future of its 2 000 workers, given that the German parent company is announcing job cuts, although it is not known which companies will be affected. It is therefore vital to develop an urgent response to these problems and to ensure that the Community measures recently adopted do not ignore the ordeals of workers and their families.

Roger Helmer (NI). - Mr President, I understand that a meeting took place last week between the heads of the political groups and Mr Václav Klaus, the President of the Czech Republic. It has been widely reported that, at that meeting, several of our colleagues, in particular Mr Daniel Cohn-Bendit, addressed the President of the Czech Republic in insolent, insulting and intolerant terms, in such a way as to bring this House into disrepute. I greatly regret the fact that our President of this Parliament, who was at the meeting, failed to rein them in and bring them to order.

Earlier today he said that if we had been there we might have heard it differently. However, if he believes he has been misreported, he should come to this House and tell us how and why.

I should like to request that the President of our Parliament write to President Klaus and apologise on behalf of Parliament for this disgraceful behaviour.

Charles Tannock (PPE-DE). - Mr President, as Chairman of the European Parliament observer mission to the December general election in Bangladesh, I wish to express my thanks to the presidency for allowing the mission to take place. The previous chairman, who declined to go – Mr Robert Evans from the Socialist Group – tried at the last minute to have the trip cancelled, claiming the list of participants was not sufficiently balanced politically or by nationality. Well, there are still places if additional Members wish to participate, and I would welcome that.

I am delighted that the presidency had the good sense to stop this occurring. To have cancelled the mission would have sent all the wrong signals to Bangladesh – and the Bangladeshi community I represent in London – which is bravely seeking to strengthen its fragile secular democracy after two years of quasi-military rule.

Bangladesh is a vital country strategically in an unstable region, increasingly threatened by Islamist terrorism, a fact that the chairman of Parliament's South Asia Delegation, Mr Evans, knows very well. Bangladesh deserves our encouragement as it seeks a democratic future. If we claim to be democrats ourselves, we should do all we can to support Bangladesh in this endeavour.

President. – Ladies and gentlemen, it is past six o'clock. In line with the agenda, we shall close this item and move on to the next.

14. Organisation of working time (debate)

President. – The next item is the recommendation for second reading (A6-0440/2008), on behalf of the Committee on Employment and Social Affairs, on the Council common position (10597/2/2008 – C6-0324/2008 – 2004/0209(COD)) for adopting a directive of the European Parliament and of the Council amending Directive 2003/88/EC concerning certain aspects of the organisation of working time (Rapporteur: Mr Cercas).

Alejandro Cercas, *rapporteur.* – *(ES)* Mr President, Commissioner, Minister, the review of the Working Time Directive has caught the attention and raised the concerns of millions of Europeans. In our view, the Council's proposal is a huge political and legal mistake.

We often wonder why citizens are disaffected with our institutions, our elections or our political agenda. Today we have a clear explanation: you just have to look at the enormous gulf between the Council's proposals and the views of 3 million doctors and all of Europe's trade unions, representing 150 million workers.

I hope you do not see this – Parliament's opposition – as a setback, but rather as an opportunity to reconnect with citizens' concerns, so that people can see that when we talk of Europe's social dimension, we are not just uttering empty words or making false promises.

The 48-hour working week is a very old aspiration. It was promised in the Treaty of Versailles, and it was the subject of the first ILO convention.

The aspiration of working to live and not living to work resulted in a virtuous circle of productivity improvements in Europe, accompanied by more free time for workers. We cannot go back on this paradigm.

The fears of globalisation or the attempts to gain comparative advantages seem to be making the institutions change their mind and forget that we shall only win the battle through excellence.

The Council's position is the polar opposite of Parliament's. We believe there are good reasons to take Parliament's opinion on board.

The first is that the opt-out goes against the principles and the letter of the Treaty.

Secondly, opting out of the rule does not show the flexibility of the rule, but just annuls the law completely, renders international conventions and standards meaningless and takes industrial relations back to the 19th century.

The third is that a personal, individual waiver of rights is an infallible formula for throwing the weakest members of society into the most inhuman situations of exploitation.

The last reason is that allowing the Member States to make national derogations from European law will open the door to social dumping among our countries.

We have plenty of research showing the extent to which use of the opt-out has resulted in enormous harm to workers' health and safety. The same studies show how it makes it difficult for women to get jobs and have a career and how it makes it difficult to reconcile work and family life.

This proposal for a directive is therefore worse than the directive currently in force. In future, the opt-out would not be a temporary one-off exception but a permanent general rule and, what is more, it would be sanctioned in the name of freedom and social progress.

The other major discrepancy concerns the rights of healthcare personnel. It really is an immense injustice to those who care for the health and safety of millions of workers to stop counting their on-call time. Added to this absurdity is the weakening of the right to compensatory rest periods after periods on duty.

We tried to reach agreement with the Council so we could come to this plenary with a compromise solution, but it was not possible. You in the Council are not willing to negotiate and want your common position to go ahead without changing one iota.

I hope that on Wednesday this Parliament will put a stop to these intentions on the part of the Council. In that way it will show the whole of Europe that Parliament is alive and committed to the continued integration of Europe without forgetting the social dimension and the rights of doctors, workers, women and European citizens in general.

I also hope that, with the support and good offices of the Commission, we can then start conciliation and build a compromise acceptable to both branches of the legislature. We must ensure that flexicurity and the reconciliation of work and family life are taken seriously by the Council.

We have an opportunity. Let us make the most of it to bridge the huge gap between us and Europe's citizens.

(Applause)

Valérie Létard, *President-in-Office of the Council.* – *(FR)* Mr President, Commissioner, Mr Cercas, ladies and gentlemen, we are gathered here this evening to debate a subject that has kept us occupied for several years now, a subject that is important to all European workers, namely the review of the Working Time Directive.

The text being submitted to the European Parliament today is the result of a compromise that was reached at the Council of 9 June during the Slovenian Presidency. This compromise concerned both the Working Time Directive and the Temporary Work Directive. The Council adopted it in the firm belief that it represents a step forward with regard to the situation of workers in Europe, and this applies to both of its dimensions.

With the Temporary Work Directive, on the one hand, the principle of equal treatment from day one is becoming the rule in Europe. This is a step forward for the millions of people who work in this sector. The European Parliament, moreover, definitively adopted this directive on 22 October, and I commend this decision, as it will improve the situation of temporary workers in the 17 Member States in which the principle of equal treatment from day one is not provided for under their national legislation.

With the compromise on working time, on the other hand, we are introducing guarantees to serve as a framework for the 1993 opt-out, which was implemented without restrictions and without a time limit. The text now stipulates a limit of 60 or 65 hours, depending on the circumstances, compared with a limit of 78 hours per week, before.

It also makes it impossible for an individual opt-out agreement to be signed in the four weeks after a worker has been taken on, and it introduces enhanced monitoring of labour inspection. I would add that the Council's common position introduces an explicit opt-out review clause. Lastly, I would point out that the Slovenian compromise enables the specific circumstances of on-call time to be taken into account. This will help many countries, particularly where the health sector is concerned.

Of course, the review of the Working Time Directive is a compromise and, as with all compromises, we have had to leave out some of our initial objectives. I am thinking, in particular, of the abolition of the opt-out that France and other countries were defending, but this was a minority opinion, and we did not have enough power to impose it at the Council.

At this, the moment when you vote at second reading, it is important that you remember what ought to be our common objective: arriving at a text that is acceptable to everyone, by avoiding, where possible, a conciliation procedure. Of course, there is a considerable gap between Parliament's opinion at first reading and the Council's common position, but Parliament must recognise that there is an urgent need for some Member States to resolve the problem of on-call time, that the Slovenian compromise includes advances for workers, and that, within the Council, there is not the majority required to abolish the opt-out as it has existed without restrictions since 1993.

With your forthcoming debates in view, I should like, in particular, to draw your attention to two points.

When it comes to the definition of on-call time, the Council's objective is often misunderstood. The aim is not to call into question workers' acquired rights, but to make it possible to protect the existing balances

within certain Member States. The debates at the European Parliament could provide a useful insight into the issues relating to this new definition.

The Council's intention is not to have people's rights watered down or reduced. On the contrary, it is seeking to preserve the existing balances within the Member States, balances that involve calculating on-call time in a specific way, to account for the inactive periods of such time.

With regard to the opt-out review clause, we must reach a conclusion without being either winners or losers because, objectively speaking, the balance of power will not allow it. The Slovenian compromise provides for a review of the directive following an assessment report, in six years' time. All avenues remain open, therefore, and that is why I am calling for a truce on this issue of the opt-out.

This evening the European Parliament is in a position of responsibility. Your vote will determine the outcome of this issue, which has been on the table since 2004. I hope that the debate that is now beginning will abandon any idea of confrontation and will take account of the Council's strong ambitions as they are reflected in the common position.

I am convinced that, in this spirit, you can pave the way for the emergence of a balanced solution, soon.

Vladimír Špidla, *Member of the Commission.* – *(CS)* Mr President, ladies and gentlemen, I fully understand the many fears that have been expressed in relation to this complex and important issue. The key question is whether Parliament will stick to the view it adopted in 2005 at the first reading and which has been reiterated in the rapporteur's proposal, or whether Parliament is thinking of changing its position in reaction to the common viewpoint adopted by the Council in September of last year.

I would like to give a brief summary of several points which I think are relevant in terms of the discussion on working time. First, I firmly believe that the reworking of this directive is an important and urgent task. Public services across Europe are asking us to clarify the legal situation concerning on-call time. This was a key factor in favour of revising the directive. The continuing uncertainty of the past few years has made a very unwelcome impact on the organisation of hospitals, emergency services and institutional care as well as on the support services for people with health problems. All of us have been asked to do something about this issue. Similar requests have been made to us by central and local government authorities, organisations, individual employees, private citizens and the European Parliament.

Secondly, this is a very significant issue which divides the Council and Parliament, particularly over the future of the opt-out. I am very familiar with the view which Parliament took over this question at the first reading. I would like to point out that the Commission in 2005 made some fundamental changes to its draft legislation and proposed ending the opt-out. This was done in response to the views of Parliament in the first reading and it has sought to defend this position during four years of heated debate with the Council.

I think, however, that we must look at the realities of the situation. In 2003 the opt-out was used by only four Member States, but today it is being used by fifteen Member States. And many more Member States wish to retain the option of using it in the future. The factors that led to the Council's decision are clear. The opt-out is now established in the current directive and if Parliament and the Council cannot agree to its removal it will remain in force without limitations, in accordance with the current wording.

My primary interest in relation to the reworking of the directive is therefore to ensure that the large number of workers throughout Europe who are exercising the opt-out enjoy proper employment protection. For this reason, I consider it important to focus on the actual terms and conditions which ensure freedom of choice for the workers who decide to use the opt-out, while ensuring the safety and health protection of workers using the opt-out as well as an absolute limit on the average number of hours worked. The common approach also encompasses this.

The common approach also includes specific well-formulated provisions for the future revision of the opt-out. Many of the Member States that have recently introduced the opt-out did so mainly for reasons relating to on-call time. These Member States will perhaps be able to reassess the use of the opt-out once they have understood the effects of all the changes we are making in the area of on-call time.

I would like to end by mentioning that I am aware of the differences between the views of Parliament and the Council when it comes to working time. It will not be easy to bring about an agreement between Parliament and the Council and we do not have much time left in the current functional period. In my view, however, it is a task of fundamental importance.

I think that the citizens of Europe will find it hard to understand why European institutions that have managed to cooperate in the interests of solving the problems of the financial crisis were not able to set out clear, balanced rules for working time. We should not forget that it took four years for the Council to reach a common position. I would also like to draw your attention to the connections with the directive on agency workers, which was passed in October at the second reading.

It is easy to imagine how difficult it will be to secure the agreement of the Council if major amendments are made to the common position. I feel that at this moment it is important to carefully consider the balance between questions of content and potential tactics, so that it will be possible after today's debate to move closer to finding a basis for agreement on working time. The Commission is willing to continue acting as an 'honest broker' over this matter in the legislative process. I wish Parliament success in its debate and in its decisions over this highly important issue.

José Albino Silva Peneda, *on behalf of the PPE-DE Group. – (PT)* I believe that an agreement with the Council on this directive could have been discussed before Parliament's second reading. The fact is that, despite efforts made by the French Presidency, the Council did not give it any mandate to negotiate with Parliament. I want to make it clear that I agree with revising the positions adopted at first reading, but I can only do this responsibly in the context of a compromise, which presupposes dialogue between the two institutions. My aim is still to obtain an agreement with the Council. This was not possible before first reading, but I trust it can be achieved through conciliation.

The two most politically important issues in this directive are on-call time and the opt-out clause. As regards on-call time, I do not see any reason not to comply with the Court of Justice judgments. There is a solution to this problem – which I am sure will be adopted in conciliation – which will solve the difficulties of various Member States and which is accepted by the whole European medical profession, which is today unanimously represented in the demonstration taking place in front of the Parliament building, involving 400 doctors who represent over 2 million doctors throughout Europe. As for the opt-out clause, in my opinion this is an issue which has nothing to do with flexibility in the labour market. In my view, flexibility is fully covered by making the reference period a year. The fundamental issue here is to decide whether or not we want European workers to be able to work more than 48 hours per week as an annual average, in other words from Monday to Saturday, eight hours a day, and whether this fits with statements that everyone makes in this House, for example, about reconciling family life with work.

I want to remind you all that the legal basis of this directive is the health and safety of workers. I must end by warmly thanking my many colleagues in the Group of the European People's Party (Christian Democrats) and European Democrats for all the support that they have given me in this process.

Jan Andersson, *on behalf of the PSE Group. – (SV)* First of all, I would like to thank Mr Cercas for his excellent work. Do we really need a common working time directive? Absolutely, because we have a common labour market and we have to have minimum standards in respect of health and safety. Health and safety is the issue here.

We differ from the Council on two points in particular. The first is the inactive part of on-call time. On this issue there is a similarity between us. The similarity lies in the fact that we are both saying that it is possible to find flexible solutions if the social partners reach agreement at national or local level. The difference is the starting point for these negotiations, with the Council saying that this is not working time but free time. We, however, believe that the starting point is that this is working time. It is self-evidently working time once you leave your house and made yourself available to your employer. We are not opposed to flexible solutions, however.

As regards the individual opt-out, it is a question of whether it should be made permanent or phased out. We think it should be phased out. For a start it is not voluntary. Look at the current state of the labour market, with many individual workers applying for the same jobs. What choice do they have when faced with an employer when they are looking for a job?

Secondly, I wonder whether we should not see it as a challenge in the current climate that some people have to work 60-65 hours while at the same time so many people are unemployed. This is a challenge.

Thirdly – equality. Who are the people working 60-65 hours? Well, they are men who have women behind them looking after the home front. The women's lobby has strongly criticised the Council's proposal, and rightly so. This is a matter of health and safety. We have tried to start negotiations. It is the Council that has not come to the negotiating table. We are willing to have discussions with the Council and we have tried,

and we have persevered in our efforts, but we do have our own views and we will bring these views to the negotiating table.

Elizabeth Lynne, *on behalf of the ALDE Group***.** – Mr President, the Council common position is, of course, not ideal but I am well aware that it has taken many years of negotiations by Member States to actually get this far. Most of us have also been working on this for a number of years.

I have always supported the retention of the opt-out, but I wanted it tightened up so that it would be truly voluntary. I am pleased that the opt-out, now within the common position, cannot be signed at the same time as the contract and that you can opt out of the opt-out at any time. This is a far more transparent way of protecting workers' rights than using a definition of autonomous worker that is so loose it could apply to anyone, as it does in many Member States, or the use of multiple contracts, whereby an employer can employ the same employee on one, two or even three contracts, something which is used in some other Member States. If there is an abuse of the opt-out by the employer, then the worker can take them to an employment tribunal. My fear is that, if we lose the opt-out, we will force more people into the grey economy and then they will not be covered by health and safety legislation, in particular the Dangerous Machinery Directive. All legal workers are covered by these directives, whether they opt in or opt out of the Working Time Directive. In these difficult economic times, it is very important that workers are able to earn overtime if they want to and that employers also have flexibility.

I have more difficulty with regard to on-call time not being considered as working time in the common position. That is why I tabled my amendment in the Employment and Social Affairs Committee to say that on-call time should be classed as working time. Unfortunately, I did not get the support from the Socialist or the EPP groups for my amendment. What we have now in the Cercas report is that on-call time should be classed as working time, but that collective agreements or national law are allowed to rule otherwise. This, to my mind, is not a major change from what is already in the Council common position, just a slight difference of emphasis. I did not retable my amendment because I knew that the Socialist and EPP groups would not vote for it. I suspect, however, that we might have to go to conciliation but I also suspect that the Council will not move. If there is no agreement, then I hope the Council will think again and that the health sector will be dealt with separately, something which I have long called for. To my mind, the revision of this directive was only really necessary to deal with the SIMAP and Jaeger judgments by the European courts, and that is all that we should have looked at.

Elisabeth Schroedter, *on behalf of the Verts/ALE Group*. – *(DE)* Mr President, Commissioner, President-in-Office of the Council, excessive working hours make workers ill and result in loss of concentration and increasing numbers of mistakes. People working excessive hours are a danger not only to themselves but also to those around them. Would you want to be treated by a doctor suffering from fatigue, for example, or to encounter him or her in traffic after excessive on-call duty? Therefore, we shall be voting in favour of a Working Time Directive that, unlike the one the Council has adopted, is not as full of holes as a Swiss cheese.

A Working Time Directive whose upper limits are merely guidelines, since an opt-out can be agreed in each individual employment contract, fails to meet the objective of protecting health at work. It is our task as co-legislators to ensure that a Working Time Directive contains minimum standards compatible with health. For this reason, the Group of the Greens/European Free Alliance will be voting against further opt-outs.

We do think it right for the Member States to have three years to adapt their national legislation. We shall not, however, be voting in favour of making the British opt-out a general derogation in the European Union. Likewise, we disapprove of the fact that the Commission is now classifying working time spent on-call as inactive time and considering it a rest period.

It is particularly important to us that, as a rule, working time be calculated on the basis of individuals and not of each individual contract. This amendment by the Greens is crucial and contradicts what Mrs Lynne depicted here as an illusion.

I also reject the assertion that the European Parliament has not proposed a flexible model. On the contrary, the extension to a 12-month reference period permits a great deal of flexibility, just not at the expense of statutory rest periods, and that is important to us.

Commissioner, it is not true that workers can decide for themselves. They themselves know that that is impossible; why else would a 30 000-strong demonstration be announced for tomorrow, and some people be demonstrating already? This is why we must reaffirm our position from first reading. This is the only way a Working Time Directive can also bring protection of health at work.

Roberta Angelilli, *on behalf of the UEN Group*. – *(IT)* Mr President, ladies and gentlemen, first of all I would like to thank the rapporteur for the work he has accomplished. I would like to say to the French Presidency, whom I thank nonetheless for their commitment, that sufficient effort was not made to talk effectively with Parliament.

Ours is a very delicate debate this evening, our words must be determined by the greatest responsibility, as must the policies that will follow. We must be fully aware that every watered-down compromise is made at the expense of the lives of workers and therefore a compromise at all costs can have a price to pay in terms of health, safety and reconciliation of work and family life.

We all know full well that the world of work has changed and is changing further still, in the last few weeks, in the last few days, beneath the shock wave of the economic crisis. We are all convinced that there is a need for greater flexibility, but this must be achieved in a balanced way, above all without exerting undue pressure on workers' rights in the name of urgency. The Council's proposals pose some very serious questions, as all the other rapporteurs have said before me.

The first being the opt-out. On the one hand there is an appreciation of the fact that this formula is highly problematic and therefore a revision clause is provided, but this is done in a generic way, without fixing a definite date, and on the other hand there is a kind of veiled blackmail, since if the text of the Council's common position were to fail then the current directive would stay in place, with an entirely unrestricted opt-out.

Secondly there is the whole issue of the concept of on-call time, which in practice tends to be considered equal to a rest period. On this subject – as all the other Members have said before me – there can be no room for ambiguity, because any ambiguity is absolutely unacceptable.

Finally, reconciliation: reconciliation cannot be an abstract term given to generic formulas or so-called 'reasonable terms' that in reality then become sleight of hand – collective bargaining is abandoned, thus forcing workers, above all female workers, to accept the conditions imposed simply to avoid losing their jobs.

It is therefore clear to me that a review of the directive is necessary and would undoubtedly be useful, but whatever happens, we must not replace a legislative vacuum with worrying ambiguities.

Dimitrios Papadimoulis, *on behalf of the GUE/NGL Group*. – *(EL)* Mr President, the Confederal Group of the European United Left/Nordic Green Left, which I have the honour to represent, is radically opposed to and rejects the Council's common position, which the Commission unfortunately also supports, because it is a reactionary proposal, a proposal that delights the employers' lobby and extreme neoliberals. It is a proposal which turns the clock of history back ninety years to 1919, when a working week of a maximum of 48 hours was secured. Instead, the common position maintains the anti-labour and anti-grassroots opt-out, abolishes the case law of the Court of Justice of the European Communities in terms of on-call time and promotes the twelve-month averaging of working time, thereby abolishing the precondition of collective bargaining. The Confederal Group of the Left is calling for the opt-out to be abolished, for the twelve-month averaging of working time to be abolished and for on-call time to count as working time.

Ladies and gentlemen of the Council and of the Commission, if your position were so pro-labour, then the employers' federations would be demonstrating here tomorrow, not the European trades union with fifty thousand workers. The truth is that the employers' federations are applauding you and the workers' trade unions will be outside Parliament tomorrow protesting, 'No to a minimum 65-hour week'.

Because you talk a great deal about social Europe, the maintenance of the opt-out is a loophole which was supposedly created by Mrs Thatcher several years ago for the United Kingdom and now you want to make this loophole even bigger and make it permanent. That is to refuse a social Europe, to refuse the common policy for the workers.

Derek Roland Clark, *on behalf of the IND/DEM Group*. – Mr President, the Working Time Directive is a waste of time. It has been around since before I was an MEP, shortly after which a minister from the UK's Department for Work and Pensions asked me to support HMG's position to retain the opt-outs. Naturally, I did so. I still do and I am in good company with many other countries.

So let me trace some of the chequered history. On 18 December 2007, the rapporteur said that a group of countries did not want the WTD or a social Europe. They wanted a free market. He called that the law of the jungle. He said that they must have been psychiatric cases.

Well, thanks! Due to worldwide trading and freedom from EU restraints at home, the UK is strong enough to be the EU's second-biggest contributor, at GBP 15 billion every year. I do not suppose he would turn that away!

In December 2007, the Portuguese presidency said they could not risk a vote in Council so they let the next presidency, Slovenia, sort it out. And that is after working it in with the temporary workers' agency, to help it along. Slovenia suggested a 65-hour working week and then 70 hours. However, the Council's attitude to standby time wrecked that. Then the ECJ drove a horse and cart through minimum-wage policies.

When Finland ended their presidency, their Labour Minister commented to the Committee on Employment and Social Affairs that Ministers talked big about the WTD in Brussels but when they got home it was a different story. Quite!

Last month, on 4 November, the rapporteur again said the WTD must come first, even before economics. Well, if you neglect economics, how do you raise the taxes which result from the Working Time Directive? Companies taking on extra workers to fill the gap left by short working time raises unit costs. They fail to compete and jobs are lost, which is why France abandoned its 35-hour working week.

So let us follow the French. Bury this unworkable time directive once again and for all.

Irena Belohorská (NI). – *(SK)* Allow me to add my thanks to the rapporteur for the submitted draft directive on the organisation of working time, which forms an appendix to Directive No. 88 of 2003. I would also like to thank him for his presentation today and for not forgetting to mention health workers who may be among those most affected.

As the European Commission and the European Council have devoted considerable attention to preparing this document, I believe it therefore deserves an extensive debate on our side. I have received many studies from trade union organisations fearing that employers will be given too many options. This mainly concerns assessments of the time during which employees are supposed to be available or on call.

Ladies and gentlemen, I would like to remind you that being on call prevents workers from organising their time freely. This applies to the work of a whole army of health workers, who we might surrender to the mercy of employers and to exploitation. Let us bear in mind that this is not just a question of degrading the professions of doctor and nurse, but that it also involves putting a value on on-call time itself, as restrictions in this area might in the final analysis threaten patients who are in need of assistance.

Moreover, though we may wish through this directive to help workers recover their strength and enjoy a better family life, I doubt whether employers will share the same intention. All European organisations are today grappling with the recession, the financial crisis, the onset of high unemployment and the possible consequences of these. This fact alone may lead to higher demands and therefore to the fear of employees that their employers may exploit the option of lay-offs as one of the factors. It is also for this reason that there will be many people demonstrating here tomorrow.

Philip Bushill-Matthews (PPE-DE). - Mr President, let me start by congratulating the Commission on the thoughtful way it has handled this dossier. Let me also congratulate the presidency-in-office because, as it will well know, this issue has been blocked for the seven previous presidencies and it has taken great skill to get as far as it has got. The presidency has shown not only that it has moved but that it has moved the debate on. The challenge now for all of us, as Members, is to see whether we are also prepared to accept that challenge and to move on in our vote on Wednesday.

Let me say to the rapporteur that I totally agree with his opening remarks. But before you get too excited, let me remind you that in those opening remarks you stated that there were millions of workers who were worried about the Working Time Directive. I agree with you: they are worried; they are worried that there are politicians like your good self who are preparing to tell them what is good for them, preparing to block them from choosing their own hours so they can freely work.

I have lost count of the number of people who have written to me – not organisations trying to exploit the workers, but ordinary workers – asking why we are even having a discussion about this and saying that we should not stop them from choosing the hours they work.

I was particularly struck by a family mentioned in a paper just three days ago: the husband had lost his job in construction and the wife had to take two part-time jobs in order to keep their family of three children and the husband in their house. She had to work 12 hours a day, seven days a week. She did not want to, but

she needed to in order to keep the family together. I should like to say to the rapporteur: she was from your country, she was from Spain. So what help do you offer her? What hope do you offer her? Nothing! You would tell her that she cannot do that and that she has to give up one of her jobs, give up her children and give up her house.

I was not elected to make laws like that; I was elected to look after the people I serve, and I will never forget that. I am due to stand down next year but, until I stand down, I will stand up for the people who elected me and will help them and not stand in their way.

As the Commissioner has said, the proposal on the table will give greater protection in terms of health and safety to the workers. If we support it, that is what we will get. If we do not support it, the workers will not get it and they will know who to blame.

Karin Jöns (PSE). – *(DE)* Mr President, President-in-Office of the Council, Commissioner, ladies and gentlemen, I would appeal once more to those in the Group of the European People's Party (Christian Democrats) and European Democrats who are still wavering, in particular, to unite in following the vote of Committee on Employment and Social Affairs and retaining the position from first reading on Wednesday. After all, it is not credible to stand up for the health protection of workers on the one hand and advocate a continuation of the opt-out on the other.

Indeed, it was not without reason that the ILO recommended the 48-hour week as far back as 1919. Worker stresses may be different nowadays, but they are no less serious. As I see it, it is pure cynicism – I say this with the Council in mind – to put the retention of the opt-out across as a social achievement merely because a 60-hour ceiling is also being introduced for the average working week. The fact that the agreement of the two sides of industry is to be required only where even longer working hours are concerned amounts to saying that one would be prepared to accept 60 hours a week as normal working hours – and this is surely unacceptable! Following the Council's lead would mean trampling the health of our workers underfoot and abandoning the precept of reconciling family and work, which would be tantamount to betraying social Europe! Therefore, ladies and gentlemen, I would entreat you to give this some more thought.

As regards on-call time, I would say to the Council that this must be recognised as working time as a general rule. There is no escaping this. Leaving the two sides of industry to evaluate inactive time creates sufficient flexibility for doctors, fire brigades and guard services.

Bernard Lehideux (ALDE). – *(FR)* Mr President, Madam President-in-Office of the Council, Commissioner, I give my full support to the rapporteur, who defends what was our position at first reading, a position rejected by the Member States' governments.

There was an urgent need to bring our legislation on on-call time into line with the Court of Justice case-law, and this has been achieved. The Cercas report provides balanced and protective solutions for workers. All on-call time is counted as working time. Compensatory rest time occurs immediately after the period of service. This is a question of common sense; it is about guaranteeing reasonable working conditions, particularly for the medical professions.

However the reform of the Working Time Directive also provides us with an opportunity to make progress with our European social legislation by abolishing the individual opt-out. The Cercas report seizes this opportunity and proposes the gradual abolition of any possible derogation from the maximum legal limit on the number of hours worked. We must face up to reality. It is ridiculous to say that workers are on an equal footing with their employers and can reject what is offered to them.

Ladies and gentlemen, we clearly need to show the Member States' governments that the text they are seeking to impose on us is unacceptable. And, amid this chorus of praise that will certainly appease the French Government from tomorrow, I believe that we need to take an interest, first and foremost, in workers who are going to be required to work even more, without really having any choice in the matter, such as all those in France who are in future going to be asked to work on Sundays. I would add that it is obviously for the purposes of introducing this option that the French Government has changed its opinion on the individual opt-out at the Council.

Ladies and gentlemen, let us listen to workers and let us try to answer their call if we do not want the 'No' votes of the French, Dutch and Irish referendums to be followed by many other such votes, calling into question a European Union that makes them feel as though it is not dealing with their everyday problems.

Jean Lambert (Verts/ALE). - Mr President, I want to go back to the basis of this being a health and safety directive. Because it is based on health and safety we do not expect opt-outs on health and safety, nor do we expect competition on labour standards within the European Union. This was supposed to be about common standards because many of our workers face the same difficulties.

Let us look at some of the health issues that many of our Member States are dealing with at the moment: cardiovascular disease, diabetes, stress. Stress is the second biggest cause of time off work in the UK: 13 million working days are lost through stress, depression, anxiety, with a cost of GBP 13 billion a year – if we are looking at economics, and some of us like to look at economics in the round, Mr Clark. All these problems and even issues relating to obesity and binge drinking have links with a long-hours culture. It is not the only factor, but it is certainly significant.

We are not just talking about occasional long hours. There is plenty of flexibility within the current directive and in the proposed changes, which will allow businesses to cope if they have a sudden rush of work, providing they then balance out the time for their employees. The issue is persistent long hours. The risk of a personal accident at work increases if you are working 12 hours or more; tired workers are dangerous workers. Road safety experts believe that exhausted drivers account for more accidents than drunk drivers. If you are asking people to work long hours, be aware that this is a problem, be aware that productivity goes down, be aware that creativity goes down – which is not good for a knowledge-based economy. It certainly does not add a lot of quality to the work-life balance if people are too tired to read to their kids when they get home. Moreover, the majority – 66% – of workers in the UK doing long hours are not paid for those hours. It is part of a long-hours culture, where you express your commitment to your work by being present, not necessarily by being productive.

To those who argue that the opt-out reduces bureaucracy, I would say that records of hours worked should be kept anyway. If you look at the new proposals there is certainly no reduction of bureaucracy in the Council's proposal.

Roberto Musacchio (GUE/NGL). – *(IT)* Mr President, ladies and gentlemen, tomorrow there will be a large trade union demonstration in Strasbourg against the real coup that the Council has pulled off with the Working Time Directive.

A working week of sixty-five hours plus is patently absurd, it is unacceptable, as is the infringement of collective rules and trade union agreements. Far from overcoming the system of opt-outs, of individual agreements on exemptions, these are in fact set to become the general rule. Working time is calculated on a yearly average, thus creating extreme flexibility, and rest periods are also made uncertain and at the mercy of company agreements, as if we are to consider inactive working time as partial work, partially recognised and partially paid – this is unacceptable.

The policy of excessively exploiting workers, while there are so many people out of work, is a symbol of the devaluation of labour itself that is so much a part of the crisis we are facing. Parliament would do well to listen to tomorrow's demonstration and to react to this coup by the Council, not least to reaffirm its own sovereignty.

Andreas Mölzer (NI). – *(DE)* Mr President, they say that times of crisis bring people closer together. For a long time, however, citizens throughout Europe have been getting the feeling that it is the EU and the business community who have been coming together against the people. Working hours have been dressed up as a factor in competition, working hours and working life have been extended, wages have fallen and the cost of living has risen, whilst profits have gone through the roof and executive pay has risen to astronomical levels.

Whilst Parliament discusses extending working hours, thus curtailing hard-won social rights, companies are announcing temporary compensated reduced working hours for thousands of staff, and the spectre of mass-redundancies is rearing its head. Models once held up such as the much lauded working-time accounts, which are used up in a matter of weeks, demonstrate the limits of flexible working hours. Once again, we are working in two opposite directions. On the one hand, we are proclaiming better reconciliation of work and family in order to improve the birth rate, which has been falling for years, and on the other hand we are letting Sundays and public holidays degenerate increasingly into normal working days – whereby traditions and family life inevitably fall by the wayside. In the present crisis, ordinary citizens are having to assume liability for the mistakes of the financial community and help out the banks, even with their hard-earned savings. Their pensions are under threat, and before long they may even have to vacate their posts whilst managers stay.

One of the criteria on which European citizens will judge the EU is the extent to which it can provide social security. The EU must make up its mind, therefore, whether to put economic interests or people first.

In this connection, thought should maybe also be given to whether Turkey's accession should be stopped before this leads to the financial collapse of the European Union. Yet if the EU continues to take the course of adventurous neoliberalism and boundless obsession with enlargement, it should not be surprised to see either falling birth rates or social unrest. Then public support for the EU as a safe haven, which has recently seen a short-term rise, will quickly evaporate, and we shall be in much worse economic trouble than we are at present.

Thomas Mann (PPE-DE). – *(DE)* Mr President, I have been on night duty in hospitals on two occasions, from 9 p.m. until 5 a.m. Anyone who has experienced the work of nurses, junior doctors and ambulance drivers at close quarters will understand that it is most unrealistic to assume that on-call time can be broken down into active and inactive parts. Both are working time, and remuneration must reflect this. The European Court of Justice was right about this, too.

I think the Council is wrong to consider inactive working time a rest period. Marathons of up to 72 hours on duty would result. This cannot be asked of employees; nor of patients. Health and safety at work must not be curtailed. Nevertheless, not all on-call time is the same. An example is the private fire brigades I got to know in the course of my work as one of the 10 rapporteurs on REACH. Recently, I invited members of such private fire brigades to the European Parliament in Brussels.

They came from the chemical and steel industries and airports. The thankfully small number of times their deployment is required made it clear that a derogation from the maximum working week is necessary in their case. Incidentally, both employers and employees agreed on this.

In all this, however, it holds that agreements are a matter for the two sides of industry. Free collective bargaining and dialogue between the two sides of industry are key elements of social Europe. Where there is no collective bargaining, regulations must be enacted by the State. After all, the ministers agree on a 48-hour maximum working week in the EU.

Therefore, I endorse the Cercas report in principle, but also support flexibility by means of derogations for certain professions. If this goes to conciliation, the negotiations must be conducted calmly – and not in haste – at long last. A social Europe cannot afford hasty reactions or empty words.

Yannick Vaugrenard (PSE). – *(FR)* Mr President, ladies and gentlemen, first of all I should like to commend the remarkable work of my friend, Mr Cercas, the rapporteur of this text, which is now back on the table, at second reading, thanks to a surprising compromise by the June Council.

Belgians, Cypriots, Hungarians and Spaniards rejected it, and they were right to do so, because it is aimed at greater flexibility, and this, at the expense of workers' safety, which is unacceptable. Do you sincerely believe that, at a time of widespread lay-offs and a proliferation of redundancy plans throughout the European continent, employers need to be able to impose 65 hours a week, or more, on employees?

A bit of consistency would be to the European Union's credit. We are currently subsidising entire industrial sectors in order to avoid redundancies, and we are right to do so. However we should also protect workers in their jobs, when they are still in companies, or in their administrations. At a time when citizens have their doubts about Europe – and this was mentioned just now – the Council's compromise, were Parliament to accept it, would send out the worst possible message.

This directive must set a maximum weekly limit on working hours for health and safety reasons. It must not be a damaging directive in social and human terms. This is the position upheld by our rapporteur and the European Trade Union Confederation, and this is the position that I too am going to uphold alongside him.

Siiri Oviir (ALDE). - *(ET)* Mr President, ladies and gentlemen, for many years, Member States and European Union institutions have discussed and sought a common position on the Working Time Directive. Achievements have been made, but there are still shortcomings. Our votes will show how close we in Parliament have ultimately come towards reaching common positions.

I will be able to support the directive if the possibility of doing overtime is retained. Overtime is not very common in Estonia, but I would like people, employees, to be able to decide for themselves whether or not they wish to do overtime, either in order to earn a larger income, to develop their career opportunities or for other personal reasons.

Prohibiting overtime in the directive would essentially mean that in certain cases employees would still have to do overtime, but instead illegally; in other words, without additional pay or legal protection. None of us want this.

Secondly, for a small country like Estonia, it is important that the rest time provided in compensation for overtime be granted a reasonable time after the extra hours were done. The requirement that compensatory rest time be granted immediately may cause problems with the organisation of work, especially in sectors with labour shortages.

Thirdly, on-call hours are working hours. I would like to express my gratitude to France, holder of the Presidency of the EU, for tackling the directive and helping to shape a common position.

Ilda Figueiredo (GUE/NGL). – *(PT)* The fundamental aim of this Council proposal is to devalue work, increase exploitation and ensure more income for employers, greater profits for economic and financial groups, through an average working week of 60 or 65 hours, and lower wages, through the concept of inactive working time.

This is one of the most blatant examples of capitalist exploitation and threatens everything that has been said about reconciling work and family life. This proposal represents a backward step of nearly 100 years in the hard-won rights of workers, who are people, not machines. We therefore support the rejection of this shameful Council position and call on Members, in their voting, to listen to the protests of workers and prevent more serious social tensions, more backward steps and a return to a kind of slavery right now in the 21st century.

At this time of crisis and unemployment, we need to gradually reduce the working week without any loss of wages, in order to create more jobs with rights, and we need to respect the dignity of those who work.

Jim Allister (NI). - Mr President, I am resolutely opposed to the removal of the right of the United Kingdom to exercise an opt-out on the Working Time Directive. Indeed, I would refute the right of this European Parliament to attempt to rob my country of that entitlement. In my book, control of working hours is a matter exclusively for national control, not for Brussels diktat.

If British workers are permitted by their own elected government to work more than 48 hours per week, then why should it matter to those from countries whose governments are more proscriptive? Frankly, it should be none of your business. But it is a vital matter for British business, especially at a time of immense pressure arising from the economic downturn, when maximum flexibility and less regulation, not more, is key to economic recovery. Maximising European production, getting our goods sold at home and abroad and making it easier for business to grow should be the concern of us all.

Yet here we have ideologues intent on foisting their precious social agenda on everyone, even where it is unwanted. It really is time that this House got its priorities right. Rejecting this attempt to quash the British opt-out would be a good place to start.

Csaba Őry (PPE-DE). – *(HU)* We have noticed recently that public opinion is following this question with exceptional interest, and particularly those aspects that we, too, are debating, that is to say, the questions of opt-out and of on-call time. With regard to the opt-out, we hear two arguments incessantly: first the point of view of flexibility, and second the question of freedom of choice. We seem to act as if employers and employees were truly equal partners – which they are not – and one of the obvious duties and functions of labour law is precisely to rectify this inequality. As social politicians have said, the beggar has the same right to sleep under the bridge as the millionaire – in that sense, of course, we are indeed talking about freedom of contract. But in reality we are talking about an unequal situation that does not so much foster flexibility as maintain this inequality.

What is more, flexibility is very well served by the solution formulated in Parliament's first reading. For 26 weeks, a person may work as many as 72 hours, thereby adjusting to the needs of the market, a high volume of orders and heavy workloads. Of course one also needs to rest, and I think this must be a goal of a directive concerning the field of labour and health protection.

As to on-call time, if one morning no customer or visitor shows up in a bookshop or clothing shop, then does this mean that the salesperson is working on inactive on-call time, which should therefore be calculated at a different rate? The correct position is that if workers cannot use their time freely as they please but are required to go in to their place of work, that has to be considered working time. Remuneration for the work performed is a different matter altogether, one that can be negotiated between the respective employer and

employee organisations – it is possible to adjust to the reality in each country and national competence, but working time is working time and has to be considered as such. I therefore agree with the Court, but I do not agree or support the Council's compromise.

Maria Matsouka (PSE). - *(EL)* Mr President, I should like first of all to congratulate Mr Cercas, because he has presented us with a dignified report in the face of the Council's unacceptable common position. In fact, both the initial proposal by the Commission and the Council's common position would appear to constitute a serious threat to the health and safety of workers and, more importantly, to the work/life balance, which is what we are trying to achieve. At the same time, however, and this is even worse, these particular proposals are designed to impose mediaeval working conditions in keeping with the specifications and dictates of economic neoliberalism. It is precisely this neoliberal strategy which supports and promotes unequal and one-sided development, the exploitation of the workers, the recycling of the unemployed and, ultimately, the disintegration of the trade union movement. The current economic impasses and social agitation are clearly due to the structural crisis in the neoliberal model, which is why the Council's common position should be withdrawn and a new proposal should be put forward which will promote solidarity, political equality and social justice.

Marian Harkin (ALDE). - Mr President, tonight we are discussing a very important piece of legislation and our discussion and our vote in this Parliament will send a very clear message to workers and to families across the EU.

In Ireland, we have a question we ask when we are discussing social policy and that question is: are we closer to Boston or Berlin? Well, in the context of tonight's discussion, we need to be closer to Berlin – that is, if Berlin or indeed Paris can deliver a real advancement for the health and safety of workers. I listened to Mrs Létard and she asked us to behave responsibly, and I believe Mr Cercas has done just that.

At the Council meeting last week in the discussion of the Treaty of Lisbon, a commitment was given by the Council to strengthen workers' rights. The Council and Parliament now have an opportunity to do just that. Furthermore, we often speak in Parliament about work/life balance and everybody nods their head in agreement. Once again we have an opportunity to help ensure work/life balance for Europe's citizens.

And remember, as already mentioned by Mr Silva Peneda, 48 hours per week is eight hours per day, six days per week. Mr Bushill-Matthews spoke of a woman working 12 hours per day, seven days per week as if that were acceptable. It is totally unacceptable and we should not be complicit in this type of exploitation.

As I said earlier, tonight's debate and our vote on this report will send a clear signal to the citizens of Europe. We need to send a clear message that social Europe is alive and well.

Georgios Toussas (GUE/NGL). - *(EL)* Mr President, the Council's common position on the organisation of working time is an anti-labour monstrosity and has rightly whipped up a hurricane of protest by workers in the Member States. The Cercas report does not touch the body of the reactionary proposals in the Council's common position. It agrees to the split in working time between active and inactive, given that it recognises the concept of unpaid, inactive working time. Supermarkets, hospital staff, doctors and services are working under a miserable regime, forced to remain in the workplace for twelve or fourteen hours a day. It increases the period of time for averaging working time from four months, which applies now, to a twelve-month basis, it maintains the opt-out, it attacks the fixed daily working time, payment of overtime, duty days and collective employment contracts in general and it assists employers in their endeavour to make flexible forms of employment even more general, which will have serious and painful repercussions on social insurance systems. Today when the possibilities of increasing the productivity of labour allow working times to be reduced and free time to be increased, this sort of proposal is unacceptable, which is why we are radically opposed to the Council's common position and Mr Cercas's proposal.

Juan Andrés Naranjo Escobar (PPE-DE). – *(ES)* Mr President, Commissioner, I should like to begin by quoting word-for-word from your document presenting the renewed social agenda. It says, 'The Commission also calls upon all Member States to set an example by ratifying and implementing the ILO Conventions …'

Today, however, we are here debating a directive intended to go against those criteria by allowing Member States to regulate working weeks of up to 60 or 65 hours averaged over three months.

Is that consistent, Commissioner? Can we legislate against our own recommendations? The purpose of the directive is to lay down minimum rules to ensure workers' health and safety by means of two instruments: rest periods and a limit on the working week.

It contains exceptions to both cases, but we are not talking about exceptions, Commissioner, as you yourself said. No, we are talking purely and simply about derogations from one of the fundamental elements of the directive.

Flexibility is no justification for this. An increase in working hours cannot be confused with the flexibility that businesses and workers need. The directive will make very ample provision for seasonal patterns, production peaks and the needs of certain activities.

Something that is good for everyone, Commissioner, is attaining the goal of flexicurity, in other words succeeding in reconciling personal and family life with work. For that to happen we must work at developing a culture of cooperation and transparency and allow collective autonomy to play its part in organising working time.

Mr President, when the Council adopted its common position in September, it was a bad day for social dialogue. I am convinced that we would now have an agreement if it had been left to collective autonomy to arrange and organise working time.

I am sure that the day of the vote, when we all face up to our responsibility, will be a good day for everyone.

It is good to reform, but it is also good to preserve those elements that unite us most and divide us least, that strengthen Europe and that can make social Europe emerge empowered from the challenge it now faces. We must press forward with both economic progress and social progress, because they cannot survive separately.

Pier Antonio Panzeri (PSE). – *(IT)* Mr President, ladies and gentlemen, while I appreciate Mr Cercas's work, I would like to say from the outset that it was by no means clear that there was such a necessity to change this directive on the organisation of working time and I would like this debate to confirm what came out of the vote at the Committee on Employment and Social Affairs.

Today we have the doctors with us, tomorrow in Strasbourg there will be representatives of workers from all over Europe, convened by the European Trade Union Confederation. They will be here to demonstrate their desire to reject the compromise reached on the directive by the Council, and for the rest, I wonder, how could it be otherwise?

We want to set ourselves two clear objectives: the first being to maintain the 48-hour limit on the maximum working week in the European Union. This would overcome the opt-out clause under which this limit could be circumvented and the working week could reach 60 or 65 hours. The second objective concerns on-call time, which cannot be considered as inactive working time but must be considered for all intents and purposes as working time, just as it is appropriate to safeguard the right to a compensatory rest period for medical staff.

These objectives can and should be shared by everyone in Parliament because they represent the route that prevents the competition factors in Europe from moving towards social dumping and greater exploitation of workers. I sincerely hope that as MEPs we can agree on these positions, because they truly represent a new social Europe.

Patrizia Toia (ALDE). – *(IT)* Mr President, ladies and gentlemen, the Council's proposal, which sweeps away the balance struck in the past – I am thinking of Mr Cocilovo's excellent work in this area – does not meet with our support because it signifies a step backwards on many questions to do with work, work-life balance and job security, and because it represents a choice that weakens the rights of workers, which are after all the rights of us all, of our children, of ordinary people.

Moreover, I do not want this argument to be mistaken as trade-unionist or pro-corporate because it defends healthcare personnel. It is neither of those things; as a politician I do not act on behalf of corporations or trade unions, I act on behalf of citizens. When I make decisions I think of them, I think of their social rights, which I believe to be fundamental in Europe. I cannot therefore condone a Europe that fails to move forward in step with the world, a Europe that, on the contrary, makes huge errors of judgement, mistaking the weakening of protection for flexibility and freedom. This is all the more serious at a time when Europe is experiencing its worst crisis and there is little prospect of prosperity and growth.

Mrs Létard, representatives of the Council and of the Commission, if we fail to understand that millions of workers are today at risk of losing their jobs and feel in a weak and precarious position and do not of course

have voluntary contractual capacity – other than the opt-out – then I have to say that we have no idea of what is really happening in the social and family life of European citizens.

For this reason, we will support Mr Cercas's proposals and we hope that all MEPs will do the same. I have to say that the Council's unwillingness to negotiate at this stage forces us to win the discussion and negotiation during conciliation.

Gabriele Stauner (PPE-DE). – *(DE)* Mr President, ladies and gentlemen, on-call time is working time, as the European Court of Justice rightly ruled. Indeed, the Member States have adapted well to this state of affairs by now, and not one hospital or other institution has yet gone bankrupt as a result.

Besides, on-call time, which we are discussing here, requires that workers be present at work: everything else is standby duty, which is a different matter entirely. In my opinion, the breakdown into active and inactive on-call time – possibly further defined by a more or less, but in any case arbitrarily, estimated average calculation – is absurd. After all – to put it in legal terms – workers are at the disposal of employers, are subject to their instructions and are not at liberty to divide up their own time.

I oppose individual opt-outs in principle. After all, we all know that employment relationships are characterised not by equality of status, but by an opposition between invariably economically stronger employers on the one hand and workers dependent on their capacity for work on the other. Indeed, individual labour law was created precisely for the purpose of compensating for the lack of equality of arms in this relationship. If need be, workers dependent on their jobs to survive will risk their health to support themselves and their families. In times of economic difficulty, such as those we are experiencing just now – incidentally owing to serious erroneous decisions by incompetent managers – there is ever increasing pressure on workers. Yet human beings are not machines, able to work through without a break.

In my opinion, the Council's position on this is unacceptable. I largely support our committee's report and the position of my colleague Mr Silva Peneda, and hope for a sound, humane solution in the conciliation procedure.

Marie Panayotopoulos-Cassiotou (PPE-DE). - *(EL)* Mr President, the only service the Council's common position and efforts by the French Presidency have rendered us is that we are again discussing the problem. It is around Christmas time that we remember 'A Christmas Carol' by Charles Dickens, in which an employer in a certain country in Europe does not give his hardworking employee a holiday. We should like to put an end to this Christmas Carol. Countries such as Greece voted with the minority and did not support the compromise. Greece has consistently supported a 48-hour week and does not want any change in the organisation of working time without dialogue and agreement between employers and workers. We would prefer not to see a demonstration tomorrow by either employers or workers, as my fellow Members maintained. We would prefer social dialogue and collective bargaining to apply.

One of my fellow Members referred to the Middle Ages. In the Middle Ages, however, they respected Sunday as a day off. Even slaves did not work on a Sunday and today we have deleted the fact that Sunday must be included in a worker's days off from the directive. That is why two amendments have been tabled and I call on the House to support them, so that Parliament's proposal includes this element of European civilisation and I hope that it will be supported by all the honourable Members who, I see, are using their inactive time and being paid for normal time. Tomorrow we should cut the time of the Members who are not in Parliament.

Richard Falbr (PSE). – *(CS)* Practically ever since the ratification of the Maastricht Treaty, which for many people represented the victory of neoliberal economic policies, we have witnessed a gradual and concentrated attack on the European social model. The abandonment of the Keynesian corporate socio-economic model, under which social dialogue and strong state intervention are considered normal, has brought us to where we are today. To the total collapse of neoliberal capitalism and a reaching out to the state that was supposed to have been slimmed down as much as possible and the influence of which was supposed to be reduced to a minimum.

I do not understand how anyone could push through what the Council has submitted with the agreement of the Commission. Is it perhaps intended to be one more step towards socialist capitalism for the rich and cowboy capitalism for the poor? A return to the 19th century will help nobody. We must therefore categorically reject the draft directive for as long as it does not contain the amendments proposed by the rapporteur, Mr Alejandro Cercas.

Mihael Brejc (PPE-DE). - *(SL)* This directive does not provide for the 40-hour working week to be extended to a 60-hour one. Nor does it require employees to work 60 or 65 hours a week, including overtime. What it does, instead, is lay down frameworks and conditions under which that might be possible. For this reason, the 60 hours that we are discussing cannot be equated with the current provisions of national laws, where they limit the weekly working time to 40 hours or less. Such equations are inappropriate, because they cast the directive in a misleading light.

However, this directive does impose a limit on the maximum possible working time. What no one has mentioned today is that many people in financial institutions, law firms, investment companies and so forth, regularly work weeks of 60, 70 or more hours, without this causing any raised eyebrows. This directive sets an upper limit which cannot be exceeded.

We also have to put ourselves in the shoes of employers, particularly small and medium-sized enterprises, who undoubtedly find it very hard to survive in the market if they face too many formal obstacles. We have to understand their situation, especially where at certain times they have to harness all their forces to meet their contractual obligations, and where of course people work longer hours. Yet this is done with the employee's consent, and for additional payment, of course, and not just automatically every week.

In brief, the systems of on-call time also vary greatly. We have all mentioned doctors, but we are forgetting, for example, campsites, family-run hotels and many service activities where people work, are on duty and sometimes have to be on call. In conclusion, I think that the Council has proposed a kind of compromise, and we will obviously progress to the conciliation phase, and I hope we find a reasonable solution for that phase.

Anja Weisgerber (PPE-DE). – *(DE)* Mr President, the principle that the entirety of on-call time is to be considered working time must hold; I agree with the rapporteur on this. I believe that the common position must be amended in this respect. The common position even envisages the possibility of considering the inactive part of on-call time to be a rest period. This could lead to marathons of 72 hours and more on duty, which should not be allowed in any Member State. Therefore, I welcome the committee's adoption of my amendments in this regard.

I would ask you to bear in mind, however, that the Working Time Directive applies not only to doctors but also to a wide variety of other professions, and on-call duty keeps workers occupied to a widely varying degree. For example, it also covers fire-fighters, who can sleep or even engage in recreational activities while on call. The fire-fighters are therefore arguing for the option of derogating from the maximum working week.

Therefore, I advocate the option of seeking tailor-made solutions on site by means of collective – not individual – opt-outs. Practice-oriented collective agreements have been negotiated on this by the parties to such agreements in the past. I expressly support such a strengthening of free collective bargaining.

In addition, the new, collective opt-out is significantly more worker friendly than the existing regime. Opt-outs are possible only with the consent of the worker concerned, and this consent must not be given in conjunction with the employment contract. If we vote against this option of collective agreements, we run the risk that there will be no revision of the Working Time Directive at all, and we also jeopardise the chances of worker-friendly opt-outs.

Therefore, I shall be voting against the amendments seeking to delete the opt-out, as I am in favour of such free collective bargaining and of tailor-made solutions on site.

IN THE CHAIR: MR COCILOVO

Vice-President

Mario Mauro (PPE-DE). – *(IT)* Mr President, ladies and gentlemen, the fruit of our labour is not only the production of goods and services, but the achievement of a life goal, the fulfilment of that desire that leads us in pursuit of happiness. For this reason, we must take a considered approach to decisions on labour policy, and have the courage of our convictions.

I therefore think it is wise that Parliament should favour the conciliation procedure, supporting on one hand the rapporteur's position, but above all Mr Silva Peneda's amendments. In this sense I have to say that it is obvious that on-call time in the healthcare professions should be fully recognised as working time – this absolutely must be guaranteed.

Stephen Hughes (PSE). - Mr President, many people are under the misapprehension that if we adopt the position proposed by Alejandro Cercas they will not be able to work an additional hour of overtime beyond the 48-hour average each week. That, of course, is not true.

We are against the opt-out in principle, because this is health and safety law, but we have proposed the 12-month averaging of working time rather than the four-month current averaging period. This gives phenomenal flexibility for individuals and firms in the planning of working time. In fact, so much flexibility that the Council itself looked to put in a fixed limit of 60 or 65 hours per week, depending on the averaging period. We did not do that. The amount of flexibility included here is far better than the use of the opt-out; it is a far better choice for firms and for individuals. I hope that message goes out very strongly from this debate.

Ewa Tomaszewska (UEN). – *(PL)* The idea of drawing a distinction between active and inactive working time is a dangerous and dishonest approach. If part of the time spent at a workplace and devoted wholly or partially to carrying out duties for an employer is not used to undertake specific tasks, that period cannot be considered a rest period. After all, an employee cannot spend that time with his or her family, nor can the employee arrange to rest as he or she wishes. That time should be remunerated at the same rate.

Another issue concerns the possibility of extending on-call time without suitable remuneration, allegedly with the employee's consent. This affects medical doctors in particular. I would be interested to know of any patient, ideally a Member of the European Council, who would happily agree to be operated on by a doctor who had already been on duty for 23 hours. Not only is this an infringement of the doctor's employment rights, but it is also an infringement of the patient's rights. Hospitals in Poland have refused to employ doctors refusing to sign the opt-out clause. I would remind the House that the right to an eight-hour working day was won before the Second World War.

Silvia-Adriana Ţicău (PSE). – *(RO)* Social Europe needs to guarantee that every European citizen can live decently on their salary. A decent job needs to ensure a decent living.

Respect for employees involves establishing a period for working and a period for rest, which will allow them to relax and spend enough time with their families. Children need guidance and supervision from their parents, but if the latter have less or even no time to spend with their families, this can have negative repercussions on the children's upbringing. No employer must be able to ask an employee to work more than 48 hours a week.

I feel that the working time directive needs to focus more attention on the specific situation of on-call time worked by medical staff. I support Mr Cercas's report which protects employee interests without ignoring the legitimate interests of employers, offering them the opportunity to adapt working hours to their needs. I also welcome the amendments which stress the importance of collective labour agreements.

Dragoş Florin David (PPE-DE). – *(RO)* In the current climate of financial crisis, which is having a direct impact on European citizens' economic and social lives, the working time directive is a key element in European social policies.

Mr Cercas's report presents a logical, coherent approach to the process of evaluating the conclusions concerning the application of this directive at Member State level. This directive is currently a flexible instrument defining a level of protection which does not allow the authorisation of actions detrimental to workers' health and safety.

Jan Tadeusz Masiel (UEN). – *(PL)* Mr President, as this debate draws to a close I should like to add a few words of support for the report by Mr Cercas, and for the stance adopted by the Committee on Employment and Social Affairs, which has remained unchanged since 2005 and was confirmed at the vote on 6 November.

Our Committee had sufficient time in which to consider its opinion, and I trust the outcome of our vote in committee will be reflected during the vote in plenary the day after tomorrow. We voted in full respect of Europe's social *acquis*, which the older Member States are sharing with the new ones, providing us with an example and support. The compromise arrived at in June at Council is unacceptable.

My constituents, and medical circles in Poland in particular, are following Parliament's activities with some concern. They rightly argue that all working time should be remunerated, not just active on-call time. It is indeed the case that the Council's compromise refers to potential flexibility at the level of the social partners and collective agreements. Nonetheless, Polish workers feel they lack the power to negotiate with their employers, and they need strong support from the European Parliament.

Gabriela Creţu (PSE). – *(RO)* During the long debates on this report, the concern was expressed that during the vote tomorrow the majority won during the first reading might not be achieved because those who have joined in the meantime would have changed the balance of power in this House.

It is very true that in the Council the right-wing governments have adopted the same position, regardless of whether their geographical location is in the east or west. However, there is another matter in need of clarification. Workers from Eastern Europe support with the same conviction the amendments which the European Parliament is proposing, while the Council is rejecting them. The trade unions from Romania, which will also be represented here tomorrow in Strasbourg, will be, for instance, aware that the rights they have earned are not earned once and for all and need to be continually defended. Their message is simple: a much more effective solution to the existing problems than unlimited working hours is to halt the uncontrolled spread of badly paid jobs, including for workers from Eastern Europe.

Jacek Protasiewicz (PPE-DE). – *(PL)* Mr President, I have no doubt that the good of the workers and safety at work are issues dear to the hearts of each of the Members taking part in this debate.

We are all aware, however, that the current Working Time Directive is in need of certain amendments. The questions arising concern the nature and purpose of such amendments. These are not easy questions to answer and they were the subject of heated debate both in this House and in the Council for a number of years. The Council eventually came up with a wise compromise. At present, it is hard to expect the governments of countries, most of whom do apply the opt-out principle, to suddenly abandon the latter, especially in the context of the current economic crisis. In particular, I should like to draw the attention of those Members who are calling for a strong stance on the opt-out issue to this point.

In Poland, Mr President, there is a wise saying according to which the best is the enemy of the good. I should like to emphasise that we have a sound compromise and should accept it in the interests of the good of European workers.

Proinsias De Rossa (PSE). - Mr President, I support the Cercas package. I think the bottom line on this debate is that human beings are social beings: they are not machines and they should not be treated as such in the workplace. A person applying to an employer for a job has no freedom to refuse to sign a form saying they are denying themselves the right to the coverage of the Working Time Directive, so to argue that abolishing the opt-out is in some way an attack on freedom is not right: it is actually an attack on the abuse of an employee who needs to work in order to live.

In my view, the current opt-out in use in 14 Member States is an attack on the idea of building Europe on the basis of common decent working and living conditions, and we must not allow that to happen.

Valérie Létard, President-in-Office of the Council**.** – *(FR)* Mr President, Commissioner, Mr Cercas, ladies and gentlemen, the Working Time Directive is, of course, rich in symbols and does raise matters of principle, the freedom of choice of workers versus the protection of their health and safety being one of them.

It is precisely on that point that we are having difficulty in reaching an agreement. As I have already indicated, France has long been opposed to the opt-out. We have, however, come round to the common position. Why? Because the directive is not aimed at watering down people's rights or at causing social regression.

As far as on-call time is concerned, the aim is to permit the Member States to deal with it in a specific way, by taking account of the inactive periods it includes. All the Member States had a specific way of dealing with such time, and the Council has no other aim but to maintain the status quo, the balances that are made fragile by the Court judgments.

The second reason is because, with regard to the opt-out, the common position improves the rights of the workers concerned where the opt-out has been transposed. There is obviously no obligation to use this derogation. The opt-out has existed without safeguards since 1993. The Council's position does introduce safeguards, as Mrs Lynne pointed out. I hope that pragmatism prevails. The common position does not involve anyone renouncing their principles or their convictions.

Today, on behalf of the Council, the French Presidency is telling you that the common position is without doubt the best compromise for obtaining a revised directive, given the balance of power between the Member States and the urgent need to find a solution regarding on-call time. That, ladies and gentlemen, is what I wished to say to supplement my introductory remarks.

Vladimír Špidla, *Member of the Commission.* – *(CS)* I would like to echo the words of Mrs Létard concerning the depth and interesting nature of the debate. This debate deals with matters of supreme importance and in my view it is now up to Parliament to take a decision. The framework in which further discussions may take place will then be clear. I would only like to state – since some of the views voiced in the debate did not reflect the reality of the situation – that it might be useful to go over some basic facts clearly and in a matter-of-fact way.

The Working Time Directive is currently in force. The directive states that there is an option for individual Member States to introduce the opt-out. The opt-out is currently being applied in 15 Member States. So this is not a new situation but rather an established fact. The reason for the new directive is the pressure that resulted from the decision of the Court in the case of SIMAP and Jaeger, since the decision brought about a very difficult situation for a number of systems which traditionally rely on large amounts of on-call time.

I would also like to state that the consequences of on-call time and the organisation of on-call time have an impact in various ways on various systems and in various Member States, especially the smaller ones which do not have much chance of recruiting workers from other states and which may face relatively severe problems. This is why the debate is so complicated, as on the one hand it impinges on the protection of workers through the regulation of working times to a certain extent, and on the other hand it applies to a number of highly sensitive systems, such as health care or, for example, emergency services such as the fire service and others.

Every decision has its consequences and I think that at the present time we have a great opportunity for achieving progress. This progress will be the result of a debate in all institutions, the result of both cooperation and debate, and one of the most significant steps along the way will be the vote in Parliament on 17 December this year.

Alejandro Cercas, *rapporteur.* – *(ES)* First of all, I should like to thank all my fellow Members from all the groups, because I believe there is a large majority in this Chamber that says that human beings are not machines and that people and their rights come first. After that we can talk about other things, but we must start with their health, safety and family life.

Secondly, I welcome the Council and the Commission to the negotiating arena. It is late, but better late than never.

Watch out for the traps. In the directive that results from your common position, the opt-out is not like the one laid down in 1993, which was temporary, conditional and very much one-off. The Commissioner mentioned 15 countries. No, there was one with a general opt-out and several with minor ones. You, however, are proposing that it should be forever and for everybody, splitting Europe into countries that want long working hours and countries that do not.

We do not want something that was temporary and exceptional to turn into something permanent and normal, because it is not normal for people to work every week of the year and every year of their lives without seeing their families or being able to meet their obligations as citizens.

I think some facts have to be accepted. That workers and doctors are against this directive, Mr Bushill-Matthews, is a fact, not an opinion. I have not talked to 160 million workers or 4 million doctors, but I have talked to their representative organisations. Maybe someone or other agrees with you, but I assure you that the vast majority is against you, because all their organisations without exception are against what you say.

Lastly, let me repeat what I said at the beginning. Wednesday is going to be a very important day for citizens to start believing in Europe again and realising that these institutions are not made up of a bunch of heartless politicians who only think about the economy, or bureaucrats who live in a world apart. We are with the people. We stand up for their rights, and on 17 December social Europe will emerge empowered. After that we will negotiate. We will negotiate on an equal footing.

(Applause)

President – The debate is closed.

The vote will take place on Wednesday.

Written statement (Rule 142)

Iles Braghetto (PPE-DE), *in writing*. – *(IT)* Mr President, ladies and gentlemen, this directive will be a decisive text for the construction of an economic and social Europe.

It is a common belief that we should and can create innovation in the labour market that improves productivity and quality within the flexibility required without exploiting workers. Encouraging fair working conditions, to which, moreover, everyone has an inalienable right, guarantees the safety and effectiveness of the work they do. That is why we believe that the proposal adopted by the Committee on Employment and Social Affairs is balanced.

In particular, it should be pointed out that, for medical personnel, adequate safeguards in the organisation of shifts and rest periods are essential to guarantee not only fair conditions in themselves, but also to guarantee the safety and quality of care for patients and a reduction of clinical risk.

Ole Christensen (PSE), *in writing*. – *(DA)* I am pleased to be a member of a political group, namely the Socialist Group in the European Parliament, that does not compromise on the health and safety of workers.

That anyone can believe in increased competition on the basis of poor working conditions and an internal competition between Member States for the longest working hours is completely misguided and belongs in another era. I have nothing against the two sides of industry agreeing on longer working hours with a reference period of anything up to a year and an average of a maximum of 48 hours a week, but I do object to employers having the option of taking on workers on an individual basis, thereby gaining the chance to apply various exceptions.

I wonder what more it will take for the United Kingdom to enter into serious talks and phase out their opt-outs, in the process improving conditions for millions of workers in that country.

I hope that, on Wednesday, the European Parliament will say that, in future, Europe should 'work smarter and not harder' in order to meet the challenges of the future.

Corina Crețu (PSE), *in writing*. – *(RO)* I welcome in this report the confirmation of the European Left's social vision, with socialist representatives criticising, quite rightly, the violation, by allowing the working time opt-out clauses, of the principle of not having any derogations from the legislation relating to health and safety at the employees' workplace.

Even though flexible working hours, depending on the specific nature of the work and each person's ability, could produce good results, I cannot help but think about the numerous abuses to which employees are subjected. I am referring to the case of Romania where overtime is neither calculated nor legally paid in many cases. Any activity extending beyond the normal working day is not the result of any agreement between the employee and employer, but dictated by the employer's will and discretion. Let us not even mention the danger to the health and life of those who have climbed into a mixer which they can only come out of at the risk of losing their job.

On many occasions, what is presented as boosting competitiveness at work is only a cover for exploitation.

I therefore think that this 48-hour limit is the preferable option. As far as on-call time is concerned, I feel that it is unfair that the 'inactive period during on-call time' is not considered as working time and, by implication, is not paid.

Magda Kósáné Kovács (PSE), *in writing*. – *(HU)* The European Union already has effective regulations regarding the organisation of working time. According to these, the average working time is 48 hours per week. In practice this means an employee may work eight hours for six days of the week averaged over four months. This I think should be sufficient, for more than that is in the long run detrimental to efficiency.

The Council's compromise, which contains less favourable rules than those currently in effect, was denied support by Belgium, Cyprus and Spain among others, including my home country Hungary, and is unacceptable to the European Socialists.

A social Europe cannot be an empty slogan, not even in times of economic difficulties. During the conciliation procedure, the parliamentary rapporteur Mr Cercas proved himself suitably receptive, making it possible, for example, in the interests of flexibility, for the 48 hours to be averaged over 12 months. We cannot, however, accept a regulation that would permit 60-65, and in extreme cases even 70-72 hours of work per week. Nor can we endorse the position that would make it possible to give an unlimited opt-out period from

the regulations. The main reason for this is that the relationship between employees and employers can never be equal.

As regards on-call time, I consider hypocritical those who think that the inactive periods while on call do not count as working time. I would suggest that at the demonstration to be held in front of Parliament on Wednesday, the day we vote, they sit down for a chat with a few workers.

Roselyne Lefrançois (PSE), *in writing*. – *(FR)* For more than three years now the Council and the European Union have been at loggerheads over this Working Time Directive.

The agreement reached by the EU's 27 employment ministers provides for a maximum 48-hour working week, but with an option of a derogation allowing this to be increased to 65 hours per week in certain cases.

A solution such as this is unacceptable, and, as a socialist, I have a duty to ensure that the concerns of millions of workers are heard and to fight to ensure not only that this 48-hour limit admits of no exception, but also that on-call time is taken into account in the calculation of working time.

I shall therefore vote in favour of the Cercas report, in the hope that, should conciliation take place, we arrive at a text that strikes a real balance between worker protection and optimal work organisation. As European socialists, we shall, in any case, continue to defend workers because, now more than ever, Europe needs a social model that meets the needs of the most vulnerable citizens and especially of those most affected by the consequences of the economic and financial crisis.

Lasse Lehtinen (PSE), *in writing*. – *(FI)* Mr President, rarely has EU legislation affected so many. Millions of wage earners are getting a Christmas present from Parliament, either in the shape of an improvement to their working conditions or Europe's first directive that actually worsens the quality of people's working life. The Committee on Employment and Social Affairs showed a good example by improving on the Commission proposal with a clear show of hands. The determination of working time is actually its social dimension. All too many European wage earners work 60 or 65 hours a week while millions remain unemployed.

Long working weeks are more often than not based on apparent freedom of choice. The employee is free to choose between a long working week and having a job at all. Even after the improvements, the directive would have a reasonable number of derogations that would allow for flexibility.

The Committee adopted my amendment to include employees in managerial positions in the directive. The boss also needs the protection of the law – he or she can get tired too.

The Council and the Commission have not consented to reconsider their position on the matter of on-call time. It is only common sense that time spent at work – on standby, awake or asleep – is still working time.

The European Parliament's mandate comes directly from the citizens of Europe. For that reason, its duty is also to consider what is best for its citizens, in this matter too.

David Martin (PSE), *in writing*. – I will vote to end the opt out from the 48 hour week. I strongly believe long hours damages individual's health, creates the risk of more accidents in the workplace and has a negative impact on family life. In the UK the existence of the voluntary opt out has been widely abused with many employees forced to sign an opt out on day one of their employment.

Mairead McGuinness (PPE-DE), *in writing*. – The debate on the organisation of working time is complex. But the most difficult issues are the future of the opt-out and the treatment of on-call time.

In the SIMAP and Jaeger cases the European Court of Justice interpreted the definition of working time in the original Working Time Directive to include the inactive part of on-call time when an employee is not working but resting.

In the Council agreement of 9 and 10 June 2008, the inactive part of on-call time is not regarded as working time, unless national law/practice/collective agreements or agreements between the social partners provide otherwise.

Under the Council agreement, the possibility for an employee to opt out of the maximum average working week of 48 hours, provided for in the original Working Time Directive, is subject to more stringent conditions in order to protect the health and safety of workers. Employees will not be required to work in excess of 60 hours a week averaged over three months, or 65 hours a week averaged over three months, when the inactive part of on-call time is regarded as working time.

Ireland has never used the opt-out, so a stricter implementation of the available opt-out is both welcome and necessary.

Dushana Zdravkova (PPE-DE), *in writing*. – *(BG)* Ladies and gentlemen, as you are aware from the debates during the last few weeks, the key point in the directive being discussed is about considering periods of inactivity while on-call as working time. This amendment will offer many workers the opportunity to receive remuneration for the period which they have not had the chance to enjoy as free time and in a way that meets their needs. The proposal has many supporters and opponents. Both sides are firmly entrenched in their views and are unable to find any convergence of their interests. This is why I am calling on you to focus your attention on the positive impact which this amendment will have on European society.

The European Union's population has increasingly been getting older over the last few decades. The population growth rate in 2007 reached a tiny 0.12%. If we do not want to rely solely on emigration, we need to boost the birth rate. Including periods of inactivity while on-call when calculating the total duration of working time, is one such incentive. The amendment will create the opportunity for many women to find it easier to combine their aspirations for professional success with their desire to care for their children more. This will allow us to take a further important step in our efforts to avert the negative trends affecting the development of our society.

15. European Works Council (Recast version) (debate)

President – The next item is the report (A6-0454/2008) by Mr Bushill-Matthews, on behalf of the Committee on Employment and Social Affairs, on the proposal for a directive of the European Parliament and of the Council on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (recast) (COM(2008)0419 – C6-0258/2008 – 2008/0141(COD)).

Philip Bushill-Matthews, *rapporteur*. – Mr President, I suspect that this dossier will be slightly less controversial than the earlier one, and certainly there is a shorter list of speakers. But we shall see. Life is full of surprises.

May I start by thanking the Commission and indeed the Council for getting us to where we are today. Unlike the previous dossier, this is a first reading, but we provisionally have informal agreement in trialogue, which will mean that there is first-reading agreement, assuming colleagues support it in the vote tomorrow. Colleagues may differ as to whether the trialogue text is an improvement on the original report, but at least there is a trialogue agreement and history will be the best judge of that. I look forward to hearing any comments colleagues may have and I will sum up at the end.

Vladimír Špidla, *Member of the Commission*. – *(CS)* Mr President, ladies and gentlemen, European works councils are the pioneers of social Europe. They invigorate the social dialogue between management and workers in more than 820 companies. They make it possible for almost 15 million workers to be informed and consulted not only at a local level but also at a European and even a global level. They make it possible to link up the economic and social aspects of companies operating at a pan-European level. We can be proud of what has been achieved since the directive was passed fifteen years ago. The old directive, however, is no longer up to the job and we now have justifiably higher demands.

In July, therefore, the Commission proposed a thorough overhaul of the legal framework for European works councils. The aim is to increase their numbers and their effectiveness, to reinforce legal certainty and to improve coordination of consultations at domestic and European levels, especially in the area of restructuring. The Commission has therefore proposed clearer definitions of the concepts of 'workers' information' and 'workers' consultation' and a clarification of how these activities correlate at various levels. It has also proposed recognition of the role of the social partners in setting up new European works councils and in making it possible for existing works councils to adapt and survive. It has proposed a clearer definition of the opportunities for coordination and consultation between councils that have been set up as a matter of course. Last but not least, it has proposed a clearer definition of the roles of members of European works councils, especially in the area of passing on information to workers and training opportunities.

This summer, at the instigation of the French Presidency, the European social partners, employers and trade union organisations agreed on a joint position in which they accepted the Commission's proposal as the basis for discussions. They put forward a number of amendments to the proposal, the aim of which is mainly to clarify the definitions of 'inform' and 'consult' and to establish a two-year period during which it will be possible to set up new European works councils or to renew existing ones without having to apply new rules.

The Commission has always supported dialogue between the social partners and it has therefore welcomed this initiative. The Commission welcomes the constructive approach of Parliament and the Council, thanks to which they have come to a reliable and equitable solution based on a set of measures created through the proposal from the Commission and the joint position of the social partners. In seeking a solution the Commission has cooperated actively with both organisations. The compromise reached by Parliament and the Council defines more clearly the supra-national powers of the European works councils and the sanctions, while not introducing a minimum number of participating workers. This compromise retains the essence of the Commission's proposal. The Commission can therefore support the compromise.

Valérie Létard, *President-in-Office of the Council***.** – *(FR)* Mr President, Commissioner, Mr Bushill-Matthews, ladies and gentlemen, we are now meeting to debate a proposal for a directive that directly affects 880 European businesses and 15 million European workers. The stakes are therefore high, and we should all approach this debate fully appreciating what our responsibilities are. As you know, the proposal for a directive that we are debating this evening recasts the 1994 Directive on European Works Councils.

The text being submitted to the European Parliament is the result of a collective effort, which involved all the stakeholders across Europe. I am of course thinking of the Commission, which submitted a proposal for a recast on 2 July 2008; I am also thinking of the European social partners, who, in summer 2008, submitted eight joint proposals within the framework of a joint opinion; and I am obviously thinking of the European Parliament and the rapporteur it appointed to draft this text, Mr Bushill-Matthews, whom I thank for the quality of his work. They all worked with the Council Presidency to arrive without delay at a text that is acceptable to everyone. The result of these collective efforts is that we are in a position, this evening, to adopt at first reading the proposal recasting this 1994 Directive.

As far as I am aware, it has been a long time since a situation such as this occurred in the social sphere. This is encouraging for the future; this encourages us to continue to work together in a collective spirit. The text being submitted to you this evening is a balanced compromise that will enable the social dialogue within European businesses to be enhanced and new guarantees to be given to the workers of the 27 Member States.

With this text we are enhancing the prerogatives of the European Works Councils by adopting, in particular, a long-awaited new definition of consultation and information.

With this text we are encouraging the setting-up of new European Works Councils since, just as in 1994, we are opening a two-year window during which the agreements concluded will be able to derogate from the new provisions of the directive.

Lastly, with this text we are increasing the legal certainty of workers and businesses by removing any uncertainties that may have had serious consequences.

It is also with this objective of legal certainty in mind that the text being submitted to you safeguards the agreements concluded during the previous window, which was opened between 1994 and 1996, after the entry into force of the current directive.

Today the compromise on which all the actors concerned have worked is being put to the vote within the European Parliament, and it is important that it be a vote in favour. This is important, because the current crisis conditions expose businesses to an increased risk of restructuring and, under these circumstances, European workers expect us to provide them with additional guarantees, guarantees that will reassure them with regard to their future.

It is also important that it be a vote in favour because the people of Europe need powerful messages that show that social Europe is getting off the ground again in 2008 and that it is not about talk, that it is capable of concrete action that will improve their everyday lives.

Lastly, it is important that it be a vote in favour because social dialogue must be encouraged in Europe, and this hinges on the implementation of new works councils and the development of joint actions undertaken by the European social partners as a whole, as has been the case in this matter.

Jan Cremers, *on behalf of the PSE Group***.** – Mr President, there is a saying that compromises will never win beauty contests. At first sight, this could be said with regard to the outcome of all the negotiations on the recasting of the European Works Council Directive. Based on the Menrad report, adopted in this House six years ago, on the jurisprudence and on the experiences of management and labour in the last 12 years, the PSE Group has always asked for an ambitious revision of the Directive.

Too many workers' representatives are still deprived of the basic information and consultation rights as their employer refuses to grant them these rights. In our view, however, these rights are an integral part of the modelling of all industrial relations. The position of the worker as the stable stakeholder who stays in the company – compared to the job-hopping of management and the uncommitted attitude of the new type of financial investor – has to be reflected in the corporate governance of our companies. With the advice of the social partners incorporated in the directive and the additional modifications reached during our negotiations, the PSE hopes to deliver some building blocks for a new dynamic.

The formal political procedure is almost finalised. It is now up to management and labour to act. Compliance with the directive, currently some 40%, is still much too low. The PSE is of the opinion that this is not the end of the story; it is a new beginning. The European social partners have the enormous challenge of convincing those companies that still refuse to comply with the directive.

We urge the European Commission to contribute to this task. A new campaign is needed. Recent research has demonstrated that companies with adequate information, consultation and participation of workers function better, especially in hard times. The economic crisis and the restructurings that we have to face in the near future make workers' involvement in the decision-making process of our companies more topical than ever.

I would like to thank my opponent, Mr Bushill-Matthews, for the professional chairing of the negotiations, my colleagues from the other groups for their political assistance and the French presidency for their sophisticated approach. Let us go to work.

Bernard Lehideux, *on behalf of the ALDE Group.* – *(FR)* Mr President, Madam President-in-Office of the Council, Commissioner, the agreement reached with the Council on Works Councils proves that the social Europe that we need so much is being built brick by brick. It also proves that, in this emerging social Europe, social dialogue has found its bearings.

Indeed, everyone knows that this text is the result, first and foremost, of productive work between the trade unions and the employers' organisations. The current directive had obviously reached its limits since, 14 years after its adoption, councils had been set up in only one third of the businesses concerned, and legal uncertainty meant that the Court of Justice had to intervene on several occasions. However it is not for judges to set the rules, but for politicians to assume their responsibilities. Moreover, the current circumstances are a harsh reminder of the ever-more crucial need to consult works councils, and to do so as far upstream as possible in the case of restructuring.

That is why we have to move forward and endorse the agreement at first reading, after having thanked the rapporteur for the quality of his work and his listening skills.

Elisabeth Schroedter, *on behalf of the Verts/ALE Group.* – *(DE)* Mr President, Commissioner, Madam President-in-Office of the Council, when the management of Nokia in Finland decided to close the Nokia factory in Bochum and relocate to Romania, the workers affected – 2 000 lost their jobs – found out via the newspaper.

In order to prevent such a situation from recurring, it is a matter of urgency – and I would stress this urgency – for the amended European Works Council Directive, with its new definition of transnational undertakings, to be brought into force. It is very sad that the Commission has taken so many years to do this and has boycotted this compromise until now.

This shows yet again that social Europe is at the bottom of the Commission's agenda. If the amendments had been in place earlier, a case like that of Nokia would not have happened.

These amendments are urgently needed to make up for the previous failure to act and they are actually overdue if we consider the new structures of undertakings which traverse national boundaries and the actions of these undertakings. My joy over the compromise is contained. Nevertheless, as part of Parliament's negotiating committee I stand in favour of this compromise, as we need this directive now.

I appeal once more to all of you who are now trying to unravel this compromise again. You are playing with fire. It would mean that we would be forever at the negotiating table and that a case like Nokia would happen again. It is therefore necessary to actually bring into force this minimal claim to democracy that we now have in the directive.

From a political point of view, the revision of the directive still remains on the agenda. Once again I would say to the Commission that what we have here is an adjustment. The revision is still to be done, and we are of the opinion that we need a proper revision, which as such will then give the Works Council what it actually needs for its long-term work. What we have now is merely an adjustment.

Dimitrios Papadimoulis, *on behalf of the GUE/NGL Group*. – *(EL)* Mr President, we in the Confederal Group of the European United Left/Nordic Green Left do not wish to enter into the spirit of celebration, because we know full well that social Europe is not one of the Commission's or the Council's priorities. Ladies and gentlemen, the common compromise between Europe Inc. and the trade unions is behind what we debated in Parliament in 2001. Also, the recasting procedure limits Parliament's role. We shall be tabling amendments that support and promote the demands put forward by the trade unions during bargaining, namely better, prompt and substantial information, publicity and transparency in agreements and reinforced participation of experts from trade union organisations. Unfortunately we are wasting an opportunity to make more material improvements to the directive and, with this revised realpolitik, we are accepting much less than what the workers need.

Jean Louis Cottigny (PSE). – *(FR)* Mr President, Madam President-in-Office of the Council, Commissioner, firstly I should like to congratulate Mr Bushill-Matthews, who gave us a great lesson in democracy as the bearer of the Committee on Employment and Social Affairs' message during the trialogue. Today, the trialogue has taken place. The partners have tried to reach an agreement.

I should also like to congratulate you, Commissioner, because, at a given moment, you managed to ensure that Parliament's role as colegislator was somewhat denied us, since, through an agreement reached by the social partners, you made us see that only the points raised by them could be debated by us.

The important thing now is to make a success of this trialogue. It has taken place, and we are now in a position to ensure that this text is adopted at first reading. However, this must not mean that a review is ruled out, and this must not mean that we are prevented from subsequently thinking about how we can achieve a full review, with the support of all, or nearly all, of the social partners.

I believe that it is in this spirit that we must act. Of course, tomorrow, at first reading, we have to win our case, but it is obvious, too, that we need to look at how all this is applied and how we will be able to ensure that a review can take place.

Siiri Oviir (ALDE). - *(ET)* Mr President, Madam President-in-Office of the Council, ladies and gentlemen. First of all I would like to thank the rapporteur for his constructive approach to the revision of the directive.

The rephrasing of the directive in question also raised certain legal issues concerning our possibilities for action. It seems that, with the assistance of the rapporteur, these have now been resolved.

Nevertheless, the revision of the European Works Council directive has long been an important matter for both companies and trade unions. It is commendable that the parties in the labour market reached an agreement this summer. This will also make it easier for us in Parliament to successfully complete the treatment of this topic.

Without casting doubt on the need to rephrase the directive at this time and in this situation, I nevertheless believe that a revised and updated version of the directive should be submitted to legislative procedure in the future; in other words, during the period of the next European Parliament.

Yet today, as the representative of a small country, I cannot agree with the Commission's suggestion that membership of a special commission should be made dependent on the number of employees in a company. Such a requirement could lead to a situation in which some Member States are left without anyone to represent their interests in negotiations.

Proinsias De Rossa (PSE). - Mr President, I welcome the first-reading agreement on the recasting of the European Works Council, which was due in no small way to the skill of our shadow rapporteur, Mr Cremers. We are in a deepening economic crisis, which is a crisis *of* the system and not just *in* the system.

'Business as usual' is not possible, and both employers and governments must accept that, in this time of crisis, workers must have a greater say in what is happening at their workplace. Any other approach will not be acceptable.

Blind faith in untrammelled markets and competition has failed abysmally, and now is the time for Europe to be more courageous in creating a new social contract between workers and businesses, and indeed for Member States and Europe to build a new social market economy, as provided for in the Treaty of Lisbon.

Harald Ettl (PSE). – *(DE)* Mr President, a revision of the European Works Council Directive has been due since 1999. This has resulted in a recast procedure – too little for a rapidly changing industrial landscape. It naturally requires an improvement in information and consultation as tools for creating a conflict-reducing business culture. This is essential. Transnational decisions belong in the advisory committee of the European Works Council. The implementation of this inherently toothless directive must be legally strengthened and this should be linked to sanctions in order to ensure that it is possible to implement the directive. This must happen so that the judgments of the ECJ will no longer simply be ignored.

Despite a small amount of progress being made, a revision will be necessary in no more than three years. We could, and should, have done this now, in order to some degree to match the industrial political reality and this rapid state of change. However – and this is the important point – at least something is happening.

Silvia-Adriana Ţicău (PSE). – *(RO)* The European Works Council and the procedure for informing and consulting employees in undertakings or groups of undertakings are vital instruments in offering employees protection.

Works councils need to be extremely active, especially in situations where companies are being restructured. In the case of multinational companies or groups of companies, it is essential that the company's employees in the Member State where redundancies are being made are also consulted and have a seat at the negotiating table. In the situation where a group of companies makes important decisions concerning the future of the company and its employees, the company's employees in the Member State where restructuring is taking place must be informed and be able to take part in and influence the decision made.

Until now the European Community has provided financial assistance only to companies undergoing restructuring. I believe that this assistance also needs to be provided to the employees who have been made redundant.

Stephen Hughes (PSE). - Mr President, first of all, many thanks to the rapporteur. Though the amendments voted through committee were not what he wanted – in fact he wanted no amendments – he nevertheless defended the committee position in the negotiations which led to this first-reading agreement.

Many thanks also to Mr Cremers, our shadow rapporteur, who was the real architect of the content of the agreement. The three additions to the points agreed by the social partners in their advice note – on sanctions, on transnationality and the removal of the threshold for the special negotiating body – are important in themselves, but many of us, as has been said, still feel cheated by this recasting.

We were promised a full revision of the directive almost 10 years ago. Other serious deficiencies need to be addressed, and we insist that the Commission should bring forward that full revision during the next mandate.

Another serious concern about the handling of this recasting was the crossover between the social dialogue and legislative tracks. The social partners were consulted in accordance with Article 139 and eventually signalled their inability or unwillingness to negotiate a framework agreement. But just as we began our legislative work, they did signal that they would like to open negotiations. They then agreed an advice note, which has no standing at all in the Treaties, but that gave our rapporteur, Mr Bushill-Matthews, the opportunity to pretend to be conciliatory by accepting the content of the note, but nothing more.

Rather than acting as a spur to our work, that advice note almost became a straitjacket. The Article 139 and 138 procedures need to be kept clearly separated. It is wrong if either undermines or constrains the other, and it is the job of the Commission to ensure that separation. Even as we speak, a similar crossover is being allowed to derail a legislative amendment we have been calling for to address the problem of needle-stick injuries.

I repeat, this is dangerous and can only lead to resentment and distrust between the social partners and Parliament. Nevertheless, this is a step forward in terms of information and consultation rights for workers, and I welcome it.

Ewa Tomaszewska (UEN). – *(PL)* Mr President, at the time of its implementation, the Directive setting up European Works Councils represented a significant step forward in terms of establishing social dialogue within the economy. It also enabled productivity to be increased whilst retaining social harmony.

Following several decades of experience, the social partners have now identified ways in which the Directive could be recast and made more specific. The role of Members of Works Councils in the process of informing and consulting with the workforce ought to be laid down more clearly. An understanding between the social partners, and negotiations based on good faith and reliable information are highly desirable, especially at times of crisis. The value of social dialogue, of reaching solutions through discussion and negotiation, and of an awareness of the good and interests of the other party all point to the need to respect the results of this dialogue. Acceptance of agreements reached between employers' organisations and trade unions at European level is therefore called for.

I congratulate the rapporteur and look forward to reviewing the impact of the Directive in the future.

Ilda Figueiredo (GUE/NGL). – *(PT)* I regret that we are wasting this opportunity to improve this directive on the European Works Council in a more thorough and meaningful fashion. This was in fact predicted in 2001 when the Menrad report was adopted, in which I myself participated. That is why we insisted on tabling and voting on some amendments which aim to reinforce the right of information and consultation of workers' representatives in all cases, including the right of veto, particularly where there are restructuring operations and attempts to relocate companies, especially transnational companies, in which workers' rights are not respected.

It would be good if these amendments could be adopted as they would strengthen the directive on the European Works Council.

Karin Jöns (PSE). – *(DE)* Mr President, my group and I would also have liked to have seen more than what has now been produced, but I think, nevertheless, that we have achieved a lot and have brought agreement at European level a step further forward. One thing is clear: in future, the European Works Council must be informed and consulted prior to any decision – and that is the important point – prior to any decision being taken regarding restructuring and then it will no longer find out about this via the newspaper.

However, I would like to say something very clearly to the Commission: the sort of chaos we saw when determining who is actually negotiating here must not happen again. There must be a clear distinction between the social dialogue and the European Parliament. We sometimes had the feeling that the rights of this House were being nullified. That must not happen in future.

Valérie Létard, *President-in-Office of the Council.* – *(FR)* Mr President, ladies and gentlemen, the recast of the European Works Councils Directive is good news.

It shows that social Europe is making headway and that progress is possible where improving European workers' rights to information and consultation is concerned. It also shows how valuable the social partners' involvement is. Without it, we would undoubtedly not have achieved such a result. Lastly, it shows the quality of the work and the cooperation between the three institutions – the Commission, Parliament and the Council – since, if Parliament so decides tomorrow, we will have reached an agreement at first reading, and we can only be pleased about that.

Should this be the case, I am grateful to you, Mr President.

Vladimír Špidla, *Member of the Commission.* – *(CS)* Progress is difficult but not impossible. I think that the history of the draft directive on works councils is proof of that. It has not been an easy path and I would like to emphasise especially the role of the social partners and the role of the rapporteur Mr Bushill-Matthews as well as his social democrat colleague Mr Cremers. In my view the debate has shown clearly that the bill is ready for the vote and I think also that this is a genuinely good report for social Europe.

Philip Bushill-Matthews, *rapporteur.* – Mr President, as colleagues know, I am a great believer in social dialogue and works councils, and I am pleased that there has been an agreement at first reading, so that legal certainty can prevail for all the social partners.

My view is that we would have achieved a first-reading agreement even if we had not gone through this particular process. Since Stephen Hughes has chosen to give a rather distorted version of how this was achieved, I would just like to set the record straight so that posterity will show how we got to where we have. The social partners most certainly asked all of us not to table any amendments, and the trade unions certainly confirmed to me that, as far as they were concerned, the other groups would absolutely respect that. What I did not expect, and what I did not know, was that, whilst they were urging our group not to table any amendments, they were actually urging the Socialists to table amendments. We therefore had a very distorted

balance in committee. Had we come to Parliament first, and had all colleagues had the chance to debate the matter, I still think we would have had agreement, but it would have been slightly different.

Having said that, let me put colleagues' minds at rest: I do not propose to unpick the agreement that we have. It is important that there is an agreement and I am confident that it will be adopted tomorrow. However, it is a supreme irony that, on an issue concerning mutual trust between employee and employer, and harmony and cooperation between both sides of industry, one of the social partners should approach the matter in a very different way.

I hope that this will be an isolated episode, because social dialogue needs to proceed with trust on both sides. However, on this occasion there has been a backward step in that regard, and one which I hope will never ever happen again.

President – The debate is closed.

The vote will take place on Tuesday.

16. Toys Directive (debate)

President – The next item is the report (A6-0441/2008) by Mrs Thyssen, on behalf of the Committee on the Internal Market and Consumer Protection, on the proposal for a directive of the European Parliament and of the Council on the safety of toys (COM(2008)0009 – C6-0039/2008 – 2008/0018(COD)).

Marianne Thyssen, *rapporteur.* – *(NL)* Mr President, Commissioner, President-in-Office of the Council, ladies and gentlemen, we have demonstrated several times that we explicitly opt for a high level of consumer protection within the internal market. Both in the multi-annual programme on consumer protection and in the resolution and the debate further to the withdrawal from the market of unsafe, mainly Chinese toys, we have made passionate pleas for the protection of the smallest and most vulnerable consumers, namely children, to be placed high on the agenda.

As rapporteur for the new Toy Safety law, I am therefore delighted to be able to announce that we will probably be able to get a new and strict directive on toy safety pushed through in the next few days – if everything goes according to plan, that is.

I would like to thank the Commission, because it responded to our call to propose a new directive. I would also like to thank the draftsmen of the opinions, the shadow rapporteurs, the president and the members of the Committee on Internal Market and Consumer Protection for the excellent cooperation that made it possible to approve my report unanimously on 6 November. Moreover, I am indebted to the Council, the Commission and all our members of staff for their unwavering dedication and their constructive attitude, which have enabled us to finish this important piece of consumer legislation within the space of ten months.

Ladies and gentlemen, we have various reasons to be proud of our work. The toy safety requirements are undoubtedly being improved and tightened, which is what the public expect from us. There will, in principle, be a ban on the use of carcinogenic, mutagenic and reprotoxic substances in permitted toy components. In addition, stricter rules will be introduced for unavoidable traces of heavy metals. This will be achieved not just by introducing maximum values for more types of substances, but also by establishing much stricter limit values for unavoidable traces of lead, cadmium, mercury, chromium 6 and organic tin.

Another totally new aspect is the provisions covering allergenic fragrances, to which, surely, we do not want children to be exposed. This aspect will also be made tighter than the Commission proposal; eventually, there will be a ban on no fewer than 55 allergenic fragrances, and 11 others will only be allowed for use if accompanied by warning labels. Subject to labelling and consistency with other relevant legislation, we are somewhat more lenient in the case of educational aromatic and flavour games.

A further important point is the improvement of rules to prevent possible suffocation, clarification of the essential safety requirements and, totally new, rules for toys in sweets. The system of warnings will also be extended and reinforced, and these should not only be clearly displayed in a language which the consumer can understand, but also be visible at the place of sale; finally, we are giving the precautionary principle its rightful place in the law.

Rules are of no value, of course, unless they are enforced. This is guaranteed by integrating the new policy in the new goods package, and by introducing stricter dossier requirements and requirements in the area of

traceability. This should also be followed up, though. This is why, Commissioner, I would ask you on behalf of Parliament, when monitoring the directive, to pay close attention to the way in which the Member States carry out their supervisory task, both within and outside of the country's boundaries. For complete peace of mind, we would also like to hear you confirm that new, stricter, harmonised standards will be developed in terms of the noise standards for toys, both peak and sustained noise, and we would ask the same for books made of paper and cardboard only, for which there is no legal certainty at the moment.

Finally, we have explicitly decided against a system of third-party certification in respect of toys that comply with the standards. We have had long discussions on this topic, but a majority was against it. Here too, we should like to hear the Commissioner confirm that, during monitoring, specific attention will be paid to this aspect. We can therefore expect the conformity assessment procedures to land on our desks at some stage.

Valérie Létard, *President-in-Office of the Council.* – *(FR)* Mr President, Commissioner, Mrs Thyssen, ladies and gentlemen, the Presidency welcomes the importance attached by the European Parliament to the subject of toy safety, particularly during this festive season. We need to be able to have confidence in the safety of toys, as these are products designed for children.

For this reason, the Council has given special priority to the Commission's proposal, which was submitted at the end of January 2008. The aim of the proposal is to enhance the safety of toys while preserving their free movement within the internal market. The market in toys, through its buoyancy, capacity for innovation and structure, is particularly sensitive and complex, and the colegislators have had to find a balanced approach that guarantees the safety of toys without increasing their prices and that does not impose overly heavy obligations on the manufacturers and importers of reputable toys.

Recently, aside from prices and innovation, new elements have appeared crucial in the eyes of consumers. Respect for the environment and the absence of substances that are in any way toxic or that present an allergenic risk have been at the heart of public debate. This has become evident ever since certain companies decided to withdraw from the market or recall products that may not have been entirely safe.

Accordingly, since the 1980s the European Union has been taking a technical harmonisation approach aimed at safeguarding the free movement of goods within the internal market while establishing demanding safety levels to ensure that only compliant goods can move around within it. Such compliance is guaranteed by the CE label.

Like 80% of the goods that circulate within the Union, toys are subject to this technical harmonisation approach, which is organised in accordance with a well-known architecture: European legislation – in this case the proposal of new directives – lays down the essential safety requirements, which are translated and refined technically into standards. The Commission, with the Member States, also lays down documents providing guidance on the implementation of Community law.

It is this architecture as a whole that would be enhanced by the adoption of the proposal as amended by the colegislators. The re-evaluation of toy safety in line with these new legislative standards symbolises the colegislators' commitment to considering this area as a priority, since this is the first sectoral application of these horizontal provisions.

Indeed, in the text negotiated by the institutions – which is endorsed by a large majority of the Member States and which is therefore acceptable to the Council – not only market supervision, but also a number of the essential safety requirements, including the proposals aimed at limiting potential chemical risks in toys, are enhanced.

The provisions relating to carcinogenic and toxic substances were further enhanced during the negotiations between the colegislators in order to minimise or totally eliminate these substances, in particular for all accessible toy parts, and also to enhance the precautions relating to possible reactions when toys are put in the mouth, something that is inevitably done by the consumers of these goods.

Furthermore, the provisions aimed at eliminating the risk of toys and their parts causing asphyxiation by strangulation or suffocation have been clarified and enhanced.

Likewise, to ensure that the parents of consumers are able to make pertinent choices, the warnings about toys' potential risks and the minimum or maximum age limits of users have also been enhanced and must be made available, prior to purchase, to all those who govern such purchases, including online.

On the subject of the capacity of goods to comply with the essential safety requirements, the architecture of the Community system is maintained; where a European standard exists, manufacturers may themselves declare their toys to be compliant and affix the CE label. Obviously, if this in done in error, all the economic operators have obligations to fulfil at their respective levels within the supplier chain, and the authorities responsible for monitoring the Member States' markets will be there to enforce compliance or to punish non-compliance.

In the absence of European standards, third-party certification is provided for, with the result that a high level of safety can be guaranteed. This architecture of ours is not exempt from the risks of abuse of the CE label, but, thanks to the vigilance of the market monitoring authorities and their increased cooperation at European level, the risk will be reduced.

Lastly, the precautionary principle and the capacity to adapt to new risks, where they are identified as such, are provided for in the directive. The French Presidency is therefore delighted with its constructive cooperation with the European Parliament throughout the negotiations on this important matter and is also grateful, on behalf of the Council, to all those men and women within the three institutions who have contributed to this positive outcome, which should enable us to reach an agreement at first reading.

Günter Verheugen, *Vice-President of the Commission*. – *(DE)* Mr President, Madam President-in-Office of the Council, ladies and gentlemen, during the second half of 2007 we were confronted with recall actions by a large manufacturer of toys that had voluntarily withdrawn defective products from the market. Nevertheless, this created uncertainty.

Even though we all know that no one can absolutely guarantee the safety of products that we handle every day, citizens rightly expect not only that their children can play in peace, but also that their toys are safe.

In its resolution of 26 September 2007 on the safety of toys, the European Parliament called on the Commission to get the revision of the Toys Directive underway immediately, containing efficient, effective and detailed requirements for product safety.

In January 2008, the Commission presented its proposal and I am very happy that today – only eleven months later and in fact in good time before Christmas – we have a new EU law bringing extensive improvements to the safety of toys. I would like to thank the rapporteur, Mrs Thyssen, most sincerely for her successful work. I would also like to thank Mrs McCarthy for the huge dedication she displayed in the consultations with the Presidency and the Commission. I thank the French Presidency for its great energy in bringing this dossier further forward in the Council.

The new European Toys Directive makes toys in Europe safer. It is based on the idea that toy safety is the joint responsibility of all parties involved, but with different focus points.

First and foremost, the economic operators, that is to say manufacturers, importers and traders, are under obligation. However, at the same time, the proposal contains comprehensive rules for the monitoring authorities, both at the external borders of the EU and on the markets of the Member States. Naturally, the directive does not release the children's guardians from their responsibility either. They also have a responsibility to ensure that children play safely.

The new rules on the safety requirements for toys are strict. That applies in particular to the use of chemicals in toys, in which regard the directive sets completely new standards. The directive is the only law worldwide to contain an explicit ban on carcinogens or substances that can impair reproduction or cause genetic changes. These substances may only be used if their safety has been unambiguously proven by scientific means.

The new directive also has the lowest limit values for toxic substances like lead and mercury that apply worldwide. Allergenic fragrances are also essentially prohibited. In this regard the directive goes even further than the rules for cosmetics.

In addition to the chemicals chapter, the directive also contains a number of additional tighter safety requirements for design and production. This relates in particular to rules for avoiding the risk of choking on small parts, which is a serious risk to children and will now be countered more effectively. For the first time we have also included in the directive rules on foodstuffs in toys.

In future, manufacturers of toys will have greater responsibility in connection with the conformity assessment. They will have to carry out a comprehensive assessment of any risks that a toy could conceal, regardless of where the toy is produced. This analysis must be thoroughly documented and made available to the market

surveillance authorities on request. The obligations of toy importers have been made more stringent. This is particularly important, because a large proportion of toys are imported into the European Union. Importers must check whether the producers have carried out the conformity assessment correctly and, where appropriate, carry out random tests themselves. A mandatory test by a third body is provided for in the directive only where there are no harmonised European standards. We have discussed third party certification in detail, weighing up the advantages and disadvantages.

Not every toy that is placed on the market in Europe can be tested. Random tests are, of course, possible, but expensive. The Commission is of the opinion that testing by a private certification body would result in costs that would not be justified by the amount of increased safety. That applies in particular to small and medium-sized undertakings. When reviewing the application of the directive, the Commission will pay particular attention to the rules on conformity testing. In this regard, it will take into account the experiences of the Member States in connection with market surveillance and will present the report to Parliament. It will also give a corresponding statement to the Council for its records.

In addition to increased obligations for economic operators, the directive also contains very detailed rules on how Member States are to carry out market surveillance in accordance with the internal market package from July of this year. This relates to both proper customs checks at external borders and inspections within Member States. Well-functioning market surveillance is a very important element in the directive. Only if the stringent design and production requirements are adequately monitored by independent public bodies can the overall concept of European toy safety become a reality.

The present text is an example of how the European institutions are able in a short time to get good, comprehensive, globally unique European legislation off the ground. I believe that, with this directive, we have created a good basis for safe toys in Europe.

Anne Ferreira, *draftsman of the opinion of the Committee on the Environment, Public Health and Food Safety.* – *(FR)* Mr President, Commissioner, Minister, two crucial elements have led the European Parliament to review its legislation on the safety of toys: the significant number of toys presenting safety problems that were recalled a year ago, and the studies demonstrating the impact of chemical substances on children's health.

Unfortunately the legislation that we are being asked to adopt today is no match for the issues at stake, and I do not share the enthusiasm of the previous speakers.

Indeed, I regret that we have given up being more demanding on several points and, above all, on the presence of chemical substances and allergenic fragrances. I repeat: children are among the most vulnerable people in society, and their fast-developing organisms are fragile.

The various standards on chemical substances do not take this into account. Why have CMR chemical substances been only partially banned? Why have not endocrine disruptors been banned? Why have so many derogations been accepted?

I also regret the reintroduction of heavy metals. I do not understand how cadmium and lead can be banned in certain goods but permitted in toys, when we know how children use them.

My second point concerns market monitoring. The precautionary principle as it is introduced in the directive applies to the Member States, but what scope does it really have for manufacturers?

A further problem is that information for consumers must be in a language or languages that they can easily understand, but we do not know whether they will be able to receive information in their mother tongue or in the language of their country. Why remain so vague on the return or recall measures with provisions that are not really suitable for urgent situations? Why reject the idea of an independent third party certifying manufacturers?

The Committee on the Environment, Public Health and Food Safety voted in favour of the amendments that took greater account of the health and safety of children. I regret that it has not received more support.

David Hammerstein, *draftsman of the opinion of the Committee on Industry, Research and Energy.* – *(ES)* It is true that some steps have been made towards making toys safe. Nonetheless, we believe that these steps could have been much larger. We do not understand how substances such as lead, mercury or cadmium can still be found in toys. We have missed an opportunity to ban those substances, which will continue to accumulate in the little bodies of Europe's children and cause numerous health problems.

In addition, we should also like to point out another problem with this directive, which does not lay down decibel limits for the noise made by toys. Noise is a significant pollutant that affects both children and adults, and many toys make too much noise.

I call on the Commission and the Council to take a stand on this issue and to agree to present Parliament with some noise limits as soon as possible, because noise affects our children's bodies as well.

Andreas Schwab, *on behalf of the PPE-DE Group.* – *(DE)* Mr President, Madam President-in-Office of the Council, Commissioner Verheugen, ladies and gentlemen, first of all I would like to say a huge and sincere thank you to our rapporteur from the Group of the European People's Party (Christian Democrats) and European Democrats, Mrs Thyssen. In the last few months she has devoted herself with considerable energy to an extremely difficult and also politically contentious dossier and has upheld the position of the European Parliament in the negotiations with the Commission and the Council with great success.

Commissioner Verheugen, what you have just described as the essence of the Toys Directive – as well as the comments from Mrs Thyssen – we can only underline. As a result of the new Toys Directive, toys in the European Union will be safer. However, no directive can ever be so safe as to exclude any possibility of abuse. We need to realise that toys represent only 14% of the things children play with nowadays; the remaining 86% consisting of things that children use in just the same way, but which are not covered by the provisions of the Toys Directive. For this reason, we must warn against a false sense of security and consider very carefully whether batteries, for example, should in future no longer be contained in toys, and whether ultimately it actually serves the educational purpose of toys to only have articles that meet particular requirements. No question. The safety of toys is paramount for the PPE-DE Group, too.

As several points have already been mentioned, I would like to respond to one particular point. There are a number of Member States of the European Union in which books provide a considerable contribution to the education of children. These books, particularly books for young children, will be faced with considerable difficulties if this directive enters into force in its present form –. not as a result of the directive itself, but because of the technical standards based on the directive. For this reason, Commissioner, I would be very grateful if you could ask the CEN or the industry concerned as soon as possible to look for ways to formulate the standards relating to the various tests on children's books and the resistance of the cardboard in children's books in such a way that the existing stock of children's books can also be retained in the future.

I would like to thank the rapporteur and I look forward to further discussions.

IN THE CHAIR: MR ONESTA

Vice-President

Anna Hedh, *on behalf of the PSE Group.* – *(SV)* I would like to thank Mrs Thyssen, my colleagues, the Council and the Commission for their extremely constructive cooperation. Just as Mrs Thyssen and several others here in this House have said, we have improved the directive in a number of areas. For us social democrats, a consistently high level of safety was the top priority objective. I think that we have achieved a high level of safety without imposing unreasonable demands on industry. We would, of course, have liked to have gone further in some areas, but I think that the compromise has for the most part resulted in a constructive text.

Our group wanted third party certification for certain toys, but we did not receive any support for this, either from the other party groups in the committee or from the Council and the Commission. We are naturally disappointed by this, but as we feel that the new directive is otherwise an improvement on the current one, we will support it in plenary. I am particularly happy about the fact that we are to have stricter rules for how carcinogens, mutagens and substances toxic to reproduction may be used – something that the Socialist Group in the European Parliament was not prepared to compromise on.

Compared to the Council's proposal, we now have a much better basis for assessment and we have removed exceptions to the substitution principle, which will result in the limited use of these substances. For the most hazardous heavy metals we have halved the migration limits and prohibited use in any parts that children will come into contact with.

The precautionary principle has also been one of the most significant improvements. This principle is now stated in the article, which means that market surveillance authorities can now refer to this principle if there is reason to believe that a toy is dangerous but there is no scientific evidence for this.

We have produced a better definition of how toys should be designed so as not to cause choking. Choking is one of the most common causes of death from toys, and we view it as considerable progress that we have clear rules in this area. We welcome the fact that the new directive requires toys not to impair hearing. The Commission has promised to draw up a new standard and I hope that it will keep its word. We had wanted to see a more stringent regulation of allergenic fragrances in which all allergens were prohibited except in very specific cases. Parliament has nonetheless restricted their use to a greater extent than under the Commission's proposal, and we hope that the list will be kept up-to-date if other allergenic fragrances begin to be used in toys.

We also welcome the fact that the rules for warnings have been made clearer and that more types of toys are to have warning text on the toys themselves, as otherwise it is easy for the warning to be forgotten once the packaging has been removed. Warnings that are important when deciding whether or not to buy the toy must also be visible to the consumer, irrespective of whether the toy is purchased from a shop or via the Internet.

I hope that, after this week's vote, we can tie things up and be sure of safer toys under the Christmas tree in future. Thank you.

Karin Riis-Jørgensen, *on behalf of the ALDE Group*. – *(DA)* Mr President, first of all I would like to offer my sincere thanks to our rapporteur for the Toys Directive, Mrs Thyssen. Marianne, you have produced a very efficient, professional and effective piece of work. I would also like to thank the Council and our girl from the French Presidency: well done! My thanks also go to the Commission for its flexibility in very quickly finding common ground for the text we have before us today.

The whole process of preparing the Toys Directive has been enlightening, both for me and also for my colleagues present here this evening. From a position of wanting to prohibit all chemicals and all fragrances, we have surely all learnt that nothing is black and white. I have become more aware of what is possible and what, conversely, makes the production of toys impossible. Therefore, my starting point for the work on this directive was that we should be strict, while of course being fair. I think that the proposal we have in front of us is extremely reasonable. There are significant improvements on the current rules for toys, although those rules do date back to 1988. I think that we have reached compromises with the Council and the Commission which mean that we can be satisfied and, most importantly, that children can continue to play and manufacturers can continue to make toys, but safe toys.

From the significant improvements in the new proposal I would like to highlight the fact that we now have clear rules for the use of chemicals and fragrances. That we have clarified which substances can be used is important, as these could be endocrine disrupters, carcinogens or allergens. However, we must not prohibit all substances if it is not necessary from the point of view of health, as in doing so we would prevent the production of children's bicycles, for example. Yes, you did hear right! If we were to prohibit all chemicals we would no longer be able to put tyres on children's bicycles, and we surely do not want that, despite everything. I therefore repeat: we must be strict, but fair.

I would also like to bring up our trilogue negotiations, in which we were unable to reach agreement on the legal basis with regard to noise, books and third party certification. I therefore very much expect, Commissioner, that the very clear statements from the Commission concerning these three issues will be followed through, and we in Parliament will follow up on this. I hope that we will get a clear majority in the House on Thursday, and I look forward to it.

Heide Rühle, *on behalf of the Verts/ALE Group*. – *(DE)* Mr President, I, too, would like to thank the rapporteur and my colleagues. However, as a group we regret that we had to carry out this work under massive time pressure. In particular, we regret the fact that there was no proper first reading in Parliament at which the other committees that have worked on the directive, like the Committee on the Environment, Public Health and Food Safety and the Committee on Industry, Research and Energy, would also have had to have been given a chance to speak. As it is, they have been practically excluded from the decision. I consider this to be a democratic deficit which this Parliament must address. We need clearer guidelines with regard to first reading agreement than we currently have.

When I look at the positive things that we have achieved I have to say that overall we have brought about a considerable improvement. We have improved the Commission's report again and the results that we sought in the first reading are in many cases good. However, for this reason also, a proper procedure could have been carried out.

There are deficits in three areas in particular, and I would like to clarify these. The first deficit is the issue of certification by an independent certifier. We would have been perfectly willing to compromise even further in this area, for example to require undertakings that have been reported several times on RAPEX to undergo special certification. We would have been prepared in this connection to investigate more and consider further, and to compromise, but there was absolutely no discussion with the Commission and Council on this matter. I find this extremely regrettable, as I believe that it would have benefited the safety of toys if we had achieved this third party certification, at least for certain toys.

Another problem – that Mr Schwab has already raised – is that in other areas, in contrast, we are being too cautious. I am not aware of any case in which a child has choked or suffered other injuries as a result of a cardboard picture book. Therefore, I cannot understand why cardboard picture books are being treated as toys and why there are special procedures for these in the CEN. This is incomprehensible. It would have been good if we had decided to exclude cardboard picture books from this directive – something, incidentally, that the whole committee was in favour of doing. This would have been the right decision.

I think that, as a result of time pressure, in the area of CMR substances, which includes carcinogens, in certain places the wording is not clear enough. In this case, too, we will submit an amendment in order once again to make it clear which direction we need to take.

To reiterate: we would have been able to produce a better piece of work if we had had more time and if the other committees could have been involved.

Seán Ó Neachtain, *on behalf of the UEN Group.* – *(GA)* Mr President, the Christmas period is the busiest time for the toy trade and for toy manufacturers. It is strange that it is our children, the most vulnerable members of our community, who are often in danger from products that are not up to standard. These products come from far away and often we do not know how they were made or what they contain.

More than 22 million toys were returned all over the world in the last five years. In my own country, Ireland, 120 000 toys were returned during that period.

It is a source of worry that toys which are being sold in Ireland come from far away and that there is no certainty as regards their quality. This must be stopped. This directive is an improvement but it is only a beginning. We must continue on and ensure that these products are safe.

Eva-Britt Svensson, *on behalf of the GUE/NGL Group*. – *(SV)* Time and again we hear of products being recalled because they are dangerous for our children. To find out what it is like on the Swedish toy market, my colleague from the Swedish Left Party and I bought 17 different, randomly chosen toys in Stockholm and then asked a laboratory to test them. One contained unlawful amounts of lead and five other toys contained brominated flame retardants. This is, of course, wholly unacceptable. It shows that improved legislation is required, but also improved monitoring. New toys should be subject to mandatory independent tests.

Children, as we all know, are imaginative and inventive, and they do not use toys solely in the way that the manufacturer may have envisaged. It is difficult, if not impossible, to predict how children will use a particular toy. Therefore the legislation must also apply to broken toys, as some hazardous substances are then released. The safety and protection of children are not negotiable. Compromise is not an option. I welcome the directive, but the Confederal Group of the European United Left/Nordic Green Left would have liked to have gone further, namely by introducing a complete ban on allergy-inducing substances, carcinogens, mutagens and substances toxic to reproduction. Children's safety is more important than short-term economic gains. Thank you.

Hélène Goudin, *on behalf of the IND/DEM Group*. – *(SV)* To me and many others here this evening it is obvious that toys should be safe, as small children cannot read warning texts themselves or assess any risks that may arise. The products should not contain chemicals that could be harmful to health either. The June List is therefore of the opinion that the updating of current legislation in the area is welcome, but at the same time I would like to warn against ill-concealed protectionism. It must be possible for toys that meet the safety requirements to be imported into and sold in the EU, irrespective of whether they have been manufactured in the EU or in Asia. Thank you.

Zita Pleštinská (PPE-DE). – *(SK)* Ladies and gentlemen, this debate is taking place in the pre-Christmas period, when toys take pride of place among all Christmas presents.

Parents and educators need to be sure that the toys on sale on the European market meet strict safety requirements, and children, as the most defenceless consumers, must be the best protected. The problems of the largest toy producer, MATTEL, have focused public attention onto the importance of the agenda of the Committee for the Internal Market and Consumer Protection. More than a year has passed since the European Parliament adopted a declaration on the safety of products, especially toys, which initiated work on the product safety package that was approved in March 2008.

I am grateful that the rapporteur has respected the compromise reached over the product safety package for the introduction of products onto the market, which I collaborated on as one of the rapporteurs for the Group of the European People's Party (Christian Democrats) and European Democrats. The directive reflects the scientific advances of the last 20 years and forbids the use of hazardous materials in toys. Producers will also have to identify clearly allergens that could be detrimental to children below the age of three years. They will have to place warnings on toys in a visible and appropriate manner and in a language that the consumer will understand. The directive contains rules on the placing of the CE mark, which represents a visible outcome of the entire process of incorporating conformity assessments in the broader sense of the term.

By placing a CE mark on a toy the producer is declaring that it is a product which fulfils all of the valid requirements and that he bears full responsibility for it. The same responsibility also applies across the supply chain, where the market supervision authorities will carry out quality checks and will ensure that products on sale fully comply with the high safety requirements.

I would like to highlight the work of Marianne Thyssen, who has managed to secure agreement at the first reading. I firmly believe that the compromise we have reached will ensure higher levels of safety for toys and at the same time will not restrict the activities of the mainly small and medium-sized toy producers.

Evelyne Gebhardt (PSE). – *(DE)* Mr President, carcinogenic chemicals in children's rattles? Lead in toy cars? Soft toys that cause allergies? Parents have a few grounds for concern where the safety of their children's toys is concerned.

It was therefore essential for the previous directive, which was more than 20 years old, to be replaced by an up-to-date law that reflects the most recent findings. This was necessary for the sake of the health and safety of our children. We have achieved a certain amount, and I am very pleased about that, as we have achieved greater protection. Thus, there are more stringent rules for substances that could be carcinogenic, mutagenic or toxic to reproduction. Clearly visible and unambiguously worded warnings indicate to parents the circumstances under which a toy could be dangerous. In addition, we succeeded in the challenge to prohibit the use in toys of many fragrances that are responsible for the spread of allergies. These are all success stories that we as the European Parliament have achieved together with the other institutions – the Council and the Commission.

However, there is still one fly in the ointment: we wanted certification of toys by independent testing institutes, so that we can also be really sure. It is not enough for the toy to be in the shop and have a random test carried out there. No, it would be necessary to act in a much more consistent way in this regard. In fact, we would have to do what we do with cars. We do not certify ourselves that our car is roadworthy. We need a toy TÜV – and that must be as self-evident as the TÜV we have for cars.

The European Commission did not want that, the Council of Ministers did not want that, the majority of the Conservatives and the Liberals did not want that. I find it extremely regrettable that so far we have not succeeded in implementing this, but there is an amendment on which we will vote on Thursday. Perhaps we will nevertheless still succeed in achieving something here.

Zuzana Roithová (PPE-DE). – *(CS)* In September last year I warned on YouTube and elsewhere against the growing incidence of hazardous toys and I promised that we would take measures here to ensure that by Christmas the market would be a safer place. Many journalists ridiculed this, but others understood the issue. Such a powerful wave of checks was unleashed that by Christmas millions of hazardous toys had been withdrawn from the market. Even before Christmas. I appreciate the way that the European Commission responded quickly to our request and put forward a new, tougher directive. I also highly appreciate the efficient work of Mrs Thyssen. Not forgetting to mention, of course, the flexibility of the French Presidency.

The directive responds to new developments in man-made materials and also to findings in relation to physical harm to children etc. It is therefore stricter on the producers while also placing a bigger stick into the hands of monitoring bodies. I consider it highly important that the directive also increases or rather transfers legal responsibility to importers. After all, the main problem does not relate to European producers

but to imports. 80% of cases concern toys from China. I also firmly believe that by next year, that is, even before the directive comes into force, importers will begin to select very carefully the factories – Chinese or otherwise – from which they will import toys into Europe. And they will select only those producers who meet European standards. If only the same could be achieved with other products as well.

This afternoon I had another meeting with toy makers from the Czech Republic and I must tell you that they have given a warm welcome to this directive and to the harmonisation of standards. Of course they would like us to increase the legal responsibility of the accredited testing bodies. This is because sometimes, despite having paid for tests, inspectors sooner or later identify specific shortcomings. For small producers these not inconsiderable costs may be a complete waste of money.

I would also like to bring to your attention how the directive is being circumvented, not only the existing one but probably the new one we are passing this week as well. Although it will indeed not be possible to state 'this is not a toy' on products that look like toys, producers will unfortunately label their toys as 'decorations'. This directive is therefore just a first step and there is still much work to be done.

Arlene McCarthy (PSE). - Mr President, it is clear that, following last year's toy safety scares and recalls in the run-up to Christmas, our current toy safety law drafted in 1988 cannot deal with the new risks and threats to children's safety. Twenty years on, 80% of toys in the EU and 95% in my own country are imported from third countries, predominantly China. Twenty years on, we are better informed about the risks and hazards of certain chemicals and substances. Twenty years on, the design of toys has changed, with toys containing powerful magnets and more electronic components, using lasers and emitting more noise. That is why the toy safety scares and recalls were a wake-up call for Europe to radically review, update and strengthen the standards of our toy safety law.

Our new law will do more to reassure parents that the toys on our shelves are safer: not safe, but safer. Importers, not just manufacturers, will be responsible for ensuring the toys they bring into Europe meet our tough new standards. The fact is that manufacturers are banned from using harmful substances in toys such as lead, CMRs and fragrances which can provoke or trigger allergies in children.

We have toughened up the rules on choking and suffocation risks. We have introduced clear and more effective warnings on toys. The law will only work, though, if it is enforced, and that is why it is good that we are giving more power in this law to 27 Member States' enforcement bodies to demand all the necessary information they need for any operator in the supply chain and, where necessary, to conduct raids on premises. In addition, all the EU's enforcement bodies are legally obliged to cooperate and share information to tackle the risk of unsafe toys.

My congratulations, therefore, to Mrs Thyssen. Thanks to the good cooperation with the Commission and the French presidency we have done three things. We have met our deadline in the EP resolution last year of voting in a new toy safety law before Christmas 2008. I believe that if we wait any longer the legislation would not be any better. We can give parents confidence that toys on sale in the EU will be safer in future, and we are also sending out today a strong message to manufacturers, brand owners and importers that they must meet our high safety standards or there will be no place for their products on our shelves.

By voting for this law, we say clearly that we are not prepared to tolerate toxic toys and dangerous toys in Europe.

Emmanouil Angelakas (PPE-DE). - *(EL)* Mr President, Commissioner, I should like, first of all, to congratulate the rapporteur on her exceptional work on such a difficult and sensitive issue as the safety of toys. Mrs Thyssen worked very methodically in discussions with the Council and the French Presidency and in our Committee on Internal Market and Consumer Protection. She agreed to numerous compromises so as to obtain a final text that promotes the safety of toys, while at the same time striking a balance between consumer protection and the viability of toy manufacturers. The 1988 directive may have come up to expectations and safeguarded a high level of safety in toys for twenty years, but it urgently needs to be revised and updated, given that there are now new types of toys and new materials on the market and factories established in countries outside the European Union.

The basic aim was to provide the best possible protection for children, better guarantees for parents that the toys which they buy for their children meet high safety standards and more stringent penalties for manufacturers who fail to meet the demands in question. I believe that we have made progress on several issues, such as a ban on the carcinogenic chemicals used in toys, which give rise to great cause for concern about children's health, a gradual reduction in the heavy metals used in the manufacture of toys, such as

cadmium and lead, a reduction in the list of aromatic and allergenic substances, separate labelling for toys contained in foods and stricter safety specifications for all toy manufacturers.

To close, I should like to point out that liability takes many forms in the toy safety sector, which is why importers and distributors should ensure that specifications are complied with. I believe that all interested parties, especially consumer associations, will use the control mechanisms at their disposal to closely monitor the application of the new directive. We are taking a big step forward today and I am sure that others will follow in future.

Christel Schaldemose (PSE). - *(DA)* Mr President, as it currently stands, the toy proposal will mean that, in two to four years, European children will be able to play with much safer toys than they do today. This is a good thing, but it is also a necessity, and I therefore fully support the proposal. It is necessary and it is good that we have improved safety in comparison with current levels. That said, I also believe that we are, in actual fact, missing an opportunity to not only make things good, but to make things really good for our children. Many have touched on the problems with the proposal, so I will concentrate on one thing only, and that is fragrances.

Scents or fragrances in toys do, I think, constitute a problem. I am well aware that the work done has resulted in us extending the list of prohibited fragrances, but I do not think that it is enough simply to extend the list. I believe that we should have an outright ban. If you are allergic to nuts, you can avoid eating nuts. If you are allergic to nickel, you can avoid using products containing nickel, but if you become allergic to scents or fragrances it becomes difficult for you to go to public places, because you cannot prevent other people using them. I therefore think quite simply that we should have been stricter here and imposed an outright ban on fragrances out of consideration for our children. The fragrances do nothing for the children or for the toy. To learn what flowers or fruit smell like it is better to buy the natural article.

That being said, the proposal does, of course, represent a pronounced improvement on the current situation and it is a very good thing that we have also tightened up the rules regarding market surveillance and the responsibility of the Member States. I therefore believe that it should be an extremely clear signal that we send to the Member States today. It cannot be emphasised enough that it is they who are responsible and that they must monitor the market better than they are currently doing. We must insist that they use more money and more resources to ensure that the market is monitored, which will also enable the new stringent rules to work to their full effect.

Colm Burke (PPE-DE). - Mr President, I welcome the outcome of the trialogue negotiations and I believe that the text we will be voting on is a balanced and positive outcome for all.

Toy safety is of utmost importance now and at all times of the year, for our children's health and safety is at stake. I applaud the stringency of the new measures in the current proposal, such as the ban on CMR and allergenic fragrances.

I also welcome the balanced nature of the proposal. There are over 2 000 toy manufacturers in the EU. The vast majority are extremely careful that a product they put on the market is safe. They should not have to suffer because of the low standards adopted by a small minority or the low standards applied by some importers and distributors.

What recent scare stories have taught us is not to overreact and ban some toys altogether, but rather to ensure that we step up our enforcement of rules already in place. I believe this text represents such a balance and, therefore, I would like to commend my colleague, Ms Thyssen, and all who have worked to make this a successful directive.

Hiltrud Breyer (Verts/ALE). – *(DE)* Mr President, toxic toys do not belong in the hands of children and none of us wants to put toxic toys under the Christmas tree. However, the Commission has only made a half-hearted start in connection with the EU Toys Directive, and unfortunately it has not been improved by this compromise.

The intention is not to deceive us about the safety of hazardous chemicals, for there are gaping loopholes still remaining in this compromise, as firstly there is no clear ban on toxic heavy metals. It is inexplicable why cadmium and lead are still permitted in children's toys. The same goes for chromium, mercury and organic zinc. They do not belong in the hands of children, not even in the smallest amounts. Thus, Mr Verheugen, you engaged in window dressing when you claimed back at the time of the last recall action that lead is prohibited in children's toys.

The compromise permits additional limit values for high risk substances, even though they are only half as high as those intended by the Commission. Only a clear ban will create safety. Unfortunately, the EU has shirked its responsibility for this clear protection of children.

The same applies to allergenic fragrances. In this case, we have not managed to prohibit all allergenic fragrances as we proposed in the Committee on the Environment, Public Health and Food Safety. The limit values for noise are also disappointing, as no clear objective has been agreed upon for this.

Jacques Toubon (PPE-DE). – *(FR)* Mr President, ladies and gentlemen, I would just like to emphasise, in this matter, how capable the Community institutions are of reacting in order to effectively resolve the problems of our fellow citizens.

It was in summer 2007 that a number of scandals occurred. Parliament called for measures to be taken. The Commission made efforts and, today, we are in a position to adopt this directive on the safety of toys, which marks a considerable step forward.

Naturally we owe this first and foremost – this ought to be emphasised – to our rapporteur and to the work that has been done to reconcile what were, at the start, conflicting positions. Today, we have an effective and balanced text that, for example, will make it possible – and the Commission has just committed itself to this – to re-examine the standard that applies to children's books and that deals in a very balanced way with the fragrances present in a number of toys.

This is the perfect example of legislation by Europeans for Europeans, and it must be said that this House has played a crucial role in it.

Günter Verheugen, *Vice-President of the Commission.* – *(DE)* Mr President, ladies and gentlemen, I would like to go over some of the problems that have been relevant in this debate.

Firstly, on the subject of chemicals, the rules laid down here cannot be made any stricter than they currently are. It is not possible to ban chemicals completely, because they exist in trace amounts in nature. Mrs Breyer, I cannot prevent you from ignoring the rules of nature, but what you have done is irresponsible scare-mongering: I must make that quite clear. You are giving the impression that European legislators are giving children poisonous toys, when the very opposite is the case. I strongly repudiate the insinuation behind your contribution.

What we have done here has never been done before. Normally, the rule, in this Parliament as well as elsewhere, is that a substance is banned if it has been demonstrated to be harmful. In this case, it is the other way round: substances are banned, and are then only authorised if they can be definitively demonstrated to be safe. I would like to know what more we could be expected to do. We cannot do any more than is being done here, and anybody who gives the impression that what we have done here does not provide adequate protection for children is – I am sorry to say – deliberately misleading the European public. I cannot imagine why you would do that.

Your comments concerning noise – that toys must, of course, not cause damage to hearing – are quite correct: that is why the directive contains rules concerning that. The limits, in other words the decibel levels, are laid down as is normal in European legislation: the Toys Directive is nothing special in that regard. Technical regulations are laid down as part of the standardisation process, and the same is true here. The decibel levels will therefore be laid down during the standardisation process, and the directive provides the legal basis for this to happen.

On the subject of books, I was very surprised when this came up as an issue in recent days. The word 'books' does not appear a single time in the text before us. Nothing is changing with respect to the current position. It seems that one of the German manufacturers has launched a press campaign on this subject, and has been lobbying hard in the European Parliament. Not a single word of it is true: nothing at all is changing with respect to the current position. The Commission is, however, quite willing to ensure – because it is the right thing to do, as Parliament wishes – that the applicable standards are improved and modernised. The Commission is going to issue instructions in this connection.

Regarding third-party certification – and I am saying this to the TÜV Group in this House – the belief that a toy, or any product, in Europe will be made safer because it has been certified by a third-party body is, unfortunately, a baseless one. The Commission really has now had the results for many years with respect to product safety. There is nothing – absolutely nothing – to suggest that third-party certification makes any products safer. We require such third-party certification in cases where – and this is a principle of European

legislation that this House has observed for very many years – the product concerned is an extremely complex one.

My dear Mrs Gebhardt, I will say this again: there is a certain difference in complexity between a high-tech product such as a modern car and a teddy bear. I do think it is a bit far-fetched to try to compare such things.

This directive also, as usual, requires third-party certification in cases where there are no standards. I would strongly urge you not to believe that all you need to do in order to have a safe toy is to entrust the certification to a third-party body. The dangers that arise in practice cannot be combated at all through certification. Just look at the cases that were mentioned here: the problems were not with the prototype product submitted to the third-party body, but in the supply chain – the manufacturers were unreliable. Only the manufacturer of the product is in a position to guarantee the complete reliability and safety of its supply chain. I would strongly urge you to move away from this principle and to give manufacturers full responsibility for the safety of their products. It is not true that manufacturers simply have to say 'my product is safe' or 'my toy is safe'; they must be able, at the request of the market surveillance authorities, to document that fact at any time, in full and with no gaps. It is, and must be, checked, and the same goes for importers.

These are rules that, in my opinion, cannot be made any stricter, because they already guarantee the greatest possible level of effectiveness. I do, however, agree with all those who said that it depends very much on the Member States taking these checks really seriously and extending the opportunities for market surveillance.

On the subject of fragrances, here too I do not entirely follow the logic of the argument. I really do wonder what the point would be of banning the use in toys of fragrances that are permitted to be used in cosmetics aimed at children that are applied directly to children's skin. Allowing the fragrances in those products and banning them in toys, just so that they do not smell so terrible, simply makes no sense. Nevertheless, this directive actually goes further than the Cosmetics Directive, in that it bans fragrances that are simply subject to a labelling requirement in the Cosmetics Directive. Here too, therefore, I do not see what else we could do.

Let me conclude by saying this: amendments have been proposed here, and the European Parliament is of course at liberty to adopt them, but I must point out to you that this document represents an overall compromise with the Council, Parliament and the Commission and that, for example, the amendment proposed by Mrs Gebhardt on third-party certification will prevent that compromise. In other words, if the European Parliament adopts this amendment, the directive will fail, and we will not have it.

You cannot always get everything you want. It is – I will say it again – an overall compromise. It is a balanced compromise, and it creates a level of toy safety that is achievable and necessary. I would urgently call on you to agree to this overall compromise.

*Vice-President of the Commission***. –**

Declarations of the European Commission for the adoption of the Directive of the European Parliament and of the Council on the safety of toys (Thyssen report)

Declaration of the European Commission on monitoring of safety aspects (Article 47)

Following the entry into force of the revised Toys Safety Directive, the Commission will monitor closely all developments relating to its implementation in order to assess whether its provides for an adequate level of toy safety, notably as concerns the application of the conformity assessment procedures as laid down in Chapter IV.

The revised Toys Safety Directive provides for a reporting obligation of Member States on the situation concerning the safety of toys, the effectiveness of the Directive and market surveillance performed by Member States.

The evaluation by the Commission will *inter alia* be based on the Member States' reports to be submitted three years following the date of application of the Directive with a particular focus on market surveillance in the European Union and its external borders.

The Commission will report back to the European Parliament at the latest one year after submission of Member States' reports.

Declaration of the European Commission on the requirements concerning toys which are designed to emit a sound (Annex II. I. 10)

Based on the new essential safety requirement for toys which are designed to emit a sound under the Toys Safety Directive, the Commission will mandate CEN to establish a revised standard which limits the peak values for both impulse noise and prolonged noise emitted by toys in order to adequately protect children from the risk of impairment of hearing.

Declaration of the European Commission on the classification of books (Annex I. 17)

Taking into account the difficulties related to the relevant tests required in the harmonised toy standards EN 71:1 for books made of cardboard and paper, the Commission will mandate CEN to establish a revised standard which covers adequate testing for children's books.

Marianne Thyssen, *rapporteur*. – *(NL)* Mr President, Mr President of the Commission, President-in-Office of the Council, ladies and gentlemen, I should like to thank everyone for their contributions, and I should like to express my satisfaction about the way the other political institutions have conducted themselves in this.

I should like to point out, though, that this is not simply about a compromise in which the European Parliament had to give much ground; quite the reverse, in fact. We virtually made a clean sweep on all the core elements. We managed to strike good deals with the Commission and the Council. We managed to convince the other institutions in many areas to accept our very strict proposals and go one step further than what was originally set out in the Commission proposal. I am therefore a very happy rapporteur, knowing that we have reached this agreement.

I have also listened to your statements, Commissioner. I have heard you say that you set great store by market supervision, and I assume that during the monitoring process, the Commission will pay extra attention to the way in which the Member States acquit themselves of their task of market supervision. I have also listened again to your position on the conformity assessment procedures. Needless to say, we can include in the monitoring process what needs to be included. It is indeed the case, though, that third-party certification does not in any way offer all that much more security and that the problems are to be found not in the type model on which the further production chain is based, but elsewhere.

I have also heard you say, Commissioner, that you wish to further regulate noise standards, and refine them by means of standardisation – the same applies to books, which are also regulated by standards – and that we should examine the way in which more legal certainty can be provided in that area. I think that we as Parliament should count ourselves lucky that we have had such good contacts with the other institutions, and this will probably result in a wonderful Christmas gift for the European families, namely safe, or should I say even safer, toys from now on.

President. – The debate is closed.

The vote will take place on Thursday 18 December 2008.

Written statements (Rule 142)

Adam Bielan (UEN), *in writing*. – *(PL)* Mr President, we all want to ensure that the toys available on the market do not threaten the safety of our children. I fully agree that parents need to have the certainty that when they purchase a toy, the latter will not put their children's health at risk. Nonetheless, I consider that the imposition of additional certification requirements by a third party totally independent of the producer will not significantly improve the safety guarantees of the toys produced. It will certainly increase the cost of their production, however, and this will impact negatively on the toy manufacturing sector in many Member States.

In Poland, for instance, there are many undertakings producing very good quality toys made of wood or synthetic substances. The vast majority of these undertakings are SMEs employing fewer than 10 workers. Stricter provisions would lead to a significant increase in the price of toys covered by certificates of this nature. This would result in the closure of many SMEs and the loss of thousands of jobs.

The requirement to obtain an independent assessment of a product would not guarantee that our children would all play with safer products, because in any case, consumers would opt for the cheapest goods. I therefore believe that the compromise reached with the Council is a good one and deserves our support as presented by the rapporteur.

Šarūnas Birutis (ALDE), *in writing*. – *(LT)* In essence this Directive does not change the current regulation system, but improves it and makes it stricter. I completely agree with the rapporteur that in the discussion of this legal act most attention was concentrated on:

the matter of the use of carcinogenic, chemical and fragrant substances in toys,

toy safety evaluation procedures, requirements for special warnings,

the area of application of the Directive, its flexibility and relationship with other Community acts.

The complete prohibition of carcinogenic, mutagenic, toxic, allergenic and fragrant substances should be evaluated from the view of the Directive's practical implementation. It may be difficult or very expensive to remove the natural residues of certain harmful substances found in other materials, therefore, it is difficult to implement practically. On the other hand some sort of categorical rule banning all substances which are carcinogenic, allergenic, etc, will be difficult to implement for the simple reason that a finite list of such substances does not and cannot exist, it is very difficult to draw a clear line between those substances which are harmful and those which are not.

A complete ban on all fragrant substances would be a disproportionate measure and would have a negative impact on certain toy manufacturers.

I am delighted that during the vote the Committee on Industry, Research and Energy showed understanding and did not wield too big a stick when making the requirements of the Directive stricter, as neither business nor consumers themselves would have benefited from this. When unreasonably strict requirements are laid down, the temptation not to observe them increases, and if they are adhered to, then there are negative side effects. Let us not forget that the one who pays for everything in the end is usually the consumer.

Małgorzata Handzlik (PPE-DE), *in writing*. – *(PL)* Today's debate is particularly relevant in the context of the run-up to Christmas. In the rush to do our Christmas shopping we do not always stop to think about the safety standards of toys purchased for our youngest friends and relatives. Sadly, toys that are not entirely safe for children remain available on the European market.

The changes proposed in the Directive aim to improve the situation. They are intended to increase the safety of toys on the market, and most importantly, to eliminate the unnecessary danger toys can represent for children playing with them. I am particularly pleased to welcome the provisions negotiated with regard to chemical substances and the transitional period.

The Directive introduces significantly higher standards than those currently in place, notably in relation to the chemical content of toys, including CMRs, fragrances and allergens. I believe the agreement achieved by the rapporteur on this issue is the best possible. It will ensure that the toys children eventually play with are entirely safe.

In addition, the Directive does not introduce unreasonable obstacles and costs, particularly where SMEs are concerned. SMEs account for a significant majority of the toy sector. In the course of their discussions with us, they have repeatedly emphasised the difficulties their undertakings might be faced with. The short period planned for adjustment to the new requirements was one of the problems mentioned. This period has now been extended so as to allow the undertakings to introduce the necessary changes.

Katrin Saks (PSE), *in writing*. – *(ET)* I am truly very pleased that we have succeeded in passing the Toy Safety Directive. There is an urgent need for existing safety rules to be brought up to date. The old directive has indeed fallen behind changing circumstances, and does not ensure sufficient protection. I would like to thank the rapporteur and his colleagues from the Social Democratic faction for their hard work in ensuring a safe environment for our children.

It is of the utmost importance that foodstuffs and toys be kept sufficiently well separated to avoid the danger that children may inadvertently put something in their mouths and risk suffocation. We must make all possible efforts to prevent avoidable accidents, which we nevertheless continue to hear about from time to time.

It is of course essential that toys not contain carcinogenic substances. This is self-evident. And I believe we have worked effectively to remove this threat.

Since product design is not always responsible, and toys can become dangerous through a faulty production process, it is important for supervision to be carried out in factories, through inspection operations in markets,

and also at customs offices where toys arrive from European Union trade partners. I personally hope that inspections are intensified right now – before Christmas.

Since the majority of toys in EU markets are of Chinese origin, cooperation with third countries, particularly China, is crucial. Here I would like to welcome recent efforts in this area and the memorandum of mutual understanding between the European Commission and Chinese officials. By improving information exchange and cooperation, we can make the toys for sale in our shops safer.

Richard Seeber (PPE-DE), *in writing*. – *(DE)* The increasingly interlinked nature of the global markets has resulted in rapid innovations and changes in products, and children's toys are no exception to this. The European Directive on the safety of toys (88/378/EEC), however, dates from 1988 and is thus no longer up to today's challenges. The revision of these provisions is therefore a very welcome step forward. In particular, the constituents of children's toys need to be evaluated according to the latest knowledge and to be covered by the European Union's current chemicals legislation. This also means, of course, that CMR 1 and CMR 2 substances must be banned from children's toys. The text before us quite appropriately also takes account of the increasing problems with allergies in children, by tightening up the provisions concerning the fragrances that may be used in toys. A vital aspect for supervision will be clear warnings and labelling: it is particularly important for toys supplied with foodstuffs to provide unambiguous information. For that reason, easily legible and understandable warnings are to be preferred over a surplus of secondary information.

Marian Zlotea (PPE-DE), *in writing*. – *(RO)* The legislation we have before us now has been in force since 1988 and is no longer up to date, as toys nowadays include electronic components and make noise. The safety of our children is a number one priority. This new directive will support this notion as it is a significant improvement on the previous one. We need to ban dangerous substances to avoid exposing our children to needless risks. They cannot read the labels and are not aware of what risks they are exposed to.

I believe that the improvements which have been made to the directive following negotiations do not represent excessive demands for the industry either. Importers need to ensure that toys imported from third countries are safe and do not put our children's safety at risk. They must only choose toys which conform to European standards. The authorities have to apply tight controls on the market. We need up-to-date legislation to protect the well-being of our children.

17. Transfers of defence-related products (debate)

President. – The next item is the report (A6-0410/2008) by Mrs Rühle, on behalf of the Committee on the Internal Market and Consumer Protection, on the proposal for a directive of the European Parliament and of the Council on simplifying terms and conditions of transfers of defence-related products within the Community (COM(2007)0765 – C6-0468/2007 – 2007/0279(COD)).

Heide Rühle, *rapporteur*. – *(DE)* Mr President, unfortunately, this is yet another agreement at first reading – but I expect Mrs Weiler will talk about that later.

We must take the opportunity to reach a compromise under the French Presidency. Currently, armaments are not covered by the rules on the internal market, which means that all such products need to be licensed individually: from simple products such as screws or elements of uniforms, all the way up to highly complex weaponry, everything requires an individual licence. 27 different national systems issue these individual licences, and we are now trying to simplify and harmonise the matter, in order to provide greater clarity and so that the real work – namely inspections – can focus on the complex systems: in other words, so that, rather than having to monitor everything equally by means of individual licences, we can really concentrate on what is essential.

Nevertheless, it is quite clear that any such simplification must not weaken the Member States' responsibility for arms exports and for monitoring them: absolutely not. This responsibility is mainly concentrated in the licensing procedure. The licences lay down restrictions on use and end-use, which are a fixed component of the product and its supply and which the recipient is obliged to comply with. A European regulation must strengthen this responsibility on the part of the Member States, as well as requiring them all to use the same procedure.

Simplification in a field as sensitive as this absolutely must take account of the fact that there are repeated contraventions in the EU against the restrictions on exports to third countries. Weapons from the EU are being used in countries notorious for their violations of human rights, such as 82 armoured military vehicles

that, in September 2006, were exported via France and Belgium to Chad, contrary to EU law. Previously, although Member States could, on paper, require the recipient to comply with the end-use clauses, they had no practical recourse against a recipient in another Member State that re-exported the goods contrary to the restriction.

For example, the NGO Saferworld has noted with regret that Romania has no effective sanctions against contraventions of the national weapons transfer system. With this directive, we want to change that. With this directive, we have strengthened the Member States' responsibilities. Nevertheless, it must be noted that the directive is based on internal market legislation, on Article 95 of the EC Treaty – in other words, on the first pillar of the treaty, which has unfortunately made it impossible to directly include foreign-policy agreements under the second pillar, such as the European Code of Conduct on arms exports. Even so, we have a clearly worded recital that makes it plain that it is the Member States that bear the responsibility in this field.

My main concern as the European Parliament's rapporteur was to increase transparency and democratic controls, in order to prevent contraventions or, if they do occur, to punish them. The preconditions for facilitating arms transfers are strengthened responsibility on all sides and greater mutual trust.

In particular, we have strengthened two licensing procedures – first the global authorisation and second the general authorisation – and, in so doing, have laid down clear obligations for businesses seeking a general authorisation. In future, these businesses will have to be certified, as the only way of obtaining general authorisations. Certification will require seamless accountability from the business up to the highest management levels with regard to compliance with the export restrictions imposed. Member States are required not only to withdraw certification from businesses that fail to comply with these restrictions, but also to punish them. In future, a list of businesses with general authorisations will be published in publicly accessible registers, which will provide the public with greater transparency and monitoring options. General authorisations will also have to be published, with all the obligations they include.

All the Member States must use the same criteria for the certification of businesses: this is a particularly important point. The directive will therefore increase the pressure on Member States that have so far authorised and managed arms exports with no visibility. This means that a field that, according to Transparency International, is particularly prone to corruption will for the first time be properly transparent.

Günter Verheugen, *Vice-President of the Commission.* – *(DE)* Mr President, ladies and gentlemen, today we are taking a big step towards an internal market for defence-related products. At the same time, though, we are not taking away the right of the Member States to make their own decisions regarding their export policies in this sensitive sector. This is the only possible solution for a very difficult matter, and I would specifically like to thank the rapporteur, Mrs Rühle, for her hard and efficient work. I am also grateful to the shadow rapporteurs, who can take considerable credit for today's success.

I would also like to extend my thanks to the French and Slovenian Presidencies, who ensured that the negotiations in the Council made such rapid progress: it truly is remarkable that we have managed to adopt such a difficult proposal in less than a year – as early as today.

Who would have believed, ten years ago, when the Commission first raised the idea of an internal market for defence-related products, that they would actually manage it? I do not think that many people believed it, but our perseverance has paid off. We are on the verge of a breakthrough: the Member States will no longer regard other Member States as third countries for the purposes of arms exports, but as partners, which will be a clear and politically important declaration on European integration.

The economic importance of this is also not to be underestimated. Taxpayers' money will in future be used more efficiently, because specialisation will take the place of the currently customary duplication of work, which is more expensive. Our industry will be more competitive at international level: this applies particularly to small and medium-sized enterprises, which will find it easier to access this market thanks to the clearer, more predictable rules.

Finally, the Member States' armed forces will also have greater security of supply and greater choice in the quality of their weaponry – quite easily, if they can buy within the European Union, which should be an incentive to purchase European goods rather than looking outside Europe.

Lastly, I am also expecting that we will all gain in terms of security. We are making real savings on intra-Community checks, which will give the Member States additional resources to step up checks on exports to third countries. I would reiterate what Mr Rühle just said regarding current practice, and I entirely

agree with her that more checks are needed in this connection. Many people have worked very hard to achieve this result, and today we have achieved it together. I am much obliged to all of you for that.

Hannes Swoboda, *draftsman of the opinion of the Committee on Industry, Research and Energy*. – *(DE)* Mr President, Commissioner, Mrs Rühle, let me express my sincere thanks to Mrs Rühle. In common with the Commissioner, I too – on behalf of the Committee on Industry, Research and Energy – believe that we need better initial conditions for the arms industry. Given the level of competition, particularly coming from the United States of America, we need this level competitive playing field.

That does not mean – as has already been said – that there is no need for the various Member States to have their own principles concerning arms exports, but we need to have simplified procedures where necessary and possible, not least in the interests of reducing red tape.

It is worth reiterating that we need transparency. It will increase the sense of security, simplify the procedure, and also make it easier to uncover possible abuses than in the current circumstances.

There must, of course, be regular checks to make sure that the rules and principles that have been agreed are being complied with, which will naturally need to be recorded in the various commercial documents.

Finally, I would just like to emphasise that we cannot do without sanctions, not because we necessarily want to impose sanctions but because we want to make it quite clear that, if we are to have simplified rules that suit the industry, there also, in return, needs to be more pressure to ensure that those rules are kept. In that sense, I think this is a very good report, and we are really taking an important step towards an internal market for defence-related products.

Jacques Toubon, *on behalf of the PPE-DE Group*. – *(FR)* Mr President, I am really delighted with the adoption of this draft directive, since, for the first time, a Community instrument is going to simplify transfers between Member States in an extremely sensitive area, that of defence-related products.

This is a real step forward for the internal market in defence equipment. We owe it both to the work of Parliament, and, in particular, of our rapporteur, Mrs Rühle, and to the efforts that have been made by the Council and the Commission since our discussions, a month ago, since we voted in the Committee on the Internal Market and Consumer Protection.

This text has a twin objective: an industrial policy objective – and this is excellent for the arms industries in Europe – and an internal market objective, which is to facilitate the movement of these products while taking account of their specific characteristics.

Indeed, we have struck a balance that enables us to guarantee that the Member States' security interests will be preserved, since continuing reference is made to Articles 30 and 296 of the Treaty, and that the Member States will be able to pursue the intergovernmental, letter-of-intent-type cooperation that is under way. This text goes a long way to increasing the mutual confidence between the Member States, with regard to transfers, thanks to certification and to the development of general and global licences. Exports to third countries are very clearly excluded from this text, and a clear distinction is made between the first pillar, relating to the internal market, and the second pillar.

And actually, I believe that this directive should be welcomed all the more since, at the same time, that is, last week, 8 December, the Council adopted the common position on the code of conduct, and it made this code of conduct binding, after it had been at a standstill for three years. This was a request by Parliament, and today it is fulfilled.

In the same way, this text is part of a revival of the European Security and Defence Policy, which the European Council just decided on on Friday, and, for example, we shall succeed in achieving this famous objective, 60 000 men in 60 days. It is clear that we are making both good savings and good external policy.

IN THE CHAIR: MR BIELAN

Vice-President

Manuel Medina Ortega, *on behalf of the PSE Group*. – *(ES)* I think the rapporteur and the previous speakers have highlighted the main features of this proposal for a European Parliament and Council directive.

It deals with the recognition that arms and munitions also come under the internal market, though subject, of course, to a number of restrictions. These are not normal goods – they are not sweets or leisure goods – but objects that need to be carefully controlled.

There are, of course, restrictions in the Treaty itself, in Articles 30 and 296, which give the Member States significant responsibilities in this area. The fact that we have a common market does not stop the Member States from being obliged to comply with safety standards and having the right to enforce them when their own safety is threatened.

The work that was carried out in the Committee on Legal Affairs and the committees issuing opinions that collaborated with it, with the agreement of the Council, under the expert management of the rapporteur, Mrs Rühle, was highly positive.

In my view, the text that we are presenting today is well balanced. Basically, although a large number of amendments appear on paper, today we are confining ourselves to just one – Amendment 63, which is the one that sums up the spirit of the compromise. The content and wording of this amendment are consistent and will enable this whole market to operate effectively.

Mr Toubon has pointed out that this is in relation to other international texts. These include the adoption, or rather the signing this month of the Oslo Convention banning cluster munitions, as well as the Convention restricting anti-personnel mines and a whole series of international agreements and even European Union legislation designed to restrict the use of weapons. I believe our model is not one of free movement of arms at any time, but a regulated market controlled both by the Member States and, from now on, by the EU institutions themselves.

Leopold Józef Rutowicz, *on behalf of the UEN Group.* – *(PL)* Mr President, the opinion on the Directive of the European Parliament and of the Council on simplifying the terms and conditions of transfers of defence-related products within the Community is certainly a necessary document. I should like to thank Mrs Rühle for all her hard work in developing it.

The Directive simplifies the activity of the common market. It also enhances its competitiveness whilst not limiting provisions derived from the specific circumstances of a particular country. It protects the international commitments of the European Union and its Member States concerning trade in defence-related products. The provisions adopted may hinder the activities of SMEs due to the formal requirements involved. This should therefore be borne in mind when reviewing implementation of the Directive. In view of the significant technical advances made and the acceptance of new commitments, for example in the area of anti-personnel mines and cluster munitions, the Common Military List of the European Union should be constantly updated.

The amendments tabled are sound. Repetition should be avoided.

We support this Directive.

Tobias Pflüger, *on behalf of the GUE/NGL Group.* – *(DE)* Mr President, the main aim of the Commission's proposal for this directive is 'the smooth functioning of the internal market'. Its goal is to facilitate intra-European arms exports, which also, of course, affects arms exports outside the EU. In essence, it means that arms exports will increase, and Mrs Rühle's report does nothing to change this basic direction taken by the directive. There are some positive amendments, such as the exclusion of anti-personnel mines and cluster munitions. This is – and even the European Parliament's press release says so – clearly about strengthening the European arms industry against external competition. It reinforces the trend towards the oligopolisation of the EU's arms industry, as only six EU states have a major military-industrial complex: Germany, France, the United Kingdom, Sweden, Italy and Spain. Above all, this is about giving those countries export aid. Intra-Community arms exports also mean arms exports to states at war, such as the United Kingdom in Iraq and Germany in Afghanistan.

If one looks at recital 24 of the directive, even the Code of Conduct, which has now happily become legally binding, is left to the discretion of the Member States. It states, 'as the decision to authorise or deny an export is and should remain at the discretion of each Member State, such cooperation should only stem from the voluntary coordination of export policies'. We do not need assistance for the arms and military market, we need a directive on disarmament and weapon conversion.

Nils Lundgren, *on behalf of the IND/DEM Group.* – *(SV)* Mr President, I am a keen supporter of the EU's internal market, but defence-related products are not the same as other goods and services. When a country exports defence-related products it takes a particular stance on foreign and security policy issues by so doing

and it must be able to take responsibility for this. The justifications given for the Commission's proposal for a new system for transfers of defence-related products are efficiency and security of supply, and the rapporteur, Mrs Rühle, supports the Commission in the main. This is a misleading argument. If the Treaty of Lisbon is carried through by Europe's powerful elite against the rules of democracy, which seems likely, this proposal that we are currently debating will be a major step towards military union. Let us not allow this to happen. Intergovernmental solutions in this area are the way forward that is compatible with an independent national foreign and security policy. They work. The Nordic countries are currently in the process of beginning negotiations on these issues. Thank you for the opportunity to speak.

Malcolm Harbour (PPE-DE). - Mr President, as coordinator for the Committee on the Internal Market and Consumer Protection, I very much welcome this proposal and thank Jacques Toubon and Heide Rühle. These two people, particularly with Heide Rühle's leadership, have represented our group interests extremely well.

As many of you know, I am very passionate about the internal market. However, I am also very passionate about the fact that Member States must have complete control over defence and the procurement of defence equipment, in their own national interests. The benefit of this proposal is that we have skilfully combined the two things. I thank the rapporteur, and indeed the Council, for accepting amendments that reinforced the fact that Member States will continue to have complete control over export licence conditions, the product concerned, how that product is used and where it goes.

On the other hand, as an enthusiast of the internal market, and particularly as someone who represents an area with many small manufacturing businesses which are very active in the defence sector – and Britain has the largest defence manufacturing sector in the European Union – I must say that this proposal will be of major benefit to companies that are working to meet large, complex defence contracts. There will be no need for the sort of bureaucracy that the Commission has, quite rightly, identified. According to its statistic, which you heard earlier, around 11 000 licences are currently issued annually, and not one has been refused since 2003. Effectively, what we are doing is to simplify the process so that we can actually address proper control, instead of issuing pieces of paper that really do not make a single bit of difference to the SMEs concerned. So, at a time when we have also approved the Small Business Act, we are looking to move the single market forward and to improve the industrial base.

This is a very worthwhile proposal, and I am sure the House will support it tomorrow.

Jan Cremers (PSE). – *(NL)* Mr President, Commissioner, ladies and gentlemen, I too should like to express my thanks to the rapporteur, Mrs Rühle. To the Socialist Group in the European Parliament, it was paramount in the negotiations that the directive should not only create a more level playing field for industry, but that it should also ensure more transparency, control and proper compliance.

Moreover, it is of key importance to my group that, as we simplify the conditions for transferring defence-related products within the Community, due consideration should be given to the implications this can have for third countries, in this case with a view to the possible transit of weapons to developing countries.

This is why, during the negotiations on the new licensing system for defence products, we argued in favour of improving control at Europe's external borders and of a system that can by no means stand in the way of cooperation of Member States in the framework of the code of conduct on arms exports.

During the negotiations, the Council shared this Parliament's wishes that it should become clearer who is buying and selling defence products and which rules and conditions these should comply with, and that clear sanctions should be put in place when companies fail to keep to the agreements, including barring them from the market.

During the previous plenary debate in Brussels, I argued in favour of translating the voluntary code of conduct into a legally binding instrument. I was pleased to find out that, last week, the Council decided in favour of this, in combination with stricter rules for the export of weapon components. At this rate, Europe will soon be able to set an example when it comes to transiting defence products, which is desperately needed.

Charlotte Cederschiöld (PPE-DE). – *(SV)* By improving the market, which this will do, we are promoting opportunities for the defence industry on the European market. Previous licensing schemes, as we have heard, have been complicated and burdensome from an administrative point of view and they have also made it difficult to distinguish between loyal cooperation partners in our neighbouring countries and new players from third countries. This is changing now as a result of the cutting back of the barriers to transfer

and the harmonisation and simplification of the rules, something that will, of course, benefit market-driving countries.

My country has a highly competitive defence industry and we have good credibility in an international context with regard to peace-keeping operations and efforts to promote democracy. For this reason, it has also been extremely important for us, for me as well as my government, to retain 100% Swedish control over exports to third countries. We cannot under any circumstances accept a situation whereby countries with a more tolerant attitude towards undemocratic and belligerent states buy weapons from Sweden in order to then export them on again, beyond Swedish control.

We want guarantees that the defence-related products we sell will not fall into the wrong hands, and the introduction of what are known as end-user certificates provides those guarantees. For that reason I support the compromise tabled in plenary with great confidence and I would like to thank everyone involved for their excellent work.

Barbara Weiler (PSE). – *(DE)* Mr President, ladies and gentlemen, I very much appreciate Mrs Rühle's efforts, and I will probably vote in favour tomorrow, but I do still have certain substantive and procedural concerns.

The common market in defence-related products and the promotion of competitiveness are not, in my view, an end in themselves. We in the Socialist Group in the European Parliament do not want a remilitarisation of the European Union: we are trying to achieve something else through this law. We want greater transparency, and that is what we are getting. We want more efficient cooperation between the Member States, which will also result in reducing the costs of national defence budgets. And it should not be underestimated – I am addressing this particularly to one side of the House – that, above all, these binding rules will help to prevent corruption. We all know how prone to corruption this sector can be.

Another positive outcome from the negotiations was that the strict export restrictions of some countries, such as Sweden and Germany, have not been eroded.

There are still two drops of bitterness, though: my proposal that democratic control should, for the first time, be implemented via parliamentary monitoring was unfortunately rejected in the Committee on Internal Market and Consumer Protection; and the second bitter point is that we could not re-submit this proposal, because we had not had a proper parliamentary debate. We are not talking here about plimsolls, but about dangerous, hazardous goods, and I therefore feel that informal trialogues – as they are so innocuously called, whether they relate to the climate-change package or to toys or to other laws – do not belong in a modern parliament.

Marian Zlotea (PPE-DE). – *(RO)* I would first like to begin by congratulating the rapporteur, Mrs Rühle, and the shadow rapporteur from the Group of the European People's Party (Christian Democrats) and European Democrats, Mr Toubon, for the excellent job they have done, bearing in mind the technical nature of this report.

Mr President, at the moment we have 27 national defence equipment markets; in other words, we are faced with an inefficient use of resources. A vote in favour of this proposal for a directive may mark a significant step for Member States in terms of defence-related aspects. It would implement a new scheme of standardised licences for defence-related products.

Member States need to decide to set out the terms and conditions for each type of licence, including the types of products regulated by each, based on the companies which use the licences. If a company wishes to purchase a product based on a licence issued in another Member State, this needs to be certified by its own Member State. Creating different types of licence for transferring defence-related products and services within the EU would reduce the barriers which currently impede the free movement and exchange of defence-related products within the internal market, while also making competition less distorted.

Implementing these measures is only one part of a huge initiative intended to increase and facilitate the frequency with which security and defence-related public procurement projects will be undertaken, obviously in accordance with international conventions.

I would like to conclude by expressing my confidence that the compromise amendments which have been reached following negotiations will provide a happy medium benefiting everyone. Thank you.

Geoffrey Van Orden (PPE-DE). - Mr President, while many elements of an efficient single market may be welcome, defence and thus by extension defence industries are a very special case: they have a unique national strategic importance.

As others have mentioned, six out of 27 EU countries account for more than 80% of defence spending and for 98% of research and development. These six countries are already developing common licensing arrangements under a voluntary framework. So I have to ask why the Commission thinks it is so important to have a directive of this nature.

I have to admit that is seems innocuous. As far as I can see, it does not create Community competence in the defence trade. Defence industrial interests that I have consulted seem relaxed about it, but Ms Rühle thinks it is all about sanctions and export controls, and Commissioner Verheugen has endorsed this view. Mr Toubon emphasises that exports are outside the text.

I notice that the Commission will be charged with reviewing implementation of the directive and will evaluate its impact on the development of a European defence equipment market and a European defence technological and industrial base. It would be extraordinary for the Commission to spend so much time on such a project if it were merely intended to simplify rules and procedures.

It seems curious to me that, while the UK contains the largest defence industry of all the EU countries, there is very little in this directive of any benefit to the United Kingdom. Indeed, there is added bureaucracy, and a new concept of certified companies will have to be introduced. I am not sure that it is sufficient justification for a directive that it can be regarded as just fairly harmless.

It is certainly a step in the direction of greater EU involvement in defence. We should have reassurance that the commercial and industrial gains are of such importance that they justify such a piece of legislation and that, while barriers to intra-Community trade are being lowered, there are no additional hidden obstacles to defence trade with countries that are outside the EU. I would like assurances from the Council and the Commission on this point.

Ioan Mircea Paşcu (PSE). - Mr President, I would like to salute the directive under discussion for taking an important step towards simplifying the bureaucracy of the national regimes on defence-related transfers within the Community.

I appreciate that the directive will accomplish its objective: diminishing uncertainty concerning the circulation of this type of product throughout the Community while retaining national decision-making in the matter.

It will also help bring about, even if not directly, uniformisation and standardisation in a very diverse market, thus ultimately helping integration in the field of defence, security and foreign policy within our Union. The problem will be in practical application, meaning that the standards now introduced should not be nullified through exceptions, which in turn cannot be completely eliminated, given the sensitivity of the matter.

I conclude by saying that the directive under discussion, or rather its future improvement, will also be useful in indicating the limits of further integration in the field of defence and security acceptable to the Member States at a given moment in time.

Bogusław Liberadzki (PSE). – *(PL)* Mr President, I do not agree with the approach put forward by Mr Van Orden, and should like to explain why. We are considering regulation of a particular sector of the economy, harmonisation, simplification of procedures, cohesive rules for enterprises, and also rules of procedure on external markets. This is therefore also an important area from the point of view of the economies of individual Member States. Granting greater freedom to countries provides an opportunity for them to exploit these potential possibilities. In addition, all this is important too in terms of our position on the international markets. I should like to highlight that neither the European Parliament of which we are Members, nor the European Union itself are insensitive to the general situation in the world and in its individual regions. We are not insensitive either to issues relating to peace and conflict.

Günter Verheugen, *Vice-President of the Commission.* – *(DE)* Mr President, ladies and gentlemen, I would like to make two brief comments.

Issues surrounding the control of arms exports in countries outside the European Union, disarmament, and arms control in general, cannot be dealt with in an internal market directive. They could only be dealt with if we had not just a common, but a Community, foreign and security policy in the European Union – and we do not. For that reason, we need to stick to what we can do, which is my second comment.

As long as we in the Member States of the European Union consider armed forces to be necessary, and as long as we believe that we can only guarantee our security by maintaining – or perhaps we should say by also maintaining – armed forces, European taxpayers will have a right to expect to get as efficient a service as possible for their money. The European market in defence-related products is quite simply inefficient: it wastes an unbelievable amount of money that would be better used to purchase more modern, higher-tech weapons that would be better for the armed forces, and that would be better used to improved Europe's security. If you ask yourselves how it can be that European defence, in total, costs almost 40% of the US defence budget, and yet the efficiency and performance of the European armed forces are less than 10% of the US forces, then you will see where the problem lies. It lies, amongst other things, in the fact that we have this unnecessarily complex and expensive system of licensing for the intra-Community arms market.

Simply by doing away with the licences we currently still have, we will be able to save EUR 450 million a year, just from that one action. For the Member State to which Mr Van Orden referred and which would in future be able to spend a significant proportion of the savings on its own defence budget, that was at any rate reason enough to support the Commission's proposal. We must draw attention to the improved performance of the European market in defence-related products, in other words to the improved efficiency of our defence and security – because that is what it comes down to in reality – and to the reduction in our dependence on arms from countries outside Europe. There is a parallel directive to this one, namely the Directive on defence procurement, which is yet to be debated in Parliament. The Commission deliberately presented these two directives as a package, because the two measures will only be fully effective if the second part is adopted. I would therefore, in conclusion, ask you to adopt not only the present draft, but also the forthcoming draft on European defence procurement.

Heide Rühle, *rapporteur.* – *(DE)* Mr President, I, too, would like to reiterate that this is an internal-market directive and not a foreign-policy directive: I think that is a very important point. In the foreign policy field, we would simply not have the opportunity to adopt a directive: in such matters, Parliament is only consulted, and cannot participate in codecision. On a directive based on the internal market, we have full codecision powers and have therefore been able to bring transparency to a sector that has previously been too much in the shadows.

I would just like to respond to Mr Pflüger, who raised the threat of oligopolisation: what do we have at the moment? We have the ILO, within which the larger states are already working together and have made transport between each other easier. What we are now doing is opening up the entire internal market according to transparent rules, with obligations with respect to Member States and businesses, and in so doing we are actually counteracting this oligopolisation, so your argument just does not hold water.

To answer the other question as well, namely on what we are doing to ensure that this directive is implemented, in other words to enforce it, and on what we will do regarding derogations: with regard to implementation, the Commission will report to Parliament regularly, since it is clear to all of us that we are entering uncharted waters here, and this step must also be supported by regular checks and by building trust among the Member States.

All of this is laid down in the directive. As far as amendments are concerned, we as a committee insisted – and I think this is very important – that amendments could only be made with the agreement of the Commission and Parliament, so there will only be exceptions if Parliament agrees to them. That gives us a regulatory procedure with controls, and I think that, too, is an important step forwards, because that is precisely what we want to achieve: standardisation of this sector, clear, transparent rules, comprehensibility and better controls.

As I see it, we can achieve all of that on the basis of the internal market, and we could not have achieved it on any other basis, which means that I really cannot understand Mr Pflüger's basic criticism at all.

President. – The debate is closed.

The vote will take place on Tuesday 16 December 2008.

Written statements (Rule 142)

Bogdan Golik (PSE), *in writing.* – *(PL)* I should like to express my support for the proposal for a Directive of the European Parliament and of the Council on simplifying terms and conditions for the transfer of defence-related products within the Community (COM (2007) 0765).

It should be noted that the EU's Member States consistently excluded the transfer of defence-related products from the process of European integration, on the grounds of the diversity of national regulations. As a result, defence markets were not opened up, which impacted negatively on all EU Member States. Intensification of integration and reform processes in the armaments sector also enhances the effectiveness of the European Security and Defence Policy, however.

The provisions of the Directive on simplifying the conditions for the transfer of defence-related products will have positive effects in terms of increasing the transparency of procedures by introducing unified and simpler principles for the transfer of defence-related products within the Community. This will mean improved security and reliability of supply, increased competitiveness of the European defence industry and greater trust between Member States of the European Union.

A convincing policy needs to be adequately resourced. From the financial and operational points of view, consolidation of the principles for the transfer of defence-related products as part of the process of simplifying the conditions and procedures for granting authorisations is desirable. I support the draft directive harmonising national provisions in this area. It is a move in the right direction. It will help to open up Member States' markets, strengthen trade relations between the EU and third countries, and also enable SMEs to cooperate on the Community's internal market.

Daniel Strož (GUE/NGL), *in writing*. – *(CS)* One of the main reasons why the great majority of EU citizens oppose the so-called Treaty of Lisbon is that it anchors and at the same time reinforces the militarisation of the EU rather than allowing the EU to develop as a purely peaceful project. It is mainly the European left that has come out strongly against the militarisation of the EU. The report on the proposal for a directive of the European Parliament and Council on simplifying the terms and conditions of transfers of defence-related products within the Community (A6-0410/2008) is a typical example of the militarisation of the EU. Under the cloak of bland and misleading notions such as 'defence equipment' or the 'European defence industry' it has the aim of radically simplifying and strengthening the arms trade and arms manufacturing within the framework of the European Union, while presenting all of this in terms of an economic benefit for small and medium-sized companies. Arguments such as this are unacceptable in such a serious and sensitive area. The militarisation of the EU, including arms manufacturing, is a path that the EU should definitely avoid.

18. Type-approval of motor vehicles and engines (debate)

President. – The next item is the report (A6-0329/2008) by Mr Groote on behalf of the Committee on the Environment, Public Health and Food Safety, on the proposal for a Regulation of the European Parliament and of the Council on type-approval of motor vehicles and engines with respect to emissions from heavy-duty vehicles (Euro VI) and on access to vehicle repair and maintenance information (COM(2007)0851 – C6-0007/2008 – 2007/0295(COD)).

Matthias Groote, *rapporteur*. – *(DE)* Mr President, Commissioner Verheugen, ladies and gentlemen, I would first of all like to thank the shadow rapporteurs for their excellent and constructive cooperation throughout the legislative process. I would also like to thank the French Presidency for the fact that we have now been able to conclude this legislative process with a compromise, to which this Presidency made a major contribution.

Tomorrow, the European Parliament will vote on the compromise package on the Euro 6 emissions standards for heavy-duty vehicles. The new emissions standards for heavy-duty vehicles relate to a reduction in pollutants, not in greenhouse gases: the two are sometimes confused.

Euro 6 is an important instrument in improving air quality in Europe. In particular, Euro 6 reduces fine particulates and nitrogen oxides: fine particulates alone are responsible for more than 348 000 premature deaths in Europe, which is why I would perhaps have hoped for a more ambitious limit here. Technical studies have also backed this up. Nevertheless, tomorrow's vote and the whole package is, as I have already said, a good compromise. In comparison with the current emissions standard 6, which has been applicable since 1 October 2008, we will achieve a 66% reduction for fine particulates alone, and of more than 80% for nitrogen oxides. Nitrogen oxides are particularly dangerous to infants, children and older people, because they lead to the formation of ozone near the ground.

I would also like to take this opportunity to mention the introduction date. We have managed to bring the introduction date forward, so that Euro 6 will arrive earlier and thus air quality will improve. By and large,

we have reached a satisfactory compromise; this instrument will undoubtedly improve both air quality and quality of life.

Two years ago almost to the day, we debated and adopted the Euro 5 and Euro 6 emissions limits for passenger cars here in this House. In the process of drafting the implementation measures, it has emerged that there have been delays in this connection. I must once again make a clear plea that the same must not happen in this legislative process – manufacturers need to have all the necessary information available to them in good time. I am therefore delighted that the Commission is now surely about to make a statement saying that we can count on having implementing measures by the end of March 2010 at the latest, that is to say on 1 April 2010.

At the last plenary session, we discussed the crisis in the car industry with Mr Verheugen. We noted then that there had been a drastic reduction in the number of units sold in the commercial vehicles sector, and I am therefore pleased that we have managed, with the legislation now before us, to create an instrument that will allow the Member States to grant tax incentives for the early introduction of the Euro 6 emissions standard. This will undoubtedly invigorate the economy and also help to improve air quality, quality of life and everybody's health.

I would once again like to thank all those involved, and I am looking forward to what is sure to be an interesting debate.

Günter Verheugen, *Vice-President of the Commission*. – *(DE)* Mr President, ladies and gentlemen, let me, first of all, offer my heartfelt thanks to the rapporteur, Mr Groote, for his dedicated collaboration in relation to this proposal.

We are dealing with an important regulation that represents a decisive step in the introduction of globally harmonised stipulations for the emissions of pollutants from heavy-duty vehicles and buses. I would like to talk about something that Mr Groote made reference to, namely that we are doing this against the backdrop of an incredibly severe slump in the European Union's commercial vehicles market, as the market in commercial vehicles has been much worse hit than is the case for passenger vehicles. This fact is less noticed by the public as most people do not buy heavy-duty vehicles. Nonetheless, it does have enormous economic consequences and this situation is a great concern for the Commission. In light of this too, it is important to provide manufacturers with legal certainty and a clear regulatory framework so that they know what is expected of them. That is why this Euro VI standard is already being decided now, at a time when the Euro V standard has practically just entered into force.

This Euro VI proposal was drawn up in conjunction with the Clean Air For Europe, or CAFE, programme and the thematic strategy on air pollution. In connection with this strategy, further reductions of pollutant emissions are required in the area of road traffic in general and in other areas in order for the EU to meet its targets on improving air quality. We want to keep the harmful effects on people's health to a minimum and to protect the environment better in general.

The limit values under the Euro VI standards, which form part of this overall strategy, are significantly reducing the emissions of soot particles and of nitrogen oxides once again in comparison with the Euro V phase, which entered into force on 1 October this year. One absolute innovation is the introduction of a limit value for the quantity of particulates emitted, thus monitoring the output of the ultrafines fraction emitted from the engine. In addition, further stipulations on the monitoring of emissions from heavy commercial vehicles in real driving conditions and on access to repair and maintenance information are being introduced. This corresponds to the stipulations that we have already put in place in the regulations governing light commercial vehicles.

The adoption of this proposal is also important because it will realise several important recommendations from the Cars 21 process. First of all, there is 'better lawmaking': the proposal takes account of the positions of those affected, as ascertained through a public Internet consultation. In addition, the technical stipulations are based on a cost-benefit analysis on the basis of a duly performed impact assessment. Then there is a considerable simplification of the applicable law. Once the proposal applies to all new vehicles, six previous legal acts will be rescinded. Thirdly, there is global harmonisation. A new testing and measuring methodology is to be introduced which has been developed by the UNECE in Geneva, while the limit values for particulates and nitrogen oxides will now be the same as those applying in the United States.

The close cooperation between Parliament, the Council and the Commission was a critical factor in the success of the negotiating process and worked outstandingly well. I am particularly grateful to the rapporteur

in this regard. The Commission is happy to endorse all the compromise amendments tabled by the rapporteur. I am also happy to issue the declaration requested by the rapporteur, and, in fact, I will even make it a little bit better than he had asked for.

'The Commission declares that the technical measures implementing the regulation of the European Parliament and of the Council on type-approval of motor vehicles and engines with respect to emissions from heavy-duty vehicles (Euro VI) and on access to vehicle repair and maintenance information will be transmitted to the European Parliament and the Council under the regulatory procedure with scrutiny before 31 December 2009.'

Anja Weisgerber, *draftsman of the opinion of the Committee on the Internal Market and Consumer Protection.* – *(DE)* Mr President, Commissioner, ladies and gentlemen, I would like, first of all, to offer my heartfelt thanks to the rapporteur, Mr Groote, and the shadow rapporteurs for their constructive cooperation. Their help made it possible for an agreement to be reached about a very technical dossier as early as the first reading stage.

As shadow rapporteur for the Group of the European People's Party (Christian Democrats) and European Democrats, I still recall very well our vote on the revision of the fine particulates directive. I was a shadow rapporteur then, too. On that occasion, we managed to get the Commission to sign a declaration in which it undertook to put forward measures that combat fine particulate matter at the very point at which it occurs. The new Euro VI regulation for heavy-duty vehicles and buses is one of the measures we have been calling for. The regulation combats fine particulates right from their emission – at the source, in other words, which is where the particulates are actually produced. The new Euro VI standard will thus reduce emissions of fine particulates from diesel heavy-duty vehicles and buses by 66% as compared with the Euro V standard, while in petrol-driven vehicles nitrogen (NO_x) emissions will be reduced by a further 80%.

In order for it to be possible to actually achieve these new, ambitious emissions standards, the implementing measures, which lay down the exact technical specifics in detail, must be made public at an early stage. For that reason I am also, of course, very pleased about the declaration that Commissioner Verheugen has just made, in which the Commission undertakes to put the implementing measures forward to Parliament and the Council very quickly – more quickly than was originally planned.

The point about access to repair and maintenance information for independent market operators is also something I find important. Independent market operators means independent workshops, motoring organisations and breakdown rescue services. If we want to ensure functional competition in the field of repair work we must guarantee this access, and in this regulation we have managed to achieve that. That is good for competition, for the price of repair work, for road safety and for consumers.

Johannes Blokland, *draftsman of the opinion of the Committee on Transport and Tourism.* – *(NL)* Mr President, earlier this year, I wrote an opinion on Euro 6 on behalf of the Committee on Transport and Tourism. The transport of goods using heavy goods vehicles is a sector that has been forced to reduce its emissions of harmful substances, including nitrogen oxide and fine particulates, several times over recent years. Euro 6 standardisation is right to impose additional requirements on engines.

As such, this regulation makes an important contribution towards better air quality, and hence to improving public health. It is of huge importance for these new emission requirements to enter into effect very soon. Needless to say, the industry will need time to adjust. It should be given the time it needs.

During the parliamentary discussions on the dossier, I experienced something unique. The Committee on Transport and Tourism voted in a more environmental manner than the Committee on the Environment, Public Health and Food Safety, in, for example, the area of data collection. Fortunately, the negotiations ultimately resulted in the legislation entering into force early.

I should like to thank Mr Groote for his efforts in reaching this outcome, and the Commissioner for his statement.

Richard Seeber, *on behalf of the PPE-DE Group.* – *(DE)* Mr President, I, too, would like to congratulate my fellow Member Mr Groote on this report. His approach to its production was a very collaborative one. All in all, environmental protection must not be sacrificed at the altar of the economic crisis and it is a good thing that we have a report before us that very much points to the future and contains very ambitious targets – such as a 66% reduction in the case of PM_{10} and an 80% reduction in the case of NO_x.

That said, I would remind the House that road traffic in general is increasingly becoming a problem in Europe. It is the sector that grows constantly and at the fastest rate. Just think about the problems of CO_2. We have the opportunity tomorrow to debate this subject at greater length. We know that all types of traffic are increasing in volume and I believe that it really is now time for the Commission not only to set thoroughly ambitious targets in individual dossiers in this field but to address the general issue of traffic in this modern world.

Even if we are now to have clean heavy-duty vehicles that are absolutely capable of emitting less than in the past, there are still, quite simply, inherent limits in the infrastructure. Look at our motorways! In many Member States they are so overcrowded that, in future, even the cleanest Euro VI heavy-duty vehicles will no longer be able to get through, even without taking account of the large numbers of passenger cars in which the citizens sit in traffic jams.

For this reason what is needed is big-picture thinking, and I also believe that transport in general is in need of a fundamental overhaul. What I find positive about the report is, first of all, its ambitious targets and, secondly, that realistic measurement methods are also to be brought in by the Commission. We in the Tyrol have discovered that the existing measurement methods are actually a failure and that, in practice, the difference between a Euro 0 and a Euro III or Euro IV heavy-duty vehicle was really small.

I also think it is positive that access to repair information is also being generally guaranteed. I believe that, especially for the citizens, this is an important argument for agreeing this dossier as it will mean that all citizens will then have the opportunity to choose their workshops freely.

Silvia-Adriana Ţicău, *on behalf of the PSE Group*. – *(RO)* I would like to congratulate the rapporteur, Mr Groote. The Commission has proposed a 60% reduction in particulate emissions and an 80% reduction in nitrogen oxides for compression ignition engines. To achieve this, we need, accordingly, to introduce diesel filters or recycle exhaust gases and introduce selective catalytic reduction devices.

The Commission's proposal also relates to positive-ignition engines and introduces requirements for introducing a common methodology for testing and measuring emissions and on-board diagnostic systems, harmonised at a global level. These systems are important for controlling emissions while vehicles are being used. Being able to set nitrogen oxide emission limit values early offers car manufacturers the assurance of long-term planning at a European level.

I welcome the opportunity for Member States to grant financial incentives for new vehicles launched on the market, which comply with the provisions of this regulation. In particular, against the backdrop of climate change and the economic crisis, granting these incentives will boost the production of more energy-efficient and greener cars. Thank you.

Holger Krahmer, *on behalf of the ALDE Group*. – *(DE)* Mr President, if we adopt Euro VI for heavy-duty vehicles tomorrow, we will be doing so in a very good tradition. Not that long ago, in the course of this legislative period, we also voted in Euro 5 and Euro 6 for passenger cars, thereby continuing the success story of exhaust gas standards for vehicles – in today's case heavy-duty vehicles – in Europe. I would like, at this point, to express my special thanks to the rapporteur, Mr Groote, with whom, once again, I experienced successful collaboration. Once again we are successfully bringing legislation to the first reading together, ensuring certainty of planning for industry and, of course, sound protection of the environment.

The agreement with the Council and the Commission has produced a piece of viable legislation. The values for pollutants for heavy-duty vehicle exhaust gases are advanced in an ambitious way and the schedule is tightened up. The new limit values will enter into force earlier than the Commission originally proposed. In bringing this about, we are making a positive contribution to the protection of the environment and the health of the citizens of Europe, without unduly hitting the manufacturers. The entry into force of this regulation has been brought forward by nearly a year in comparison with the Commission proposal and yet the manufacturer's product cycles and planning deadlines have still been taken into consideration.

I welcome the fact that the Commission has learned from the mistakes of the past and accepted a deadline for comitology and for the tabling of the implementing measures. In this way we will, hopefully, avoid a delay like the one that occurred in the introduction of Euro 5 for passenger cars.

The figures in the proposal for reducing emissions are impressive: 66% less soot, 80% less nitrogen oxides. As far as the reduction of pollutant emissions is concerned, the manufacturers are operating at the very limit of what is technically achievable. While maximum feasible improvements can always be made – and I fully

believe in the creativity and inventiveness of European manufacturers in this regard – the closer you get to zero level, the more expensive the technology becomes. In light of this, the renewal of the stock of cars on the road is of increasing importance. Pollution-spewing old bangers that have not met the applicable standards for many a year must be taken off the roads. This would improve the emissions balance sheet more rapidly and more easily than expensive engine-tuning.

Leopold Józef Rutowicz, *on behalf of the UEN Group*. – *(PL)* Mr President, the report by Mr Groote on the proposal for a Regulation of the European Parliament and of the Council on type-approval of motor vehicles and engines aimed at reducing pollution by heavy-duty vehicles is very important in terms of both environmental protection and the citizens' health.

It contains a commitment to reducing emissions to a level close to Euro VI for vehicles and engines already in use. This means that service garages need access to technical information and regulations on fitting out engines. The garages need to possess the equipment required to assess the functioning of an engine while it is running. Implementation of the Directive calls for a system of independent control, to ensure that vehicles are adjusted to meet the requirements adopted. Setting up such a system takes time and calls for resources that will be difficult to obtain in the current crisis situation.

I am in favour of the amendments to the Commission's opinion that have been tabled. I should like to thank the rapporteur for all the work he has put into the document. We support the report.

Urszula Krupa, *on behalf of the IND/DEM Group*. – *(PL)* Mr President, the proposal for a Regulation on type-approval of motor vehicles and engines with respect to emissions from heavy-duty vehicles aims to establish a single set of principles for the construction of engines, thus ensuring a high level of protection for the natural environment. In fact, the proposed Union standards will also simply force small and medium-sized enterprises manufacturing engines out of the European market. In addition, the new engines are to run on alternative fuels, and manufacturers will be obliged to adjust accordingly all vehicles sold, registered or placed on the market. All the equipment used to measure emission of pollutants will also have to be adjusted. Only large transporters and corporations will be able to cope with research and organisational requirements of this magnitude.

As regards new vehicles failing to comply with the provisions of this Regulation, national bodies will no longer accept certificates of compliance from 1 October 2014. As far as Poland is concerned, it is highly likely that many transport undertakings and engine manufacturing firms such as *Andoria* will simply cease to exist. The notion of Union legislation having the same effect in all Member States and serving all their interests is proving to be a myth. The elimination of weaker and poorer undertakings will obviously benefit large corporations, and these are mainly German.

It is already apparent that most of the documents in the whole energy and climate change package may indeed ensure cohesion and economic development pursuant to the principles of sustainable development for large and wealthy countries and undertakings. Polish scientists estimate, however, that the package will cost at least PLN 500 billion. This will lead to economic collapse and to a huge increase in costs and food prices because of the need to replace transport vehicles. The population will be impoverished as a result.

Bogusław Liberadzki (PSE). – *(PL)* Mr President, in this Parliamentary term we are issuing a further regulation that essentially completes the cycle of regulations concerning transport and means of transport in terms of their environmental impact and the protection of air quality. It has been a huge undertaking, which this document draws to a close.

Let us call a spade a spade. Europe takes protection of the natural world and of the environment seriously, but Europe will have to pay a price for doing so. A great economic effort is of course involved, though perhaps not as great as the previous speaker indicated. Vehicle owners are certainly being required to make a great economic effort at present, just as the transport sector is experiencing such a dramatic financial crisis. Buying fewer vehicles could be a solution, but this might mean that manufacturers would suffer due to reduced demand. Financial inducements are needed if our regulation is to attain its aim and serve a purpose, that is to say, for it to be possible to buy and sell new generation vehicles. I consider this issue to be a vital element of the document before us.

Zuzana Roithová (PPE-DE). – *(CS)* It is clear that not only passenger vehicles but also heavy goods vehicles must be fitted with modern systems ensuring an 80% reduction in emissions of carbon monoxide and nitrogen oxide as well as a reduction in particulate emissions of up to 60 %. In view of the fact that the replacement rate for such vehicles is around 10 years in Europe, I would like to call on the Commission to

propose regulations which would also make it possible to fit older vehicles with more modern emission control systems. Failing this, Euro VI will not make a significant contribution to improvements in air quality.

I fully support the requirement that the Commission should promote the development of international – that is, not just European – harmonisation of laws on motor vehicles, and not just goods vehicles. It is a question that involves not only the quality of the air on our planet but also, of course, European competitiveness. And for this reason I would also like to point out the need not to modify the emissions standard for at least the next five years.

Malcolm Harbour (PPE-DE). - Mr President, I wish to thank Mr Groote, and more particularly my colleague Ms Weisgerber, who acted as rapporteur for the opinion of the Committee on the Internal Market and Consumer Protection.

One thing I have not heard mentioned this evening, and I want to place this firmly on the agenda, is the fact that European producers are dominant in the global heavy commercial vehicle market. This proposal is absolutely crucial in that it paves the way for a global standard for heavy vehicle engine emissions. That is important because, unlike cars, heavy commercial vehicles are produced in small volumes and they are very complex.

Producers for the global market are able to mobilise resources and harness developments to produce a global truck engine. I went to see one such company recently, and can tell you that it is planning to invest EUR 1 billion in a global family of truck engines.

The regulatory climate we are proposing needs to encourage this, and we also want the Commission to ensure that this regulation becomes the global regulation as well, which is part of the package on the table today.

Matthias Groote, *rapporteur*. – *(DE)* Mr President, I would like to thank all my fellow Members for this engaged debate. As a first point, I would like to thank the Commission, in the person of Commissioner Verheugen, for reading out the declaration on the implementing measures here in the House today. This matter had really given us some headaches and been a cause for concern. It was good for it to be played out in public here again.

Many Members have spoken about how environmental standards could or definitely will increase sales as this specific sector of industry currently finds itself in crisis. Mrs Krupa told us how the climate and energy package, but also this legislation, will drive small manufacturers from the market and how it will destroy them. I do not see it like that, as the Euro standard and the Euro exhaust gas standard have been a success story and technical innovations have always fuelled the market and energised consumers to buy new vehicles.

Mrs Roithová spoke about retrofitting. Retrofitting is a good thing, but it requires a harmonised process to be got underway, and I would once again urge the Commission to do this. If we fit vehicles with diesel particle filters, ultimately they produce more nitrogen oxide and, with that in mind, what we need is a reasonable combination of these two factors and a uniform regulation for retrofitting processes.

In the coming years it is very important that something be got underway in this respect, that we obtain a uniform standard in this area too, that it is not only new vehicles that can be fitted with these particularly environmentally-friendly technologies but for there to be a uniform, standardised procedure for used vehicles too.

My thanks once again to all those who were involved and who joined in the discussions. It is only with your help that it has been made possible for us to conclude this legislative process tomorrow, in all likelihood, at first reading and for the industry, but also the people of Europe, to be granted the certainty to plan and to know what is heading their way. For that, once again, my sincere thanks!

President. – The debate is closed.

The vote will take place on Tuesday 16 December 2008.

19. ERDF, ESF, Cohesion Fund (revenue-generating projects) (debate)

President. – The next item is the report (A6-0477/2008) by Mr Arnaoutakis, on behalf of the Committee on Regional Development, on the proposal for a Council Regulation (EC) amending Regulation (EC)

1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund in respect of certain revenue-generating projects (13874/2008 – C6-0387/2008 – 2008/0186(AVC)).

Stavros Arnaoutakis, *rapporteur.* – *(EL)* Mr President, Commissioner, ladies and gentlemen, the new financial management rules in the general Regulation (EC) No 1083/2006 include provisions for financing contributions from the funds and, in particular, on revenue-generating projects (Article 55), projects which, as there is a clear danger of their being over-financed, need special treatment in order to take account of revenue when calculating the maximum percentage of Community financing. A method therefore needs to be defined for calculating the revenue from such projects. During the previous period from 2000 to 2006, this principle was applied in practice using a flat-rate method. During the new programming period, according to the Commission's proposal, which the Council has accepted, a more precise and stringent approach is applied when calculating Community financing of revenue-generating projects. This new approach is based on the calculation of maximum eligible expenditure, rather than a flat-rate reduction in the percentage of cofinancing. Under Article 55, for the 2007-2013 period, a revenue-generating project means any operation involving an investment in infrastructure the use of which is subject to charges borne directly by users or any operation involving the sale or rent of land or buildings or any other provision of services against payment. An important difference therefore, in the new period is that, according to the definition in paragraph [...], the provisions of Article 55 apply to a broad spectrum of projects which qualify as revenue-generating projects and not just to projects to invest in infrastructure which generates large net revenue, as was the case in the 2000-2006 period.

According to the outcome of the informal consultation of Member States by the European Commission, the provisions of Article 55 are clearly unsuitable for projects cofinanced by the European Social Fund, which mainly finances intangible operations rather than infrastructure projects. The same applies to minor projects implemented with cofinancing from the European Regional Development Fund and the Cohesion Fund. For these projects, the monitoring rules which must be adhered to, such as the fact that revenue may be taken into account for three years after closure of the operational programme, are a disproportionate administrative burden in relation to the anticipated amounts and pose a serious risk during programme implementation. That is why, after it had consulted the Member States, the Commission felt it necessary to seek approval of an amendment to Regulation (EC) No 1083/2006, which is limited to Article 55(5) and relates to the following two points only: the exemption from the provisions of Article 55 of operations cofinanced by the European Social Fund and the definition of a threshold, set at EUR 1 million, below which projects financed by the ERDF or the Cohesion Fund would be exempt from the provisions of Article 55 as regards calculation of the maximum eligible expenditure and as regards monitoring. The remaining provisions of Article 55 have not been amended.

Furthermore, given that it is important to safeguard the imposition of common project implementation rules throughout the programming period, a retroactive validity clause has been included, so that the revised provision applies from 1 August 2006. This technical amendment will simplify the management of revenue-generating projects where possible, by limiting the administrative burden in accordance with the principle of proportionality.

Vladimír Špidla, *Member of the Commission.* – *(CS)* Mr President, ladies and gentlemen, on 15 November the Commission adopted the draft revision of Article 55 of the general regulation on Structural Funds, which applies to the conditions for taking account of revenue-generating projects within the framework of the cohesion policy programme. The reason for the change was to simplify administrative procedures. The first actual operation carried out in accordance with Article 55 showed that there were serious difficulties with effective implementation. These difficulties, as reported by the Member States, demonstrated that there was a lack of proportionality in the application of the procedures for setting the maximum eligible amount of the so-called 'funding gap' and in monitoring projects.

The aim of the amendment to the regulation in question is to exempt all operations cofinanced from the European Social Fund as well as small projects with overall costs of less than EUR 1 million cofinanced from the European Fund for Regional Development and the Cohesion Fund through the application of Article 55. The decision to impose a ceiling of EUR 1 million arose from preliminary studies and was aimed at retaining the general nature of Article 55.

We hope that thanks to this simplification, which constitutes a form of 'de minimis' clause, we will be able to speed up the administration of funds for the Member States and their regions, especially in relation to the most innovative operations in areas such as research and support for renewable energy sources, etc.

It was nevertheless important to avoid legal uncertainty, which would have unfairly delayed the payment process. The uncertainty could have led project managers to interrupt the running of operational programmes, which had to be avoided at all costs.

In view of this, the Commission decided to propose only one change of a technical nature. This decision led to success since we completed the revision process in just three months, thanks to the work of the Council and the parliamentary committees for regional development and employment. On behalf of the Commission I would like to express my sincere gratitude to your rapporteur Mr Arnaoutakis. Thanks to our productive cooperation I hope to secure agreement from the European Parliament, thus making it possible to complete the revision by the end of the year. This would allow the managing authorities to continue with their work, which is a compelling aspect of the simplification.

The revision of Article 55 has also demonstrated the quality of the work being undertaken in collaboration with the Directorate General for Regional Policy and the Directorate General for Employment which benefits political cohesion. This cooperation has never weakened. The proof of this is that within the framework of the plan to assist European economic regeneration we have combined forces with Commissioner Hübner on a proposal for three new fundamental amendments to structural fund regulations. These amendments will also be debated.

Jan Olbrycht, *on behalf of the PPE-DE Group. – (PL)* Mr President, we have before us what is essentially a very short and succinct regulation. It is, however, of great significance. Its significance relates to the context of the change.

Firstly, through this change, the European institutions are demonstrating that they are able to respond flexibly to the difficulties arising during implementation of a certain policy. A readiness to genuinely simplify and facilitate procedures for the beneficiaries indicates that the European Commission, in conjunction with the European Parliament and the Council, is truly prepared to adjust provisions to prevailing conditions.

Secondly, this Regulation is also significant insofar as it involves amending a regulation during the programming period. This is particularly important, because it is not the final change, and the conduct of debates on change to that regulation will be very significant in the context of preparing an amending package linked to the crisis.

Thirdly, the European Commission has repeatedly been criticised for the way it monitors allocation of resources. The Court of Auditors' criticism mainly concerned overly complicated procedures.

Today's Regulation indicates that bold and decisive action is called for, so as to improve effectiveness and demonstrate that it is possible for European funds to be allocated in a swift, efficient and effective manner.

Jean Marie Beaupuy, *on behalf of the ALDE Group. – (FR)* Mr President, Commissioner, as my fellow Member, Mr Olbrycht, just said, this is a simplification first – we hope so, at least. It is without doubt the run-up to Christmas that is inspiring us to make this progress, to offer this gift to Europeans.

However, as Mr Olbrycht just said, we hope, above all, that this gift is not the only one of its kind and, next March, we will have to give our verdict on the recovery plan so that, in the face of the financial crisis, we have more productive initiatives with which to look forward to a Europe-wide recovery.

Within these drafts that we shall have to vote on in March, we are convinced that the Commission will propose new simplification tools to us, particularly regarding our 'small-scale players', regarding our SMEs. This is absolutely vital since, if the policies that we are debating and that we have been working on for months and years are to be genuinely effective, then this will, this dynamic that we want, must not be thwarted by any discouraging administrative aspects.

Commissioner, you emphasised just now this good work that has been done with Parliament's Committee on Regional Development, in particular. You know that we, the other Members of this House, are very keen to work with the Commission. That is why I would stress, once again, that we are hopeful of making very firm progress towards new simplifications during the coming year.

However, the work that we are doing aside, it is our wish, at European level, that – through you, at the Commission, in particular – the Member States assume their share of the responsibility. We all know that, at the level of the ERDF and ESF Funds, and of the CAP Fund and so on, it is the Member States that add further complexities to our own European administrative complexities.

Through our action and through our debate this evening, we hope not only that the European Union's initiative will be acted upon at EU level, but also that, at Member State level, we are heard and that they too make a clear effort to simplify.

Mieczysław Edmund Janowski, *on behalf of the UEN Group*. – *(PL)* Mr President, essentially, the European Parliament resolution we are today debating is of a formal and technical nature. Nonetheless, it relates to important issues concerning use of Union aid. The proposed Regulation concerns Article 55 of the Council Regulation laying down general provisions for the European Regional Development Fund, the European Social Fund and the Cohesion Fund. The current wording of paragraph 5, referring to a sum of EUR 200 thousand as the maximum monitoring procedure cost, is replaced with a text whereby the provisions concerning revenue-generating projects will only be applied to operations funded by the European Regional Development Fund or the Cohesion Fund if their cost does not exceed EUR 1 million.

With this in mind, I should like to pose the following question. Is the sum referred to adequate? Is it not too high or too low? I am convinced that this can be a way of avoiding unnecessary bureaucratic burden in relation to a large group of smaller operations. It should lead to more operational management of projects that often involve local authorities and concern environmental protection, innovation and energy for instance. By way of example I could mention that in Poland we have over one hundred different types of institutions managing the implementation of Union funds. Effective use of this aid depends on the efficient operation of such institutions.

I also trust that adoption of this initiative will lead to further simplification in the future, as the Commissioner was kind enough to indicate. On behalf of the Union for Europe of the Nations Group, I would like to express appreciation of this creative approach to provisions, enabling Union resources to be used in the most rational manner possible.

Lambert van Nistelrooij (PPE-DE). – *(NL)* Mr President, Commissioner, Mr Arnaoutakis's proposal clearly illustrates that simplification is possible, and this is something Parliament has enquired about on many occasions. It is also taking a very long time, in a number of cases, for projects to be finalised in the Member States and, for the Group of the European People's Party (Christian Democrats) and European Democrats, this is a good example of efficient simplification.

This time round, the desire for change came from the Member States and from the Commission, but more can be done. I happen to know that a working party of regions and cities has been set up in the Committee of the Regions, whose mission is to identify and tackle these bottlenecks, and which aims to make proposals to this effect. I think that we should, in fact, utilise these very experiences and pick up on further changes in 2009.

Moreover, the Commission has presented the entire package, including the economic recovery plan, in which context funds can be spent more quickly, amongst other things. In Parliament this week, we will be discussing the Haug report in the framework of the budget, in which the wish is expressed to carry on working in this vein and to pick up speed as other control and management-related aspects are examined.

Finally, I should like to touch upon a topic that was also broached by Mr Beaupuy: Member States can do an awful lot by, for example, making the financial management declaration, or taking political responsibility for the implementation of funds. As a result, we, in our resolutions, could simplify procedures even further. The urge for change from the people on the ground is considerable. Certainly with a view to next year's elections, we should be able to say that Europe does do good things, but it should also do them properly. The Member States' declarations are a step in that direction.

Gábor Harangozó (PSE). – *(HU)* The purpose of the regulations governing the use of EU grants is to ensure that these sources will be utilised in the best possible manner and be allocated to the most appropriate place. In other words, the funds must not only be spent, but spent for genuine, revenue-generating investments. However, we often set up such a bureaucratic system of regulations for this purpose that it is more of a hindrance to efficient use, and represents an unnecessary burden for both the enterprises and the administration.

The streamlining of revenue-generating regulations has a twofold benefit. A greater number of small and medium-sized enterprises can have more ready access to EU funds for economic stimulus, while the administration is able more quickly and simply to determine whether these funds are being used properly. We must trust our entrepreneurs, those who make the economy work; we can pull through this crisis only if we join together and help each other. I support the proposal, and at the same time I ask the Commission

to continue on the same path, weeding out unnecessary administrative obstacles from the assistance programme. I sincerely hope that this inaugural programme will be followed by other similarly sound initiatives.

Zbigniew Krzysztof Kuźmiuk (UEN). – *(PL)* Mr President, I should like to draw attention to four issues in the debate on changes to Council regulations concerning structural funds.

Firstly, the legal provisions applicable to benefiting from European Regional Development Fund, Cohesion Fund and European Social Fund financial aid are often so complicated that they deter potential beneficiaries from applying for these resources. The aforementioned legal provisions can also hinder project implementation and accounting.

Secondly, it is therefore entirely appropriate for the European Commission to have tabled a proposal to amend Article 55 of the Regulation. One of the effects of the amendment would be to exclude revenue-generating projects funded by the Cohesion Fund from the scope of Article 55. This change should facilitate the implementation of actions such as projects aimed at social inclusion or the provision of care services, for instance.

Thirdly, the scope of application of Article 5 of the Regulation would also be limited as regards small projects cofinanced by the European Regional Development Fund and the Cohesion Fund in terms of calculating the maximum sum of eligible expenditure and the monitoring of these projects. In addition, all these measures would apply retroactively from 1 August 2006.

Fourthly, all these proposals are a positive example of how provisions regarding the structural funds can be simplified effectively, thus enabling them to be used more efficiently. In my view, not only does this serve the interests of the beneficiaries, but it also benefits all European Union citizens.

Jan Březina (PPE-DE). – *(CS)* The bill under discussion deals with the problem of revenue-generating projects. This problem directly affects many claimants drawing funds from the European Regional Development Fund and the European Social Fund. The current legal arrangements have imposed a significant administrative burden and have also created a situation of legal uncertainty as for a whole three years after the conclusion of an operational programme they allow revenues from the project to be taken into account. If revenues exceed a specified minimum level, there is a risk that the claimant and ultimately the state also will have to return the funds.

I firmly believe that such a rigid approach has no place, especially for small projects and projects financed from the European Social Fund. Concerning the second category of projects in particular, there are no revenues of a commercial nature, only revenues of local authorities and non-profit making organisations that are raised in the form of administrative and other fees. As these revenues subsequently serve to implement objectives that are in the public interest, it makes no sense to return them to the EU.

In my opinion our task is to simplify the mechanism for drawing money from the structural funds while of course retaining the controls that are essential for supervising the transparent handling of EU finances. I therefore welcome the decision to exempt projects financed by the European Social Fund from the mechanism for monitoring revenues and the decision to raise the cost limit from EUR 200 thousand to EUR 1 million in the case of projects financed from the European Regional Development Fund and the Cohesion Fund. This step will undoubtedly simplify administration and increase efficiency in the implementation of these projects.

Silvia-Adriana Ţicău (PSE). – *(RO)* The European Regional Development Fund, European Social Fund and Cohesion Fund are instruments which have been provided to Member States to support the economic development of various European regions. However, the perception is that using these financial instruments involves a great deal of red tape.

For the 2007–2013 period an approach based on calculating maximum eligible expenditure is being used instead of a forced reduction in the cofinancing rate. The purpose of the proposal amending the regulation is to replace the arrangement based on proportionality for monitoring operations under EUR 200 000 by not applying the provisions of Article 55, operations cofinanced by the European Social Fund and operations cofinanced by the European Regional Development Fund or Cohesion Fund, the total cost of which is less than EUR 1 000 000. The retroactive application of this amendment simplifies the management of cofinanced operations from the structural funds, in terms of both calculating maximum eligible expenditure and monitoring.

Reducing the disproportionate administrative burden will be beneficial in particular to SMEs managing projects in the areas of the environment, social inclusion, research, innovation or energy. Thank you.

Andrzej Jan Szejna (PSE). – *(PL)* Mr President, for small projects cofinanced by the European Regional Development Fund and the Cohesion Fund, and also for operations cofinanced by the European Social Fund, the current monitoring mechanisms undoubtedly represent an undue administrative burden that is disproportionate to the sums concerned and a significant risk factor for the implementation of these programmes. Pursuant to the monitoring mechanisms, income may be taken into account for as long as three years after closure of the programme.

The Commission has therefore recognised, quite rightly, that it is necessary and important to adopt changes to Article 55(5) of Regulation 1083/2006. The purpose of these changes is to effectively simplify the existing provisions concerning structural funds in the interests of the citizens and for their benefit. The changes would apply in important areas such as the natural environment, social inclusion, research, competitiveness and energy.

I should like to say that, in the context of the current financial and economic crisis, great efforts are also being made in Poland to ensure that structural funds can be used at the earliest opportunity. The aim is to enable funds to be allocated as soon as possible. For the new Member States in particular, this is one potential way of countering the economic crisis. The structural funds must be used swiftly and efficiently.

Zuzana Roithová (PPE-DE). – *(CS)* I and many small-scale entrepreneurs would like to express our appreciation for the way in which the European Commission has reacted with unexpected speed, vigour and directness to suggestions from both Member States and MEPs in submitting this additional clause for Regulation 1083. The simplification of the law, together with retrospective application, is above all good news for the great majority of small firms with projects worth up to EUR 1 million which may contribute significant added value in terms of European competitiveness and especially employment. I view the flexible approach taken by the European Commission as a harbinger of further good news concerning the de-bureaucratisation of the complex processes for monitoring small projects.

Vladimír Špidla, *Member of the Commission***.** – *(CS)* I would like to thank you for the debate. I think that the arguments in favour of the proposal have come from many sides. I have nothing to add to them. A question was put, however, about the method of determining the figure of one million. Allow me, therefore, to touch on this very briefly. In the first place we had the experience of the previous periods and secondly there was the relatively challenging effort to simplify the system without disrupting its overall equilibrium. Therefore the idea of a specific limit was proposed and at the same time the Commission carried out a study into these questions. Based on these ideas and also on the recommendations of 3 July 2008 from the working group on structural activities, the Commission specified in the proposal an amount which, as I have heard in the debate, is generally regarded as acceptable.

Stavros Arnaoutakis, *rapporteur.* – *(EL)* Mr President, ladies and gentlemen, simplifying procedures and ensuring mechanisms are flexible is extremely important during this serious financial crisis. Cohesion policy has an important role to play. The amendment to Article 55 is a good example of excellent cooperation between the institutions of the European Union. That is why I should like specifically to thank Commissioner Hübner and the President of the European Parliament for adopting the proposal so that it can be voted through by the end of the year. As one Member said, this decision is a Christmas present.

Simplification will work positively for European citizens and this evening we are sending out a message that we can amend some regulations for the benefit of European citizens. This method of direct amendment must be used again in future, as it has been proven that bureaucratic procedures make it hard to implement projects. I am certain that the new provisions will help to improve the application of the priorities of cohesion policy.

President. – The debate is closed.

The vote will take place on Tuesday 16 December 2008.

20. Impact of tourism in coastal regions (short presentation)

President. – The next item is a brief presentation of the report (A6-0442/2008) by Mrs Madeira on behalf of the Committee on Regional Development, on the regional development aspects of the impact of tourism in coastal regions (2008/2132(INI)).

Jamila Madeira, *rapporteur*. – *(PT)* Mr President, ladies and gentlemen, I am very pleased to be here before you explaining the work carried out by everyone on this own-initiative report. In my view, and in the view of everyone who helped to develop this report, it is clear that we have done our work. I must thank everyone, particularly the shadow rapporteurs from the various political groups who tried so hard to achieve compromises with a future; the regional development staff, who are always ready to help, not least Miguel Tell Cremades and Elisa Daffarra; the staff of the Socialist Group in the European Parliament, Lila and Petrus, and also the European Commission. The latter, represented as always by the various Directorates-General which such a wide-ranging report involves, constantly and closely monitored our work and made a major effort to ensure a successful outcome. I must also give my sincere thanks to my whole office, particularly Joana Benzinho, on behalf of a more harmonious and structured development for the coastal regions and for tourism in the European Union.

The European Union's 27 Member States account for more than 89 000 kilometres of coastline. This offers a wide variety of highly specific characteristics which, depending on the location, are marked by cosmopolitanism, such as in the cities of Lisbon, Copenhagen or Stockholm, or by the difficulties of being peripheral or outermost regions, such as the Algarve, Liguria, the Canary Islands or Madeira, which struggle to maintain a connection with the major cities or suffer from accelerated desertification. In one way or another, everyone identifies with the concept of coastline and coastal regions and experiences the advantages and disadvantages associated with them every day.

According to available data, by 2010 approximately 75% of humanity will live in coastal regions. Given the links and relations between them, we define these regions as the first 50 kilometres in a straight line inland from the coastline. These are regions, and not maritime strips. They lack the integrated view which they so desperately need and to which our ancestors also subscribed. It is here where a whole population descends, in search of opportunities and economic synergies and, in many cases, with the sole expectation that these will revolve around tourism. That is why the clear need for a pragmatic and integrated view of the impact of tourism on coastal regions took hold in our minds and led us to start work.

In the current financial crisis in which the impact on the real economy is becoming increasingly difficult to overcome, tourism seems to be a sector with huge potential to be severely affected either directly or indirectly. Those regions which are totally or heavily dependent for their development on tourism are seeing their businesses threatened and are facing the future with uncertainty, particularly as tourism is not currently one of the competences of the European Union. However, integrated measures can and must be adopted, and the spirit imbuing the Treaty of Lisbon reflects this idea. However, waiting for the Treaty to enter into force before acting would be to wait for the time when we can cry over spilt milk.

Tourism as it stands at the moment and the fragile situation of those regions which depend on it require us to act urgently and effectively. The fact that these regions are structurally dependent on tourism as a creator of jobs, albeit often seasonal ones, and an employer of intensive labour cannot be forgotten in a context of pressure on urban areas and unemployment. This report, which we are now putting before you here, was already very opportune and urgent when the Committee on Regional Development decided to prepare it. Now it has become what must be regarded as a priority for the European Commission and for the European Council. We must give priority to the countless initiatives included in this report, together with those already developed by other institutions, which it expressly supports, in line with the measures included in the Commission's emergency plan. Among these I must highlight the revision of the Globalisation Adjustment Fund, through which the issues associated with this sector and the impact it is suffering at the moment must clearly be tackled.

It is vital to ensure the development of new segments of the economy in these coastal regions, thus ensuring their social and environmental sustainability and promoting real integration among the various sectoral policies, such as the maritime sector, transport, energy, cohesion instruments already on the ground, the new quality product policy included in the revision of the common agricultural policy, as announced in the Health Check report, and new tourism products in these coastal regions, bearing in mind their crucial contribution to the European economy. The adoption of an appropriate holistic view with regard to this policy must become reality as quickly as possible in the European Union.

To conclude, Mr President, only the clear integration of these instruments and rapid and effective action involving all stakeholders on the ground can guarantee that we will have a sustainable coastal tourism sector, with a real future, in the European Union.

Vladimír Špidla, *Member of the Commission***.** – *(CS)* Mr President, ladies and gentlemen, I would like to thank the rapporteur, Mrs Madeira, for the report and to congratulate her on the quality and significance of her

work: the coastal regions are very important for the EU since a considerable proportion of economic activity is concentrated in these areas.

The report moreover provides an all-round approach to tourism in the coastal regions as it includes issues such as the marine and coastal environments, sea transport, employment in the coastal regions, support for small and medium-sized enterprises and support for fishing. It confirms the need for a strong and integrated maritime policy for the European Union, which the European Commission has been working on since 2005 and which emphasises the connections between regional policy, territorial cohesion and maritime policy.

In order to give the policy a concrete form, the Commission adopted in October 2007 the action plan for an integrated maritime policy, which is gradually being applied. Some of the steps which the Commission is implementing at the moment are a direct reaction to the problems and demands expressed in the report, especially:

1) Based on the demands for full transparency in financing for the coastal regions a database of the projects supported from various Community funds will be created by the autumn of 2009. I would like to mention here that the quality and completeness of this database will depend on the readiness of the regions to provide information;

2) Strengthening inter-regional cooperation in tourism in the coastal regions. The programme INTERREG IVC enables the creation of a network of regions in connection with the 30 priority themes, of which 2 are related to maritime matters, including tourism. For your information, a second invitation has been issued to submit proposals within the framework of the IVC programme up to the middle of January 2009. I am inviting the coastal regions to submit projects for creating networks aimed at ensuring the submission and implementation of well-proven procedures within the framework of the coastal regions.

I am delighted to say that the report also clearly acknowledges the favourable impact of EU cohesion policy on the development of coastal regions. The 2007–2013 programme period presents many real opportunities for these regions and provides a framework for European technical and financial support for their development plans. Thanks to the current definition of the cohesion policy the coastal regions are able to invest in the development of their shoreline areas and islands, as the policy prioritises investments in harbours, maritime research, energy obtained from coastal sources, maritime heritage and of course coastal tourism. Outside the main season in particular tourism can help to make up for locally reduced levels in fishing, agriculture, heavy industry and transport.

I would like, however, to mention that it is up to the coastal regions to select the best projects for improving the competitiveness of their economy and for supporting sustainable tourism at a local level. I would like to mention that the Commission is taking very concrete steps aimed at reducing the seasonal nature of activities in the area of tourism, such as the pilot project 'European Destinations of Excellence' (EDEN). One of the aims of this initiative is to help establish a more regular flow in numbers of tourists and to direct them towards non-traditional destinations with the aim of supporting all European countries and regions.

In conclusion, allow me to thank the rapporteur for the good work she has produced in the report, and to note that tourism has a positive effect on coastal regions provided it is properly controlled from the perspective of sustainability.

In this context I am delighted to tell you that based on the interest expressed in the report of Mrs Madeira, the Commission will be able to organise discussions on topics related to tourism in coastal areas within the framework of the conference to mark European Maritime Day, which will take place on 19 and 20 May 2009. Allow me to take this opportunity to invite MEPs to participate in the decentralisation of activities connected with Maritime Day 2009 which the Commission fully supports.

President. – The debate is closed.

The vote will take place on Tuesday 16 December 2008.

Written statements (Rule 142)

John Attard-Montalto (PSE), *in writing*. – A significant part of the European population lives in the coastal regions. Most do not realise that the European mainland coast stretches for almost 90000 km. The development of sustainable tourism as opposed to seasonal tourism has to be encouraged. It is only through product diversification and alternative forms of tourism such as business, conference, cultural, medical, sport, agricultural, language and sea related tourism that this can be achieved.

Promoting traditional coastal tourism however remains a priority. In my country we are endeavouring to increase the size and quantity of sand beaches. Unfortunately to date this has been approached in an amateurish fashion. Dumping sand on existing beaches or creating new sandy beaches without undertaking the necessary infrastructural works is just a waste of resources. Extending or creating sandy beaches has been taking place in many other countries and territories for years. The difference is that it was approached firstly by putting into place the necessary infrastructural works to accumulate sand naturally and prevent its erosion. And in this context one additional and important aspect which appears to be lacking in relation to current proposals to Malta's largest sandy beach l-Ghadira - is respect and sensitivity to the immediate environment.

Rumiana Jeleva (PPE-DE), *in writing.* – It is a known fact that the economy in many coastal regions of the EU is highly dependent on tourism. In order to ensure that future generations can also benefit from our beautiful beaches and coastal countryside, we must however become active. The sustainability and future of our coastal areas is not self-evident, environmental degradation and wrong planning cause severe harm to coastal regions. We must avoid the excessive construction of housing and hotels and must ensure that any such construction goes hand in hand with an improvement to the infrastructure, in particular the sewage and waste management systems. Simply put, we must do our utmost to preserve and protect coastal regions. One option is to foster programmes focused on eco-tourism and to launch a better system of best practices among coastal regions. One thing that becomes obvious is that we must prevent any environmental pollution. In particular, I am very much concerned about oil plants and similar facilities which cause a severe risk to our coastal regions. I thus call upon all Member States to ensure that such facilities match the latest available technologies and do not cause any environmental danger to the fragile ecosystems of our coastal regions.

Maria Petre (PPE-DE), *in writing.* – *(RO)* The impact of tourism on coastal regions is important from the perspective of territorial, economic and social cohesion, a fact which the mid-term review of the 2007–2013 budget will have to take into account.

Romania has a significant coastal region on the Black Sea, as do Bulgaria, Ukraine and Turkey also.

Taking this reality as a starting point, combined with the fact that the mouths of the rivers flowing into the sea should also be taken into consideration, we need the integrated national tourism plan designed specifically for this region to set as its objectives both sustainable tourism and a better quality of life at local level.

The Romanian national authorities, along with regional and local authorities, will give priority to the use of structural funds for developing sustainable tourism in the coastal region of the Black Sea. Cooperation and synergy at a regional level are absolutely vital for this, with cooperation including the application of European policy instruments.

An integrated approach is necessary as part of the Community's policies on cohesion, transport, energy, social welfare, health, agriculture, the sea and fishing, but above all on the environment, with the aim being to create synergy and avoid conflicting measures.

Silvia-Adriana Ţicău (PSE), *in writing.* – *(RO)* Tourism offers significant potential for social and economic development, as well as for social and territorial cohesion. We need to bear in mind the special geographical features of the coastal regions. Their development depends to a considerable extent on the revenues generated from the activities associated with proximity to the sea, estuary or delta areas, as well as from tourism, fishing and transport.

In general, coastal regions can only be accessible if there is an efficient, modern transport infrastructure available. I believe that it is important for Member States to devise specific strategies and initiate concrete actions for developing tourism in coastal regions, taking into account the special nature of the surrounding environment and with a view to protecting it.

Member States need to diversify their tourist services according to the specific features of each region (culture, sport, seaside resort, history) in order to reduce the negative impact of the seasonal tourism.

I would recommend that in order to develop tourism, Member States should use structural funds not only for regional development, but also for economic competitiveness and renewal.

21. Media literacy in a digital world (short presentation)

President. – The next item is a brief presentation of the report (A6-0461/2008) by Mrs Prets, on behalf of the Committee on Culture and Education, on media literacy in a digital world (2008/2129(INI)).

Christa Prets, *rapporteur*. – *(DE)* Mr President, Commissioner, at this late an hour, the media are no longer present, yet media literacy is still necessary!

What is media literacy, and why is it so important that we pay more attention to it? Digital development, the new technologies and information technologies have actually already overtaken us in their development and we are, in fact, lagging behind in terms of our handling of them and the way in which we teach and learn. Media literacy means possessing the ability to use the media, to understand and critically evaluate the various aspects of the media and media content and to be able to communicate in various contexts.

As well as these educational elements, equipment and access to new technologies also play an absolutely critical role and in this respect there are great discrepancies, for example between the different Member States of the European Union and between rural and urban areas. There is still a lot of investment to be made in infrastructure in this regard. For this reason, media literacy can also be understood in the extended sense of access to new information technologies and the critical handling of the content such technologies provide. All media users are target groups – be they young or old. The objectives are to make sure that we have the skills to perform critical analysis. We are defining three objectives with that in mind: guaranteeing access to information and communication technologies; analysis and critical handling of media content and media culture; and independent reflection, a production of media texts and safe interaction with the technologies.

Media literacy must become a key skill – which is to say that it must be part of both teacher training and school education. Media literacy should be part of teacher training so that teachers themselves are able to learn it and be able to teach it. We also recommend, in this area, that media-teaching modules be constantly updated so as also to ensure continuing education in this field.

In schools, media literacy must form an integral part of the timetable at every level. We are now at the stage where most children teach each other how to interact with the media and new technologies, but educated interaction, and above all also the consequences of using the media, are, unfortunately, not well enough known at present.

Provision must also be made for older people, and media literacy must become an incorporated and integral part of 'life-long learning', as it is important for the elderly, in particular, to be able to keep up with this technology in order to remain independent and to be able to continue to be involved in community life for longer.

Yet all the progress that comes with this technology of course has side effects, like everything else in life. Because of that, I believe that there are also unnoticed dangers present right now, specifically in relation to the consequences when children communicate in this new way – be it via blogs or whatever else – with others. When they do this they need to be aware – as must every adult – that everything on the Internet can be retrieved at any time. When I put my personal data on the Internet, I make it available to everyone and that means that every individual out there can use my data, or that of another user, to create an image of my personality that can have a bearing on CVs or applications that I make and could have an absolutely critical impact on my future professional life.

The situation that we should have, and that we are aiming for, is one where we use the media in a competent way but we are not ourselves exploited, and that is what we should be working towards.

Vladimír Špidla, *Member of the Commission*. – *(FR)* Mr President, ladies and gentlemen, the Commission very much welcomes the European Parliament's report on media literacy in a digital world.

Allow me first of all to congratulate the rapporteur, Mrs Prets, and the Committee on Culture and Education, on their work.

The European Commission believes that media education is an important element of Europeans' active participation in today's innovation and information society.

A higher level of media education may significantly help to achieve the Lisbon objectives.

The Council also shares this opinion. It expressed it at the Council of Audiovisual Ministers of 21 May 2008 by adopting conclusions on digital competence.

Parliament's report rightly emphasises the importance of media education in the mobilisation and democratic participation of Europeans, but also in the promotion of intercultural dialogue and in the field of consumer protection.

The Commission agrees with Parliament on the fact that media education applies to all media, including television, film, radio, recorded music, the written press, the Internet and all new digital communication technologies.

Media education is a fundamental competence that should be acquired by the young, but also by their parents, by teachers, by media professionals and by elderly people.

In 2009 the Commission will continue to promote the exchange of best practice by supporting, among other things, existing activities such as MEDIA 2007, the MEDIA International preparatory action and the directive on television broadcasting activities, the AVMS Directive. In particular, and in relation to the reporting obligations laid down by the AVMS Directive, a study has been launched to develop criteria for assessing the various levels of media literacy. The Member States shall be informed of the status of this study tomorrow at the meeting of the AVMS Directive contact committee. The final report will come out in July 2009.

To conclude, I am delighted that the Commission and Parliament recognise the need to adopt a recommendation on media education in the course of 2009.

President. – The debate is closed.

The vote will take place on Tuesday 16 December 2008.

22. The Misleading Directory Companies report (short presentation)

President. – The next item is a brief presentation of the report (A6-0446/2008) by Mr Busuttil, on behalf of the Committee on Petitions, on the Misleading Directory Companies report (petitions 0045/2006, 1476/2006, 0079/2003, 0819/2003, 1010/2005, 0052/2007, 0306/2007, 0444/2007, 0562/2007 and others) (2008/2126(INI)).

Simon Busuttil, *rapporteur.* – *(MT)* This report was drawn up because the European Parliament received over 400 petitions from its citizens, namely from small enterprises who have fallen prey to advertising scams by being inserted in a commercial directory without wanting to. The victims would receive a form such as this one and be asked to fill it in, whilst being tricked into thinking they were signing up for a free mention in the directory. However, they would subsequently receive a letter and realise that they had unknowingly entered into a contract that binds them to a payment of around 1 000 euros for three years. This is what is happening to victims of these directories that we consider to be fraudulent. I would like to add that the company that owns the European City Guide directory is the most commonly mentioned in these petitions. It is worth noting that this company has also put considerable pressure on the Members of this Parliament in an attempt to put a stop to or undermine the reports that we are presenting today. Fortunately however, it did not succeed, despite the fact that it did not always provide us with the correct information. What were the results of this report? We discovered that there exists a very real problem, that it is widespread, and that it can be traced all over the European Union. What has also emerged is that this affects numerous small businesses as well as professionals and other individuals that do not necessarily own a company. We found that this problem affects companies transnationally, and that it has not only a strong financial impact, but also a serious psychological one on the victims of this sham, who are conned into signing this form and then later hounded by the company to follow up payment. What are we proposing in this report? Firstly, we draw up a list of measures in order to increase the level of awareness and therefore reduce the number of victims who fall into the trap in the first place. Secondly, we need to ensure that existing European legislation is enforced as it should be. It should be noted here that every time this issue was brought up with the Commission, it replied by saying that it was up to the discretion of the Member States to implement European Union legislation on a national level. We are aware of this discretion, but I would like to remind the Commission that it is the duty of the European Commission to ensure that European Union laws be implemented effectively in the Member States. We are also proposing that European laws be amended in order to better address this particular problem. We found, for example, that the Austrian model is an exemplary one because Austria changed its national legislation so as to have it apply specifically to this issue of fraudulent commercial directories. My final point concerns the need to assist the victims by advising them not to make any payments to these commercial directory companies until they have sought out proper advice. Before concluding I would sincerely like to thank the Petitions Committee for lending this report its unanimous support and I would also like to thank all my staff. Moreover, heartfelt thanks go out the committee's secretary – Mr David Lowe. If the report is adopted it will send out two clear messages – first of all to the victims, in showing them that we understand their situation and are fully behind them, and, secondly, to these fraudulent

commercial directory companies, where we would be warning them 'put an end to your swindling practices at once, because Parliament is trailing you closely'.

Vladimír Špidla, *Member of the Commission*. – *(FR)* Mr President, the Commission commends the efforts made by the European Parliament in drafting this report, and will actively examine its conclusions.

I should like to point out, as the report itself clearly indicates, that, insofar as the problem in question concerns business-to-business relationships, a large part of the Community legislation on consumer protection, including Directive 2005/29 concerning unfair business-to-consumer commercial practices and Regulation (EC) 2006/2004 on cooperation in the field of consumer protection, does not apply.

A certain form of protection is, however, provided by Directive 2006/114/EC on comparative and misleading advertising. In accordance with these directives, it is incumbent on the public authorities responsible for monitoring the application of legislation and/or on the competent courts of the Member State from which these businesses carry out their activities to decide, on a case-by-case basis, whether a commercial communication is misleading and to take the appropriate coercive action.

I should also like to stress that several authorities and competent courts in Spain and in Belgium, for example, have already taken coercive measures against practices and obtained a number of positive results.

The Unfair Commercial Practices Directive does not cover business-to-business commercial practices since there is no argument in favour of fully harmonising national laws relating to unfair competition. A fully harmonised directive on unfair business-to-consumer practices was already a very ambitious proposal that would have failed had its scope been extended to unfair business-to-business competitive practices.

The consultation that resulted in the proposal and the work within the Council have shown that there was hardly any support for extending the scope of the directive to unfair business-to-business commercial practices. While certain Member States were in favour of extending the scope of the directive and to unfair competition, others voiced their support for consumer protection but opposed the introduction, at EU level, of an additional harmonised system of rules on unfair competition.

Although the Commission cannot take action against the businesses involved in such practices, it has endeavoured to make businesses aware of this problem by presenting it to various European professional organisations. The subject has specifically been raised within the Business Support Network and, at the same time, the Small Business Act calls on the Member States to protect their small and medium-sized enterprises from unfair practices. The Commission will continue to examine other methods of raising businesses' awareness, if it deems this appropriate.

Furthermore, the Commission has written to the competent authorities of the Member States concerned – Spain, Austria and Germany – to draw their attention to the fact that the situation is ongoing and to ask them for additional information. The responses received make it quite clear that the national authorities are aware of the problem and have legislation with which to tackle it; where necessary, they have already used the measures provided for.

President. – The debate is closed.

The vote will take place on Tuesday 16 December 2008.

Written statements (Rule 142)

Richard Corbett (PSE), *in writing*. – Having campaigned against these scamming organisations for years, I am delighted to support this report.

This is a problem that crosses borders. Each year, thousands of businesses, charities and voluntary groups across Europe are tricked into signing what looks like a perfectly innocent entry for a directory. In reality they are tricked into a complex contract and then face aggressive demands for money, with no offer to cancel the contract.

It is vital to close the legal loopholes that allow these fraudulent businesses to operate.

In particular, I urge the Commission to follow the key recommendation of this report and to put before Parliament an extension of the scope of the Unfair Commercial Practices Directive to specifically prohibit advertising entries in such directories unless prospective clients are clearly informed in the advert that they are being offered a contract against payment.

These recommendations are legally straightforward – Austria has already 'gold plated' its transposition of the UCPD to include this very provision – but they would greatly improve the protection of businesses and other organisations that fall victim to these scams and send a clear signal to directory scams that their days are numbered.

23. Agenda of the next sitting: see Minutes

24. Closure of the sitting

(The sitting was closed at 11.35 p.m.)