FRIDAY, 24 APRIL 2009

IN THE CHAIR: MRS ROURE
Vice-President

1. Opening of the sitting

(The sitting was opened at 9 a.m.)

2. 25th annual report from the Commission on monitoring the application of Community law (2007) (debate)

President. – The next item is the report (A6-0245/2009) by Mrs Frassoni, on behalf of the Committee on Legal Affairs, on the 25th annual report from the Commission on monitoring the application of Community law (2007) (2008/2337(INI)).

Monica Frassoni, *rapporteur*. – *(IT)* Madam President, ladies and gentlemen, this is my third report on the application of Community law and I must say that – with all due respect for the considerable amount of work that we have done, together with the Commission – I do not think that we can declare ourselves to be particularly satisfied. I believe that there are basically three problems, which I would like to mention, and which have been drawn to your attention and, above all, to the attention of the Commission in our report.

As compared with the outset, I can see a tendency on the Commission's part to pay less attention to what Parliament does and asks, given that in contrast to previous practice we have received almost no reply to the questions that we have asked during the past two reports. I must say that this causes me a certain degree of frustration, since we had all agreed that the issue of the application of Community law was a priority in the 'better regulation' agenda.

We have encountered the following problems: the three fundamental issues that we discussed with the Commission were transparency, resources and the length of procedures.

We can see that with regard to the new point that we developed together, in other words the issue of transparency, progress has been rather slow and in fact, with the new regulations on access to documents, the opportunity for those who carry out infringement proceedings, or who request that infringement proceedings be opened, to find out why they have been closed or why they have been opened, is decreasing by any standards.

Secondly, I would like to talk about the issue of defining priorities: the definition of priorities, respect for and conduct of infringement proceedings must naturally involve decisions which are not merely technical but are also political and here, unfortunately, after the three or four years that we have been working on this point, we still have a problem with monitoring and the transparency mechanism, not only internally in other words, with regard to the Commission but also externally.

I would like to give you a couple of examples, particularly concerning Community law on the environment. We know that this is the main problem in the application of European law, and yet both from the point of view of resources and from the point of view of the priority given to this sector, we are still lagging significantly behind.

One of the most interesting issues, and one which was discussed in the most positive terms with the Commission, was that of the reduction in the time taken by proceedings, through a set of mechanisms that had been put forward and in part agreed with the Commission. On this issue too, however, we have remained at a stalemate due to a certain inertia, which I hope in the future can be resolved.

Also, another issue that we had debated at length with the Commission was the 'pilot project': this is a project whereby, when a citizen complains to the Commission, the complaint is forwarded to the Member State so that it can give some sort of response. The assessment that some Member States have given, particularly our Commissioner, Mr Tajani, regarding the operation of this pilot project, is relatively unsatisfactory; the fact that the Commission no longer writes directly to those who have been accused of a possible infraction greatly reduces the capacity of an administration that is guilty, let us say, of this alleged breach, to be motivated to respond.

Things are always that way: if an Italian ministry department writes to a region, that will certainly be less effective than a letter arriving directly from the Commission. This is the kind of criticism that has been made of the pilot project, but unfortunately the Commission has not given much of a response. Madam President, I reserve the right to come back in the second part of the debate, to respond to the comments that I am sure Vice-President Tajani will make.

Antonio Tajani, *Vice-President of the Commission.* – *(FR)* Madam President, I am here today on behalf of President Barroso, who asked me to pass on his regrets that he is unable to attend this debate on our 2007 annual report on monitoring the application of Community law.

The Commission welcomes the support given by Parliament to the approach it adopted in its 2007 communication entitled 'A Europe of results – applying Community law'.

The Barroso Commission attaches great importance to the correct application of Community law, making it a top priority. That is why the Commission has made a special effort to improve its working methods for the benefit of citizens and businesses, as explained in the 2007 communication.

Previous Parliament resolutions have inspired a significant number of the initiatives introduced in the communication. Firstly, last January we introduced more frequent decision-making in infringement proceedings with the aim of speeding up cases; secondly, we launched the 'EU Pilot' project in 15 Member States last April to test a new method aimed at improving problem solving and the availability of information; thirdly, the main purpose of this initiative, which is close to Parliament's interests, is to better serve the interests of citizens and businesses with regard to questions and problems identified in the application of Community law, including infringements of this law; fourthly, the Commission will nonetheless continue to decide to prosecute infringements in the event of non-conformance within the framework of the 'EU Pilot' project, particularly through infringement proceedings; and fifthly, President Barroso has written to the chairman of Parliament's Committee on Legal Affairs, Mr Gargani, with details of the pilot project's performance in December 2008. This letter also confirmed the Commission's intention to send Parliament a detailed report on the project's first year of operation, and preparatory work on this has begun.

Following on from its communication, the Commission also adopted an annual report, which is more political; while it, too, points to the work done over the course of the last year, it also seeks to identify priorities for the application of Community law and a programme to put these priorities into practice.

The report constitutes an important and strategic statement by the Commission on a key aspect of the 'Better Lawmaking' programme. One of the aims of this initiative is to provide Parliament with more useful information to form a better framework for the interinsitutional discussions that follow.

Parliament has welcomed the identification of the priorities listed in the 2008 annual report, especially those concerning fundamental rights and quality of life. For the first time, the Commission has used its annual report to set more precise priorities for the various sectors. Our goal remains to focus our work more on actions that will yield more effective results in the interests of all citizens and businesses.

The action taken on the priorities identified last year and the progress made will be shown in this year's annual report, as well as the new priorities for 2009-2010.

Thank you. I am very interested to hear the contributions to this debate from the various Members, and I will give some answers to Mrs Frassoni at the end of the debate.

Diana Wallis, *draftsman of the opinion of the Committee on Petitions.* – Madam President, I should like to congratulate Ms Frassoni on her report. I think she and I now, over a period of two or three years, have enjoyed working together on this report on behalf of Parliament. That cooperation I have enjoyed; I do not enjoy the fact that we seem to end up every year repeating much the same things and having a certain sense that we are going round and round in circles.

It ought to be pretty simple, because this is about our citizens being able to see what European law is; when there is a problem, to be able to see what the enforcement process is; and, finally, to see the result of that enforcement. But, as it is, we seem to have to keep trying to invent new mechanisms all the time to actually deal with a process that is already there but is not obvious and is not transparent.

We have made some progress in that the beginning of the process, in the sense of making EU law understandable, has now been taken on board by the Commission, and I am pleased that we now see, with

some regularity, so-called citizens' summaries prefacing pieces of legislation, so that we can all see – and those we represent can see – where we ought to be heading and what the law ought to achieve.

But when it comes to the enforcement process, we still seem to be in a position where the decision to enforce or not is less than obvious – why that decision may or may not be taken – and citizens are often left wondering. We have recently received a letter from somebody who had tried to get a piece of legislation enforced and is now so disgusted with the whole European set-up, having been pro-European, that they now support an anti-European party.

That is the point: if we do not get this right, we bring the whole of European law and the whole of our institutions into disrepute. It is as serious as that. All of us as Members, in these last days of this mandate, are spending our time tearing around, going from trialogue to trialogue and first-reading agreement to first-reading agreement, arguing about sets of words, the contents of sentences in legislation. That is great. But if, at the end of the day, it is not enforced in the way that our citizens expect, we might ask ourselves: what is the point?

All of our institutions have a responsibility concerning the monitoring of EU law. You, the Commission, have the primary responsibility, and I wish in a way that we did not have to have this debate in this style every year.

Tadeusz Zwiefka, *on behalf of the PPE-DE Group. – (PL)* Madam President, one of the key principles governing the operation of the European Union is that the Member States accept the obligation to transpose and implement Community law. This principle is foundational to the process of integration. There is without doubt a need for continuous, active cooperation of the Commission and Member States in order to ensure rapid and effective answers to doubts raised by citizens and to criticise and rectify breaches in application of Community law. I welcome the declaration of the Commission on closer cooperation with the European Parliament in the area of reporting and application of Community law.

National courts play a fundamental role in applying Community law, and so I fully support the Commission's efforts at specifying additional training for judges, the legal profession and civil servants in the Member States. However, the effective application of Community law is still associated with serious challenges, including widespread delays in the transposition of directives.

One of the most important mechanisms which allow us to ascertain how, in reality, European law is applied, is the system of references for a preliminary ruling, the objective of which is to give national courts the opportunity to ensure uniform interpretation and application of European law in all Member States.

A fundamental problem with the procedure for references for a preliminary ruling is the time needed to receive an answer from the Court of Justice, which unfortunately is still around 20 months. The reason for this is always the same – translation of the trial dossiers into all the languages of the EU. This takes around nine months. Of course, these translations are extremely important, because they ensure wide access to the latest and most important European rulings and they increase legal confidence in the European Union. However, success or failure in the effective introduction of EU law will ultimately be determined by whichever institutional model is considered appropriate. Having the knowledge and the means is not everything. The will to take action is also needed.

Lidia Joanna Geringer de Oedenberg, *on behalf of the PSE Group. – (PL)* Madam President, just as in previous years, the Commission has not responded to the issues raised in last year's resolution on monitoring the application of Community law, of which I was the author. In this respect there are three fundamental issues in which the lack of improvement remains a cause for concern: transparency, resources and the length of procedures.

Of the new cases of infringement in 2007, 1 196 concerned a failure to notify national measures relating to the transposition of Community directives. It is unacceptable that the Commission should grant itself 12 months to deal with these simple cases, which, apart from the necessity of a quick reaction, do not require any analysis or assessment. The 'EU Pilot' project, which was launched a year ago in 15 Member States to test the new method for reaction to complaints, could be extended to the other Member States, but the lack of information on assessment of its operation does not, unfortunately, allow Parliament to comment on this issue.

I regret to say that during this parliamentary term no significant progress has been made with regard to the role that Parliament should play in monitoring the application of Community law. In connection with this

a call should be made for prompt implementation of the related reforms proposed by the Working Party on Reform, which enhance Parliament's capacity to monitor the application of Community law in Member States.

Manuel Medina Ortega (PSE). - *(ES)* Madam President, for once I am glad that I am not the incumbent, glad that Mr Tajani has come, because Mr Tajani has the advantage of having been an MEP. I know that as a former Member of this House you have experienced the frustration that we have as MEPs regarding the application of Community law.

Well, in Parliament, we do have a tendency to take the Commission to task, but I think that we are setting the Commission an impossible brief, because all Community law and all application of Community law is based on indirect application.

In other words, the Commission has only a few officials in the central headquarters where it receives some complaints and has some options for action but, at the moment, the trend is to restrict budgetary powers, and so the Commission is not going to be able to act.

All Community law, and all application of Community law, is based on action by the national authorities: national parliaments, national courts and national civil servants.

Here, on this aspect, I do not believe that we can demand too much from the Commission. What we should do is to help the Commission, and I think that the report by Mrs Frassoni contains several points that may be useful in trying to make the application of Community law a reality. I am referring to the points on the correlation of national measures with directives, the cooperation of national parliaments and action by national courts.

Christopher Beazley (PPE-DE). - Madam President, I wonder if Commissioner Tajani would agree that, in a sense, the biggest obstacle to the correct observation of Community law are in fact our national governments.

I will just give one example. About 20 years ago we agreed to have the four freedoms throughout the European Union. In my constituency there are many people of Italian origin, one of whom is a teacher and, obviously, a fluent Italian speaker. He returned to his family home in Italy and was forbidden to teach in his family's native country because his training was undertaken in England. That surely must be wrong, but there is nothing that we can do about it because the Italian authorities say – for whatever reason – that this is reserved for Italian nationals.

The British Government's behaviour at airports seems to me to be in flagrant breach of most European agreements. Is there something the Commission can do – maybe by making a plea, at the next summit, to our national governments to show a bit of European solidarity?

David Hammerstein (Verts/ALE). - *(ES)* Madam President, over the last five years, as an MEP who is a member of the Committee on Petitions, I have examined hundreds and hundreds of petitions, complaints and questions regarding the environment, and I have seen the very limited extent of cooperation by the national authorities. One might even say that there is a real rebellion in progress by certain Member States against the application of the directive on natural habitats and other environmental directives.

We can see how inadequate the Commission's departments are; they have neither sufficient resources nor the political will to apply Community law in the most obvious of cases. All this goes on for so many years that, in the majority of cases, when infringement proceedings reach the European Court of Justice we are acting 'at the point of death', and so the law, in irreversible situations concerning the environment, achieves nothing.

Antonio Tajani, *Vice-President of the Commission.* – *(FR)* Madam President, ladies and gentlemen, the draft resolutions under discussion today attach particular importance to the interests of citizens, and more specifically of complainants, in the application of Community law.

Within the limitations of its obligations in terms of confidentiality, the Commission is working to be more transparent and to publish more information in its annual report on the Europa website and in its correspondence.

The Commission is in the process of developing a joint European Union portal that should help citizens. It is looking at the best way of presenting useful information to citizens and directing them towards the information that best matches their interests.

The Commission is in the process of finalising its work explaining the principle of State liability for breach of Community law, which could help citizens to obtain reparation in the national courts.

In terms of complaints, the Commission confirms the importance that it attaches to the formalities, to efficient processing of complaints and to keeping complainants informed about the progress of their complaints. It also confirms its desire to find solutions as quickly as possible.

Finally, I would like to highlight, as has been rightly done by Mrs Wallis and Mr Medina Ortega, the importance of the national courts in the application of Community law. Work is being done by the Commission in several contexts, with national judges, as Mr Zwiefka said, to raise their awareness of the different aspects of Community law and ensure that they have all the tools they need to access the relevant information.

With regard to the new 'European Union pilot' method, it is not an additional stage in the procedure. This method enables us to quickly examine whether a solution can be found directly and quickly with the parties concerned in a Member State. It was constructed on the basis of the Commission's practice over the years, adding better commitment from the Commission and the Member States taking part in terms of organising contacts and the results to target.

There are many specific points raised in the draft report under discussion today. The Commission will provide explanations on the aspects that I am not able to respond to today in its response to the resolution.

Having said that, with regard to infrastructures, which are also part of my portfolio, I can only welcome the European Parliament's invitation to ensure that infringement proceedings are dealt with and, where appropriate, closed, as they prevent Member States from investing in infrastructures that could affect the implementation of the European Economic Recovery Plan.

Madam President, ladies and gentlemen, we welcome the common interest shown by Parliament and the Commission in the appropriate and correct application of Community law, in the interests of citizens and enterprises.

We confirm our joint assessment of the vital importance of this aspect of the 'Better Regulation' programme.

Monica Frassoni, *rapporteur*. – *(IT)* Madam President, ladies and gentlemen, I would like to give my thanks to the President. It is very interesting that the Commissioner has chosen, out of all the resolution, the point which I, as rapporteur, am least pleased with, but nonetheless I welcome all the things that he has said and the commitments he has made on behalf of the Commission.

I also wanted to take this opportunity to point out a few problems which I hope can be tackled by the Commission. The first is a gradual reduction in the independence of the Directorates-General, subject to the combined effects of a legal service that is increasingly reluctant to go to Court and a General Secretariat that is increasingly reluctant to encourage the Member States; the examples that I could give are, alas, numerous.

There is also a real problem of ineffective control of the application of Community law because of a lack of resources: Madam President, in relation to a directive that we have studied in depth, which is Directive 2004/38/EC, there have been 1500 complaints. This is the directive on the free movement of citizens, and there have been 1500 complaints by citizens but only 19 infringement cases have been opened.

Next, with regard to the pilot project issue, I have already spoken about the problem of a reduction in persuasive force and the fact that the deadlines cannot always be shortened. Clearly, when issues are handled in the pilot project such as pollution that has already been confirmed, rules on hunting that obviously and openly conflict with Community rules, it cannot be claimed that the Member States are taking action, because this only serves to delay proceedings further.

Finally, Madam President, there is a problem which I consider to be worrying and which is relatively new, and that is the combined effect of the extreme formality, which is continuing to increase, of the replies given by the Commission, and the increasingly arbitrary nature of decisions. Recently, an infringement case was closed for reasons of political expediency – I am referring to the MoSE project. Clearly, when the concept of political expediency becomes involved in a monitoring process that ought to be, above all, a legal one, things can become complicated.

Finally, within our own institution, Parliament, we are faced with very serious problem because the reforms that we are about to debate and to vote on in May include proposals to significantly reduce the powers of the Committee on Petitions. This would be a very serious mistake, because a reduction in the power of

petitions means a reduction in the power of citizens, of complaints and of the handling of infringements of Community law.

President. – The debate is closed.

The vote will take place today.

3. Cross-border payments in the Community - The business of electronic money institutions (debate)

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

- the report (A6-0053/2009) by Mrs Starkevičiūtė, on behalf of the Committee on Economic and Monetary Affairs, on the proposal for a regulation of the European Parliament and of the Council on cross-border payments in the Community (COM(2008)0640 – C6-0352/2008 – 2008/0194(COD)), and

- the report (A6-0056/2009) by Mr Purvis, on behalf of the Committee on Economic and Monetary Affairs, on the proposal for a directive of the European Parliament and of the Council on the taking up, pursuit and prudential supervision of the business of electronic money institutions, amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (COM(2008)0627 - C6-0350/2008 - 2008/0190(COD)).

Margarita Starkevičiūtė, *rapporteur.* – *(LT)* Today, as the European Union's economy experiences a period of recession, it is very important to stimulate economic growth. One of the sources of the European Union's economic growth is the expansion of the common market, which is still very fragmented, especially in the area of financial services. The proposal before us should help solve this problem and establish a common European payment area. In English this is called the Single Euro Payments Area.

This document already has some history. As soon as the euro was introduced and the currency exchange rates were abolished in euro zone countries, it became clear that prices for cross-border payments still differed from prices for local payments. For this reason Regulation (EC) No 2560 of the European Parliament and of the Council on cross-border payments in euro was adopted and entered into force at the end of 2001. It set equal charges for corresponding local, national payments and cross-border payments and strengthened this principle. The aim of this was to reduce prices for consumers and ensure greater competition in the payment services market.

Implementing this regulation reduced payment fees; for example, a cross-border transfer of EUR 100 used to cost an average of EUR 24 in the European Union, now it costs EUR 2.50. On the other hand, the document revealed certain deficiencies. For this reason it was decided that it should be revised.

The document before us is an improved version of Regulation No 2560. What is new in the document? Firstly, the principle of equality of charges for cross-border and corresponding domestic payments has been extended to include direct debit. This was not previously available. Once the SEPA had been created and the Payment Services Directive had been adopted, the payment environment in Europe changed; therefore, it is important that from November 2009 it will be possible to use the popular electronic payment method, direct debit, on a cross-border basis. In order to help create that common direct debit model, the regulation states that in the absence of a bilateral agreement between the payment service providers of the payer and the payee, the level of the default interim Multilateral Interchange Fee for a direct debit will be set at EUR 0.08 for a transitional period until 2012.

The document also outlines how to improve the defence of consumer rights and remove obstacles to business. It is proposed that Member States appoint competent authorities to supervise the implementation of this regulation, and those authorities should also actively cooperate across nations, so that there are fewer obstacles to business; they could also lay down guidelines on how to assess procedures for determining compliance with the principle.

Another novelty the revision of this document offers is the proposal to gradually abolish obligations imposed on banks in certain states to provide balance-of-payments statistics and the laying down of other procedures for providing balance-of-payments statistics.

I am very sorry that an agreement with the Council could not be reached on this point and for the time being the balance-of-payments revision procedures and implementation procedures have still to be defined. Parliament and the Commission have declared that a strict deadline would be set.

John Purvis, *rapporteur.* – Madam President, this directive responds to the growing importance of electronic commerce and of electronic money and the need for a clear legislative framework. Its aim is to facilitate the use of electronic money for on-line payments accounts, pre-paid mobile phone accounts, top-up travel cards and gift vouchers.

E-money is no different from other forms of money in that it stores monetary value and provides a convenient means of exchange. But, unlike account-based payment instruments, such as credit and debit cards, it works as a pre-paid bearer instrument. It is used to cover payments – usually of relatively small amounts – to undertakings other than the user, thus differentiating it from single purpose pre-paid cards like telephone cards. There is no need of a bank account in order to use e-money, so it is particularly relevant to those in society who do not, or cannot, have bank accounts.

It was all of eight years ago that a Benjamin Cohen, in his article, 'Electronic Money: New Day or False Dawn?', stated that the era of electronic money will soon be upon us. Sadly, this prediction was both over-optimistic and premature – for Europe, at least. Electronic money is still far from delivering, in Europe, the full benefits which were expected when the first e-money directive was adopted in 2001.

Probably this was because of the high initial capital requirement and other over-cautious restrictions. The number of e-money institutions differs remarkably from one Member State to another. For example, the Czech Republic has over 40 EMIs, or Electronic Money Institutes, while France and Germany between them have a grand total of 12. In fact, two German EMIs were even constrained to move to the UK jurisdiction because of major differences in regulation, even under this directive. In August 2007 – two years ago – outstanding electronic money was only EUR 1 billion, and that compares with EUR 600 billion of cash in circulation.

So, clearly, e-money has a long way to go to become a serious alternative to cash. However, it is growing significantly, despite the restrictions, and this new directive should enable new, innovative and secure electronic money services to operate, to provide market access possibilities for new players and to foster real and effective competition between market participants. New and smaller operators will have an opportunity to enter the market, as the amount of initial capital needed will be reduced from EUR 1 million to EUR 350 000. The Committee on Economic and Monetary Affairs would certainly have preferred less.

Providers can extend the outlets where e-payments can be made, for example the customer paying for his metro ticket with e-money could also purchase a coffee, a newspaper or a bunch of flowers at the station kiosk, as is already – and very successfully – the case in Hong Kong, for example.

We have been rushed through the legislative process for a first-reading agreement in order to get this measure enacted before the European elections. I thank most warmly Ivo and Melanie from the Economic Committee staff, the Socialist and Liberal shadows, Mr Pittella and Mrs Raeva, the Commission services and the Czech Presidency, notably Tomáš Trnka and his team, for their very positive cooperation. None of us achieved all we would have wished, but I believe we will have made a significant step forward, and I would very much welcome Parliament's support for this project.

Antonio Tajani, *Vice-President of the Commission.* – *(IT)* Madam President, ladies and gentlemen, first of all I would like to express the Commission's appreciation of the speed with which Parliament has dealt with these two issues, which are so important, and on this point I would like to thank both the rapporteurs and Mrs Berès, chairman of the Committee on Economic and Monetary Affairs, for making a crucial contribution to the speed of the work.

We are now only a couple of months away from the final deadline for transposition by the Member States of the directive on payment services. These two measures, alongside the noteworthy efforts of the payments industry to develop SEPA products, constitute a crucial and timely step towards the completion of the single market for payments. These measures, together with the directive, will complete the legal basis which is indispensable in providing clarity, certainty and stability to the market. The negotiations that have been conducted in recent weeks have made it possible to obtain a very rapid agreement concerning these two issues.

With regard to the revised regulation on cross-border payments, I am pleased to announce that the Commission endorses the proposed amendment, which has come about as a result of a compromise. The Commission is particularly pleased by the inclusion in its original proposal of articles governing the matter of the multilateral interbank fee for direct debit transactions. The market was looking for these provisions and we consider them to be vital for a timely launch by European banks of the SEPA direct debit.

These rules will give the payments industry three years to put forward a long-term commercial model for automated debits that abides by competition rules. In a spirit of compromise, the Commission is willing to replace the unconditional removal of these obligations with a review clause, as proposed by Parliament and the Council.

With regard to the revised directive on electronic money, this is a particularly ambitious piece of legislation that will offer a well-received second chance for the establishment of a market in electronic money that will be genuinely useful. The directive aims to provide the market with a clear and balanced legal and prudential framework, removing unnecessary, disproportionate or excessive barriers to market entry and making the business of issuing electronic money more attractive.

The new directive should promote genuine and effective competition between all market participants, and at the same time ensure equal conditions for all payment services providers and a high level of consumer protection. The compromise reached establishes an excellent balance, fully protecting our initial objectives and at the same time providing an appropriate response to the legitimate concerns expressed during the adoption process. We therefore fully support this proposal.

Aloyzas Sakalas, *draftsman of the opinion of the Committee on Legal Affairs.* – Madam President, the Legal Affairs Committee supports the proposal for a regulation of the European Parliament and of the Council on cross-border payments in the Community.

The aims of the Commission initiative are as follows: firstly, to replace the existing regulation in order to adapt it to market developments; secondly, to advance the protection of consumer rights and to provide an adequate legal framework for the development of a modern and efficient payment system within the EU; and thirdly, to achieve an internal market for payment services in euro.

The Legal Affairs Committee was appointed to submit an opinion to the lead Committee on Economic and Monetary Affairs. In the opinion it was proposed that Member States may appoint existing institutions to act as competent authorities and to utilise or extend existing procedures concerning cross-border payment services. It is important to apply and improve already existing measures and redress bodies to deal effectively with complaints and disputes regarding this proposal.

It is important to point out that the principles of proportionality, subsidiarity and especially the extended principle of equality of charges for cross-border payments should comply with the EC Treaty, Article 95(1). Cross-border payments in euro require a Community-wide approach because the applicable rules and principles have to be the same in all Member States in order to achieve legal certainty and a level playing field for all European payments market stakeholders.

José Manuel García-Margallo y Marfil, *on behalf of the PPE-DE Group*. – *(ES)* Madam President, I am going to comment only on the regulation on cross-border payments and the report drawn up by Mrs Starkevičiūtė.

The regulation, as she has explained very well, responds to the needs that have been perceived as a result of the introduction of the euro, and lays down a relatively clear principle: charges must be the same for domestic payments as for cross-border payments. This is a common-sense rule in an internal market, but one that was far from being adhered to prior to this regulation.

The regulation has thus become a launch-pad for the Single Euro Payments Area, to which the rapporteur also referred, and I therefore have some additional observations.

With time, this regulation has become outdated and it has been necessary to revise it in order to adapt it to the changes on the financial markets and also to the directive on payment services.

The Commission set itself three goals in this revision: firstly, to include cross-border direct debits within the regulation's scope; secondly, to establish procedures for the out-of-court handling of problems that might arise from the application of the regulation; and, thirdly, to ease the balance-of-payments statistical reporting obligations.

The European Parliament has, on the whole, agreed with this approach, but it has made three significant changes: a clarification to the legal definitions laid down by the regulation, a warning or reminder to the Member States that they should comply with the regulation more effectively than they have done in the past and, thirdly, a call for significant cooperation between the Member States.

My concern was the issue of balance-of-payments statistical obligations, which has been resolved by agreement between the separate institutions. I can therefore say that I am fully satisfied with the result achieved.

Pervenche Berès, *on behalf of the PSE Group*. – *(FR)* Madam President, I would like to talk about the report by Mr Purvis on electronic money.

First of all, I think that if we consider the reasons why electronic money is less developed here than in Hong Kong, it is undoubtedly because European citizens have become used to using their bank cards much more easily.

This Parliament has had two concerns in drawing up this legislation: firstly, at a time when the issue of supervision is on everybody's lips, we do not want to deregulate the supervision of electronic money institutions solely because of the latter's lobbying. This is why the European Parliament has above all insisted that these institutions that issue electronic money and manage electronic money should be subject to genuine supervision, and I think that we have obtained a number of guarantees in this area. I welcome this.

In the same way, we were anxious to take into account the interests of citizens and those who use electronic money, particularly when they want to end their contracts, so that they did not have restrictions and fees imposed on them by the institutions managing electronic money that we would have seen as excessive.

This is the spirit in which we have supported this proposal, in the hope that it would make our fellow citizens' lives easier through the use of electronic money, but that this would not result in excesses, particularly in terms of supervision mechanisms.

Mariela Velichkova Baeva, *on behalf of the ALDE Group*. – *(BG)* The proposal for a regulation of the European Parliament and of the Council on cross-border payments in the Community, which aims to replace the current applicable regulation, is linked to the creation of an integrated European payments market. The proposal is also aimed at increasing the protection of consumers' interests and rights and easing the burden with regard to reporting statistics.

Article 5 on the balance of payments and Article 12 relating to the review clause are the subject of a compromise which our rapporteur, Margarita Starkevičiūtė, is aiming for and is supported by Bulgaria. The compromise offers an opportunity for a timely, adequate assessment.

The current global financial crisis focuses attention on the need for relevant statistical data. Bulgaria is in favour of removing settlement-based reporting obligations on payment service providers for balance of payments statistics under a threshold of EUR 50 000.

Bulgaria supports the removal of Article 5(2) as the reservations which have been expressed are made in the context of the potential loss of information and a deterioration in the quality of the balance of payments statistics, as well as to do with the need for a technical period for implementing the switch to the direct reporting system.

Antonio Tajani, *Vice-President of the Commission*. – *(IT)* Madam President, ladies and gentlemen, once again I would like to express my appreciation for the way in which Parliament has managed these two issues. It means that the new regulation on cross-border payments will enter into force as scheduled on 1 November this year, and the e-money market will thus have a second chance to take off.

In parallel with the directive on payment services, these two pieces of European legislation will make it possible to create a modern, comprehensive legal framework for the Community market in payments and will smooth the path so that the European payments industry will be able to fully develop the Single Euro Payments Area project. This project will offer European consumers and firms a fully integrated payments market that is efficient in terms of costs and is of the highest quality.

The Commission therefore thanks – and I do so with particular pleasure – the European Parliament for this latest sign of its commitment to the SEPA.

Nils Lundgren, *on behalf of the IND/DEM Group*. – *(SV)* Madam President, electronic money that can be used across borders represents considerable progress. It is important for the EU to improve the internal market

in this way by promoting its use. However, I would like to take the opportunity to recall what it is that we are actually talking about.

When we introduced the euro in a large number of European countries, it was based on the analyses carried out on the value of a monetary union. The value is that we reduce the costs involved in exchanging money as well as other transaction costs. We reduce information costs by having a common currency. The price that we pay for this is to have more unstable economies. It is more difficult for us to maintain even and high rates of employment and to maintain stable state finances. We are seeing this right now as everything is going pear-shaped in this regard in countries such as Ireland, Spain, Italy and Greece.

Take note, then, that the victims should be counterbalanced by the benefits gained in lower transaction costs as a result of a common currency, but the benefits are continually diminishing precisely because progress with regard to the payment system is so rapid. Within a short time, we will be in a position where we find that we have such an effective payment system that the costs have become negligible. Then we will have a common currency that actually only guarantees us instability in our European economy. This is something I have said before and now you can see it happening. I urge you all to reflect on this.

Margarita Starkevičiūtė, *rapporteur.* – *(LT)* I would like to say that the text before us is a compromise, which has been reached through complex negotiations between the Council, the Commission and Parliament.

However, it is a positive result and I would like to thank the Council representative Mr Trinka and the Commission representatives for their cooperation, and would also like to thank staff of the Committee on Economic and Monetary Affairs, who helped to prepare this document. It will answer those questions which were raised by Mr Lungren, that is, it will help to bolster the whole euro area, because the procedures for euro transactions will be strengthened. As a representative of a country, which is not in the euro zone, I am delighted that this regulation can also be applied, if non-euro zone Member States wish, to payments in national currency, which in Lithuania would be the litas.

For the time being, in our countries prices for cross-border payments and prices for domestic payments in the national currency still differ. This is partly determined by the fact that we are not euro zone Member States. I think that the first step and one of the steps towards the euro zone would be for us, non-euro zone Member States, to begin to apply this principle to national currencies. The other important thing is that the fostering of cross-border payments by this regulation opens the way to modernising the European banking sector, because banks have a transition period of three years to prepare a new business model, which would make payments more efficient.

This is very important as we often talk about innovations, new initiatives and modernisation. This document creates exactly the right conditions for all this.

John Purvis, *rapporteur.* – Madam President, just to satisfy the prudential concerns mentioned by Mrs Berès, I would point out that we have insisted in this directive and report that e-money funds are not deposits; credit cannot be created upon them. We have opened the door for e-money only a bit wider.

The basic capital requirement is reduced to EUR 350 000; the Committee on Economic and Monetary Affairs would have preferred EUR 200 000. The own-funds requirement is to be 2% of outstanding e-money funds; we would have preferred 1.6%, but with the 20% flexibility up or down that is allowed, the more liberal Member States can go down to 1.6% and the conservative Member States can go up to 2.4%.

It is not ideal that we still have the prospect of such an uneven playing field in the European Union, especially when we have insisted that e-money users' funds will be fully safeguarded and there are also other important user-friendly protections, for example in redemption, as Mrs Berès mentioned. Because of the level of capital required, the waiver level has also had to be set for purely national e-money operators at EUR 5 million instead of EUR 2 million.

All in all, this is a very cautious step forward. It is not perfect. Compromises seldom are. Almost certainly it will have to be revisited in three or four years' time and, by then, I hope more operators will have entered the business. Users and merchants will be clamouring for more choice. The more doubtful regulators, banks, Mrs Berès – and even the European Central Bank – will have become reconciled that this is a beneficial, user-friendly service which holds no risks to the European economy. We in Europe can at last take up all the opportunities which e-money offers.

President. – The joint debate is closed.

The vote will take place today.

4. Animal by-products (debate)

President. – The next item is the debate on the report (A6-0087/2009) by Mr Schnellhardt, 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 laying down health rules as regards animal by-products not intended for human consumption (Animal by-products Regulation) (COM(2008)0345 – C6-0220/2008 – 2008/0110(COD)).

Horst Schnellhardt, *rapporteur.* – *(DE)* Madam President, Commissioner, ladies and gentlemen, we have produced a good report and we have succeeded in achieving a consensus on the regulation on animal by-products at first reading. For this, I owe my thanks to the French and Czech Presidencies, the Commission and the rapporteurs from the individual Groups.

The cooperation in drafting this report was characterised by a spirit of trust and we were able to finish the report quickly, although – and we must think of it like this – the report before us now has significantly changed the Commission's proposal, less so in the way of content, but more in terms of structure. Many of the details have been reordered. The new proposal was necessary, because a few shortcomings emerged in the application of the 2002 regulation which led to problems in practice. Although the 2002 regulation controlled animal diseases such as BSE, dioxin contamination and the spread of other animal diseases such as foot and mouth disease or swine fever, in order to make further progress in this regard it was vital to lay down requirements with regard to the questions of responsibility, traceability and the end point for slaughter by-products.

It was also necessary to eliminate the legal uncertainty with regard to the scope of the regulation concerning by-products from wild game. In line with the previous regulations on hygiene issues, operators will in future also be responsible for their products. I have said this already in connection with the other regulations. However, this must not lead to a reduction in official control.

Through the new regulation we want to increase safety for citizens and not merely shift the responsibility. It is therefore important for operators handling by-products to be subject to approval. The particular operators that will require approval are clearly regulated. The fact that, in addition to a process of approval, there is also a process of registration is due to the desire to reduce bureaucracy. In future, we will certainly have to examine carefully whether the registration procedure will ensure a sufficient degree of safety. I also think that the uncertainty previously caused by the provisions on animal by-products from wild game has been eliminated. It is now clear that good hunting practice is crucial. Game gathered in the woods must not be used. I also think that we have complied with the wishes of many Members in allowing the appropriate feeding of necrophagous birds in certain regions.

The ability to establish the end point of the life-cycle of by-products is a significant step forward. This will eliminate legal uncertainty and resolve many shortcomings and difficulties. We will have to examine whether the setting of the end point by the European Commission complies with the aforementioned criterion, namely legal certainty. I realise, of course, that it can vary from product to product and for that reason flexibility is needed, but I will also say to the Commission now that transparency is also needed so that it is also clear to the user.

Then we come to the crucial point, which, for me, is always the issue of comitology. Too many rules in the new regulation are implemented using the comitology procedure. We must examine this carefully. We know, of course, that as MEPs we have the chance to play our part here, but we also know from practice that we are not at all in a position to monitor or examine all comitology procedures. For this reason, I welcome the fact that the Commission has said that it wishes to present its proposals to the Committee on the Environment prior to their adoption. That is a good approach, because there are very many forms of comitology. I believe that we are on the right path here.

I will make a couple of comments on other topics at the end of the debate.

Antonio Tajani, *Vice-President of the Commission.* – *(IT)* Madam President, ladies and gentlemen, today Parliament will be asked to vote on a common position based on the proposal for a new regulation on animal by-products presented by the Commission. At this time, I would like to thank the rapporteur for his work, which has made it possible to arrive at this common position, and for his knowledge of the rules in the

veterinarian sector that has made it possible to achieve a positive and agreed outcome. My colleague, Mrs Vassiliou, apologises for not being present at this debate in person, but she has asked me to give her personal thanks to the rapporteur for all that he has done and the efforts he has made to achieve the goal.

At the Commission, we are, of course, also grateful to the shadow rapporteurs, who have seen this this work through in a constructive manner, as the rapporteur stressed in his speech, and through this collaboration it has thus also been possible to incorporate into the common position the chief concerns expressed by the Committee on Agriculture and Rural Development. Like the rapporteur, I would also like to thank the French Presidency, which did a lot of work, although it was aware that it would not itself attain the final result, and the Czech Presidency, which invested great efforts to obtain a clear and consistent mandate for the negotiations with Parliament. The Commission therefore gives its definite support to the common position.

This text clarifies the relationship between health rules and environmental rules and thus contributes to the objectives of 'better regulation'. The rules on which Parliament is about to vote will permit a wider use of by-products of animal origin, which currently cannot be put to any good use, but does so while ensuring appropriate safety conditions. There will also be a reduction in administrative costs, and this will enable operators to be more competitive. All this will be of vital importance in allowing them to respond dynamically to the challenges of the future, whether these derive from imports from non-EU countries or from new technological developments in the use of by-products.

The new rules will also be fully consistent with the goal of protecting biodiversity and – the most important aspect of all – will make it possible to maintain a high level of protection within the European Union against public health and animal health risks.

IN THE CHAIR: Diana WALLIS

Vice-President

Thomas Ulmer, *on behalf of the PPE-DE Group*. – *(DE)* Madam President, Commissioner, ladies and gentlemen, I very much welcome the draft report by Mr Schnellhardt and would like to thank him for his fine work. After the numerous crises in recent years in connection with products of animal origin that pose a risk to human and animal health, a comprehensive statutory regulation is essential. A revision of the current regulation was necessary.

Now, as before, we need to ensure a high degree of safety. Although we essentially support the report, there are a few points which give me cause for concern. Many points in the regulation have been made less stringent and thus make trade in animal by-products somewhat easier. Let me give some examples of what I am talking about. It is permitted to use certain Category 1 material in pet food. Category 2 or 3 material may, irrespective of the risk associated with it, be disposed of more easily, under official supervision, if there are only small quantities of waste per week. The risk associated with animal by-products of any category is only partly determined by its quantity. It remains the case that it is the European Commission that will enact the implementing regulation and, like its predecessor, the draft contains a lot of authorisations for the Commission. This means that the Commission can lay down comprehensive and fundamental regulations for handling animal by-products in the comitology procedure, with the result that Parliament – as is unfortunately often the case – is excluded.

Christel Schaldemose, *on behalf of the PSE Group*. – *(DA)* Madam President, I would like to start by thanking Mr Schnellhardt for his very ambitious piece of work in the form of this very technical report. On behalf of our shadow rapporteur, Mrs Westlund, I would also like to thank the other shadow rapporteurs for their constructive cooperation, which has resulted in us being able to vote, today, on a proposal that we are all able to support. The proposal that we are to vote on now is both clearer and easier to use than the very complicated legislation that is currently in force in this area. We in the Socialist Group in the European Parliament are particularly pleased to have succeeded in gaining a hearing for our amendment to also allow scavenging animals the opportunity to find the food they need to survive. We are also pleased that we have managed to place the focus both on health risks and on safety, while still having the necessary flexibility. Thank you for your work and we are pleased that we have a constructive proposal.

Satu Hassi, *on behalf of the Verts/ALE Group*. – *(FI)* Madam President, ladies and gentlemen, my sincere thanks go to Mr Schnellhardt for his excellent work and cooperation. It is good that we have had a first-rate expert in the field as our rapporteur on this issue.

The main objective of the regulation before us is the guarantee of hygiene and human health and safety. I would now, however, like to mention another detail, which is important for protecting biodiversity and small-scale entrepreneurship in nature tourism in my country. I am pleased that political consensus was found within Parliament and also with the Council of Ministers to resolve this issue.

This is about small-scale operations which take the carcasses of dead animals on farms with livestock, in pigsties for example, directly to feeding sites in the country for wild animals to feed on. This is important, for example, in Spain, to maintain the wild bird of prey population. In Finland such practices saved the white-tailed eagle from extinction back in the times when its natural food supply was too contaminated owing to chemical toxins, and when white-tailed eagles would not have been able to breed just by surviving on natural food sources.

In the northern, very sparsely populated parts of Finland, nature photographers use this method to attract wild animals to places where they can be photographed, and small travel companies also organise bear watching safaris, for example. I am very glad that this legislation would provide a solution which would safeguard human health and safety but also preserve small-scale tourism entrepreneurship and the use of the method to protect biodiversity.

Avril Doyle (PPE-DE). - Madam President, I agree with all contributors that public health, food safety and hygiene have to be at the top of all our agendas. I would put very high on my agenda, too, making maximum use of all natural resources, including animal by-products. I should like to thank our rapporteur, Horst Schnellhardt, for his excellent work in accommodating all our concerns and also for the excellent outcome of his discussions with the European Council. Personally, I regret the removal of the reference to the Waste Incineration Directive, but I do not have time to expand on that here.

I had one amendment tabled asking for assurances that there should be a clear distinction made between animal by-products moved in large volumes between Member States and at risk of entering the food or feed chain and specialist animal by-products for pharmaceutical and other diagnostic and research use; the latter are safe-sourced high-value products which are transported between Member States in very small volumes to and from registered suppliers, processers and users.

I should like confirmation, both from the Commissioner and Horst Schnellhardt again in his winding-up words, that my concerns in this area are taken care of and that this particular use of animal by-products will continue without any disruption.

Antonio Tajani, *Vice-President of the Commission.* – *(IT)* Madam President, ladies and gentlemen, today's debate has shown broad support for the common position on animal by-products, and this enables the Commission to proceed with the next stage. The Commission will prepare the implementing provisions for the new regulation in the light of your comments today, we will listen attentively to the experiences of operators, we will talk with our partners at international level and we will be fully transparent with Parliament during the whole of the process.

I can thus confirm to the rapporteur the commitment already made by the Commission in relation to comitology and the optional provisions. Regarding the question raised by Mrs Doyle, I wanted to say that the current regulation already recognises the particular food needs of certain wild species and allows the Member States to use by-products for feeding wild animals, provided that the health risks are appropriately controlled.

However, recently it has been stressed that the Commission should step up efforts to preserve biodiversity. For this reason, the Commission agrees with the decision by the legislator to extend the terms on the feeding of animal species protected in their natural habitats with by-products of animal origin; whereas the current rules refer to vultures and eagles, the new regulation will also make it possible to find appropriate solutions for wolves and bears.

On the basis of recent experience, we are also considering the advisability of laying down arrangements which would go beyond the current system of fixed points for the feeding of protected species with animal carcasses, particularly for extensive breeding systems, provided that specific health standards are abided by. On this point, the Commission is ready to enter into dialogue with all the parties involved.

Horst Schnellhardt, *rapporteur.* – *(DE)* Madam President, Commissioner, Mr Ulmer, I have of course taken note of the concern you expressed about the possible mixing of Category 1 and 2 materials and we also consulted the industry regarding this problem at the end of the negotiations.

I think that one would already need to act extremely illegally in order to be able to mix in this material. We will check whether a more stringent regulation is needed here. What we wanted to achieve with this new regulation was to enable the by-products of slaughter to be used in many ways and in that regard I can also say to Mrs Doyle that your concern is unfounded. Everything is the same as before. By establishing the end point for slaughter by-products, we have also very clearly stipulated that they will then become subject to totally different provisions, in other words we have clearly indicated the transfer to the Waste Framework Directive. I believe that we are on the right path here.

I would also like to mention that we naturally also want to address the issue of the rotten meat scandals with this new regulation. We are not completely on the right path yet in this regard, but with the labelling and the guaranteed traceability, I believe that we are heading in the right direction. Of course, we now need to see what sort of labelling the Commission will propose. This will not be particularly easy, as we all know the problem of the blue Chappi dog food – no one wants that. In this respect, we definitely need our researchers to choose an approach.

As regards the issue of organic fertilisers, which was also up for debate and has not yet been properly discussed, the Commission actually intended to provide for more thorough mixing-in of the material so that the animals did not even notice it. However, that would result in a change to the quality of the fertiliser and I believe that we have formulated a good regulation in this regard and that our small-scale gardeners who like organic fertilisers so much can also be appropriately provided for.

By and large, then, this is a good regulation. I am very happy with it and with the cooperation, and I hope that we will not have to amend it again too soon. The cooperation with the Commission was very agreeable and for that I am very grateful.

Paul Rübig (PPE-DE). – *(DE)* Madam President, with regard to the planning of the sitting, I would like to mention that we had a very long voting session yesterday and that led to a lot of problems with subsequent appointments.

We will be adjourning very shortly today and we will not start the voting until 12 noon. Perhaps it would be possible to plan the sitting so as to divide the time up more efficiently. That would help the Members and, in particular, the visitors, who yesterday had to wait for us for a considerable length of time. These are, of course, citizens, who also have a right to talk to their Members, and in this regard I would be very pleased if, in future, in the planning of the sitting we could schedule such procedures to everyone's satisfaction.

President. – Thank you, Mr Rübig. We shall note and pass on your comments. It is a very difficult time as we approach the end of the mandate.

The debate is closed.

The vote will take place today at 12.00.

(The sitting was suspended at 10.15 and resumed at 10.50.)

IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ

Vice-President

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

5.1. Women's rights in Afghanistan

President. – The next item is the debate on six motions for resolutions concerning women's rights in Afghanistan[(1)].

Ana Maria Gomes, *author.* – Mr President, gender responsiveness is a measure of good governance anywhere in the world, but even more so in Afghanistan after the suffering endured by women for decades there. There

(1) See Minutes.

cannot be true peace and recovery in Afghanistan without priority being given to respecting the human rights of women.

This Shia family law allows marital rape, approves child marriage and bans wives from stepping outside their homes without their husbands' permission. Women's human rights and dignity cannot fall victim to pre-electoral negotiations with Islamic fundamentalists. The international community present in Afghanistan must put much more pressure on President Karzai and the Afghan authorities to come up with proper laws which respect the human rights of women, and policies that are committed to enacting those rights and respect their dignity.

Like the Shia family law, the delaying of the Afghan media law, which was passed by the Afghan Parliament months ago by two thirds of the Parliament, is a tool by President Karzai to continue control of the state media, vital propaganda ahead of the presidential elections.

The international community cannot allow this to go on. This law is fundamental to ensure that there is freedom of expression and of the media in Afghanistan. Without that, anything that we are doing in Afghanistan is not worth it. It is crucial that action is taken on these two laws and that the international community makes sure that the authorities in Afghanistan abide by their commitments, by their words, in terms of human rights, and respect in particular the rights of women.

Nickolay Mladenov, *author.* – Mr President, the international community has been absolutely appalled at the information that we have all heard about the law that is being drafted in Afghanistan on the status of Shia women. It is appalling to believe that, at the beginning of the 21st century, a country that wants to be a democracy and wants to abide by its international commitments can have a law that limits the rights of women.

However, I believe that in our debate, and in everything that we do with Afghanistan, we have to be very careful how we approach things, because Afghanistan is a country that has come through a violent, repressive religious dictatorship; it has endured years and decades of civil war; it is a society in which people, more than buildings, have been hurt and destroyed.

We have to be very consistent in our messages, but we also have to be very careful in how we phrase those messages. We should call on the Afghan authorities to take a look at the law, to revise it and make sure that it is entirely in line with the international commitments of that country, as well as its constitution.

We should not use this as an election opportunity here for us in Europe but as something that we can pass on to our colleagues and friends in Afghanistan to make sure that they can fulfil the obligations that they have voluntarily undertaken themselves.

In this case we have to assist President Karzai and the Government of Afghanistan in revisiting this law and making sure that it is in line with international commitments and the constitution. It is part of our dialogue, and we have to be absolutely firm that no measures should be adopted that impede the rights of women.

I agree entirely with what Ana Maria Gomes has just said. But let us be very careful because, when we deal with a society that has been so traumatised, it is far more important how our messages are heard there than how our messages are understood here. Let us be very consistent in that and let us call on the Commission and the Council to pass on this message via all of our assistance programmes to the government and authorities in Afghanistan.

Hélène Flautre, *author.* – *(FR)* Mr President, the final declaration of the Durban II Review Conference, which Afghanistan is taking part in, concluded only today on the absolute need to make all forms of violence against women criminal offences punishable by law and on the condemnation of any judicial arsenal based on discrimination, including religious discrimination.

At the same time, Afghanistan is promoting legislation that applies solely to the Shiite population and that clearly discriminates against women in the areas of marriage, divorce, child custody, inheritance and access to education.

This is completely schizophrenic. What Afghanistan signs up to in Geneva, it cannot reject in Kabul. By taking part in the Durban II conference, Afghanistan has made firm commitments to eradicating multiple discrimination. It is imperative, for its credibility, that it starts taking action now.

By refusing to pass this law, the minister of justice and the president would be showing their will to commit their country to complying with its human rights obligations.

Equality between men and women is clearly enshrined in the Afghan constitution and in international conventions to which Afghanistan is a party. The authorities have a duty not to give in to extremism in any way and not to retreat. It is ultimately the future of a society that is being decided through this draft law, and Afghan society has already expressed its desire not to remain excluded from these debates.

Women are fighting and deserve all the support and all the protection of their country. It is up to the authorities to meet their obligations and demonstrate their ability to fulfil their commitments, and to the European civilian forces on the ground to support them in this ambitious reconstruction, and to set an example.

Let us not forget that the acts of violence committed by our armies and the fact that war is plunging Afghanistan into poverty are simply swelling the ranks of extremists.

Erik Meijer, *author.* – *(NL)* Mr President, two arguments are put forward for the foreign military presence in Afghanistan.

The first argument is self-protection for the world outside of Afghanistan. Since 2001, the United States has lived in fear of new disasters if al-Qaeda were to use the territory of Afghanistan to prepare attacks once more. This is, therefore, about the self-interest of other states. This objective has largely been met.

The second argument, however, pertains to the position of the people of Afghanistan. It was the intention to free them from coercion and backwardness. The argument touches on the freedom of the press, the rights of religious minorities, individuals' freedoms and, in particular, the protection of equal rights for women. For years, international news about Afghanistan has been dominated by stories about how girls were going to school again, women were no longer required to wear a veil, how they were now able to live as equal citizens, independent of their husbands, and how more and more women were entering the world of politics. The invasion resembled a feminist project.

Meanwhile, we can see that the events in Afghanistan more or less mirror those in Chechnya. Both countries were run by fundamentalist Islamic groups, something which external forces wanted to put an end to in both cases. A monstrous alliance was formed in both cases, one by the Americans, the other by the Russians, which means that, in a bid to control a particular group of Islamic fundamentalists, agreements are concluded with other Islamic fundamentalists. The upshot is that the pursuit of freedom, which was an important justification for the invasion, has been sacrificed in the process.

In Afghanistan, women are more and more being pushed back into the position they were in under the Taliban regime. Girls no longer go to school and women are disappearing from the political scene. There is now even a law that protects the right of men to sexual gratification without any say from the women involved. This is tantamount to rape. Meanwhile, journalists are now also being threatened with the death penalty by the State. This is a dead end. Europe should refuse to lend any more support to this situation.

Marco Cappato, *author.* – *(IT)* Mr President, ladies and gentlemen, in the international community we are undoubtedly staking much of our credibility on events in Afghanistan. Emma Bonino, the leader of my political party, was arrested by the Taliban for her mere presence, as a European Commissioner, and was held in detention for some hours precisely because of her presence in defence of women's rights.

Despite the divisions and differing views on armed intervention, and regardless of the positions that have been taken, we cannot allow the situation to deteriorate in this way with regard to women's rights.

Six years ago, we, the Nonviolent Radical Party, organised a *satyagraha*: a non-violent world action advocating the presence of women among the ministers of the Afghan Government. Today what is needed is a new mobilisation of the international community to ensure that not only are women's rights protected, but that women play a full part at the highest levels of political and institutional life.

We need to clearly ensure that any collaboration we have with the Afghan Government is subject to prudence and caution, which has in any case been called for, but also to the greatest possible firmness of purpose, because it would really be misguided to think that some sort of *Realpolitik* towards the fundamentalist parties could end up producing peace in the long term in Afghanistan, as well as in our own cities and countries.

Bernd Posselt, *on behalf of the PPE-DE Group.* – *(DE)* Mr President, 30 years ago during the autumn of 1979, this House adopted the first urgent resolution in relation to Afghanistan, the author of which was

Otto von Habsburg, whom I worked with at that time. It related to a warning of the impending Soviet invasion of Afghanistan, which then actually occurred a few months later.

Since that time, this country has had a terrible history of suffering, and we ought to ask ourselves the question: what is Afghanistan? Firstly, it is in many respects a very ancient tribal society, which we cannot catapult into the 21st century in one fell swoop. Secondly, it is a country that attaches a great deal of importance to its independence, which it protected against British and Russian imperialism with a huge amount of effort. Thirdly, it is a country that suffered a lot during the 20th century and, as a result of a rather questionable intervention – this I say quite openly – by Western powers, is currently in a situation in which it has a president who many people there do not feel to be their own.

This is a very difficult mixed situation. In order to ensure that there is no misunderstanding, Mr Cappato knows that I am not one of the so-called 'realist politicians', I am, as far as human rights are concerned, not open to compromise. We must uncompromisingly oppose this law and the oppression of women. However, we must proceed in such a way as to succeed and so as not to create the impression that this is a form of external control. We must therefore find partners in this multi-ethnic society in Afghanistan and gradually build a modern society there.

This means that we must support a political concept for Afghanistan rather than a purely military solution, as has been the case thus far. Therefore, the law needs to be revised. On this, we are totally unwilling to compromise, as we are paying out a great deal for this country in which we have a military presence. However, we must do this in a way that involves the Afghans and that respects their dignity, and as a top priority this of course includes – whether some people like it or not – the dignity of women.

Lissy Gröner, *on behalf of the PSE Group*. – *(DE)* Mr President, in light of the signing of the Shia family law, which shows contempt for women, in Afghanistan, I urge the Commission to make the rights of women a central part of its Afghanistan strategy once again.

In November 2002, the Socialist Group in the European Parliament sent a delegation under my leadership to Afghanistan in order to make sure that women were not being excluded in the reconstruction of the country. We held talks with President Karzai, numerous government representatives, women's and human rights organisations, and we were very encouraged. An awakening to more in the way of safety, stability and prosperity for women, including without the burka, seemed to be within reach. The health system, education, training and the chance to earn a living were opened up to women after the Taliban rule. The highest child mortality rate in the world seemed to be improving. Through our intervention, a 25% quota for women was included in the new constitution for the first parliament that was to be elected and around four million refugees returned to their war-ravaged country.

Unfortunately, however, very little has happened in the last five years. Warnings from women's rights organisations, such as *medica mondiale*, that violence must be stopped seemed to go totally unheeded, and at the beginning of April the radical Islamic Taliban in Kandahar murdered the German-Afghan women's rights campaigner Sitara Achikzai. We were forced to discover that other women had been shot, such as the highest-ranking police officer. We must not sit back and watch this happen and do nothing about it. The civilian awakening is at serious risk. We must put a stop to this new Shia family law.

The European Parliament resolution must state loud and clear that the law must be thrown out. If that does not succeed, international support for Afghanistan is also at risk if women's rights are not respected. Either an awakening into the international community, which respects human rights, or regression into oppression by the Taliban is what is on the cards. This must be said loud and clear to Mr Karzai!

Ewa Tomaszewska, *on behalf of the UEN Group*. – *(PL)* Mr President, what disturbs me most about the change to the law introduced in Afghanistan is that women have had their right to medical treatment taken away. This is a result of the ban on going out of the home without the husband's permission and also of the ban on undergoing medical examination.

Afghanistan is a country where, as a result of many years of civil war, the state of hospitals and their equipment is catastrophic. Access to water is hindered because of the deployment of landmines. Hygiene skills and knowledge about how to manage minor ailments without medical help are no longer passed from one generation to the next, as was traditionally the case. Mothers do not pass on to young women the fact that camomile can be used when bathing a baby, because of its disinfectant properties. All too often the mothers have simply been murdered. In addition to this dramatic situation, the obstruction of access to a doctor or

a healthcare facility could have catastrophic consequences for an entire generation. We should strive to resolve this problem, in spite of cultural differences.

Bastiaan Belder, *on behalf of the IND/DEM Group*. – *(NL)* A saying in my country has it that 'paper can wait', which illustrates the chasm between lofty ideals and regulations on the one hand and day-to-day reality on the other. When we apply this saying to women's rights in Afghanistan, we are left with a shocking picture.

The joint resolution is right to refer to the Afghan Constitution and the international agreements ratified by Kabul, which all claim equal rights for men and women and gender equality before the law. The real position of the women of Afghanistan tells a different story, however. In summary, the position of Afghan women can, roughly speaking, be outlined in 12 brief points, namely an average life expectancy of 44; a high death rate during childbirth (1 600 per 100 000 childbirths); only 14% of all women over the age of 15 can read; a low status, because women are owned by men; a frequent and increasing number of threats and intimidation of women in public roles, including murder; hardly any protection of Afghan women's organisations from the local authorities or foreign troops against targeted attacks; it is the family that decides, in the main, whether girls can be educated; persistent attacks on girls' schools – for example, in November 2008, eight schoolgirls and four women lecturers were mutilated in the town of Kandahar by the Taliban spraying acid in their faces; the continued threat of sexual violence in and outside of marriage; approximately 57% of all girls are married off before their 16th birthday; crimes committed against women are hardly reported for fear of retaliatory action by the family, tribe, perpetrators or even by the police; and self-mutilation, and even suicide, by Afghan women on account of their hopeless situations.

This depressing image of the position of Afghan women, which only scratches the surface, underlines the ultimate need to turn the paper reality of the legal status of Afghan women into a national, international, but also European political priority.

Charles Tannock (PPE-DE). - Mr President, Afghanistan's new law, effectively legalising rape in marriage and also child marriage for Shia women, threatens to take the country back to the medieval days of Taliban rule. Certainly this law makes it harder to distinguish, in terms of modernity and respect for women's rights, between the elected Afghan Government and the Taliban terrorists against whom it is fighting.

The law also makes it hard to justify the international community's massive military and financial assistance to Afghanistan. I feel very uneasy about soldiers from my country, the United Kingdom, dying to defend a government that panders too much to extremist and obscurantist sentiments.

To his credit, President Karzai has said this law will be repealed, but it has taken a great deal of international pressure, including this resolution from our Parliament, to get us to this stage. Also the repeal of this law should not obscure the fact that women in Afghanistan continue to suffer lack of schooling, injustice and discrimination on a daily basis. There is still a very long way to go to bring Afghanistan fully into the modern world and hold it to its binding international commitments.

Lidia Joanna Geringer de Oedenberg (PSE). – *(PL)* Mr President, despite the fact that Afghanistan is a signatory to the Convention on the Elimination of all Forms of Discrimination Against Women, and that the government of President Karzai has decreed the equality of both sexes in the eyes of the law and has guaranteed women a quarter of the seats in the Afghan Parliament, Afghan women are still being treated as second-class citizens in their own country

For many Afghan fundamentalists the place of women is in the home, and not at school or at work. An example of this is the law approved recently by both chambers of the Afghan Parliament and signed by the president, which states that only with the consent of their husband or father do women have the right to go out of their homes, study, apply for a job or receive medical care. In addition, the law gives legal custody of children exclusively to fathers and grandfathers. Fortunately, this law has not yet come into force. As a result of numerous protests, both in Afghanistan and from abroad, the draft law has been referred to the Afghan Ministry of Justice so that the conformity of the text with the constitution and international treaties can be verified.

The European Parliament should demand strongly that the Afghan authorities revoke this law, which without any doubt contravenes the Convention on the Elimination of all Forms of Discrimination Against Women. In addition, we should make a clear call for the Afghan Ministry of Justice to abolish all other laws which discriminate against women. The European Union, as a community, must express support for all those who are fighting for women's rights in Afghanistan, so that we do not allow the destruction of all that has up to now been achieved in this area.

Anna Záborská (PPE-DE). – *(SK)* I would like to express my sincere thanks to President Hans-Gert Pöttering for accepting my request and including this point among the urgent resolutions of this session.

A woman's dignity is intrinsic to her person. It must be respected in partner relationships and in the family and all societies should encourage awareness of this. Young women must be able to make decisions freely and autonomously. We cannot accept the current situation in Afghanistan. Discrimination against women is a violation of basic human rights, humiliating women and destroying their individuality.

Our policy must be conceptual but unambiguous. We cannot on the one hand allow President Hamid Karzai to speak in the European Parliament and on the other hand accept that laws violating basic human rights are passed in his country.

Corina Crețu (PSE). – *(RO)* It concerns all of us, of course, that a law is about to come into force in Afghanistan which allows discriminatory and degrading treatment towards women in the family and society. This act blatantly contravenes the agenda which we are promoting in Afghanistan, all the more so as the majority of NATO countries have announced that they are going to step up their involvement in the effort to bring stability to Afghanistan. The military aspect of the international presence in this country is certainly very important, perhaps even decisive, but this involvement is not only about guaranteeing peace and infrastructure investments, but also about a much more complex project: modernising Afghan society.

Who are we building schools for, when Afghan girls are discriminated against and not allowed access to education? No one is, of course, assuming that the new Afghan society should be a copy of Western societies, but we cannot let ourselves turn a blind eye to abuses and human rights violations in the name of respecting local cultural identities. This is why I consider that it is European institutions' duty to convey a firm message to the president…

(The President cut off the speaker)

Paul Rübig (PPE-DE). – *(DE)* Mr President, Commissioner, ladies and gentlemen, Afghanistan has had a difficult history. I believe that families in particular stick together very strongly in that country and that the woman of the family has an important role. It is therefore very important above all to promote economic development and in particular support for small and medium-sized enterprises.

Of course, a modern infrastructure is also needed to enable the country to develop better. I believe that it is precisely infrastructure projects that could help to create a greater understanding for one another in this country and that also through the agency of information and communications technology a different world view could slowly develop there, whilst fully retaining the country's identity.

Antonio Tajani, *Vice-President of the Commission.* – *(FR)* Mr President, ladies and gentlemen, the legislation on human rights for the Shiite community in Afghanistan has rightly attracted a great deal of attention.

We are closely monitoring the political developments on the ground, through our delegation and with the European Union special representative and the representatives of the Member States.

We naturally respect the independence of the legislative process in Afghanistan, in particular with regard to the Constitution, which does indeed make provision, under Article 131, for the possibility of legislation devoted solely to the Shiite community. Nevertheless, along with our partners we have supported an approach targeting certain articles of that law that are scarcely compatible with the Afghan Constitution or the international law that the Afghan Government has signed up to.

The European Union therefore made a representation to the Afghan Government on 12 April. In our representation, we specifically reminded the government of its obligations with regard to international conventions on civil and political rights, discrimination against women and children's rights.

We pointed out that the proposed legislation would to a large extent prevent women from fully enjoying their rights and from participating fairly in the economic, social. cultural, civil and political life of Afghan society.

It is likely that the international reaction and the reaction of Afghan civil society contributed to the Afghan Government's decision to refer the legislation back to the minister of justice for a general review, with the latter being focused in particular on Afghanistan's obligations in terms of international law. It goes without saying that this review will be conducted entirely under the authority of the Afghan Government. In view

of the political background of this country, it is essential that its government assume its responsibilities in full within the framework of the legislative and institutional process.

We are going to follow this review very closely with our international partners, and also within the context of our support for the institutional reform of the judicial sector.

President. – The debate is closed.

The vote will take place today at 12 noon.

Written statements (Rule 142)

Toomas Savi (ALDE), *in writing*. – Mr President, every human being has a right for a humane life, meaning that a person should not be discriminated on any basis including gender. Unfortunately the human rights, that for us, Europeans, are natural, are being widely violated in various countries around the world.

Since the overthrowing of Taliban, the situation in Afghanistan has improved, however in reality, there have not been many positive developments as far as human rights are concerned. The continuous violations against women are absolutely unacceptable and it is highly important for the European Union to put pressure on Afghan government in order to get the situation under control. Even more outrageous than several controversial laws concerning the equality between men and women, is the fact, that men are still widely being regarded higher than women in Afghan society itself. Therefore the European Union must support the awareness campaigns promoting gender equality and human rights.

5.2. Support for the Special Court for Sierra Leone

President. – The next item is the debate on six motions for resolutions concerning support for the Special Court for Sierra Leone[(2)].

Corina Crețu, *author*. – *(RO)* One of the problems affecting justice systems in many countries around the world is not so much the absence of a well-structured legal framework, but more particularly the lack of enforcement of the judgments made by the justice system. In countries afflicted by the scourge of civil war, a permanent state of conflict or massacres, the consequences of this situation are catastrophic from a humanitarian and development perspective.

In the case of the Special Court for Sierra Leone, it is all the more important that legal judgments are enforced because this court is establishing a series of important precedents in international law. It is not only the first court of this kind set up in the same country as where the events being tried took place, but it is the first which has indicted and convicted, in the person of Charles Taylor, the former president of Liberia, an African head of state still in office at the time when the trial started.

These aspects, combined with the recent conviction of three former rebel leaders from the civil war period, are strong indications of the determination of the international community and Sierra Leone Government to fight hard against the feeling of impunity displayed by those who have committed atrocities for an entire decade.

The international community must fully complete the implementation of the project proposed for reinforcing the process of justice and law in Sierra Leone. The Court's mandate comes to an end soon, in 2010, and the Sierra Leone Government has been totally frank about not being able to ensure that the sentences passed will be enforced.

It is vital therefore for the European Union and its international partners involved in the peace process to uphold and support the enforcement of the sentences passed by the Special Court. It is not only the progress towards peace and stability in the region which depends on this, but also the credibility of the Special Courts set up with the support of the international community in other countries.

Charles Tannock, *author*. – Mr President, international humanitarian law is a relatively new and somewhat imperfect body of jurisprudence, but it has already achieved some major successes. In Europe the International Criminal Tribunal for former Yugoslavia has paid an immensely important role in bringing justice to a region

(2) See Minutes.

torn apart by a series of savage wars. Similarly, a tribunal in Tanzania has been prosecuting those responsible for the Rwandan genocide of 1994.

We therefore know the potential of such courts to help war-torn regions by ending a climate of impunity and moving on. In many ways justice delivered in this way is as valuable as financial assistance from the European Union. That is why the international community should continue to support the Special Court for Sierra Leone by providing secure jail facilities in the Member States, if necessary and when required, for jailing convicted tyrants.

One of my proudest achievements in this Parliament was my role in this Parliament's resolution calling for Nigeria to hand over Charles Taylor to the Court, which is what eventually happened through the mediation of the UN. But there are plenty of others who will escape unpunished without a robust and well-funded special court for Sierra Leone.

Mikel Irujo Amezaga, *author.* – *(ES)* Mr President, two years ago I had the opportunity, as part of a mission headed by Mrs Isler Béguin, my colleague, who is in the Chamber here, to visit Sierra Leone, to attend the Special Court and to become aware of the huge task that it was accomplishing, not only for Sierra Leona, but also for mankind as a whole.

The Special Court for Sierra Leone has of course set a precedent, as has already been mentioned here. It has set a precedent in that, as the resolution states, it is the first international court to be funded by voluntary contributions, the first to be established in the country where the alleged crimes took place and it was also the first court – as has already been pointed out – to indict a former head of state.

For all these reasons, not only because it constitutes a precedent, but also because it is a benchmark for other courts that have been created and modelled along the same lines – such as the courts of Rwanda, the former Yugoslavia, Cambodia or Lebanon – we consider it vital that this resolution, on which we have now been working together with the court for several months, be adopted.

Two years ago we adopted a resolution to support its funding, since at that time the Special Court was going through a difficult period, was without any funds and did not have the necessary support – and here we should thank the European Commission too, which gave the court its financial support.

Now we are asking, above all, for two things: firstly, that those who have been convicted should serve their sentences – what is at stake here is not the operation of the Special Court, which will conclude its work next year, but the legacy that it is to leave us – and, secondly, obviously, that all this should be accompanied by more funding.

In short, the Special Court for Sierra Leone is a fine example and a benchmark for all of us and for all courts that have dealt with war crimes. It is a fine example and a benchmark and it is a lesson being given to us by the second-poorest country on the planet: as we entered the court, we saw the slogan 'no peace without justice'. That is exactly why we have a moral obligation, not only as Europeans, but as human beings, to ensure that the legacy of this Special Court leaves its mark on history.

Erik Meijer, *author.* – *(NL)* Mr President, Sierra Leone, like its neighbour Liberia, has been faced with full-scale atrocities, as a result of which many citizens lost their lives or became seriously injured, mentally or physically.

The criminals who got child soldiers to cut off the limbs of innocent citizens should be punished and not be given an opportunity to repeat their crimes. It looks like the attempt to organise this punishment between 2000 and 2010 is set to fail. The UN's Special Court for Sierra Leone is unable to function. Anyone found guilty cannot be locked up in Sierra Leone for any decent length of time.

The question now is what can we still do to guarantee a better outcome? The Court will not succeed without external funding, an extension of its mandate or without prison places outside of Sierra Leone. The resolution is right to draw attention to these options. This statement must lead to measures quickly. Otherwise it will be too late.

Filip Kaczmarek, *on behalf of the PPE-DE Group.* – *(PL)* Mr President, in Poland we sometimes say that 'what you begin, you should also finish'. This is very relevant to today's debate, which, above all, is about financial support for the Special Court for Sierra Leone. It is true that we are in the middle of a crisis, and the Court, which is maintained from voluntary contributions made by various countries, absorbs large sums of money. We must not, however, allow this body, which is the only one of its kind, to end its work in international

disgrace – and it would be a disgrace, if for financial reasons the Court ceased to function and the accused were released.

The European Union, and especially, in my opinion, the United Nations, are obliged to carry the work of the Court through to completion, to ensure financial support and to carry out the sentences handed down by the Court.

The work of the Court and its high costs are the subject of much controversy in Sierra Leone itself, because a great many people there are waiting for compensation, and Sierra Leone is one of the world's poorest countries. This is why, when judging the past, we should not forget the future.

Ewa Tomaszewska, *on behalf of the UEN Group*. – *(PL)* Mr President, the Special Court for Sierra Leone has sentenced Issa Hassan Sesay, the Commanding Officer of the Revolutionary United Front, to 52 years' imprisonment. It has also sentenced Morris Kallon, one of the commanders of the RUF, to 40 years' imprisonment, and Augustine Gbao, responsible for security in the RUF, to 25 years' imprisonment.

They organised one of the most cruel rebel movements of modern times. Drastic mutilations of the civilian population, and in particular amputations of limbs on a massive scale, sexual violence as a weapon, enrolling children in the army – these are only some of the brutal methods used by the RUF, which was commanded by the defendants.

A heavy sentence in their case is a strong signal which should restrain others from committing similar acts, and a sign that the civilised, democratic world will not stay silent, and has a strong tool for reacting to the perpetrators of such atrocities. That tool is the Court, and the Court should be supported, both financially and politically.

Marie Anne Isler Béguin (Verts/ALE). – *(FR)* Mr President, I am in fact glad that this debate is taking place, because we have been trying to put it on the agenda for several sittings.

So today, not long before the end of this mandate, we would really like to stress that Sierra Leone, one of the poorest countries in the world, which has really succeeded in establishing this Special Court to try those responsible for the atrocities, should be supported.

Having been the head of the European Union Election Observation Mission in Sierra Leone, I really believe that it is our political and moral responsibility to support this court, because it would be truly unacceptable and unimaginable for this court to be unable to continue its work for what are potentially financial reasons.

I therefore urge the Commission to support it, financially, of course. Moreover, at the time the judges of these courts asked us to provide financial support to help keep this Special Court going.

However, now it is at political level, because it is coming to an end in 2010. We must…

(The President cut off the speaker)

Antonio Tajani, *Vice-President of the Commission*. – *(IT)* Mr President, ladies and gentlemen, the European Commission has made a strong commitment to assisting the transition by Sierra Leone from a post-war situation to a situation of growth and development. The Commission certainly supports the country's commitment to the consolidation of peace, stability and, above all, democracy.

In this regard, the Commission recognises and welcomes the vital role that the Special Court for Sierra Leone has played and continues to play within the context of the reinstatement of peace and stability in Sierra Leone. We are convinced that the Special Court's activities can transmit to all the message that no serious crime against humanity, no genocide and no war crime will remain unpunished.

The Special Court for Sierra Leone has, in fact, played an essential part in the development of international law, by virtue of the case law that has been created on issues such as the recruitment of child soldiers and forced marriages, which were the subject of the Special Court's first judgments. To this end, the Commission has been supporting the Special Court's activities since 2003. We have given the Special Court EUR 2 700 000 through the European Instrument for Democracy and Human Rights. The aim of this funding is to support the activities of the Special Court on communicating its objectives of promoting the rule of law, international humanitarian law and human rights in Sierra Leone and the region of western Africa as a whole.

Furthermore, in 2008 the Commission adopted a project, funded by EUR 1 million, under the 10th European Development Fund, conceived together with the Special Court and the Sierra Leone Government. The project,

which is to be carried out during 2009 and 2010, will integrate previous activities and sets out to ensure a lasting legacy on which to rely after the conclusion of the Special Court's activities, in particular through the capacity-building of legal professionals and the strengthening of institutional capacity within the Sierra Leone legal system as a whole.

Having been informed of the Special Court's budget problems, in 2008 the Commission provided it with emergency aid to the tune of EUR 2.5 million, funded from the Instrument for Stability and intended to cover the funding costs, and chiefly the salaries, of the Special Court's employees. On this point, the Commission was pleased to learn that the Special Court has managed to cover the budget deficit for several months. We are confident that, despite the world financial crisis, the international community will manage to find the resources necessary for the Special Court to carry out its tasks successfully and in full, and to complete the trial of Charles Taylor, former president of Liberia.

Before I conclude, I would like to express my support for the request for further examination and investigation into the roles and functions of the various special courts, and on this point I am pleased to inform you, on behalf of the Commission, that two initiatives are to be funded in this sector under the human rights 'conflicts and security' heading within the Seventh Framework Programme on research.

President. – The debate is closed.

The vote will take place today at 12 noon.

5.3. Humanitarian situation of Camp Ashraf residents

President. – The next item is the debate on six motions for resolutions concerning the humanitarian situation of Camp Ashraf residents[(3)].

Ana Maria Gomes, *author.* – Mr President, some in this Chamber want to present the People's Mujahedin as heroes or a true alternative to the Iranian regime. They are neither.

In my trips to Iraq, I have heard Kurdish, Sunni, Shia, Christian, Turkman leaders and others complain about the role of the People's Mujahedin as a tool of Saddam Hussein in the 1988 Anfar campaign, which culminated in massacres such as Halabja. That is what the Iraqi delegation which was here this week also confirmed to us, while assuring us that the Iraqi constitution binds the Government of Iraq to fully respect the human rights of the residents of Camp Ashraf, who, with the help of UNHCR and ICRC, wish to leave for Iran or any other destination, or wish to stay as political refugees abiding by the laws of Iraq.

We must understand the reluctance of the Iraqi Government to let Camp Ashraf continue to be a nuisance to their good neighbourly relations with Iran. For Iraqis, Iran cannot be wished away. It is there. It is a powerful neighbour. It is true that the People's Mujahedin are no longer on the terrorist list, but they are still an opaque cult which brutalises those of its members who wish to defect. Above all, the people in Camp Ashraf are human beings whose human rights have to be respected, irrespective of the fate of the organisation itself or of its past. They are to be treated under the 1951 Refugee Convention and no one – I repeat, no one – should be forced to return to Iran.

But let us make one thing clear. This resolution is not about the Iranian regime, which has been repressing its people, mismanaging the country and destabilising the Middle East for decades. Anyone who presents a vote for the PSE and Green amendments, which aim to balance the tone of this resolution, as a vote for the Iranian regime, is either arguing in bad faith or has simply run out of arguments.

The spirit of our amendments is quite simple. We want to present the whole picture of human rights violations and threats in and around Camp Ashraf. For example, we request that all Camp Ashraf residents be allowed to be interviewed by the ICRC and UNHCR at a neutral location and without People's Mujahedin officials in attendance, in order to clarify their real wishes. Also we must call on the Mujahedin leadership to stop controlling the lives of the residents of Camp Ashraf, namely by not letting them leave the camp. Above all, we express our concern about the reported practices of mental and physical manipulation and severe human rights violations within the cult. In short, this is about the individual human rights of the people in Camp Ashraf. Let us have these people and their human rights in mind when we vote.

(3) See Minutes.

Alejo Vidal-Quadras, *author.* – Mr President, this morning we will be voting on a joint motion for a resolution co-signed by four political groups on the situation of the Ashraf refugee camp in Iraq. Three thousand five hundred Iranian men and women, members of the democratic opposition to the fundamentalist regime in Iran, live there completely defenceless. In the last few weeks they have been under pressure and harassment by the faction of the Iraqi Government under the influence of the Iranian regime, and there is a high probability that at any moment a tragedy could happen that would parallel the ones we witnessed in the Balkans not so long ago.

We all remember Srebrenica, and I have no doubt that no Member in this Chamber wants a second Srebrenica in Iraq. Our motion for a resolution is a call to alert public opinion all over the world before a disaster takes place. Unfortunately, some colleagues have tabled amendments that could increase the danger for the residents in Camp Ashraf and provide the Iranian regime and its proxies in Iraq with arguments to massacre them.

I recently visited the camp myself and I assure you that the allegations included in the amendments tabled are absolutely unfounded. People in Ashraf are there on a volunteer basis. They are free to leave whenever they want and they live in the best friendly relations with the Iraqi population of the region. The intention of our motion is to protect these people. Nobody would understand – but if these amendments are adopted the result of the motion would be exactly the opposite.

This is not a political issue, colleagues: it is purely humanitarian and it is very urgent. I beg you to vote against all amendments tabled to this joint motion supported by these four groups and support the motion as it has been agreed by these four groups that are of very different political stances. The lives of many innocent and harmless people depend on your vote. Please do not let them down.

Angelika Beer, *author.* – *(DE)* Mr President, ladies and gentlemen, my group has not signed this resolution and we will only vote in favour of it if the amendments that I have tabled together with the author, Mrs Gomes, on behalf of the Socialist Group in the European Parliament and the Group of the Greens/European Free Alliance are adopted.

It relates to the dispute over the Mujahedin or the MKO. This is not a democratic opposition. I would like to say a few things about it. The MKO is a degenerate organisation, which is tantamount to a religious sect and which severely oppresses its own members, including within the camp. Mental and physical pressure is used to force the members to stay in this camp. Those who refuse have their relationships destroyed, they are forced to divorce and their children are taken away – one of the most brutal means of oppression.

The MKO has totally isolated all MKO members living inside and outside the camp. All access to the international press or media is prohibited. All of the interviews conducted by the US took place in the presence of MKO cadres, which meant that the people could not talk about their real problems and concerns.

In the past, MKO members from northern Iraq were handed over to Saddam Hussein's henchmen and were shamefully tortured and killed in camp Abu Greib. These are just a few examples and explanations for the joint amendments which I urge you to support. Anyone who rejects these – and I want to say this very clearly – and anyone who adopts the present resolution text unchanged, is voting in favour of allowing the MKO to carry on its policy of oppression in a camp that it controls. You will then also be partly responsible for what the MKO is currently threatening to do, namely that if the camp is broken up under international supervision, it will call on its members there to incinerate themselves. That is clearly the opposite of what we want to do here and therefore I urge you to vote in favour of the amendments tabled by the PSE and my group.

Erik Meijer, *author.* – Mr President, for 30 years Iran has been ruled by a theocratic dictatorship. That dictatorship not only forces the inhabitants to live in conformity with its religious standards but also tries to kill everyone who does not conform to its system. The consequence is that many Iranians have to live in exile, not only in Europe but also in the neighbouring countries.

After the Anglo-American military invasion in Iraq, the Iranians who live there in exile got a guarantee of protection from Iran. Now the foreign troops are preparing to withdraw from Iraq. I support this withdrawal, but an unforeseen consequence could be that the theocratic regime in Iran would get an opportunity to attack the opposition outside its own borders. It strives for the deportation of those people to Iran in order to kill them. Inside Iraq there is much solidarity with the Iranians in exile. However, the power of Iran in Iraq has grown because the majority of the inhabitants in Iraq, too, is Shiite Muslim.

Through written questions to the Council I have drawn its attention to the position of the 3 400 people living in Camp Ashraf. The only answer was that the Council had not discussed this matter. Today, we are discussing a very important urgent resolution on Camp Ashraf. In two previous resolutions in 2007 and 2008, our Parliament confirmed the legal status of the Ashraf inhabitants under the Fourth Geneva Convention. Today, our Parliament is paying special attention to the current situation by adopting a resolution only on Ashraf. This text is a joint text, adopted by most political groups, and it is balanced. It wants to send a strong message to the Iraqi Government that the rights of these 3 400 people in Ashraf, including 1 000 women, cannot be violated because of the pressures of the mullahs in Iran.

So we must send a united message, without amendments that would undermine and weaken this resolution, which only covers the humanitarian issues of Ashraf residents. We have to avoid any changes to the final text of the resolution that would complicate the situation or endanger the lives of these defenceless people.

The inhabitants of Ashraf were bombed by US forces at the beginning of the invasion in 2003. Later on, they were screened by the USA. The Iraqi Government has also screened every one of the people in Ashraf – this took place during April this year. Every one of them was interviewed, outside Ashraf. They were encouraged and urged to leave the camp or go to Iran. Only six of them agreed to leave – six out of 3 400 people! So we have to respect their decision.

Mogens Camre, *author.* – Mr President, the situation of Camp Ashraf, home to 3 500 members of the main democratic opposition of Iran, the PMOI, has been of great concern for some time and has been the subject of several resolutions in this House in recent years. Together with a delegation of four Members of this House, I visited Camp Ashraf in October last year and met with American, Iraqi and UN officials there. They all reinforced our concern for the legal status of Ashraf's residents, because its security was transferred from American troops to Iraqi forces at the beginning of this year.

The situation has got much worse since then. The Iranian supreme leader, in an official announcement at the end of February, asked the visiting Iraqi President to implement the mutual agreement to close down Camp Ashraf and expel all its residents from Iraq.

Since then Iraqi forces have started a siege around the camp. Iraqi troops have been preventing entry of families of Ashraf residents, parliamentary delegations, human rights organisations, lawyers, journalists and even doctors to the camp, and do not allow many logistical materials to get into Ashraf.

This Parliament therefore found it absolutely necessary to address this as an urgency issue at this stage. We have now worked together with all groups and produced a common text, which is well balanced and addresses all our concerns on this matter, and calls on international bodies to find a long-term legal status for Ashraf residents.

Unfortunately there are some amendments tabled by some of the spokesmen for Tehran, those who believe the lies told by Tehran. I think we should understand clearly that these are contrary to the security of the residents of Ashraf and we should vote against them. We urge all colleagues to stick to the joint text and reject any amendments.

Marco Cappato, *author.* – *(IT)* Mr President, ladies and gentlemen, here we are talking about a 'camp', which is in actual fact a small town of people who have laid down their weapons on the basis of a difficult political decision; people who have entrusted their own defence, in fact, to the international community. The reason why we are debating this point today under the urgent procedure is the risk that these persons may be deported *en masse* and that all their rights with regard to the Iranian regime may be infringed once and for all.

Certainly, questions can be raised about the level and extent of democracy in the People's Mujahedin of Iran, their organisation, but this is not the subject of the debate that we must have, and this is not the reason why we asked for the urgent procedure to be used. The reason why we have requested the application of the urgent procedure is to prevent this small town from being attacked as a whole, for its fundamental rights to be swept away and for it to be consigned to the hands of the Iranian dictatorship.

This is why the amendments that have been tabled are liable simply to confuse the naked urgency and necessity of this message, and that is why I hope they will not be adopted.

Tunne Kelam, *on behalf of the PPE-DE Group*. – Mr President, we are here today to prevent a potential, large-scale, human tragedy from taking place.

Almost 4 000 people, members of the Iranian opposition, are in imminent danger of being deported by the Iraqi authorities back to Iran, whose regime has already executed more than 22 000 of their friends. By the way, these are the people who have exposed the Tehran secret nuclear programme and are opposing the terrorism-exporting regime by peaceful means.

It is in the interests of the democratic credibility of the Iraqi Government, as well as the US Administration, which has granted their status as protected persons, to protect their lives, respect their free will and dignity and guarantee their safe future under international law. But, first of all, we call on the Iraqi Government to lift the blockade of Camp Ashraf.

Nicholson of Winterbourne, *on behalf of the ALDE Group*. – Mr President, I believe that Alejo Vidal-Quadras, a good friend of mine, and others who have spoken are profoundly mistaken and that we should support the amendments, because the Iraqi Government has announced on more than one occasion recently that it has no intention whatsoever of forcing the inhabitants of Camp Ashraf to leave for Iran or to go to any other country.

The Iraqi Government has repeatedly requested different countries, including many EU Member States, to receive them, and we have not agreed.

Of the 3 400 people living in the camp, 1 015 hold residence permits from, and enjoy resident status in, different countries, many of which are EU Member States, and we are not accepting these people. Why?

Most of the camp's inhabitants received professional military training during the previous Saddam Hussein regime and they participated with his presidential guards and with other security forces in the violent crushing of the Iraqi people's popular uprising after the liberation of Kuwait in 1991.

There is ample evidence that these people harmed the Iraqi people when the Iraqi army refused to carry out the killings that Saddam Hussein required. The families of the victims in Iraq cannot forget this fact, and the Iraqi Constitution does not permit the presence of groups such as the NKO or the PKK on Iraqi soil.

Two thousand of these people have registered themselves with the High Commissioner for Refugees, hoping to be transferred to other countries ready to accept them, and for several years now the Iraqi Government has been working closely with UNHCR asking other countries to accept them.

Dear colleagues, this is the business of Iraq. The sovereignty of Iraq is at stake, and we should place our trust in this democratically elected Government of Iraq. This is their right, their duty, and I can assure you they are fulfilling it correctly.

Charles Tannock (PPE-DE). - Mr President, I have never been a great fan of the People's Mujahedin of Iran, whose philosophical origins are Islamist-Marxist – which is a contradiction in terms – and they were of course for many years under the protection of Saddam Hussein, the butcher of Baghdad, whom they supported militarily.

Nevertheless, in recent years they have reformed, and have given valuable information to the West about human rights violations in Iran and the geographical location of Iran's secret uranium enrichment facilities. It was therefore questionable if they should have remained on the EU banned terrorist list. What is unquestionable, in my view, is that the residents of Camp Ashraf deserve legal protection in Iraq from its Government and the allied forces, and do not deserve deportation to Iran, where they face almost certain torture and possible execution.

Richard Howitt (PSE). - Mr President, this debate once again demonstrates the limitations of urgencies, with huge numbers of representations because there has been insufficient time for proper negotiation and consultation.

I want to put on record that the original Socialist text clearly opposes any question of forced deportation, and calls for full compliance with the Geneva Convention and full access by international human rights organisations. To Mr Vidal-Quadras and others, having myself sought to get a compromise by getting cross-party support only for Amendments 2, 3 and 6 and then the Socialist support for the joint resolution, it is a complete distortion to say that these amendments could be used as a pretext to massacre residents. Whether people support or criticise the PMOI, in a human rights debate no one in this Chamber should disagree with amendments which seek to support human rights obligations on any or all parties anywhere in the world.

Jan Zahradil (PPE-DE). – *(CS)* Mr President, 30 seconds will be enough for me. I would like to say that I am delighted the PMOI was taken off the EU's list of proscribed organisations during the Czech Presidency, and I am pleased that we are continuing to protect the Iranian opposition against the regime through today's resolution on Camp Ashraf. I would like to thank everyone participating from all political groups regardless of their colours or convictions and I hope the resolution will go through in the proposed form without the amendment proposals which would somehow deform it.

Paulo Casaca (PSE). – *(PT)* Mr President, I too want to call for this joint motion for a resolution to be voted on as it currently stands. The amendments tabled here in this House are profoundly mistaken.

It is absolutely incorrect to say that even one refugee from Camp Ashraf or the alternative camp has been transferred to Europe or even within Iraq with the support of the High Commissioner. I challenge anyone to ask the High Commissioner if any refugees have been transferred at any time.

All this is absolutely false, and is solely intended to facilitate a massacre. That is what it is all about, nothing more, and I would ask the authors of these absolutely shameful amendments to withdraw them, as they are an insult to this Parliament.

Antonio Tajani, *Vice-President of the Commission.* – *(IT)* Mr President, I ask to be able to speak, but to do so in conditions where this is possible. With all the MEPs walking around it is, truly, very difficult; I have a lot of respect for Parliament, but it seems to me truly impossible to be able to speak under these circumstances.

President. – You are right.

Ladies and gentlemen, we will not close the debate until everyone is seated in silence.

Would those Members who are talking in the aisles please note that we are not going to close the debate until they stop talking and we can listen to the Vice-President of the Commission with proper respect.

Antonio Tajani, *Vice-President of the Commission.* – *(IT)* Mr President, I would like to thank you, because I believe it is right to participate in debates by listening to what is said and by speaking in an appropriate manner.

(FR) I am now going to speak in French. Mr President, ladies and gentlemen, the Commission regularly monitors the development of the situation in Iraq, particularly in relation to Camp Ashraf.

As we all know, in January 2009 the Iraqi Government took back control of that area. With regard to the humanitarian situation in the camp, the Commission has been informed by the International Committee of the Red Cross and other international organisations that have been monitoring the development of the situation that no significant deterioration in living conditions or any breaches of international conventions have been reported.

The Commission entirely agrees with the view that the closure of the camp should be within a legal framework, and that the lives and physical or moral well-being of its residents should not be threatened. International humanitarian standards should be applied, not least the principle of non-return.

On several occasions the Iraqi Government has said that it is prepared to treat the residents of the camp decently and that it did not have any intention of illegally deporting the members of this organisation or forcing them to leave Iraq.

With this in mind, the Commission nevertheless stresses the need, as always, to respect the rule of law, and is counting on the Iraqi Government to act accordingly.

When they met with the Commission in March 2009, the Iraqi authorities reiterated their commitment to respecting international humanitarian standards and not using force, and in particular to not conducting forced returns to Iraq.

The Iraqi Human Rights Minister is currently holding individual meetings with the residents in order to establish their rights and determine whether they wish to return to Iraq or leave for a third country.

Over recent weeks, some members have chosen to leave the camp and have been able to do so without encountering any difficulties. The Commission supports these efforts. If the residents of the camp wish to leave, the Iraqi Government must authorise them to settle in another country and facilitate the process.

The Commission, in cooperation with the representatives of the Member States on the ground, will continue to monitor the progress of the situation.

(Applause)

President. – The debate is closed.

The vote will take place next.

IN THE CHAIR: MRS ROURE
Vice-President

6. Approval of the minutes of the previous sitting

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Gary Titley (PSE). - Madam President, I rise once again on Rule 28(2), which says that any Member may ask the President of Parliament a question and receive an answer within 30 days. I asked the President a question on 19 March. Today is 24 April. I have had no answer.

I raised it yesterday and I was promised the matter would be dealt with. It has still not been dealt with. I find it very difficult to understand that the President of this Parliament shows such contempt for Parliament's rules and for its own Members that he is prepared to completely ignore them. I think it is absolutely despicable the way the President is behaving.

President. – Mr Titley, I will of course pass on your request.

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(The Minutes of the previous sitting were approved)

7. Voting time

President. – The next item is voting time.

(For details of the outcome of the vote: see Minutes)

7.1. Women's rights in Afghanistan

7.2. Support for the Special Court for Sierra Leone

7.3. Humanitarian situation of Camp Ashraf residents

- Before the vote

Charles Tannock (PPE-DE). - Madam President, it would appear that there has been some error in the text published on the internet by Parliament's services. It is incorrectly worded and inconsistent with the text which was actually tabled in the joint resolution by my group and others. I do not know whether you have been informed of this and whether you can take it into account, but the text in paragraph 2 should read 'Respecting the individual wishes of anyone living in Camp Ashraf as regards to their future;'. That is not what is actually published and that is what should be in the text.

President. – Mr Tannock, I have been informed and all of the linguistic corrections will be made.

- After the vote

Hans-Peter Martin (NI). – *(DE)* Madam President, I would like to draw your attention to the fact that behind me, among the far-right radicals, there are people who are not Members, and as far as I can see, they are also using the voting cards.

(Uproar)

President. – Mr Martin, all of that will be verified.

7.4. UN Convention on the Rights of Persons with Disabilities (A6-0229/2009, Rumiana Jeleva)

- After the vote

Gay Mitchell (PPE-DE). - Madam President, a vote was defeated because there was an equal number of votes just a couple of moments ago. A Member has made a very serious allegation about voting in the Chamber. I would ask you to halt proceedings until we find out whether there are Members voting who should not be voting, or whether this allegation is false. It is a very serious allegation.

(Applause)

President. – I have just said that it will be verified. That means that it will be verified immediately. We are dealing with it.

Bruno Gollnisch (NI). – *(FR)* Madam President, I will be very brief on this point. As one of our fellow Members has made an accusation, I will ask him to clarify his accusation. As you said, the verification needs to take place immediately, and if, as I believe, it turns out after verification that the accusation is false, I ask that all the conclusions be drawn from this.

President. – I said that the verification would be done. It is going to be done immediately, so I will keep you informed in the next few minutes.

7.5. Optional Protocol to the UN Convention on the Rights of Persons with Disabilities (A6-0230/2009, Rumiana Jeleva)

7.6. Problem of profiling, notably on the basis of ethnicity and race, in counter-terrorism, law enforcement, immigration, customs and border control (A6-0222/2009, Sarah Ludford)

7.7. Protection of the Communities' financial interests - Fight against fraud - Annual report 2007 (A6-0180/2009, Antonio De Blasio)

- Before the vote

Antonio De Blasio, *rapporteur.* – *(HU)* I will not need to take up two minutes. Ladies and gentlemen, I would like to draw your attention to two very important facts regarding the report. These reports have been compiled for years, but the Council has not even once yet included these reports on its agenda. I think that it would be very important for the Council to make Member States aware of the content of this report. This would help, to a large extent, to also make the Council's and other institutions' discharge procedure work successfully. This is why I am suggesting that the postponement of the Council's autumn discharge procedure should only be accepted, provided that the Council also puts this report on its agenda. This would be extremely important to ensure that the Council also accepts those regulations which are pending and would guarantee transparency in the spending of European funds. I would like to express my sincere thanks to those who helped draft this report, including the shadow rapporteur and those who submitted the proposed amendments. We adopted this report by consensus in the Committee.

7.8. Parliamentary immunity in Poland (A6-0205/2009, Diana Wallis)

7.9. Governance within the CFP (A6-0187/2009, Elspeth Attwooll)

7.10. Statistics on plant protection products (A6-0256/2009, Bart Staes)

7.11. Ecodesign requirements for energy-related products (A6-0096/2009, Magor Imre Csibi)

7.12. Harmonised conditions for the marketing of construction products (A6-0068/2009, Catherine Neris)

President. – I can tell you that, after verification, there has been no abuse of voting rights.

In order to avoid any further discussion, I will inform the President, and President Pöttering will tell you what the repercussions will be.

7.13. Cross-border payments in the Community (A6-0053/2009, Margarita Starkevičiūtė)

7.14. The business of electronic money institutions (A6-0056/2009, John Purvis)

7.15. Animal by-products (A6-0087/2009, Horst Schnellhardt)

- Before the vote

Horst Schnellhardt, *rapporteur.* – *(DE)* Madam President, I would just like to make two brief comments. The translation may give rise to confusion in the different languages. I would therefore like to state for the record that the amendment made to Article 2(2)(a) with the wording 'except wild game' must always be considered in conjunction with point aa. This will remove the confusion.

President. – I can assure you that all of the linguistic versions will be checked in this respect, Mr Schnellhardt.

7.16. Facility providing mid-term financial assistance for Member States' balances of payments (A6-0268/2009, Pervenche Berès)

7.17. Taxation of savings income in the form of interest payments (A6-0244/2009, Benoît Hamon)

7.18. Common system of VAT as regards tax evasion linked to import and other cross-border transactions (A6-0189/2009, Cornelis Visser)

- Before the vote:

Bart Staes (Verts/ALE). - *(NL)* I should like to revisit the vote on my report, which was at second reading. All the groups in Parliament had a political agreement with the Council to adopt a number of amendments so that this regulation could become a proper regulation.

Due to the absence of many MEPs – more than 400 are absent – we have been unable to adopt the package of amendments, which requires a qualified majority of 393 votes at second reading. We only managed 387 of the 395 votes cast. Due to the absence of many fellow MEPs, we have had to break our agreement with the Council.

I should therefore like to ask the Bureau and Parliament's administration to look into how we can salvage the situation at this point before Parliament goes into recess after 7 May, so that we can discuss and restore this situation during the next part-session.

President. – I must say, Mr Staes, that we had already considered this issue, and that we are indeed going to look at this because it is a real issue and a real problem.

7.19. Facility providing mid-term financial assistance for Member States' balances of payments

- Before the vote

Pervenche Berès (PSE). – *(FR)* Madam President, I would like to speak at this point, because we in the Committee on Economic and Monetary Affairs had a significant debate on the issues surrounding the loan, and the Group of the European People's Party (Christian Democrats) and European Democrats had tabled an amendment considering that there was no legal basis for a European loan.

We had agreed on an amendment that we drew up following an agreement with Mr Langen, who was the principal negotiator for the PPE Group, although not the shadow rapporteur for this matter, to add that there is no specific basis for the Community loan. It was under these circumstances that we tabled Amendment 2, so I am quite surprised that well-informed experts have told me that on the PPE list there was a minus against this amendment, and I would like to give Mr Langen the opportunity to correct the PPE list.

Werner Langen (PPE-DE). – *(DE)* Madam President, there is no reason for me to explain how my group's voting list is put together. We have discussed it and, after re-examining it, we are able to give our full support to this motion.

7.20. Nanomaterials (A6-0255/2009, Carl Schlyter)

- Before the vote

Carl Schlyter, *rapporteur.* – *(SV)* Madam President, I would simply like to say that the Commission tabled a proposal in this new, important political area which meant that we thought implementing measures in the current legislation would be sufficient. Parliament is now very clearly requesting that the Commission carry out an overhaul of all of the relevant legislation so that we can protect consumers, workers and the environment from the negative effects of nanoproducts and so that they can have a market that is safe and that is able to develop. I would like to remind you that the Commission has two years to comply with Parliament's request and that, thanks to a compromise, it will be very clear in today's vote that Parliament almost unanimously supports this.

It is now time for the Commission to make an immediate start on its work on an overhaul so that nanotechnology can be regulated in a way that protects citizens.

7.21. Annual debate on the progress made in 2008 in the Area of Freedom, Security and Justice (AFSJ) (Articles 2 and 39 of the EU Treaty)

7.22. Conclusions of the G20 Summit

7.23. Consolidating stability and prosperity in the Western Balkans (A6-0212/2009, Anna Ibrisagic)

7.24. Situation in Bosnia and Herzegovina

- After the vote on Amendment 3

Doris Pack (PPE-DE). – *(DE)* Madam President, I would like to ask whether you realise that, in Article 6, the word 'central' before the word state needs to be deleted to make the wording consistent with the other texts.

President. – Yes, yes, we are definitely going to check all of the language versions, Mrs Pack.

7.25. Non-proliferation and the future of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (A6-0234/2009, Angelika Beer)

7.26. Rights of persons with disabilities

7.27. 25th annual report from the Commission on monitoring the application of Community law (2007) (A6-0245/2009, Monica Frassoni)

8. Explanations of vote

President. - Let us now proceed to the explanations of votes.

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Bogusław Rogalski (UEN). – *(PL)* Madam President, I would like today to comment on the serious accusation which was made in this Chamber against Members of the European Parliament, and on the slander of the European Parliament uttered by Mr Martin when he said that some MEPs do not vote themselves, but send proxies, who vote using the MEPs' voting cards. This is unacceptable behaviour, because the proceedings of the European Parliament are transmitted live. The citizens of Europe are sitting in the balcony and they heard today, in an election year, something extraordinary. It is slanderous, and I would ask that at its next meeting the Bureau instruct Mr Martin to withdraw his words and to apologise to all the MEPs who sit in this Chamber.

President. – Mr Rogalski, you saw that I asked for it to be checked immediately whether it was true or false.

It is therefore on the record. It was false. It is therefore recorded in the Official Journal. I now ask for the President of Parliament to take the necessary action, and we will discuss it in the Bureau.

Gay Mitchell (PPE-DE). - Madam President, you did indeed deal with it very speedily, but I do think that it is not acceptable that a Member should rise in his place and make such a serious allegation against other Members of the House. I hold no support for the gentlemen of the extreme right, but the President of Parliament must uphold and protect the rights of Members. We are being accused of all sorts of outrageous things, and we are entitled to proper conduct and ethical behaviour by our colleagues here in this House, and indeed outside the House.

President. – If you please, I have recorded everything that you have said. You have seen that we have tried to deal with these matters quickly, because they are important. I am entirely in agreement with you, and we will see what action is to be taken.

Christopher Beazley (PPE-DE). - Madam President, following that exchange and your very helpful reply, I was unable to catch your colleague's eye yesterday to report that the same Member – I decline to use the world 'honourable' – had published an article in the Austrian press naming a member of Parliament's staff. This seems to me, whether the allegations are true or false, to be yet another example of wholly improper behaviour. It may well be that the character involved would not have his credentials verified if the Austrian electorate are foolish enough to support him.

President. – I have recorded what you have said, Mr Beazley. We are all in agreement that we need to be sensible here, but you are right, Mr Beazley, that in general this sort of thing always backfires on the person responsible.

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Oral explanations of vote

- Report: Rumiana Jeleva (A6-0229/2009)

Christopher Heaton-Harris (PPE-DE). - Madam President, this report was about the rights of people with disabilities, and I wanted to put on record and acknowledge the work done by Richard Howitt, a Labour Member of this House, in his fight for people with disabilities.

I have always been a great fan of opening sporting opportunities for people with disabilities. We have all heard of the Para-Olympic movement, but this year, for the first time, the European Parliament and the Commission are recognising the magnificent work done by the Special Olympics movement for people with

intellectual disabilities, run by Mr Tim Shriver. This has programmes across the globe, and one of them is now going to be part-funded by the European Union budget.

I have been privileged to go both Summer World Games in Shanghai and this year's Winter Games in Boise, Idaho, and it is difficult to describe the range of emotions you feel when watching the athletes compete and participate. I just wanted to put on record my complete support for this resolution.

- Report: Magor Imre Csibi (A6-0096/2009)

Syed Kamall (PPE-DE). - Madam President, I think once again this is one of those reports that many people can welcome. In the battle for better energy conservation and more efficient energy use, I think we all want to see more energy-efficient products. But once again I have to draw attention to the fact that we should be leading by example in this House.

When we talk about energy efficiency, we should make sure that we put our own House in order. The European Parliament has three buildings – two Parliament buildings and one administrative building – one in Brussels, one in Strasbourg and one in Luxembourg. That clearly shows that we ourselves are not walking the walk when it comes to energy efficiency.

It is time to lead by example. It is time to put the battle for energy efficiency at the forefront. We need to close down the Strasbourg Parliament, close down the Luxembourg administrative buildings and stay in Brussels.

- Report: Margarita Starkevičiūtė (A6-0053/2009)

Michl Ebner (PPE-DE). – *(DE)* Madam President, I wanted to speak because these cross border payments are very advantageous and indicate that, through a positive solution and the elimination of further barriers, the European Union is consciously relating to citizens and is establishing regulations that will make things easier for them in their day to day lives. I am firmly convinced about this report and am therefore positive that we have taken a significant step forwards here in facilitating activities within the European Union. I hope that this will set a precedent for other areas.

- Report: Benoît Hamon (A6-0244/2009)

Syed Kamall (PPE-DE). - Madam President, I hope that when I give my explanation of vote I do not provoke the same sort of petty responses that one can expect from the other side of the House.

I think we all agree that we need to tackle tax evasion, but at the same time we need to understand that, in the case of those entrepreneurs who work hard, who create jobs and wealth for others and then are taxed heavily for doing so, it is quite understandable when they legally want to transfer their money to lower-tax regimes.

I think we all agree that we need to fight fraud, but let us not crack down on legal transfers of money. We may think that the result of such actions will lead to the removal of low-tax regimes and that we will all have to pay higher taxes, and I know that is something that, particularly on the other side of the House, people welcome. But we also have to understand the unintended consequences of our actions sometimes, and if we seek to crack down too much on lower-tax regimes and lower-tax areas, rather than just driving money from one country to another, we will drive much-needed capital, much-needed innovation and much-needed entrepreneurship out of Europe altogether.

Astrid Lulling (PPE-DE). – *(FR)* Madam President, I did of course vote against the Hamon report, which is even worse than the Commission's proposal on the taxation of savings, because, against all logic, a majority of Parliament – although it far from represents the majority of the Members of this House – voted to abolish the system of taxation at source, which works, in order to retain only the system of exchange of information, which is costly, bureaucratic and inefficient. This is incomprehensible!

I am happy to admit that the majority of the Members here did not have a good knowledge of the issue, otherwise they would not have been able to vote to abolish a system that is efficient, cheap, and that ensures that everyone pays tax on capital income, instead advocating exchange of information.

Mr Hamon told me that he is not interested as to whether everyone pays their taxes. Last night he told me: 'I want to know that French people…

(The President cut off the speaker)

Gay Mitchell (PPE-DE). - Madam President, this is on the same issue in relation to the free vote. I do not have an objection in principle to the withholding tax system, but I do think we have to put down a marker that tax evasion is not acceptable.

I agree with the comments that have been made about tax competition being a good thing. I think it is a good thing. I think anybody who looked at this independently would say it is a good thing. People often say, well, isn't it easy for you – you have 12.5% corporation tax in Ireland, and I say, well why don't you have a 12.5% corporation tax in your country, if that is the problem? But there is an issue here, and we need to put down the marker about tax evasion. That is a criminal offence, and we really have to ensure that we do not become too close to those who practise these types of evasions.

We have seen in the past where bad regulation and bad practice have brought the financial world. So in principle I am not opposed to the withholding tax, but I do want to put down the marker that we do need to do something more emphatic about the whole question of tax evasion.

- Report: Catherine Neris (A6-0068/2009)

Zita Pleštinská, *on behalf of the PPE-DE Group.* – *(SK)* My political group, the Group of the European People's Party (Christian Democrats) and European Democrats, welcomes the result of today's vote on the Catherine Neris report on harmonised conditions for the marketing of construction products.

First-reading approval with the Council was not possible because some of the Member States did not agree to a compulsory statement of conformity. Today's vote establishes the European Parliament's position on some politically sensitive issues, particularly the CE mark, which should convince the Council to reach a common position followed by approval from the European Parliament and the Commission at second reading.

My political group, the PPE-DE, in an agreement with the Socialist Party in the European Parliament, the Group of the Alliance of Liberals and Democrats for Europe and the Group of the Greens/European Free Alliance, has only supported technical improvements to the text and through our additional amendment proposals we have brought the text passed by the Committee on Internal Market and Consumer Protection closer to the working text of the Council. The PPE-DE did not support Amendments 17 and 54 which were passed in committee, because it agreed with the Commission proposal – we are opposed to the introduction of intra-state markings, because they represent a barrier to the internal market and we agree that Member States should eliminate all national references demonstrating conformity other than the CE mark.

I am delighted that this position received clear backing from Commissioner Verheugen in yesterday's debate. I wish the legislation success.

- Motion for a resolution - B6-0192/2009

Philip Claeys (NI). - *(NL)* This resolution certainly contains a few positive elements, such as a call to strengthen Frontex's mandate and to take initiatives for a European internal security policy, which should complement national security plans. In the end, I decided to vote against it, though, because I find it totally unacceptable that this Parliament, which, after all, is supposed to represent Europe's citizens, should tenaciously cling to the Lisbon Treaty. The appeal to submit proposals at the earliest opportunity to make the import of foreign workers easier likewise failed to meet with my approval and, in my view, warranted a 'no' vote.

- Report: Angelika Beer (A6-0234/2009)

Christopher Heaton-Harris (PPE-DE). - Madam President, like others in this House, I welcome the new drive to revive the Nuclear Non-Proliferation Treaty, including the Security Council resolution to close loopholes in the existing legal framework.

However, I reject the direct implication within this report that the European Union should replace the key Member States as the major actor in this particular process. I think it beggars belief for this place to try and believe that it should extend its tentacles into this area, especially considering the fact that only two Member States are nuclear weapon states, with an additional four participating in NATO nuclear weapon sharing.

This report is more interested in grabbing the chance of replacing Member States around the top table of international governance than paying sufficient attention to the danger of proliferation by terrorists and rogue states.

Syed Kamall (PPE-DE). - Madam President, I think when we start from first principles, we can all agree that nuclear weapons are bad. I think we all agree that war is a bad thing – that is motherhood and apple pie. As the great philosopher Edwin Starr once said: 'War, huh, what is it good for? Absolutely nothing'.

But when we look at this, we have to ask the question: should the EU really replace the two nuclear Member States in the whole process of non-proliferation, given the lack of expertise that exists outside those Member States? Is it not premature to suggest that the UK should dismantle fissile material production when there is so much of this material that can get into the hands of terrorists and other rogue Member States?

This is nothing but a power grab and will actually do much less in the battle against nuclear proliferation, and we should forget about power grabbing and actually tackle the problem itself.

- Report: Monica Frassoni (A6-0245/2009)

Christopher Heaton-Harris (PPE-DE). - Madam President, a couple of weeks ago I was having one of my favourite meals, a curry, in the village of Long Buckby near to where I live, and I was hosting a group of people who are new to politics in a political discussion. Like everybody – and you all know this – as a Member of the European Parliament they immediately think a number of things. Firstly, that you are on the gravy train and you do not really care about ordinary people, and secondly that Europe is not working: there are too many regulations. Maybe in some cases they are right – there should be a cost-benefit analysis of what the regulations are – and they are badly implemented, in fact not uniformly implemented across the continent.

This report talks about the monitoring of Community law, and that is a good thing. If you look at the Eurobarometer web site, you will see the number of infringement cases that the Commission takes out against individual Member States. But this lack of implementation and equal implementation is one of the biggest problems that people in this Chamber who are not like me – who are Europhile rather than Euro-sceptic – have to face in the future.

Syed Kamall (PPE-DE). - Madam President, I think, once again, there is room for consensus when we look at this issue, whether one is sceptical about future European integration or one wants to see their own country subsumed into a supernational state. I think we all agree, at the moment, that we are all members of the European Union and we should abide by Community law, because we have been through the due process, the debates and legal processes.

Therefore, we need better monitoring – I think we all agree – of the application of Community law. So when I have constituents in London and cheesemongers complaining to me about the fact that they have had to invest lots of money to make sure, for example, that the facilities they use to sell cheese meet EU standards that have been gold plated by British civil servants, and then they travel across to other Member States and see cheese being sold openly in street markets and melting and they wonder about the application of Community laws in other countries, it is time for us to show that we are strict about application of Community law right across the EU.

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Richard Corbett (PSE). - Madam President, I just wondered if it was actually in order for Mr Kamall to urge the European Parliament to ignore the Treaties and ignore its legal obligations and, indeed, to increase the powers of the European Parliament in addressing the issue of the buildings in three different locations. He knows perfectly well that, unfortunately, it is the governments of the Member States who decide on the seats of the institutions and, unfortunately, under the chairmanship of the former leader of his party, John Major, at the Edinburgh Summit in 1992, they imposed a legal obligation on the European Parliament to have 12 part-sessions a year in Strasbourg.

That is unfortunate, but surely the answer is not to break the law. Surely the answer is to ask the governments to revise that unfortunate decision that was taken under the leadership of the former leader of his party.

Written explanations of vote

Women's rights in Afghanistan (RC-B6-0197/2009)

Edite Estrela (PSE), *in writing*. – *(PT)* I voted for the European Parliament resolution on women's rights in Afghanistan, because I believe that the new draft law on the personal status of Shiite women is unacceptable. This legislation, which was recently approved by both chambers of the Afghan Parliament, places severe restrictions on women's freedom of movement, legitimises 'marital rape' and promotes discrimination against women in the areas of marriage, divorce, inheritance and access to education. This is not consistent with international standards of human rights in general, nor with women's rights.

I believe that the European Union must send a clear signal that this draft law needs to be repealed as its contents contradict the principle of gender equality, as enshrined in international conventions.

Support for the Special Court for Sierra Leone (RC-B6-0242/2009)

Edite Estrela (PSE), *in writing*. – *(PT)* I voted for the joint motion for a resolution on support for the Special Court for Sierra Leone, as it is vital to ensure that the perpetrators of violent crimes under international humanitarian law, notably war crimes and crimes against humanity, are punished and serve out their punishments.

Established in 2000 by the United Nations and the Government of Sierra Leone, this was the first international court to be funded by voluntary contributions, the first to be established in a country where the alleged crimes took place, and the first to indict a sitting African head of state for war crimes and crimes against humanity.

Humanitarian situation of Camp Ashraf residents (RC-B6-0248/2009)

Luís Queiró (PPE-DE), *in writing*. – *(PT)* The residents of Camp Ashraf are one of the visible faces of the Iranian regime's oppression and of the resistance to this violence.

The link that people have repeatedly attempted to make between members of the Iranian resistance and terrorism is unjustified, as newspapers, politicians and courts have been able to prove. On the contrary, the situation in Camp Ashraf is in the public domain and numerous people, including members of parliament and journalists, have visited the camp and drawn their own conclusions. The residents of Camp Ashraf are protected persons under the Geneva Convention. For these reasons, the signal sent by the European Parliament is vitally important: the Camp Ashraf residents have a right to be protected and not to be handed over, under any circumstances, to the Iranian regime. This is a question of the most basic respect for human rights. We therefore hope that this resolution will bear fruit.

Finally, I have one point to make about the Iranian regime. It is vital that the errors made at the start of and during the intervention by the United States' allies in Iraq are not now compounded by errors made on their exit. If, at the end of this process, the Iranian fundamentalist regime has reinforced its influence in the region, in particular by controlling the internal affairs of Iraq, then that region will be further away from peace and the world will be facing a greater threat.

Toomas Savi (ALDE), *in writing*. – Mr President, I encouraged all my Liberal colleagues to vote against the amendments of the Greens/EFA and the PES, as the draft resolution was well balanced already and those amendments did not accord to the spirit and essence of the resolution.

Criticizing and accusing the PMOI, one of the most prominent opposition movements of the Iranian people with no substantial evidence looks awfully like an attempt to appease the authoritarian regime of the Islamic Republic of Iran. I cannot imagine how anyone could feel comfortable doing a favour to this oppressive regime by supporting the amendments that provide an opportunity for Iran to attack and weaken the opposition movement that has been advocating for human rights and democracy in Iran.

I would like to thank all my colleagues who supported the original draft resolution that by no means threatened the lives and integrity of the people in Camp Ashraf. We must engage them to bring about a regime transition in Iran that would ensure peace and security in region that has been one of the must unpredictable and instable for more than decades.

- Report: Rumiana Jeleva (A6-0229/2009)

Alessandro Battilocchio (PSE), *in writing*. – *(IT)* Madam President, I voted in favour of the report.

Over recent decades the tendency to approach the issue of persons with disabilities from a right-based perspective has matured and has been widely accepted internationally.

Respect for the rights of disabled persons has always been one of the key aspects of European social policy and in this sense the United Nations convention on human rights constitutes a step in this direction.

The principles of the convention are respect for dignity, autonomy, freedom of choice, independence, non-discrimination, social inclusion, respect for difference, equal opportunities, accessibility and equality between men and women.

Of special importance, with a view to promoting social inclusion, are Articles 24, 27 and 28 on subjects connected with education, employment and social protection. I therefore hope that the convention is adopted by as many votes as possible and that all the Member States will ratify it as soon as possible.

Edite Estrela (PSE), *in writing*. – *(PT)* I voted for Mrs Jeleva's report on the United Nations Convention on the Rights of Persons with Disabilities, responsibility for which will, for the first time, be shared by the Community and its Member States, as it defends respect for dignity and individual autonomy and promotes non-discrimination, inclusion in society and acceptance of persons with disabilities as part of human diversity.

Mieczysław Edmund Janowski (UEN), *in writing*. – *(PL)* I voted in favour of adoption of the Jeleva report on the United Nations Convention on the Rights of Persons with Disabilities. These matters are especially important to me, and I have demonstrated this many times, for example at meetings of what is known as the Rehabilitation Parliament of the Voivodeship of Sub-Carpathia – there have been 18 of them.

I constantly emphasise that people with disabilities must be treated just as people without disabilities are treated. This means not only with noble declarations and legal regulations, but above all in the practical matters of everyday life. The principles of the Convention are as follows: respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and respect for the independence of persons, non-discrimination, full and effective participation and inclusion in society, respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, equality of opportunity, accessibility, equality between men and women, respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

In this context I think that the provisions of the United Nations Convention on the Rights of Persons with Disabilities are very positive. In the EU they apply to about 50 million people, and in the whole world the number is estimated to be 650 million.

Athanasios Pafilis (GUE/NGL), *in writing*. – *(EL)* The Greek Communist Party did not vote for the report on the conclusion, by the EU, of the UN Convention and Protocol on the Rights of Persons with Disabilities, because it considers that the EU is not entitled to sign and ratify such agreements with the UN on behalf of the 27 Member States. The signature on the part of the EU infringes every concept of independence and sovereignty of the Member States of the EU, which are members of the UN and have the right and obligation to sign. In this particular case, the Greek Communist Party supports the Convention and Protocol on the Rights of Persons with Disabilities and the obligation of the Member States to apply it, despite the fact that this matter relates to the overall policy of the capitalist countries which apply an inhumane policy towards people who need special care.

- Report: Sarah Ludford (A6-0222/2009)

Richard James Ashworth (PPE-DE), *in writing*. – British Conservatives share to some extent the concerns in this report that there are serious civil liberties issues about some abuses in the practice of carrying out profiling in a small minority of cases, and welcomes the fact that the European Parliament is seeking to draw this to the attention of Member State governments. We believe, however, that our law enforcement authorities need to be able to use adequate tools for them to carry out their tasks effectively, of which profiling, particularly intelligence-led profiling, is one.

We could not, however, support this particular text, as the tone of the recitals in particular is unbalanced and overly alarmist. The rapporteur calls for the principle of proportionality to be observed, which makes it a source of particular regret that this principle was not respected in drawing up this report.

Alessandro Battilocchio (PSE), *in writing*. – *(IT)* Madam President, I voted in favour of the report.

One of the obligations to be met by any state in which the rule of law holds sway is to ensure that that prevention activities carried out for the safety of civilians are conducted not on the basis of a person's ethnic identity, but on the basis of that person's conduct.

Ethically speaking, no individual can or should be placed in detention of any kind unless there are acts that provide a basis for charging him or that provide evidence of his guilt. In order to contain the problem of immigration and terrorism, we have now reached the stage of developing 'profiles': this method has been created by police organisations and is able to identify, in advance, associations of people considered to be potential advocates of terrorist and criminal activities. One of the most effective methods of profiling goes by the name of 'data mining', and consists of seeking out persons, using computerised databases, through indicators that have been drawn up in advance and which are based on race, ethnicity, religion and nationality.

We must act to regulate profiling through legal parameters with the facility to guarantee the rights of any person, regardless of his or her race or religion.

Carlos Coelho (PPE-DE), *in writing*. – *(PT)* Profiling is already now used in numerous areas ranging from keeping the peace to administrative and customs control of borders, and also the fight against terrorism.

There is increasing interest in the use of this investigation technique, based on gathering information about individuals from various sources, which may include more sensitive data such as ethnic origin, race, nationality or religion.

However, the use of these techniques has developed considerably without there having previously been any opportunity to debate them and arrive at a conclusion as to how and when they might be used, and when their use might be regarded as necessary, legitimate and proportionate.

It is also clear that the necessary safeguards must be established to protect the fundamental rights and freedoms of individuals.

This situation is even more worrying if we take into account that there must be cross-referencing between the various databases, such as SIS II (Schengen Information System), VIS (Visa Information System) and Eurodac.

I therefore congratulate the rapporteur, Mrs Ludford, on her initiative and on the opportunity that this has given us to start this debate, based on this report which I feel is fairly balanced and respects the commitments negotiated between us.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing*. – *(SV)* The June List supports the wording that expresses the need to address profiling carried out by automated data 'mining' in a political debate, as it deviates from the general rule that decisions relating to combating crime should be based on a person's behaviour. We are strongly opposed to ethnic profiling, which entails the arbitrary use of information by the authorities on grounds of race, skin colour, language, religion, nationality and ethnic origin, among other things, and we see an obvious risk that innocent people may be subjected to arbitrary detention.

However, we do not believe that this problem is best solved at EU level. It should be solved at the international level by means of international agreements and conventions, such as via the United Nations, perhaps.

We support many of the wordings in this report, but, for the reasons stated above, we have chosen to vote against the report as a whole.

Athanasios Pafilis (GUE/NGL), *in writing*. – *(EL)* The report deals with the method used by repressive mechanisms and secret services in the EU, based on the standards of similar mechanisms in the USA, to standardise and classify persons as suspects of 'terrorist' and criminal activity on the basis of their ethnicity or race, their behaviour, their political, social, religious and ideological persuasions and their social action. Of course, this method is not new. The repressive mechanisms of the bourgeoisie have a rich history of criminal activity against communists and social fighters for whom this classification was used in order to label them as being dangerous to 'public order and security'. Today, on the pretext of 'terrorism', they are hauled in again from the darkest ages in the history of the bourgeoisie in Europe.

Although the report takes a critical stand towards these methods, it refuses to condemn them categorically and to demand an immediate ban on them. On the contrary, it considers them legitimate methods of police investigation, provided that they are subject to strict terms and limitations. There are no guarantees and limitations on such fascist-inclined methods, nor can there be any.

That is why the Greek Communist Party voted against the report. It calls on the workers to raise their heads high and, with disobedience, to break and overturn the EU of repression, prosecutions, terrorism and violations of democratic rights and freedoms.

- Report: Antonio De Blasio (A6-0180/2009)

Richard James Ashworth (PPE-DE), *in writing*. – British Conservatives support initiatives to ensure success in the fight against fraud in the context of the EU budget. In this respect, there are a number of sensible proposals contained in this report, including the strengthening of the independence of OLAF.

We wish to make clear, however, our opposition to the creation of a European Public Prosecutor, and therefore the proposal contained in paragraph 57 of the report.

- Recommendation for second reading Bart Staes (A6-0256/2009)

Richard Corbett (PSE), *in writing*. – I visited the horticulturalist producer Johnson of Wixley in my constituency last week, where they expressed concerns about some elements of the recent pesticides package, particularly the strict cut-off criteria on certain pesticides where there are, as yet, no substitutes.

However, I was pleased that, in this case, the proposal seems to be less controversial. With consensus seemingly breaking out between Parliament and Council, I was pleased to be able to support the Council's text and the agreed amendments, even if the latter were, in the end, not adopted.

Regular collection and dissemination of data on the use of pesticides should help increase awareness and control of pesticide use, and play a small but significant role in ensuring that pesticides are safe both to human health and the environment, whilst avoiding the concerns expressed about the previous package.

Edite Estrela (PSE), *in writing*. – *(PT)* I voted for the amendments to the recommendation for second reading in the report on statistics on plant protection products. I believe that this report will supplement other existing initiatives on pesticides, agreed at the end of last year.

This report makes several important amendments, such as, for example, changing the words 'plant protection products' to 'pesticides', extending the scope to include biocidal products, and including pesticides for commercial non-agricultural uses. With this regulation, the European Union will ensure much safer use of pesticides.

Christa Klaß (PPE-DE), *in writing*. – (*DE*) The Regulation concerning statistics on plant protection products is part of the review of European plant protection products policy, of which the Approval Regulation and the Directive on the sustainable use of pesticides, which were successfully adopted at the beginning of the year, also form part.

The objective is to reduce the negative effects of plant protection products as much as possible by reducing the risks. In order to measure this we need indicators and in order to develop these indicators we need reliable data, determined by statistics, which ensure comparability between Member States. That is why I voted in favour of the report. However, we must not forget that only those who market the products in accordance with the regulations will provide data. Up-to-date reports on the Europe-wide illegal trade in pesticides indicate that this needs to be brought more firmly into our sights. The same applies to the importing of products from third countries. We need to step up our controls in this regard.

Our stringent European approval procedure guarantees the comprehensive protection of people and the environment. Anyone who sells or uses plant protection products without approval and anyone who does not adequately check residue limits not only creates avoidable risks, but also brings the manufacturer of the product and the agricultural industry into disrepute. Existing law provides a sufficient level of protection in this regard. However, it must be complied with and monitored.

- Report: Magor Imre Csibi (A6-0096/2009)

Edite Estrela (PSE), *in writing*. – *(PT)* I voted for the proposal on ecodesign of energy related products as current patterns of consumption have very significant environmental impacts, principally through the emission of greenhouse gases and pollution.

I believe it is important to change consumption and production habits, without this leading to significant additional costs for both companies and households.

- Report: Catherine Neris (A6-0068/2009)

Edite Estrela (PSE), *in writing*. – *(PT)* I voted for the report on harmonised conditions for the marketing of construction products to promote the movement and use of this type of product. The use of a common technical language to indicate the performance of construction products clarifies and simplifies the conditions of access to CE marking, ensuring greater safety for users.

Zuzana Roithová (PPE-DE), *in writing*. – *(CS)* I am very pleased that today's plenary session has eliminated some serious shortcomings from the proposed regulation on harmonised conditions for the marketing of construction products, which were inserted into this technical standard by the socialist rapporteur. The shadow rapporteur Zita Pleštinská deserves our applause. It is thanks to her professional experience and diligence in the Committee on Internal Market and Consumer Protection that the current version is of a professional standard. Through harmonisation and the CE mark for batch production there will be simplification and reduced costs particularly for small firms. The disparate requirements of the 27 Member States will no longer apply. The CE mark of conformity for batch production provides a sufficient guarantee that products conform to European standards. Harmonisation is not necessary for prototypes and one-off products. Only if construction products are imported into countries where there is an earthquake risk, for example, will they have to fulfil the requirements for those specific conditions as well. I appreciate the Czech Presidency's support for this version.

- Report: Margarita Starkevičiūtė (A6-0053/2009)

Alessandro Battilocchio (PSE), *in writing*. – *(IT)* Thank you, Madam President. I voted for the report.

The core subject-matter of Regulation (EC) No 2560/2001 is cross-border transfers and cross-border electronic payment operations. The regulation was adopted on 19 December 2001 and its aim is to ensure that the cost of a cross-border payment is the same as a payment made within a Member State.

Up until 1 January 2006, it applied only to transfers, withdrawals from automatic teller machines and to payments made with a debit or credit card up to EUR 12 500 in EU countries, whereas, from that date, the amount has been increased to EUR 50 000. This change has led to a fall in prices and greater competition on the payment services markets. Regulation (EC) No 2560/2001 also has drawbacks, however, such as the failure to define 'corresponding payments' and the failure to include a review clause, and it is necessary to take action on these points immediately.

I would like to conclude by saying that we are in favour of the proposals to update and amend Regulation (EC) No 2560/2001, since it is our duty to make cross-border payment transactions easier and more economical.

- Report: Horst Schnellhardt (A6-0087/2009)

Edite Estrela (PSE), *in writing*. – *(PT)* I voted for the Schnellhardt report on the regulation laying down health rules as regards animal by-products not intended for human consumption, as I consider that the proposals contained in this document will substantially improve the safety of these products, particularly by ensuring traceability throughout the treatment process. Food safety and consumer protection in the EU will thus be reinforced.

Véronique Mathieu (PPE-DE), *in writing*. – *(FR)* This report will enable the European Union to equip itself with a more precise legislative framework with which to increase the level of safety throughout the food production and distribution chain. The merits of this text are that it proposes a method that is based more on risks and controls, and makes the regulations on animal by-products and the legislation on hygiene more consistent, while also introducing additional rules on the traceability of animal by-products.

I can also tell you that Mr Schnellhardt's previous report on the hygiene of foodstuffs (2002) had a very positive impact by making the European game sector aware of its responsibilities. The transposition of this regulation into national law has had positive effects on the ground, including by improving the training of seven million European hunters, who, as a result of working in that environment all the time, are in a position quickly and effectively to detect health crises affecting wild fauna.

I therefore support this report, which will enable the European Union to better anticipate and react to any potential food crises linked to products of animal origin.

Rovana Plumb (PSE), *in writing.* – *(RO)* I voted for this report because in Romania as well as in other Member States we are sometimes faced with crises which affect public and animal health safety in relation to animal products, such as transmissible spongiform encephalopathy, dioxin, swine fever and foot-and-mouth disease. Such crises can also have a wider adverse impact on the socio-economic situation of farmers and the industrial sectors affected, including a decline in consumer confidence in the safety of animal products. Disease outbreaks can also have adverse consequences for the environment: disposal of the bodies and biodiversity. We needed to review the regulation on animal by-products (ABP) not intended for human consumption from a legislative perspective.

This will therefore resolve problems linked to differences in interpretation of the scope of the regulation and the problems caused by this, such as: distortion of competition and the different levels of protection against the risks to public and animal health; ABP classification based to a larger extent on risks; clarification of derogations (e.g. impact of ABPs on research, disease outbreaks, natural disasters); reduction in the administrative burden by eliminating the duplication of permits for certain types of economic units.

The review upholds the principles used to regulate in the EU the use, processing, disposal, traceability and allocation of ABPs not intended for human consumption, thereby ensuring a high level of food safety and consumer protection.

- Report: Benoît Hamon (A6-0244/2009)

Edite Estrela (PSE), *in writing.* – *(PT)* This report concerns the draft European Parliament legislative resolution on the proposal for a Council directive amending Directive 2003/48/EC on taxation of savings income in the form of interest payments.

I voted for this report on the taxation of savings income in the form of interest payments, because it reinforces the principles of transparency and fiscal justice.

Robert Goebbels (PSE), *in writing.* – *(FR)* The Hamon report advocates the general use of exchange of information, which is a bureaucratic and ultimately inefficient system. I am in favour of a withholding tax, that is, enabling each citizen to pay his tax in full to the Member State of which he is a taxpayer, by paying a reasonable tax (20 or even 25%). This tax should be applied to natural and legal persons, should be collected at source by the financial body where money (securities, bonds, and so on) is managed, and should be transferred to the taxpayer's taxation department. Ideally it should be made a Community resource.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing.* – *(SV)* It is crucial that we tackle tax fraud within the Member States of the EU. However, the Commission's proposal and the committee's report have been overloaded with wordings which, if they were to be given backing in this House, would only contribute to an over-regulation of EU cooperation.

We have voted against the report as a whole and request a thorough overhaul of the entire legislative proposal.

David Martin (PSE), *in writing.* – I support this proposal on taxation of savings income in the form of interest payments, with a view to closing existing loopholes and eliminating tax evasion. Experience has shown that the current directive can be circumvented allowing the wealthiest to evade paying taxes whilst those earning much less continue to pay their taxes, this proposal will start to bring an end to this process.

Peter Skinner (PSE), *in writing.* – This report recognises the reaction of global leaders that tax havens are a part of a global economy which should contribute positively to the wider interests. Much work has been done already on withholding taxes, and this report adds to the current interest in raising transparency of savings and transactions in such tax havens. It is particularly important to the issue of dealing with corporate and individual tax avoidance.

- Report: Cornelis Visser (A6-0189/2009)

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing.* – *(SV)* It is very important to create sound systems which prevent tax fraud. This applies, in particular, to value added tax. However, we believe that, in their current form, the Commission's proposal and the report before us raise more questions than they provide answers to. The EU has a long-term ambition to reduce the regulatory burden. The Commission's proposal seems to be heading in the opposite direction and runs the risk of increasing the administrative burden, in particular for small businesses in Europe. The proposal also contains wordings which will result in large changes to Swedish legislation.

We have chosen to vote against this report at first reading, but nevertheless look forward to the Commission's original proposal being developed further in a constructive manner.

Peter Skinner (PSE), *in writing*. – The EPLP welcomes Mr Visser's report into tax evasion linked to import and other cross-border transactions. Although VAT is sometimes complex, its effects across borders may cause specific problems which this report helps to identify and clear up.

- Facility providing mid-term financial assistance for Member States' balances of payments (B6-0256/2009)

Peter Skinner (PSE), *in writing*. – The EPLP can support this report in terms of the wider perspective of Member State economic actions during the current economic crisis. While Eurobonds may be regarded as a clever idea which can deliver funds to governments, there seems no legal base on which this can be achieved, so it looks unlikely that this option can be exercised.

- Report: Carl Schlyter (A6-0255/2009)

Edite Estrela (PSE), *in writing*. – *(PT)* I voted for the report on nanomaterials as nanotechnologies promise fantastic results, particularly in energy and the development of biomedicine. However, I feel it is important to ensure the safety of products before they are placed on the market, bearing in mind that nanotechnologies involve risks that are not yet fully understood.

Adam Gierek (PSE), *in writing*. – *(PL)* Materials made of particles which measure less than 10^{-9} m are called nanomaterials. They occur in free form or as nanoparticle emissions in a matrix of other materials, such as composites.

These are nanomaterials obtained with 'top-down' technology and the use of high-energy attrition.

Nanoparticles have a high surface area and significant surface energy, which give them the following characteristics:

– ability to catalyse chemical reactions;

– significant reactivity (potential);

– can easily penetrate living cells.

Uncontrolled release of free nanoparticles into the environment may be hazardous to health. Free nanoparticles of various materials may cause carcinogenic chemical reactions if they enter living cells, but this has not been confirmed.

Sources of nanoparticles released into the environment include:

– products manufactured by the 'top-down' method, for example nano zinc oxide particles used in UV filter creams, and bacteriocidal additives such as silver nanoparticles;

– unintended by-products in the form of nanoparticles, for example as a result of combustion, friction of tyres, and other uncontrolled processes which create nanoaerosols by Brownian motion.

Will the use of nanoparticles in sun lotions, whose purpose is to block ultraviolet radiation, cause side effects on health? This can and should be investigated.

Does the catalytic action of the nanoaerosols which are all around us have dangerous effects on health? This, too, requires urgent scientific research, which, however, is difficult to conduct, for physical and chemical reasons.

- Annual debate on the progress made in the Area of Freedom, Security and Justice (B6-0192/2009)

Koenraad Dillen (NI), *in writing*. – *(NL)* This resolution certainly contains a few positive elements, such as a call to reinforce Frontex's mandate and to take initiatives for a European internal security policy, which should complement national security plans.In the end, I decided to vote against it, though, because I find it totally unacceptable that this Parliament, which, after all, is supposed to represent Europe's citizens, should tenaciously cling to the Lisbon Treaty.The appeal to submit proposals at the earliest opportunity to make the import of foreign workers easier likewise failed to meet with my approval.

Frank Vanhecke (NI), *in writing.* – *(NL)* Although I voted against this resolution, I wanted to make clear that it certainly contains many positive elements, not least with regard to the reinforcement of Frontex and a better, complementary European internal security policy. The key problem for me, though, remains the fact that Parliament tenaciously clings to the Lisbon Treaty as if it were the great saviour. Naturally, we will not make any progress in this way. It remains a fight to the finish, and eventually, only democracy and the credibility of a democratic European project are set to suffer. Needless to say, I completely disagree with extending the application of the 'blue card' system. This is something I feared from the beginning, and this fear has become reality. As ever, the typical European salami policy, whereby decisions are taken piecemeal and the effects of subsequent decisions are kept secret in the meantime, must be rammed down our throats.

- Conclusions of the G20 Summit (RC-B6-0185/2009)

Luís Queiró (PPE-DE), *in writing.* – *(PT)* The G20 Summit and the awareness of the need for a coordinated and cooperative response to the current world economic situation are an expression of the positive side to globalisation. No longer are there solitary powers, independent economies or dispensable globalised countries. On the contrary, those countries experiencing much worse conditions than these 'victims' of the crisis, but which have not been involved in globalisation, as is the case with most of the African countries, still have their problems and remain outside the solution. That is the problem to which no solution is being given.

The other lesson of these times is that the only alternative to the market economy is a market economy that functions better. That is the road to be taken.

Finally, I must underline that the capacity to respond to the crisis very much depends on whether or not there is the capacity to reform national economies and create conditions of flexibility. At the same time as responding to the financial crisis, we need to respond to the paradigm shift in the world economy. Otherwise, we will experience a deep but cyclical crisis, without solving the structural problems in our economies.

Peter Skinner (PSE), *in writing.* – I agree with the recommendations emerging from this resolution, which comes at an urgent time to address the financial crisis.

It must first be said that we are not through the crisis yet and that the authorities cannot relax in the thought that it will pass.

Several key aspects are important to be acted on.

First, dealing with 'systemic risks': the international institutions need to be strengthened to face future threats. Inside the EU a sole authority such as the ECB must be considered for reasons of coordinating strong actions when urgently required.

Secondly, the revamping of existing legislation and introduction of new legislation which recognises the specific needs of sectors of the financial services industry, in particular Solvency II and CRD, are vital elements which contribute to the management of risk. Also, credit rating agencies are now going to be regulated.

On the fiscal measures currently being envisaged by Member States, it is important to continue with sensible, balanced approaches which also do not add up to protectionism.

We will face rising unemployment and falling demand. Social policies, too, have to reflect the concerns of European citizens and need to be of higher concern than seems apparent from the recommendations currently known.

- Report: Anna Ibrisagic (A6-0212/2009)

Alessandro Battilocchio (PSE), *in writing.* – *(IT)* The Western Balkans region has for years been the scene of the most barbarous massacres in Europe. The prospect of membership of the EU represents, as things stand, the main guarantee of stability and reform.

Some progress still needs to be made: we should remember that neighbourhood and cooperation policies underpin the region's progress towards EU membership and that in the Western Balkans region certain bilateral issues between the various states, both Community and non-Community, are still to be resolved.

The influence of the EU, however, and its ability to act as a mediator, supporting the reforms underway in the Balkans, will allow those states to fully meet the Copenhagen criteria and to join the EU as fully-fledged members.

To support ever-increasing integration, chiefly between young people, it is our duty to back the increase in funding and the number of study grants available in the EU for students and researchers from the western Balkans within the framework of the Erasmus Mundus programme. This will not only represent another educational opportunity for many youngsters, but it will allow many young people to get to know personally other people of their own age within the EU, so that they feel themselves to be full citizens of Europe, each with his own identity, but united in diversity.

Koenraad Dillen (NI), *in writing*. – *(NL)* All in all, this resolution has been drafted in balanced terms. Nevertheless, I voted against it because a 'yes' vote would imply that I support the Lisbon Treaty and the accession of all the Western Balkans countries. Both my party and the absolute majority of Europeans are opposed to the Lisbon Treaty, should they be given the opportunity to vote, and to further accessions. This Parliament may ignore the wishes and lamentations of the European citizen, but I certainly do not.

Maria Eleni Koppa (PSE), *in writing*. – *(EL)* The PASOK parliamentary group in the European Parliament voted in favour of the report on the Western Balkans because it is an important report, in that it clearly underlines the European prospects of the Balkans, which is the standard view taken by PASOK. At the same time, however, it notes that finding a solution to bilateral differences comes within the framework of good neighbourly relations and must be a precondition to the opening of and progress in accession negotiations.

Frank Vanhecke (NI), *in writing*. – *(NL)* Two key reasons prevented me from supporting this resolution. First of all, I think we need an absolute ban on enlargement, except for Croatia. We should first try to keep the 25 or 26 current EU Member States on track and make them run efficiently. Rushing to further enlargements and a Lisbon Treaty that has come about in an undemocratic manner is absolutely not the way forward. There is no doubt that the forthcoming European elections will once again reveal the voters' large-scale apathy where European issues are concerned. What do we expect, though, when voters see that their views are not taken into consideration anyway?

- Situation in Bosnia and Herzegovina (B6-0183/2009)

Koenraad Dillen (NI), *in writing*. – *(NL)* I voted against this report. After all, the paragraph which states that European integration is in the interests of the entire population of the Western Balkans and which regrets that the politicians of Bosnia-Herzegovina state it as their objective to accede to the EU out of short-sighted and nationalistic motives indicates that a vote for this resolution would have been a vote for Bosnia's accession to the EU.

Taking the view that Europe is in urgent need of bringing a halt to enlargement, I have voted against this resolution.

Erik Meijer (GUE/NGL), *in writing*. – *(NL)* Bosnia-Herzegovina is mainly inhabited by three peoples, none of whom are in the majority in that country. Some of these people feel a very strong bond with Serbia, others with Croatia and a third group would like to underline its own independent Bosnian identity. In actual fact, this is a pocket-sized Yugoslavia, a federation in which different peoples have the option of either living together peacefully or battling out internal conflict over their territory.

Since Yugoslavia fell apart in 1992, attempts have been made to make a united state out of Bosnia-Herzegovina, but to no avail. I do not expect this to be possible in the near or distant future. Agreement among three peoples and their political leaders on effective governance is only possible when nobody feels threatened any more by the others or by the outside world.

Only when the EU's High Representative and foreign military have withdrawn from this country will a compromise be possible. Until then, this period of stagnation will persist. That is why I do not agree with the proposed resolution on this country, which can only lead to the continuation of the protectorate and, consequently, stagnation.

- Report: Angelika Beer (A6-0234/2009)

Glyn Ford (PSE), *in writing*. – I supported the Beer report on non-proliferation of nuclear weapons, including Amendments 5 and 8 that called for Europe to become a nuclear weapons free zone, because I am in favour of nuclear disarmament. I welcome President Obama's initiative in this regard. Yet the US and others are still in denial, firstly about Israel's massive nuclear weapons capacity that underpins Iran's drive to become a nuclear weapons power.

Secondly, the world's major proliferation in the past decades has not been Pyongyang but Pakistan. A.Q. Khan and the leaders of Pakistan, supposedly allies of the West, have done more to make our world more dangerous than any of the 'states of concern' or the whole 'axis of evil' together.

Richard Howitt (PSE), *in writing*. – Labour MEPs stand by our commitments on disarmament and the undertakings set out in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which is the cornerstone of the global non-proliferation and disarmament regime. Labour MEPs are committed to a world in which there is no requirement for nuclear weapons.

Although we acknowledge the proposal for a Nuclear Weapons Convention, Britain is concerned that we do not risk at this time diverting attention from, or undermining, the NPT and so warmly welcome the European Parliament resolution to restate our backing as a Parliament to this Treaty. We warmly welcome President Obama's and Prime Minister Gordon Brown's recent statements calling for nuclear reductions and Labour MEPs will continue to give our strong backing to all moves to reduce nuclear stockpiles and avoid proliferation, and we will continue to hold all states accountable to their NPT obligations.

Alexandru Nazare (PPE-DE), *in writing*. – *(RO)* Our legitimate desire to see a world and continent rid of nuclear weapons must be matched with proof of a responsible and mature understanding of the realities around us. It is clear that the biggest threats come from two directions: nuclear weapons that are in the hands of undemocratic regimes which are answerable to no one and the irresponsible use of civilian nuclear resources. The Non-Proliferation Treaty is the right framework where we have addressed these concerns and which we can continue to build on.

I voted in favour of Mrs Beer's report and I would like to stress that the importance of this document is due precisely to the obvious need to increase the use of nuclear energy for civilian purposes. We are well aware of the problems that arise from a lack of energy independence. We are also just as aware of the contribution of nuclear energy as a clean form of energy to the battle against global warming. Nowadays, the only way to generate clean energy on a large scale is to use nuclear. I hope that we will have the framework for using it safely in order to meet the needs of developing economies and European citizens.

Geoffrey Van Orden (PPE-DE), *in writing*. – Conservatives have been consistent advocates of a strong non-proliferation regime and a multilateral approach toward nuclear-weapon reduction, firmly opposing any proposals aimed at unilateral nuclear disarmament. We welcome a new drive to improve the Nuclear Non-Proliferation Treaty, including a Security Council resolution to close loopholes in the existing legal framework. However, we reject the implication that the EU should replace Member States as the major actor in the process. Only two EU members are nuclear-weapon states (NWS), with an additional four participating in NATO nuclear weapons sharing. We do not support the proposal that the UK should dismantle fissile material production facilities. The report also pays insufficient attention to the danger of proliferation by terrorists and rogue states, as opposed to retention or replacement of weapons by the existing five NWS. Several amendments would have considerably worsened the report, including the proposal that the EU should become a 'nuclear-weapons-free zone'. For these reasons, taking into account that there is much in the report we can support, the British Conservative delegation abstained.

- Report: Monica Frassoni (A6-0245/2009)

Alessandro Battilocchio (PSE), *in writing*. – *(IT)* Committee on Legal Affairs.

Thank you, Madam President. I am voting for the Frassoni report, which reminds us of the fundamental role that the European Parliament, national parliaments and national courts must play in the application of Community law.

I agree that we must remind the Commission of the possibility of having a system that clearly indicates the various means of recourse available to citizens. This system could take the form of a joint EU portal, or of a single online contact point providing assistance to citizens.

Citizens should have the same level of transparency, whether they are submitting a formal complaint or exercising their right to submit a petition, on the basis of the Treaty; clear information should therefore be made available to the Committee on Petitions on the state of progress of infringement proceedings which are also relevant to pending petitions. Signatories must be kept fully informed of the state of progress of their complaints, at the expiry of each predetermined deadline.

Summaries should be be prepared and made available to the public via a single access point. Furthermore, these summaries ought not to disappear once the legislative procedure has been completed, at the very moment when they assume greater importance for the public and businesses.

9. Corrections to votes and voting intentions: see Minutes

10. Request for waiver of parliamentary immunity: see Minutes

11. Documents received: see Minutes

12. Declaration of financial interests: see Minutes

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

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

15. Dates of forthcoming sittings: see Minutes

16. Adjournment of the session

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

(The sitting was closed at 1.15 p.m.)

ANNEX (Written answers)

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

Question no 11 by Claude Moraes(H-0148/09)

Subject: The EU's response to the financial and economic crisis

The current global financial crisis and economic slowdown is a serious test for Europe, requiring a coordinated and effective response. In recognition of this, at the December 2008 European Council meeting, agreement on the European Economic Recovery Plan was reached.

What role has the EU played in responding to the ongoing crisis, particularly in the face of accusations that Member States are taking the lead on their own?

How have EU institutions such as the European Investment Bank and European Central Bank, and EU financial programmes such as the European Social Fund and Structural Funds been involved in the EU recovery plan, particularly in terms of helping those hit hardest by the crisis?

Is the Council satisfied that European citizens perceive the EU's response as being an effective one?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

At its meeting on 11 and 12 December 2008, the European Council approved the European Economic Recovery Plan submitted by the Commission in November. The Plan includes immediate budgetary measures amounting to EUR 200 billion, which comprise on the one hand measures at Community level amounting to EUR 30 billion and on the other hand national measures worth EUR 170 billion. Besides these measures there are also a number of priority actions which the EU should undertake within the framework of the Lisbon Strategy, the aim of which is to adapt the EU economy to long-term challenges, to boost potential growth and to carry out structural reforms.

The ECOFIN Council has always put a strong emphasis on close coordination of the steps taken by Member States in response to the current economic situation, including steps in support of the financial sector, where it has been necessary to take account of possible cross-border effects of such measures (see the conclusions of the ECOFIN Council of 7 November 2008), or in the case of fiscal stimulus measures (see for example the conclusions of the ECOFIN Council of 2 December 2008), the coordination of which is essential for ensuring a greater impact on the EU economy and a greater boost to confidence on the markets.

At its meeting on 19 and 20 March 2009, the European Council evaluated the method for implementing the Recovery Plan: the overall level of budget support, including the discretionary measures of governments and the effects of the automatic economic stabilisers, amounted to 3.3% of EU GDP (more than EUR 400 billion), which will help to boost investments, support demand, create new jobs and steer the EU towards a low-carbon economy. However, there will be a certain delay before the actual effects of these measures on the economy become apparent.

As far as measures at Community level are concerned, the December meeting of the European Council supported the idea of rapid measures by the European Social Fund for supporting employment, directed especially towards the groups of citizens most under threat. These measures should include more advance payments and the simplification of procedures. The European Council also called for the simplification of procedures and faster implementation of programmes financed from the structural funds, with the aim of boosting infrastructure investments in the energy sector.

In accordance with this, several amendments to existing legislation have been drafted. Firstly, there is draft Council Regulation (EC) No 284/2009 of 7 April 2009 amending Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the

Cohesion Fund concerning certain provisions relating to financial management. This draft should speed up access to financial resources.

Secondly, the draft regulation of the European Parliament and the Council amending Regulation (EC) No 1080/2006 on the European Regional Development Fund, concerning the eligibility of investments in energy projects and renewable energy in the housing sector, should enable all Member States to boost investment in this sector. Finally, there is the draft Regulation of the European Parliament and the Council amending Regulation (EC) No 1081/2006 on the European Social Fund, which aims to extend the types of expenditure eligible for contributions from the ESF. The objective is to simplify administrative procedures and expand the range of funded projects.

At their informal meeting on 1 March 2009, the Heads of State or Government also emphasised the importance of measures based on the use of existing instruments such as the ESF in respect of mitigating the negative impact of the financial crisis on employment.

At its meeting of 19 and 20 March 2009, the European Council expressed confidence in the ability of the EU to solve the financial and economic crisis. It reviewed the important fiscal stimulus measures currently being implemented in the EU economy (in excess of EUR 400 billion), and emphasised that joint action and coordination was a fundamental component of the European strategy for economic recovery and that Europe was doing everything necessary to restore growth.

The Council also emphasised its role in the efforts to shorten and mitigate the recession in the European single market. It emphasised the need to restore credit flows to companies and households and agreed on accelerated agreements concerning legislative proposals negotiated to date in relation to the financial sector. In June the Council will adopt the first decision on strengthening regulation and supervision of the EU financial sector. The decision will be based on the Commission proposals together with a detailed discussion of the report from the group headed by Jacques de Larosière in the Council.

Based on the EU's own experiences and its wish to make a significant contribution to the creation of future international regulation of the financial sector, the European Council has set out the position of the Union in relation to the G20 summit which took place in London on 2 April.

The Council has also welcomed progress achieved particularly over the question of advance payments from the structural funds and the Cohesion Fund, the agreement over a voluntary application of reduced VAT rates and the European Investment Bank measures aimed at stimulating funding options for small and medium-sized enterprises. It has called for agreement to be reached more quickly on changes to the European Globalisation Adjustment Fund.

The Presidency agrees that it is essential to maintain general confidence in EU measures for combating the economic crisis and it will continue to monitor the situation. The institutions of the EU are determined to solve the current problems, particularly concerning the provision of sufficient volumes of credit to companies and households and restoring general confidence on the markets.

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Question no 12 by Silvia-Adriana Ţicău(H-0151/09)

Subject: Incentives for greater energy efficiency in buildings

In order to improve energy efficiency it is necessary to introduce specific instruments providing the necessary incentives, for example VAT concessions on specific services and products, an increase in the percentage of ERDF appropriations earmarked for investment in energy efficiency and renewable energy in the home and the creation of a European energy efficiency and renewable energy fund. The EU has set itself the 20-20-20% objective. The Commission communication on a European economic recovery plan COM(2008)0800 recommends that € 5 billion be earmarked for energy efficiency in buildings. However, the proposal for a regulation establishing a programme of aid to economic recovery COM(2009)0035 does not contain any specific measures for projects relating to energy performance in buildings.

What measures are being envisaged to promote energy efficiency in buildings? Do they include the possibility of setting up a European energy efficiency and renewable energy fund and increasing from 3 to 15% the percentage of ERDF appropriations earmarked for investment in energy efficiency and renewable energy in the home?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The Council shares the honourable Member's opinion that the energy performance of buildings is important for the achievement of Community objectives on increased energy efficiency and for other areas such as reducing greenhouse gas emissions and increasing the security of supplies, since buildings account for about 40% of energy consumption in the Community. In its conclusions of 2 March this year the Council particularly mentioned measures aimed at increasing the energy performance of buildings, such as support for green technologies, the development of energy efficient production systems and materials, market instruments for energy efficiency, changes to the operating programmes of structural funds and innovative models of financing.

The measures currently implemented for boosting the energy performance of buildings were established on the basis of existing Community laws, particularly Directive 2002/91/EC of the European Parliament and the Council of 16 December 2002 on the energy performance of buildings[(4)]. On 17 November 2008 the Commission submitted to the Council the draft of a reworked version of this Directive; the honourable Member is the rapporteur of this draft. The Council is devoting considerable attention to the draft, which forms part of the package on energy efficiency. A progress report on the four legislative proposals in the area of energy efficiency will be submitted to the Council in June.

As far as the details set out in the second part of the question are concerned, the Council's conclusions of 19 February 2009 mentioned and reaffirmed commitments in the area of greenhouse gas emission cuts and energy efficiency set out at the meeting of the European Council in March 2007, and also mentioned and confirmed the agreement reached in December 2008 concerning the package of measures on climate change and energy. The Council stressed the need for short-term and long-term priority measures. In this context it stated that the development of low-carbon energyefficient systems should be an important element of the energy policy action plan for Europe after 2010.

The Council has therefore invited the Commission to identify essential legislative and non-legislative measures and the appropriate financial resources and to draw up an initiative for financially sustainable energy; the aim of this initiative, which will be a joint project of the Commission and the European Investment Bank, will be to mobilise extensive financial investment resources from capital markets, in relation to which it will be necessary to take into account expert assessments from the European Bank for Reconstruction and Development and other international financial institutions.

As concerns the question of increasing the proportion of the EFRD targeted at investment in energy efficiency and renewable energy sources in residential buildings from 3% to 15%, it is important to note that the total volume of potential investments in energy efficiency and renewable energy sources in residential buildings was increased from 3% to 4% of total allocations from the EFRD as a result of an agreement in the Council[(5)].

Following difficult negotiations, this limit was approved by all of the Member States at the level of COREPER (in December 2008) as a compromise and subsequently approved by the European Parliament at first reading (in April 2009). According to the statements of the experts from the area of structural measures, this ceiling represents a sufficient level of funding for effectively boosting energy efficiency across part of the existing housing stock with the objective of supporting social cohesion. It should be added that Member States which acceded to the EU on or after 1 May 2004 are able to use the EFRD for other options amounting to up to 2% of total allocations from this fund, which include improving the environment in areas where the physical decay of buildings and social exclusion are taking place or may take place. The recognised costs also include energy saving investments in existing housing stock in these localities.

As far as the limits are concerned the new measures enabling EU support for housing are entirely relevant, sufficient and welcome. We would like to say in conclusion that this part of the recovery plan will probably be adopted in the coming weeks.

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(4) Official Journal L 1, 4.1.2003, section 65–71.

(5) See the draft Regulation of the European Parliament and the Council amending Regulation (EC) No 1080/2006 on the European Regional Development Fund, concerning the eligibility of investments in energy efficiency and renewable energy in the area of housing (COM(2008)0838 – C6-0473/2008 – 2008/0245(COD) – of 2 April 2009).

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Question no 13 by Chris Davies(H-0153/09)

Subject: Enforcement of legislation

Will the Council state at which meetings of ministers during 2008 the subject of enforcing and applying existing legislation was tabled, and what will be the next meeting at which ministers will discuss the subject?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The Council would like to point out to the honourable Member that under Article 211(1) of the EC Treaty the Commission has a duty to ensure the application of Community law in all of the Member States. The honourable Member may therefore consult the latest annual report on monitoring the application of Community law (2007), which the Commission submitted to Parliament on 18 November 2008[(6)].

The Council would also like to draw the honourable Member's attention to Articles 220, 226, 227 and 234 of the EC Treaty relating to the powers of the European Court of Justice.

It is not therefore a direct task of the Council to deal with the enforcement and application of existing laws.

With regard to the foregoing, the Commission informs the Council regularly about the current situation regarding the application of internal market directives in national law and about ongoing proceedings over non-fulfilment of this obligation. The Council received this information (known as the Internal Market Scoreboard) on 25 February and 25 September 2008 and also recently on 5 March 2009[(7)].

As far as the specific topic of the common fisheries policy is concerned, I can also inform the honourable Member that the topic was discussed by the relevant ministers on 18 February 2008, within the context of an informal meeting on the issue of monitoring and enforcing rules in this area in connection with Special Report No 7 of the Court of Auditors on the control, inspection and sanction systems relating to the rules on conservation of Community fisheries.

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Question no 14 by Frank Vanhecke(H-0159/09)

Subject: Situation in Tibet

On 10 March 2009 it will be 50 years since the Dalai Lama was forced to flee his country.

Under international public law a state may continue to exist for decades in spite of being annexed by an occupying power. Non-recognition of this illegal situation by third countries is very important in this connection. For example, most Western countries never formally recognised the illegal annexation of the Baltic States by the Soviet Union. In 1991 these republics stated that they were the same states as the ones which had existed in the inter-war period (principle of legal continuity) and that they were therefore not new states. This was recognised by the EC (as then constituted) in its declaration of 27 August 1991.

Does the Council consider that the occupation and annexation of Tibet is in conflict with international law? Does it not consider the 50th anniversary of the flight of the Dalai Lama an appropriate moment to affirm the principle of the legal continuity of Tibet, in order to prevent the disappearance of the Tibetan state?

(6) Document COM (2008) 777 as amended.

(7) Documents SEC(2008) 76, SEC(2008) 2275 and SEC(2009) 134 as amended.

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The question of recognising third countries is a matter for each Member State. Therefore the Council does not take any position over this question.

Apart from that, the Council addresses the question of Tibet mainly within the framework of human rights policies. The EU is pursuing a human rights dialogue (the aims of which were set out in the conclusions of the Council on China in 2001 and 2004) within the framework of the comprehensive partnership with China, where the question of human rights in connection with Tibet is tabled regularly. The issue of human rights also arises at meetings within the framework of political dialogue and at other high-level meetings, and this will continue to be the case.

On 19 March 2008 the Presidency published on behalf of the EU a public declaration in which the EU called for restraint and appealed to the Chinese Government to solve the problems of Tibetans in relation to human rights issues and called on the Chinese authorities and the Dalai Lama and his representatives to begin a businesslike and constructive dialogue aimed at achieving a sustainable solution which would be acceptable to all parties while fully respecting Tibetan culture, religion and identity. At the meeting of the UN Commission on Human Rights in Geneva on 17 March 2009, the Presidency made a declaration on behalf of the EU in which it again emphasised that in China, including Tibet, it should be possible for everyone who so desires to express their views peacefully without fear of reprisal. Within the framework of a general regular review several EU Member States formulated recommendations on Tibet which were handed over to representatives of the Chinese Government.

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Question no 15 by Rodi Kratsa-Tsagaropoulou(H-0162/09)

Subject: Threat of recession in south-eastern Europe and implications for the European economy

According to recent analyses by international financial institutes and credit-rating agencies, a major recession is to be expected in south-eastern Europe. In particular, the danger of loan default on the part of the consumers and undertakings is stressed.

Have the consequences of this already been felt in the EU Member States, given the major investment by western European undertakings and banks in south-eastern Europe, and what joint measures does the Presidency consider should be taken? Does it advocate providing support for banks in the countries of south-eastern Europe - under national programmes of action forming part of the European Neighbourhood Policy – in cooperation with these countries and possibly the European Investment Bank? What additional measures will the Presidency take to secure in particular the strategic accession objectives of applicant and potential applicant countries in the Balkans?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The global recession is having a particularly severe impact in the countries of South-East Europe. All of these countries are having to cope with higher costs of refinancing, lower fiscal revenues, weaker flows of direct foreign investment and reduced remittances from abroad. However, some countries are more affected than others. One of the important factors in this context is the extent to which households and enterprises have taken on loans in currencies other than the national currency where such loans must however be serviced in the national currency. As a number of currencies of South-East European countries have weakened it is increasingly difficult for borrowers to keep up with their obligations and in some cases they have even had to stop paying back their loans.

The Presidency is well aware of this problem and within the framework of the last meeting of foreign ministers (Gymnich) held on 27 and 28 March 2009 in Hluboka nad Vltavou, a working breakfast of the Deputy Prime

Minister for European Affairs Alexandr Vondra and the foreign ministers of the West Balkan states was devoted to the economic situation in the region.

The EU has adopted a series of measures for supporting economic and social consolidation in South-East Europe and for mitigating the negative impacts of the global economic and financial crisis. Specific measures include a major increase in levels of lending to all sectors, continuing efforts to boost liquidity in the banking sector, increased support through the 'crisis response' package within the framework of the instrument for pre-accession assistance and increased efforts on coordination between the European Commission and international financial institutions in connection with the investment framework for the Western Balkans.

The Commission has created a 'crisis response' package worth EUR 120 million enabling the mobilisation of EUR 500 million in loans from international financial institutions. The measures are aimed at energy efficiency and support for small and medium-sized enterprises. Implementation should start in September this year.

Besides this the European Investment Bank has supported the efforts of the World Bank and the European Bank for Reconstruction and Development in connection with the refinancing of the banking sector in Central and Eastern Europe, including facilitating coordination between the host and the domestic bodies for supervision and regulation.

During 2009 international financial institutions will make available to the Western Balkan countries and Turkey credit facilities of EUR 5.5 billion for the purposes of refinancing the banking sector. The European Investment Bank will provide EUR 2 billion of this total amount and the rest will come from international financial institutions.

Increased loans to banks in the EU within the framework of the European economic recovery plan should also contribute to greater volumes of loans to subsidiary companies in South-East Europe.

Furthermore, at its March sitting the European Council welcomed the intention of the Commission to propose doubling the limit of the EU's support system for assisting in balance of payment problems to EUR 50 billion.

The Council repeatedly expressed its full support for a European perspective in respect of the Western Balkan states, the final aim of which would be EU membership, provided these countries fulfil the essential conditions and requirements. The current global economic and financial crisis must not be allowed to affect this perspective.

The Council is of the opinion that the existing instruments, systems and procedures are adequate, but it will continue to monitor the situation constantly and to ensure that all countries that experience a temporary economic imbalance receive the appropriate assistance. In the interests of achieving maximum levels of complementarity and the mutual cohesion of the measures it is of absolutely fundamental importance for all of the available instruments and resources to be properly coordinated.

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Question no 16 by Dimitrios Papadimoulis(H-0166/09)

Subject: Developments with regard to Kosovo

The United Nations Secretary-General has produced a six-point document on restructuring the United Nations Mission in Kosovo (UNMIK), covering the issues of the rule of law, customs, justice, transport and infrastructure, management of borders and protection of the Serb cultural heritage.

What is the Council's assessment of this plan? Bearing in mind that the plan has been accepted by Serbia but not by Kosovo, does it intend to take steps to have the document accepted by both sides? Does the Council consider that the development of a joint network of customs checks, as planned by Albania and Kosovo, is related to the proposal by the UN Secretary-General? What is involved in the Albania-Kosovo joint customs checks network?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

On 24 November 2008, in accordance with to UN Security Council Resolution 1244, the UN Secretary General submitted his regular quarterly report on the fulfilment of the mandate of the UNMIK mission. This report includes an evaluation of progress made in the dialogue between the UNMIK mission and Belgrade/Pristina concerning the six areas described in the report, i.e. the areas of the police, customs, justice, transport and infrastructure, borders and Serbian cultural heritage.

The UN Secretary General stated in his report that the Serbian Government has adopted the results of the dialogue mentioned in the report, while the authorities in Pristina have expressed clear disagreement with them.

The Council has not taken a position on the UN Secretary General's report. The Council is not aware of any proposal relating to a joint network of customs controls between Albania and Kosovo.

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Question no 17 by Kathy Sinnott(H-0167/09)

Subject: The effect of the economic crisis on the vulnerable

Despite the current difficult economic climate, it is important that vulnerable groups in our society such as carers, the elderly, people with disabilities and children, are not the first to suffer. Can the Council provide assurances that it will continue with the active inclusion of disadvantaged groups as a priority under its six-month work plan?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

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The Council shares the honourable Member's concern over the need to develop coordinated response policies capable of addressing the direct social impact of the crisis, especially on the most threatened groups of citizens.

These priorities were set out in the joint report on social protection and social inclusion and in the document on key questions which the Council adopted on 9 March 2009 and submitted to the spring part-session of the European Council. As we approach the Lisbon strategy target year approved in 2000, and bearing in mind the current economic crisis, it is all the more necessary to adopt a strong political commitment aimed at achieving the common goals of social protection and social inclusion while at the same time respecting the powers of Member States.

The joint report emphasised the need to encourage Member States in their efforts to implement comprehensive strategies in the fight against poverty and the social exclusion of children, including accessible and affordable high quality child care. We must continue to strive for a solution to homelessness and very serious forms of exclusion and to support the social inclusion of migrants. We must give special attention in particular to the fact that new risk groups may appear, e.g. young workers and persons entering the labour market, and also new risks.

All of these considerations will be reaffirmed in the declaration of 2010 as European Year of the Fight against Poverty and Social Exclusion.

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Question no 18 by Johan Van Hecke(H-0170/09)

Subject: Financial assistance for Special Court of Sierra Leone

The Special Court of Sierra Leone (SCSL) is facing serious challenges in making appropriate arrangements for the persons that have already been convicted or are still facing trial. As it is currently inconceivable from a political, security and institutional point of view for those convicted to serve their sentences in Sierra Leone itself, an alternative solution must be found if the efforts of the international community to effectively implement the fight against impunity are not to be undermined. Certain African States have the political

will and the institutional capacity to enforce the sentences of those convicted in accordance with international standards, but lack the financial means to do so without international support.

Can the Member States provide additional financial assistance to the SCSL so that those convicted by the SCSL can serve their sentences in those African States that have the capacity to enforce sentences in accordance with international standards, but lack the financial means to do so?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The Special Court for Sierra Leone is financed through voluntary contributions from the international community. On 11 March 2009 the relevant preparatory body of the Council was informed by a representative of the head of the court office of the Special Court for Sierra Leone about the current situation of the court. The preparatory body noted an immediate request for USD 6 million and a shortfall of USD 31 million which the court needs in order to complete its mandate. The activities to date of the Special Court for Sierra Leone were evaluated as positive.

Individual EU Member States will decide on possible contributions to the further financing of the Special Court.

Since the activities of the Special Court began, EU Member States have contributed a total sum in excess of USD 78 million. The European Commission has contributed an additional EUR 2.5 million and has also decided to contribute a further EUR 1 million through the 10th European Development Fund. In total the Special Court has received contributions of almost USD 160 million from the international community (including the EU).

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Question no 19 by Luisa Morgantini(H-0176/09)

Subject: Demolition of 88 housing units in East Jerusalem

Jerusalem City Council has decided to demolish 88 housing units, including 114 houses inhabited by some 1 500 Palestinian residents in the Al-Bustan district in Silwan – East Jerusalem. Other Palestinian families in the Abbasieh district and in the Shu'fat refugee camp have received new demolition and eviction notices, raising to 179 the total number of Palestinian houses that are to be demolished.

According to B'Tselem, the Israeli authorities have demolished approximately 350 houses in East Jerusalem since 2004. Peace Now says that at least 73 300 new Israeli housing units will be built along the West Bank. Twenty Israeli writers and researchers, amongst them Amos Oz and David Grossman, called on him to cancel the orders because policies like this violate 'the most basic human rights'. Even a confidential EU report says that 'Israel's actions in and around Jerusalem constitute one of the most acute challenges to Israeli-Palestinian peace-making'.

Does the Council not feel that it should act to stop these policies, using all the means at its disposal, including suspension of the Euro-Mediterranean association agreement with Israel in accordance with Article 2 thereof? Does this action not provide sufficient grounds, in the Council's view, for the upgrading of relations with Israel to be frozen?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The Council is deeply concerned about the threat to demolish 90 houses in the neighbourhood of Al-Bustan/Silwan, close to the Old Town in East Jerusalem, and about the publication of a notice regarding the forced removal of several Palestinian families. The Presidency communicated these concerns to the Israeli authorities on behalf of the EU and reminded them of their obligations arising from the road map and international law. It also called on Israel to stop issuing these notices immediately. The Presidency also made these concerns public through a declaration on both issues.

The EU and Israel have developed mutual relations over several years in many areas. It is clear that a further deepening of relations will depend on shared interests and objectives, which particularly include resolving the Israeli-Palestinian conflict through a sensible solution based on the existence of two states living side by side in peace and security.

The Presidency has made it clear to the Israelis on several occasions that the continuing Israeli activities in East Jerusalem and the surrounding area constitute a significant barrier to the achievement of progress in the peace process and threaten the outlook for a viable Palestinian state.

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Question no 20 by Bernd Posselt(H-0178/09)

Subject: EULEX Kosovo mission

What is the Council's view of the current level of preparation of the EULEX EU Rule of Law Mission, including its deployment in the Mitrovica region in Northern Kosovo, from a political, an administrative, a financial and a legal perspective?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

On 9 December 2008, after initial operational capability was successfully achieved throughout the territory of Kosovo in numbers corresponding to those of the UNMIK mission, the deployment of EULEX mission personnel continued and on 6 April 2009 full operational capability was declared.

The mission currently numbers around 1 700 deployed international staff, while the full complement should be almost 2 500 personnel. There are 25 Member States represented and the mission also includes contributions from six other countries (the US, Norway, Turkey, Croatia, Switzerland and Canada).

In accordance with the planning documents, members of the mission are deployed with all of their local opposite numbers in the relevant ministries, police stations, courts, government offices, penal institutions and other selected administrative bodies, for example the finance and customs authorities.

The deployment of the mission will enable effective fulfilment of its mandate from December, not only through the implementation of tasks in the area of monitoring and providing expert guidance and consultancy, but also through fulfilment of the mission's executive mandate. Within the framework of the mandate the mission is successfully fulfilling tasks relating to security, for example through the deployment of the formed police units and integrated police units (FPU/IPU) as the second element in the security response, all of it on time and in numbers corresponding to the immediate threat which was present in the period around New Year.

From day one the mission has also ensured an effective presence at police stations in the northern section, at gates 1 and 31 and at the court in Mitrovica. It has taken over from UNMIK supervision of all operational activities carried out in the northern section relating to the legal state. There are 120 EULEX personnel deployed in the north every day, including:

– a permanent presence of customs advisers at gates 1 and 31 (collecting commercial data which is forwarded to the authorities in Belgrade and Pristina);

– in addition to the presence of customs advisers at these gates there is also a permanent presence of advisers from the border units monitoring the situation and also members of the special police units (IPU);

– around 15 police advisers in four police stations in the northern section;

– visible police presence is achieved through the special police guards (IPU) in Mitrovica and in the court there; these guards have the role of escorting and protecting the seven judges and state representatives belonging to the EULEX mission who are active in the court in Mitrovica, together with a number of lawyers. These judges and state representatives belonging to the EULEX mission have begun to mount criminal proceedings and to make rulings in the court, particularly in connection with recent events.

There have been no reports of significant security events directly targeted against the mission and a consolidation and stabilisation of the mission's presence is under way, in connection with the full implementation of its mandate.

As far as the legal framework is concerned, the details are currently being worked out, particularly in respect of the northern section, so that the mission can function on the basis of a single legal and customs framework founded on the consolidation and development of valid laws applied by the local bodies.

The mission has some important tasks ahead of it, especially concerning the reintegration of local staff at the court in Mitrovica, and the reintegration of around 300 Kosovo Serb police officers south of the River Ibar, who have not been on duty since 17 February, but based on the current situation concerning the mission it can be assumed that a successful implementation of its mandate within the territory of Kosovo will be possible.

The preparations for the EULEX mission would not have succeeded without the establishment of an EU planning team with its own budget, through which it was possible to finance the deployment of a significant number of the personnel required for the planning phase as well as the initial deployment of the mission itself. In view of the delayed deployment it will not be necessary in the first year of the mission to spend all of the financial resources of EUR 205 million which were allocated to the joint operation from February 2008; the current EULEX budget of EUR 120 million will suffice to cover the costs of the mission up to the summer of 2009.

As far as the administrative side is concerned, the development of the EULEX mission has faced significant problems over uncertainties relating to the takeover of equipment and buildings of the UNMIK mission, as well as delays with the supply of armoured vehicles on the part of the framework contractor. Fulfilment of the logistical needs of the mission has also been made more difficult by the fact that EULEX is the first civilian mission within the ESDP framework to be given an executive mandate, as well as the sensitive political situation in Northern Kosovo. However, we have now managed to overcome most of these problems.

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Question no 21 by Lambert van Nistelrooij(H-0182/09)

Subject: EU and Member States' research budgets

Currently, 85% of European public research funding is spent nationally without any transnational collaboration between programmes or competition between researchers from different Member States. National programmes often unnecessarily duplicate each other or lack the scope and depth required to make a significant impact on these major challenges. National research on major societal challenges such as renewable energies, climate change or brain diseases will have more impact if efforts are combined at the European level.

Does the Council agree that combining the national programmes into a joint research agenda could provide the critical mass needed to achieve just that, to the benefit of European citizens?

Does the Council think that Joint Programming by Member States and the Commission of the setting up of Article 169 initiatives is the answer to the fear of duplication of research efforts throughout the 27 Member States?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The Council agrees that the issues raised by the honourable Member are significant, and it emphasises once again that it is important for the European Community and the Member States to achieve greater coordination of their activities in the area of research and technological development and to ensure that Member States' policies and Community policies are interlinked.

In this context the Council, in the conclusions from its sittings on 1 and 2 December 2008 on joint research planning in Europe, emphasised in response to significant social changes the important role of the Community's framework programme for research and technological development and related instruments, such as ERA-NET, ERA-NET+ and relevant initiatives pursuant to Article 169 of the EC Treaty, in the

mobilisation of scientific and financial resources of the Member States in order to implement initiatives of common interest in the area of research and development. Apart from this the Council acknowledges the importance of existing activities aimed at coordinating programmes implemented by national agencies and research organisations in more Member States and at regional level, through international organisations and also through cross-border and inter-governmental initiatives in this area (EUREKA, COST). The Council also calls on Member States to consider making their internal programmes more open, where appropriate.

The sitting on 1 and 2 December 2008 adopted conclusions on joint planning in which it called on Member States to establish a high level joint planning group, the aim of which would be to identify topics which should be the subject of joint planning in response to major social challenges.

In the document on key issues in the area of competitiveness and innovation, which the Council adopted on 5 March and submitted to the spring session of the European Council, Member States were invited to cooperate with this high level group in order to make it possible to identify the main social challenges and solve them within the framework of joint planning. Topics should be developed actively in consultation with all of the relevant interested parties so that the Council will be able to adopt the initiatives by 2010 at the latest.

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Question no 22 by Marie Anne Isler Béguin(H-0185/09)

Subject: Exploitation of uranium in Niger

European companies are exploiting uranium in Northern Niger. Niger is one of the least developed countries. However, its people derive no benefit from these activities. On the contrary, exploitation of uranium is leading to an environmental and health disaster: the mines have high levels of radioactivity and the mining waste presents a health risk to the people who live alongside the mines. Moreover, groundwater has been drained for exploitation of the deposits. The EU must ensure that European companies established in Africa assume their responsibilities.

What is the Council's approach for ensuring that European uranium mining companies in Niger respect the health of the local people and the need to preserve groundwater? Can the Council make sure that the local people share the economic benefits of the mining, particularly by means of the trade agreements between the EU and Niger?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The EU and Niger are conducting a general political dialogue through a forum, on the basis of Article 8 of the Cotonou Agreement. The first session of the dialogue took place on 17 March 2009 at the Niger Ministry of Foreign Affairs and Cooperation. The key points of the dialogue on which both parties agreed included the economy and the social situation (including the process of poverty reduction and social development, economic growth, food and the fight against corruption), the proper administration of public affairs and fundamental rights, democratisation, and regional and sub-regional integration (including economic development and infrastructure).

The dialogue continues and other sessions are planned before the end of the Czech Presidency, particularly in relation to preparations for the forthcoming elections. However, the dialogue under Article 8 is also a suitable forum for solving questions raised by MEPs, including the application of the principles of the Extractive Industries Transparency Initiative in the mining industry, which Niger signed up to in 2005.

In the strategic document for Niger (the 10th EDF) it is stated that before the end of 2006 the Niger government had confirmed its intention to establish – through a revision of the mining law – that 10% of mining royalties would be allocated to local development in the regions affected by mining.

Through its Sysmin programme, the EU is providing within the framework of the 9th EDF a contribution of EUR 35 million which is targeted, among other things, at improving work conditions and safety at work in the mining sector.

Furthermore, the EU is at present negotiating a general plan with special emphasis on security and development aspects, the aim of which is to solve - together with Niger and other countries of the region - the serious problems facing these countries. In this context the socio-economic conditions of the inhabitants of the north of the country will be studied in greater detail.

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Question no 23 by Jens Holm(H-0187/09)

Subject: Negotiating mandate for the Anti-Counterfeiting Trade Agreement (ACTA)

According to the Commission's negotiating mandate for a plurilateral anti-counterfeiting trade agreement dated 26 March 2008, an 'intellectual property group' will be attached to the ACTA negotiations. This information was reported in the Swedish media (e.g. Dagens Nyheter and Europaportalen), which quoted from the negotiating mandate. Who are to be the members of this group? Will the Council provide details of all those involved (individuals, companies, civil organisations)? Are there any other expert or consultative groups attached to the ACTA negotiations? Who are the members of those groups?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

In the area of the common commercial policy, the Commission is conducting negotiations based on the mandate established by the Council in consultations with the special committee which the Council nominated in order to assist the Commission in fulfilling this task. The wording of the mandate agreed by the Council has not been published as it is necessary to maintain confidentiality in order for the negotiations to be effective. The consultative body of the Council is usually the Article 133 Committee. The issue of the ACTA agreement also involves other working groups of the Council, including the Working Group on Intellectual Property.

The preparatory bodies of the Council are made up of representatives of Member State governments. Their names and contact details are provided in the lists which are compiled and maintained by the General Secretariat of the Council. As far as access to this type of document is concerned, the conditions which apply are those set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council[(8)]. Most of the proposed discussion agendas of these bodies can be found through the Council's public register.

As far as public participation is concerned, the Commission's policy is to conduct public debates with no restrictions at all on participation, in the interests of transparency. The same applies to Member State participation.

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Question no 24 by James Nicholson(H-0191/09)

Subject: Milk prices

Considering that milk prices have been below the cost of production for a long period, what proposals does the Council intend to put forward in order to inject confidence back into the industry?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The Council shares the honourable Member's concerns relating to the difficult situation on the milk market. After an unprecedented period of record prices for milk and dairy products in 2007 and early 2008, European producers now face weak and uncertain markets characterised by a sharp drop in global dairy product prices.

(8) OJ L 145, 30.5.2001, section 43.

At the Council sitting of 23 March, there was an extensive exchange of views on the difficult situation facing the milk market and account was taken of a memorandum that was supported by a number of delegates.

In this context it can be said that the legal framework regulating the market in milk and dairy products has changed considerably over the past two years after the Council adopted the 'mini-milk package' in September 2007. From 1 April 2008 the national quotas for milk have increased by 2% and in January 2009 a package was adopted under the title of 'Health Check'.

The new legal framework was established with a view to the long-term competitiveness of European producers. The effects of market competition must be counterbalanced by existing instruments within the framework of market support measures.

In this regard the honourable Member is surely aware of the fact that the Commission has already adopted market support measures, including the introduction of support for private storage facilities for butter and interventions for butter and skimmed milk powder as well as the reintroduction of export subsidies for all dairy products. The Commission informs the Council regularly about the situation on the milk market.

The Commission must submit further proposals on this matter to the Council. In this regard the Commission has expressed its readiness to assess the possibility of expanding the range of dairy products for which it is possible to provide support within the framework of the regime for distributing milk to schools. However, it stated that it is not ready to restart discussions on the 'Health Check' package.

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Question no 25 by Athanasios Pafilis(H-0195/09)

Subject: Israeli air raids on Sudan

According to reports in the international press, in the first few months of 2009, the Israeli air force has carried out three raids on supposed targets in Sudan which were transporting arms to the Gaza Strip. These attacks sank a ship and hit lorries, which were carrying illegal immigrants and not arms, and also caused casualties among the civilian population of Sudan.

Is the Council aware of these events and does it condemn these Israeli attacks, which are a flagrant violation of international law?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The Council follows the principle of not discussing unconfirmed media reports, which include the unspecified reports of an air attack in Eastern Sudan in January this year to which the honourable Member referred in his question.

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Question no 26 by Georgios Toussas(H-0201/09)

Subject: Sentencing of Danish nationals charged with supporting terrorist organisations

A few days ago the Danish Supreme Court found six Danish citizens guilty on the charge of supporting 'terrorist' organisations because of their links with the 'Fighters and Lovers' group, which produced tee shirts bearing the logos of the Columbian FARC and the Palestinian PFLP organisations. Legal proceedings against the individuals concerned were initiated following direct representations to the Danish authorities by the Columbian Government. The defendants have already lodged an appeal against their sentences with the European Court of Human Rights.

What is the Council's stance regarding the provocative action taken by the Columbian Government in seeking the prosecution of EU nationals? Will it overturn its 'anti-terrorist' legislation and in particular withdraw the inadmissible 'blacklist' of 'terrorist' organisations it has drawn up, which includes a number of people's liberation movements, with a view to putting an end to legal proceedings of this kind, which are a serious

infringement of the fundamental democratic rights of those concerned, including their right to manifest solidarity with embattled peoples?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

It would not be appropriate for the Council to comment on decisions handed down by a court in a Member State. The Council would like to say that under Article 1(6) of Common Position 2001/931/CFSP the list of persons and entities coming under special measures in respect of the fight against terrorism is checked regularly, at least once every six months.

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Question no 27 by Britta Thomsen(H-0203/09)

Subject: Conclusion by the European Community of the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol

What is the schedule for the conclusion of the UN Convention on the Rights of Persons with Disabilities by the European Community?

Will the conclusion of the Optional Protocol coincide with the conclusion of the Convention? If not, which countries are delaying the process and why, and how will this be remedied?

What is the position of the Council concerning the list of Community competencies suggested by the Commission in the proposal for a Council decision on the conclusion of the Convention by the European Community?

How does the Presidency cooperate with the European organisations representing persons with disabilities in the work on the conclusion of the Convention?

Answer

(CS) This answer, which has been drawn up by the Presidency and is not binding either on the Council or on its members, was not delivered orally in the time allotted to questions to the Council at the 2009 April part-session of the European Parliament in Strasbourg.

The Council is currently occupied with drafting a Council decision on the conclusion by the European Community of the UN Convention on the Rights of Persons with Disabilities.

The position of the Council has not yet been approved as regards conclusion of the optional protocol and the list of Community powers set out in the Commission proposal.

In the spirit of its motto of 'Europe without barriers', the Presidency has invited all representatives of persons with disabilities to its events. Under the sponsorship of the Presidency a number of events have taken place arranged by organisations of persons with disabilities. These events included a meeting of the European Disability Forum, which took place in Prague on 28 February to 1 March 2009.

A forthcoming international conference called 'Europe without Barriers', which has been organised at the end of April by the Czech National Council of Persons with Disabilities, will take place under the sponsorship of Czech Minister of Labour and Social Affairs Petr Nečas. The UN Convention on the Rights of Persons with Disabilities is sure to be on the conference agenda.

Close cooperation with representatives of European organisations of persons with disabilities has already started with the preparation of a draft of the said treaty and it will definitely receive a fresh impulse once the treaty has been ratified and implementation has begun.

The second report of the high level working group for the area of disabilities, which deals with the implementation of the UN Convention on the Rights of Persons with Disabilities, will be presented to the Council meeting on employment, social policy, health and consumer protection in June 2009. The document will contain information on the current situation concerning implementation of the treaty from the perspective of Member States, the Commission and representatives of voluntary organisations.

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QUESTIONS TO THE COMMISSION

Question no 35 by Jim Allister(H-0177/09)

Subject: Block Exemption Regulation

What kind of impact assessment has been conducted of the implications of the abolition of the Block Exemption Regulation (1400/2002[(9)]) for motorists and car repair agencies? In particular, will the latter face additional costs as a result of more restricted access to information and supplies, which could be monopolised by larger players?

Answer

(EN) The Commission adopted an Evaluation Report on the motor vehicle block exemption Regulation[(10)] in May 2008. In this report, the Commission underlined that access to technical information and alternative sources of spare parts are essential for independent repairers to compete with authorised dealer networks. We believe competition in the automotive aftermarket is essential for ensuring consumer choice and reliable repair services at affordable prices.

The Commission is currently reviewing several options, and is taking into account views expressed in a public consultation we have conducted, and we are ready to ensure an appropriate regime for motor vehicle distribution and servicing remains in place once the current Block Exemption expires in May 2010.

No decision about the Commission's preferred policy has been taken yet. However, any future framework should safeguard repairers' access to technical information and to alternative sources of spare parts.

It should also be noted that notwithstanding the future policy in the competition framework, detailed provisions on access to information for independent operators are introduced by Regulations 715/2007 and 692/2008 on the type-approval of Euro 5 and Euro 6 light-duty vehicles. Euro VI legislation on the type-approval of heavy-duty vehicles, currently in the final stage of adoption by the Council, imposes similar requirements, for which the Commission is preparing implementing legislation.

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Question no 39 by Bernd Posselt(H-0179/09)

Subject: Adult stem cells

What is the Commission's assessment of research findings to date with regard to adult stem cells? Which projects is it promoting in this area and does it agree that such initiatives eliminate the need for the promotion of ethically inadmissible embryonic stem cell research?

Answer

(EN) Adult stem cell research is an active field, which is advancing in a dynamic way as new knowledge becomes available, and where Europe has a strong presence. Adult stem cells form the basis for some treatments already in the clinic, such as bone marrow transplantation for leukaemia and repair treatments for bone injury; and recently, European scientists implanted the first tissue engineered trachea, which had been made with the use of the patient's own stem cells.

The EU has funded adult stem cell research in successive Research Framework Programmes, including in the current Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) (FP7). Following the first two calls for proposals under the Health priority of FP7, the EU is funding 8 projects involving therapeutic use of adult stem cells (table attached).

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(9) OJ L 203, 1.8.2002, p. 30.

(10) Evaluation Report on the Operation of Regulation (EC) n° 1400/2002 concerning motor vehicle distribution and servicing

Together, these projects represent an EU contribution of around €41 million; further projects cannot be excluded in the future.

The Commission is aware that the scientific community indicates human embryonic stem cells as a potential source for regenerative medicine and tissue replacement after injury or disease, particularly when adult cells are unsuitable or unavailable. Human embryonic stem cells are a reference standard for judging quality and usefulness of other types of cells. Research on human embryonic stem cells and adult stem cells needs to continue in parallel and many EU projects compare cells from different sources. All sources of stem cells are part of a research effort to expand our knowledge of how cells function, what fails in disease, and how the first stages of human development occur. It is this combined knowledge that will ultimately generate safe and effective therapies.

Following its institutional remit, the Commission manages FP7 as adopted in co-decision by the Parliament and the Council, where research involving the use of human embryonic stem cells is eligible for EU funding under strict ethics conditions.

All EU research proposals involving human embryonic stem cells are subject to double ethical review, at national (or local) level as well as at European level, and are submitted to a Member State Regulatory Committee, guaranteeing that projects that come through the system are sound ethically and scientifically. The European Group on Ethics of science and new technologies has issued an Opinion on the ethics review of FP7 human embryonic stem cell projects following President Barroso's request[(11)].

EU Projects using adult stem cells (Calls 1 and 2 Health programme FP7)

Name

Title

OPTISTEM

Optimisiation of stem cell therapy for clinical trials of degenerative skin and muscle diseases

CASCADE

Cultivated adult stem cells as alternative for damaged tissue

STAR-T REK

Set-up and comparison of multiple stem cell approaches for kidney repair

NEUROSTEMCELL

European consortium for stem cell therapy for neurodegenerative diseases

CARDIOCELL

Development of cardiomyocyte replacement strategy for the clinic

INFARCT THERAPY

Therapy after heart infarct: prevention of reperfusion injury and repair by stem cell transfer

STEMEXPAND

Stem cell expansion – expansion and engraftment of haematopoietic and mesenchymal stem cells

PURSTEM

Utilisation of the mesenchymal stem cell receptome for rational development of uniform, serum-free culture conditions and tools for cell characterisation

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(11) http://ec.europa.eu/european_group_ethics/activities/docs/opinion_22_final_follow_up_en.pdf

Question no 40 by Lambert van Nistelrooij(H-0183/09)

Subject: EU and Member States' research budgets

Currently, 85% of European public research funding is spent nationally without any transnational collaboration between programmes or competition between researchers from different Member States. National programmes often unnecessarily duplicate each other or lack the scope and depth required to make a significant impact on these major challenges. National research on major societal challenges such as renewable energies, climate change or brain diseases will have more impact if efforts are combined at the European level.

Does the Commission agree that combining the national programmes into a joint research agenda could provide the critical mass needed to achieve just that, to the benefit of European citizens?

Does the Commission think that Joint Programming by Member States and the Commission of the setting up of Article 169 initiatives is the answer to the fear of duplication of research efforts throughout the 27 Member States?

Answer

(EN) The EU is facing challenges today that no single state or region can address alone. Think about the need to tackle food shortages, and climate and energy crises. No Member State can address these challenges efficiently alone - we need joint and coordinated action at European, if not global, level.

Yet today barely 15 % of European publicly financed civil R&D is financed in partnership and coordinated between Member States, either in the Community Framework Programme or in inter-governmental partnerships such as ESA, CERN or EUREKA - the remaining 85% of the European public research funding is defined and spent at national level. The share of research activities which is jointly defined or implemented remains insufficient lacks strategic focus as well as the scale and scope to address effectively the common challenges of our time.

That is why there is a need to work more closely together and why the Commission presented the Communication on Joint Programming in research[12]. Joint Programming is about making research in Europe more strategic, more focused and more effective.

Joint Programming is not about the Commission taking control of national research programmes and budgets. It is about setting up partnerships between Member States and about making the best use of resources - money and brains. It is based on Member States getting together to develop common visions how to address major societal challenges and to define and implement Strategic Research Agendas.

Regarding the second question on avoiding duplication of research efforts, it needs to be said that some duplication of efforts can be good, if different research teams compete for the same objective. However, in certain areas, hundreds of similar projects are funded and reviewed independently by several countries. The aim of Joint Programming is about creating a process which brings more strategy and coordination in the panoply of available instruments. It is about more efficient and more effective use of national money. Member States have nominated representatives to a high level group on Joint Programming, to jointly identify priority topics for future Joint Programming activities. The Commission expects this process to be finalised before the end of 2009.

Joint Programming is a Member-States-led process, but of course, the Commission is there to support and identify possible value-added vis-à-vis its own instruments, notably 7th Framework Programme, to maximise the effects of any joint investment of national resources.

On the relation between Joint Programming and Article 169 initiatives it has to be understood that Joint Programming is a process which lies upstream of any decision with regard to the choice and combination of appropriate instruments and resources (either national or at Community level) that are necessary for implementation. The shared vision, the common research agenda and the proportionate commitment of competent authorities are the heart of this process, which may lead to Joint Programming Initiatives that are very different in nature. While Joint Programming builds on the experience of ERA-NETs (cooperation between similar R&D programmes of Member States) and on Article 169 initiatives (a common programme on specific topic), it goes beyond these by adding an element of foresight, of strategic programme planning

(12) http://ec.europa.eu/research/press/2008/pdf/com_2008_468_en.pdf

and of aligning various national and regional resources to achieve common objectives. Of course an Article 169 initiative or a European Research Infrastructure or any other instrument of FP7 could be part of implementation of a Joint Programming, but it is mainly about aligning and putting together national resources.

Joint Programming has an enormous potential in the European research landscape and can change the way in which research is thought about and carried out. In that sense, it is a test case for the ERA 2020 vision.

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Question no 43 by Jim Higgins(H-0157/09)

Subject: Initiatives in Communicating Europe

Could the Commission indicate if it would be favourably disposed to the idea of creating an annual prize for citizens who have created new ways in which to break down the barriers between the institutions and the people of the EU? Such a scheme could provide an incentive for numerous small- and large-scale schemes that are aimed at promoting information about the work of the EU and MEPs to create a greater flow of information with a localised interest taken into account.

Answer

(EN) The Commission would like to draw the attention of the Honourable Member to the initiative already taken by the European Economic and Social Committee to grant a prize to organized civil society, rewarding or encouraging concrete achievements or initiatives which significantly contribute to promoting of European identity and integration.

While the Commission encourages and supports new and innovative schemes to break down barriers between the EU institutions and citizens, notably, through its ongoing "Debate Europe" initiative, it is not persuaded that establishing a new, similar prize would be the most appropriate instrument.

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Question no 44 by Maria Badia i Cutchet(H-0190/09)

Subject: Targeted communications for the forthcoming European Parliament elections

According to the Eurobarometer of autumn 2008, only 16% of the electorate knows that there will be European Parliament elections in June 2009. This shows that the communication policy launched by the Commission in 2005 is not a complete success and that the Commission did not perhaps allocate sufficient resources to conveying the message at local and regional level rather than through setting up new European channels.

Given the imminence of the elections and the value of the citizen's vote against the background of a global crisis and the need for coordinated global action between the world's regional unions and the countries playing a key role on the current international stage, does the Commission have any plans to organise campaigns targeted at specific sectors of the population, such as young people, the elderly, farmers, women or certain professions, in order to encourage all 375 million voters in the 27 EU Member States to cast their vote?

What, to date, has proven to be the best way of connecting with new voters, and young people in particular?

What is the preferred method of cooperation for the other institutions and, above all, for the national and regional governments?

Answer

(EN) The Commission supports and complements the communication efforts of the Parliament and national authorities by carrying out thematic, awareness-raising activities of various kinds at both European and local levels. Significant communication work is being organised jointly, but there is also scope for each party's own actions.

Messages by the Commission focus on the EU as a whole and demonstrate what exactly the EU has achieved in policy areas of direct relevance to the life of citizens. They highlight the real added value of collective action

at the European level, and demonstrate that there are issues that cannot be tackled by a Member State alone (climate change and environment, consumer safety and health, immigration policy, terrorism threats, safe supply of energy etc).

The awareness-raising activities address all Member States and all voting age citizens. Whilst respecting the overall uniformity of the activities, the identification of the themes and the messages has been tailored to the specific situation of each Member State. Nevertheless, most people would like to see the focus on economic issues affecting everyday life (unemployment, growth, purchasing power). There is also considerable interest in security and climate change related issues.

However, according to the latest Eurobarometer (carried out in October/November 2008) 26% of the electorate was aware of the timing of the European Parliament (EP) elections, and only 30% indicated an intention to vote. Therefore, targeted action is needed to reach social groups with low level of interest and willingness to participate. These groups vary somewhat from country to country but generally include young people, women, and people with lower level of education.

The Commission deploys communication tools favoured by citizens, including the AV media (radio and TV), and the internet. TV and radio clips will illustrate the priority topics of the EP elections. A multimedia action targeting young people will aim at getting young people to cast their vote. In addition, the Commission (in cooperation with the European Centre for Journalism) supports a blogging project involving 81 young journalists from EU-27 on EP elections issues[13].

Many activities have been devolved to target women electorate: Eurobarometer[14] on women's perception of the EU, brochure[15]explaining areas of EU activities of particular interest to women, a press pack[16] for journalists, seminars for editors of women magazines and events, including the celebration of the International Women's Day.

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Question no 45 by Proinsias De Rossa(H-0199/09)

Subject: Factual accuracy concerning the Lisbon Treaty

The Irish Government commissioned research in the aftermath of the rejection of the Lisbon Treaty in Ireland which found widespread misunderstanding of the contents of the Lisbon Treaty. This general misunderstanding leaves the Irish public prey to misrepresentation of the truth and manipulation by cynical and false eurosceptic propaganda.

What measures is the Commission taking to inform the Irish public and encourage factual accuracy concerning the Lisbon Treaty?

Answer

(EN) Eurobarometer polls have shown that, compared to other EU Member States, the level of knowledge in Ireland of the EU is below the EU-27 average (for example, behind that of France, Denmark and the Netherlands that have also held a referendum on EU issues). Therefore, the Commission is continuing working to contribute to improve communication and information on European issues in Ireland.

The Commission communication activities in Ireland are a response to the conclusions of the Oireachtas sub-committee's report of November 2008, which identified serious lacunae in communication on Europe in Ireland, as well as to requests from the Irish authorities also responding to the Oireachtas report. These activities are planned for a period of several years and aim to tackle the long-term problem of lack of knowledge about the EU in Ireland.

It is worth underlining once more that responsibility for the ratification of the Lisbon Treaty and therefore for the referendum campaign lies with the Irish government.

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(13) http://www.thinkaboutit.eu/

(14) http://ec.europa.eu/public_opinion/index_en.htm

(15) http://ec.europa.eu/publications/booklets/others/80/index_en.htm

(16) http://europa.eu/press_room/index_en.htm

A Memorandum of Understanding (MoU) on Communicating Europe in Partnership was signed on 29 January 2009 between the Irish Government, the Parliament and the Commission. It formalizes into a partnership Ireland's existing cooperation with the Parliament and the Commission to promote better public understanding of the EU. The MoU is similar to arrangements in other Member States.

The main aim of this partnership is to build understanding of the European Union in Ireland. The three parties will seek to do this through dissemination of information to boost public awareness of the European Union's objectives. The main target audiences, apart from the general population, will be women, young people and those socio-economic groups that have a weaker association with the EU. These groups have been singled out in several surveys as being particularly poorly informed of EU matters.

The partnership will not prevent the partners from carrying out their own independent information activities. The participants will maximize mutual support for communication activities and actions, also working together with all relevant institutions and bodies (European Direct Relays, other networks of the European Union, regional and local governance structures and groups, Non-Governmental Organisations, etc.).

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Question no 46 by Mairead McGuinness(H-0128/09)

Subject: Future supervision of the EU financial sector

Could the Commission outline what progress has been made to date in agreeing a Europe-wide approach to previous problems and future challenges? Does the Commission believe it needs a remit from Member States in relation to the future supervision of the financial sector in the EU?

In particular, does the Commission view as necessary the ability for it to investigate past and future banking operations?

Could the Commission outline what it believes were the key outcomes of the G20 Summit at the beginning of April in London, and which aspects will put right the regulatory failures that helped bring about the current financial crisis?

Answer

(EN) 1. In order to restore stable and reliable financial markets for the future, the Commission Communication for the Spring European Council published on 4 March 2009[(17)] has presented an ambitious agenda for change, starting from providing the EU with a supervisory framework that detects potential risks early, deals with them effectively before they have an impact, and meets the challenge of complex international markets. Other elements of the programme included:

filling the gaps of incomplete or insufficient national or European regulation with a "safety first" approach,

reinforcing the protection of consumers and small companies;

sorting out pay and incentives;

making sanctions more deterrent.

On supervision, building on the conclusions of the de Larosière report[(18)], the Commission will present a Communication on a strengthened European financial supervision framework before the end of May, for discussion at the June European Council. Legislative proposals will follow in the autumn. This framework will include:

on the macro-prudential side, measures to establish a European Systemic Risk Council (ESRC), and

on the micro-prudential side, proposals to establish a European System of Financial Supervisors (ESFS).

The ESRC could be, in particular, responsible for:

pooling and analysing all information relevant for financial stability;

(17) Communication for the spring European Council - Driving European recovery / COM/2009/0114 final.

(18) Available at http://ec.europa.eu/internal_market/finances/docs/de_larosiere_report_en.pdf

identifying and prioritising risks;

issuing risk warnings and advice on the appropriate measures to be taken in reaction to the risks identified (for which there would need to be some kind of mechanism to ensure effective follow-up).

2. On micro-prudential supervision, the Commission has recently adopted measures with the aim of strengthening the functioning of the existing European Committees for banking, securities and insurance/occupational pensions: i) by setting up a clearer framework for the activities of the Committees and reinforcing financial stability arrangements. ii) by proposing the establishment of a Community programme, providing direct funding from the Community budget to the Committees. In order to improve the decision-making process of the Committees, the Decisions introduce Qualified Majority Voting when consensus cannot be reached.

Despite these improvements, the Commission is of the view that the limits of what can be done with the present status of the current committees have been reached. Indeed, the Commission thinks EU financial markets need much more effective mechanisms to ensure that supervisors cooperate in a way which is consistent with the reality of an integrated market.

The Commission is obviously interested to have a debate as wide and comprehensive as possible on the composition and powers of the ESFS and the ESRC, and to this end it launched on 10 March 2009 a consultation on the suggested improvements to supervision, with a deadline set for 10 April 2009[19]. It will also organise a High Level Conference on the follow-up to the de Larosiere report in Brussels on the 7 May 2009.

In the last European Council conclusions of 19 and 20 March 2009, EU Heads of States and Governments have stressed the need to improve regulation and supervision, and that the de Larosière report is the basis for action.

3. Concerning the G20, the results achieved by the G20 process are really unprecedented. For the first time, leaders have been able to agree on comprehensive, detailed coordination of international financial policies and regulations. The Commission has made a real and substantive first step toward the global regulatory convergence it has been calling for long. The EU has been in the lead in this process, and the Commission closely coordinated its position inside the EU.

Concerning the content, the Commission is satisfied that it has managed to secure a comprehensive and ambitious agenda for reform:

a commitment to improve requirements concerning bank capital and liquidity buffers, as well as measures to limit the build-up of leverage;

the establishment of colleges of supervisors for large cross border banks;

a more ambitious stance to regulate credit rating agencies, including compliance with the substance of the IOSCO code of conduct;

an agreement to endorse tough common principles on pay and compensation in financial institutions;

an agreement about improving accounting standards, in particular on valuation and provisioning – two key issues in order to mitigate procyclicality;

an agreement to enhance the resilience of credit derivative markets by promoting standardisation and multilateral clearing arrangements, subject to effective regulation and supervision;

regulation of hedge funds.

On non cooperative jurisdictions, important results were achieved by widening the scope of the review to anti-money laundering, terrorist financing and prudential issues. The Commission also stands ready to deploy sanctions, if needed. It is a good first step to get rid of free riders in the global financial system.

Finally, the work is not over, it is only beginning. The Commission is now entering a new crucial phase where the regulatory commitments must be translated into concrete action. The Commission will continue to play an active role, as it has done until now, to attain this objective.

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[19] Available at http://ec.europa.eu/internal_market/finances/committees/index_en.htm.

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Question no 47 by Armando França(H-0129/09)

Subject: Reinforcement of cooperation with El Salvador

An agreement between the EU and El Salvador has been in place since 1993, and since then the Union has been that country's most important source of aid funding. Until the end of the civil war, cooperation was essentially a matter of tackling the situation of national emergency, and was thus concentrated on food aid and refugee support. Today, the EU's aid extends to a broader field, including human rights, economic cooperation, demobilisation and integration of ex-combatants and rural development. Meanwhile, new problems have now arisen in the shape of unemployment, violence in society, underinvestment in human capital and the need to promote younger workers. What measures does the Commission have in mind for renewing and reinforcing cooperation with El Salvador?

Answer

(EN) The current cooperation with El Salvador is based on the Country Strategy Paper (CSP) 2007-2011 with two focal sectors: 1. Fostering social cohesion and human security, 2. Economic growth, regional integration and trade. These sectors are covering well the challenges El Salvador is facing currently.

Fighting violence and investment in human capital especially are important focuses of these two priority sectors and have been targeted by several actions of our cooperation.

Job generation has been already a priority of the focal sector „support for equitable and balanced growth of the economy and employment" in the CSP 2002-2006. The project FOMYPE, with a budget of 24 million euros, focused on strengthening small and medium size enterprises. The current CSP in the framework of the Priority sector „Economic growth, regional integration and trade" foresees an action aiming at strengthening the quality system so that especially small and medium size enterprises can better use the benefits of the current GSP+ system and the opportunities offered by regional integration and the currently negotiated association agreement. It is widely recognised that SMSs play an important role in generating employment and they can contribute to lessen the negative affects of the present crisis.

There is a large programme of over € 20m ("Projovenes"), targeting particularly the Youth and focusing on the security problems affecting the country. It works at the same time on crime prevention, social integration of young people and support the institutions in the implementation of new educational and social work. This project is complemented by the project PROEDUCA that strengthen the creation work opportunities of young people, and thus crime prevention through reinforcing technical education.

The priorities of the current CSP are likely to remain valid, although, the current Mid-Term Review of the 2007-2013 El Salvador Country Strategy might modify them to reflect better the necessities of the country. The findings of this review will be available early 2010 and the Parliament will be consulted in this process.

Also, the Commission has launched a independent Country level evaluation of the EC's cooperation with El Salvador 1998-2008. This exercise, which is ongoing, will identify key lessons in order to improve the current and future strategies and programmes of the Commission.

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Question no 48 by Manuel Medina Ortega(H-0133/09)

Subject: Banana tariff

Has the Commission made or does it intend to make any concessions on the banana tariffs outside the Doha Round of multilateral trade negotiations?

Answer

(EN) Following the adoption of the World Trade Organisation (WTO) Appellate Body report on the case brought by Ecuador against the tariffs applied by the EC in relation to the importation of bananas from MFN countries, the EC has to bring itself into compliance with the recommendations and rulings of the WTO's Dispute Settlement Body.

The long-standing preference of the Commission is to reach an agreement that would cover all pending issues: compliance with this WTO dispute settlement report; consequences of the EU enlargement to 27 Member States; and tariff negotiations resulting from a new round of WTO negotiations. In order to do so, the Commission is negotiating with a number of Latin American banana supplying countries on modification of the EC scheduled tariff commitments on bananas, taking into account other interests involved, including those of the ACP countries. Despite the lack of agreement to date, the Commission continues to be fully committed to reaching such an agreement on the basis of an outcome acceptable to all stakeholders involved.

Ideally, this agreement should be found in the shorter term within the ambit of the Doha Round. Nevertheless, the Commission is ready to negotiate an agreement on bananas prior to the adoption of Doha Round modalities, on the condition that this agreement also be incorporated in the outcome of the Doha Round at a later stage.

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Question no 49 by Liam Aylward(H-0135/09)

Subject: Suicide prevention

During the European Parliament's second plenary session in February 2009 we voted on the Tzampazi report A6-0034/2009 on mental health. In the course of our discussions, we learned that 59 000 deaths per year in the EU are attributable to suicide, 90% of them from mental disorders. What added value can the Commission, from its research and best practice findings, provide Member States trying to deal with suicides and mental illnesses in their countries?

Answer

(EN) It is unfortunately true that around 60,000 people commit suicide in the EU each year. And it is also true that most of those people, who commit suicide, experienced a history of mental health problems. These people did not find the help which they needed.

In the EU, more people die as a result of suicide than because of road accidents. While the number of road accidents decreased by more than 15% since 2000, the number of suicides remained relatively stable. With the current economic crisis, there is even a risk that the number of short and long-term mental health problems will increase, with a clear impact on suicide rate.

As a European Union committed to improving health and the well-being of its citizens, we should not tolerate this high suicide toll. However, it is important to stress that prevention of suicide is primarily a Member State responsibility.

At EU level, we can nevertheless support exchanges of information and good practices. This is why we made "Prevention of Depression and Suicide" the first priority theme of the European Pact for Mental Health and Well-being launched in June 2008.

In the context of the implementation of the Pact, the Commission and the Ministry of Health of Hungary will organise, on 10/11 December 2009, a thematic conference on "Prevention of Depression and Suicide". This conference will involve policy makers from Member States, practitioners and research experts. It will highlight the most successful approaches in preventing suicide. It will encourage Member States to take the action which best suits their needs.

The conference can build on many European-level project activities during the past 10 years, such as the successful European Alliance Against Depression.

The present economic situation really increases the need to redouble our efforts to protect our citizens' health, in particular in areas like depression and suicide. The Commission expects that the conference will be a useful step for Member States to contribute to that aim.

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Question no 50 by Eoin Ryan(H-0139/09)

Subject: Problems caused by default risk

Does the Commission have any plans to address the problems created by the perceived default risk of certain Member States as regards their national debt? Panic in the financial markets is listed as a key factor in this unequal bond spread and, as a result, bonds in some Member States are seen by investors to guarantee some measure of investment safety while others are avoided due to their 'risk'. This is distorting the spread of bonds and is making the resolution of the banking crisis in certain countries such as Ireland increasingly difficult, as they face higher costs for borrowing money and penalties as a result of the perceived 'default risk'.

Answer

(EN) The current financial and economic crisis has resulted in higher spreads for long-term government bonds within the euro area, which can make it more costly for some Member States to service their debt.

However, it needs to be pointed out that if these spreads (measured against the yield on German bonds) usually have risen, the overall level of long-term interest rates in the euro area is not particularly high by historical standards. This is because the backdrop of the main refinancing operations rate relevant for monetary policy has fallen to an unprecedented low.

The most effective way to counter the "perception of default risk" remains a credible commitment to restoring sound fiscal positions in the medium term: the euro area and EU Member States with large budgetary imbalances including Ireland have put forward plans to ensure sound public finances in the medium term. These plans have been endorsed by the Council in its opinions on the Stability and Convergence Programmes. The Excessive Deficit Procedure, where necessary, is to be used to provide further peer support to the correction of fiscal imbalances in the medium term.

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Question no 51 by Seán Ó Neachtain(H-0141/09)

Subject: Fish discards

Discarding fish is a huge problem for the Common Fisheries Policy which gives the European Union a bad name, as the public quite rightly cannot understand why fishermen have to throw away good-quality fish while fish stocks are low and there are people starving in the world.

What plans does the Commission have, during the review of the Common Fisheries Policy, to tackle this problem and to restore faith and credibility in the Common Fisheries Policy as well as the European Union?

Answer

(EN) The Commission fully agrees with the Honourable Member that discards are a problem in European fisheries that needs to be tackled vigorously. This problem is very complex, since discards take place for a variety of reasons. Therefore, the solution is to take individual specificities into account therefore requiring several initiatives being taken instead of only one.

Already in 2007, the Commission indicated in its Communication "A policy to reduce unwanted by-catches and eliminate discards in European Fisheries"[(20)] its intention to address the problem of discards. Some first but significant steps were taken in 2008 by further limiting fishing effort in various fisheries and by putting in place a high-grading ban in the North Sea and the Skagerrak.

These measures entered into effect in 2009 although a lot still needs to be done and a new impetus is needed in order to eradicate discards. The Commission does not therefore want to wait until the reform of the Common Fisheries Policy and it envisages to tackle this issue by means of a gradual approach, as from now. This stepwise approach will focus in the short term on regulated and other major commercial species. It will include measures such as incentivising pilot studies to test discard reductions in practise, new control and technical measures, promoting more selective gears and improved mesh sizes and the provision of incentives to favour initiatives from the fishing industry itself which are geared to less by-catch and discards. The Commission is also envisaging to propose a ban on high grading in all Community waters with effect from

(20) COM(2207) 136 final

the beginning of 2010. Member States must do their part as well and should manage fishing permits at national level in a way that ensures that only vessels having appropriate quotas have the opportunity to fish for regulated species.

Beyond these immediate measures, the Commission will also use the upcoming debate on the reform of the Common Fisheries Policy (CFP) to help bring about the necessary change. The current system of Total Allowable Catches and quotas is a contributor to discarding because it is based on national quotas for individual species. Solving the discards problem may require significant changes in this system. While it is premature to establish clear positions on such changes at this early stage, it is essential that in the context of the discussions on the Green Paper and further negotiations leading to the reform of the CFP in 2012, solving the issue of discards should occur centre stage and has to be tackled forcefully. The final objective should be to eradicate this practice.

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Question no 52 by Avril Doyle(H-0146/09)

Subject: Patent application and maintenance costs in Europe

Between 2000 and 2006 the EU's world share of gross domestic expenditure in Research and Development (GERD) decreased by 7.6% and its share in patent applications declined by 14.2%, or nearly twice as much. The developed Asian Economies the share of patent applications increased over the same period by 53%. A main contributory factor to this disparity is the cost of applying for and maintaining a patent in the EU, which is currently 60 times more expensive than maintaining patent protection in the US and 13 times that of the Japanese patent office. When does the Commission plan to obtain agreement and act on this? As we approach the end of another parliamentary term, with apparently little progress to report, what does the Commission recommend? Could the Commission indicate what it believes this situation is costing Europe in terms of intellectual property rights and innovation?

Answer

(EN) The Commission believes in the importance of an effective intellectual property rights system (IPR) for stimulating growth, investment in Research and Development and innovation in the EU. In view of the unsatisfactory situation in the field of patents in Europe, the Commission launched a broad public consultation on the future of the patent system in Europe in 2006[(21)]. This left no doubt as to the urgent need for action to provide a simple, cost-effective and high-quality patent system.

As a follow-up to the consultation, the Commission adopted a Communication to the Parliament and the Council "Enhancing the patent system in Europe" on 3 April 2007[(22)]. This Communication set out options for a patent system in Europe that is more accessible and will bring cost savings to all stakeholders. The Commission has since been working with the Council towards building a consensus among Member States on the main features of a Community patent and a unified litigation system which would cover both current European patents and the future Community patent. Substantial progress has been made which enabled these discussions for the Commission to adopt on 20 March 2009 a Recommendation to the Council to authorise the Commission to open negotiations for the adoption of an Agreement creating a Unified Patent Litigation System[(23)]. It is now hoped that the Council will take the necessary steps for these negotiations to commence, and that progress will continue towards a breakthrough on the creation of both the Community patent and the Unified Patent Litigation system.

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(21) For further details of the consultation, see http://ec.europa.eu/internal_market/indprop/patent/consultation_en.htm

(22) COM(2007) 165 final can be downloaded at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0165:FIN:EN:PDF

(23) SEC(2009) 330 final can be downloaded at http://ec.europa.eu/internal_market/indprop/docs/patent/recommendation_sec09-330_en.pdf

Question no 53 by Nils Lundgren(H-0147/09)

Subject: Margot Wallström and elections to the European Parliament in June 2009

The Commissioners are meant to represent all EU citizens and stand above party politics. It is particularly important to uphold that principle ahead of the elections to the European Parliament in June this year. Will Commissioner Margot Wallström remain politically neutral during the European Parliament election campaign? Has Margot Wallström been involved in any contexts where her political independence might be called into question?

Answer

(FR) The Code of Conduct for Commissioners recognises that Commissioners are politicians who may be active members of political parties provided that this does not compromise their availability for service in the Commission. In this context, they may express personal opinions but they must take responsibility for them and must respect their obligations to the principle of collective responsibility, to confidentiality and to discretion that arise from the Treaty.

The participation of a Commissioner in an election campaign, as a candidate or endorsing an electoral list, is governed by the obligation to be independent and to defend the common interest as laid down in Article 213 of the Treaty and again in the Code of Conduct for Commissioners.

The Commission attaches great importance to the forthcoming European elections, which mark an important moment for the European Union. It encourages its Members to participate in activities such as giving information and creating awareness of common European values that aim to encourage European citizens to vote. In this context, Commissioners must ensure that they remain impartial with regard to the political groups' programmes, although they may challenge them when they call into question the work of the Commission or of the other institutions.

With regard to a Commissioner's participation in the forthcoming European election campaign and endorsement of a particular electoral list, it is the Commissioner's responsibility to inform the President of the intended level of participation.

Commissioners who intend to play an active role in the electoral campaign will have to take special unpaid leave.

On the other hand, slight participation does not entail having to take leave of absence during the election, provided that the major part of their time is still devoted to their role as Commissioners and that they avoid stating views that could be perceived as compromising a policy or decision adopted by the Commission or as being in conflict with the pursuit of the general interest of the Community. Furthermore, if Commissioners do speak publicly in the context of the European election campaign, they must make it absolutely clear whether they are speaking as Members of the Commission, providing information in their official capacity, or personally.

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Question no 54 by Hélène Goudin(H-0150/09)

Subject: Margot Wallström's involvement in the development of the Social-Democrats' EU policy

In March 2007, Margot Wallström was given the responsibility, together with Jan Eliasson, of leading a group tasked with developing the Social-Democrats' foreign and EU policy. Is Margot Wallström's task in this respect consistent with the fact that Commissioners are meant to represent all EU citizens and stand above national party politics?

Answer

(FR) Commissioners are political personalities. In accordance with the Code of Conduct for Commissioners, they cannot hold any other public office of any kind, but they can be active members of political parties or trade unions provided that this does not compromise their availability for service in the Commission.

The participation of a Commissioner in a political party meeting or in the work of a group linked with that party is not comparable to holding a public office and is compatible, provided that this does not jeopardise

the Commissioner's availability for service in the Commission, and that the obligations to observe the principle of collective responsibility and confidentiality are fully respected.

Individual political activities by Commissioners do not in any way relieve Commissioners of the obligation to carry out their duties completely independently, in the general interest and not to seek or take any instructions from any organisation or association of any kind.

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Question no 56 by Ioannis Gklavakis(H-0156/09)

Subject: Common Fisheries Policy health check - fish farming

In outlining the Common Fisheries Policy's health check, Commissioner Borg stated that the development prospects of fish farming would be reconsidered.

Bearing in mind the environmental, economic and social significance of this sector for coastal regions, will the Commission say which measures are planned for the development of fish farming? How does it intend to proceed as regards the traceability of Community fish farming products? How could it promote the competitiveness of Community products faced with corresponding products from low cost third countries, as part of the EU's competition policies? Has provision been made for production, certification and marketing standards for organic fish farming products?

Bearing in mind that the economic crisis, in conjunction with the vast volume of imports of fish farming products, has affected many units which are unable to meet their financial obligations, will the Commission say whether it is envisaging a specific support scheme for this sector?

Answer

(EN) Aquaculture is of high economic and social significance for several coastal and inland regions of the European Union. It has also a tangible environmental dimension.

On 8 April 2009, the Commission adopted a Communication on building a sustainable future for aquaculture (COM (2009) 162). This initiative gives a new impetus to the sustainable development of EU aquaculture. This strategy identifies a number of measures that are aimed at addressing the challenges faced by the EU aquaculture industry, in particular with the objective of promoting its competitiveness.

As regards traceability, the provisions for aquaculture products are already quite well developed. Under Commission Regulation 2065/2001 provisions are laid down so that consumers have information on the Member State or Third Country of production at each stage of marketing of the species. Provision has been made for organic aquaculture production in the revision of the organic production rules completed in 2007 through Council Regulation (EC) No 834/2007. While the control and labelling provisions already apply, detailed production rules are currently under development and the draft Commission Regulation is expected to be adopted in the course of 2009. In the meantime, national rules or private standards recognised by Member States continue to apply.

The Commission also intends to develop a market observatory in order to improve the knowledge of the EU fishery and aquaculture sector on market trends and price formation. A survey will be carried out on volumes and value for fisheries and aquaculture products at different levels of the supply chain from first sale to retail. This project should help the aquaculture industry to adapt its marketing to the evolution of demand and to get better value for their products. Furthermore, the review of the market policy for fisheries and aquaculture products foreseen in 2009 will allow to assess and to address particular needs of the aquaculture sector, such as those regarding producer organisations, inter-professions or consumer information.

The Commission is also fully aware that the economic crisis has compounded the difficulties that some enterprises, notably in the sea bream farming industry, were already facing. The Commission adopted a number of measures at horizontal level, which are meant to benefit operators across all the sectors. Among others, measures on finance and credit have been adopted. Furthermore, the European Fisheries Fund (EFF) provides tools and measures that can help the aquaculture industry address today's difficulties.

Finally, most measures identified in the Communication for a renewed impetus for the sustainable development of European aquaculture, are of a non-legislative nature and should be delivered over a few years. The future of EU aquaculture and the role that the Community should adopt in the longer term in this

regard will have to be assessed and further discussed in the process that begins now on the preparation of the future reform of the Common Fisheries Policy and the review of EU financing instruments after 2013.

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Question no 57 by Frank Vanhecke(H-0160/09)

Subject: European agencies

According to the renowned British Economic Research Council, most European agencies are duplicating the work of the relevant national agencies and moreover are forcing private entities out of the market. The ERC therefore advocates that some of these agencies, for example the Community Plant Variety Office, be abolished. Similar criticisms have also been expressed, for example, concerning the Fundamental Rights Agency, in this case by the Council of Europe.

What is the Commission's response to these authoritative criticisms? Does the Commission intend to set up additional agencies in future?

Answer

(EN) The Commission has constantly reiterated the need for a common vision on the role and place of agencies in EU governance. The ad hoc establishment of agencies over the years has not been accompanied by an overall vision of their position in the Union, which has made it more difficult for them to work effectively and has nourished a range of critics as the ones quoted by the Honourable Member.

This is why in March 2008 the Commission addressed a Communication to the Council and the Parliament, "European Agencies-the way forward"[(24)], inviting the two institutions to an inter-institutional debate with the objective of arriving at a common approach vis-à-vis the role of agencies. To this end an Inter-institutional Working Group was created, composed of members coming from the Commission, Parliament and Council with the mandate to debate on several key issues concerning the agency system – funding, budget, supervision and management. The first meeting of this Working Group, at political level, took place on 10 March 2009 on the margins of the Parliament's plenary session in Strasbourg. The Commission believes that the group offers the opportunity to examine whether the criticisms levelled at agencies are, indeed, justified and, if so, what should be the appropriate responses. Conclusions can be drawn only against the background of the results of this inter-institutional dialogue.

With regard to the alleged overlapping of competences of existing agencies with other actors acting in the same area, the Commission points out that this matter will be addressed within the ongoing evaluation of the system of the EU decentralised agencies. This evaluation was announced in the above mentioned Communication and was commissioned to an external contractor. Its findings will be available in November 2009 and they will feed into the inter-institutional debate. Once the evaluation is completed the Commission will report to the Parliament as soon as possible. Meanwhile, the Parliament, as well as the Council, is closely associated to the evaluation process via their participation in the so called Reference Group, which comments on relevant deliverables, including the draft final report.

Concerning the creation of new agencies, the Commission recalls existing proposals in the fields of energy and telecoms, as well as planned agencies in the field of justice and home affairs which are already in inter-institutional discussions.

The Commission is committed to shape together with the Parliament and the Council a new overall approach to agencies with a view to making them a more effective tool by improving their coherence, effectiveness, accountability and transparency.

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(24) COM(2008) 135 final of 11 March 2008

Question no 58 by Manolis Mavrommatis(H-0161/09)

Subject: Eradication of child prostitution and child sex tourism

A recent survey carried out by the NGO ECPAT ('End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes') shows that there has been an increase in the trafficking of children for sexual exploitation, even in EU countries. An estimated nine million young girls and one million boys fall victim to sexual exploitation, especially in countries such as Cambodia, Thailand, Indonesia and Russia, while according to UNICEF estimates, turnover from child pornography and prostitution amount to € 250 billion.

Given that 93.3% of abuse against children takes place in hotels, how does the EU intend to help ensure that European tourist agencies take preventive measures to avoid unsavoury arrangements based on prostitution? Does it intend to provide special information for European travellers to these regions? Are any plans afoot to eradicate the forced prostitution of children as part of its assistance to developing countries?

Answer

(EN) The Commission is deeply concerned about the sexual abuse and sexual exploitation of children in its different forms. This includes child prostitution, child sex tourism and child pornography. They are particularly serious forms of crime directed against children, who have the right to special protection and care. These crimes produce long-term physical, psychological and social harm to victims. When the abuse is committed abroad, as in the case of child sex tourism, it is particularly worrying that the application of certain national rules on criminal jurisdiction often results in child sex offenders enjoying impunity in practice.

On 25 March 2009, the Commission put forward a proposal for a new Council Framework Decision on combating the sexual abuse, sexual exploitation of children and child pornography repealing the Framework decision 2004/68/JHA. It includes an extensive set of vigorous measures on the three fronts of prosecuting the offenders, protecting the victims and preventing the phenomenon.

More specifically to combat child sex tourism, the proposal provides for amending rules on jurisdiction to ensure that child sexual abusers or exploiters from the EU face prosecution even if they commit their crimes in a third country. For that, the existing rules on criminal jurisdiction must be amended to cover extraterritorial cases and to eliminate requirements of intervention by authorities in the third country, which may not be able or willing to take a firm stand against child sexual exploitation. In this way, offenders abusing children abroad will face penalties when they come back. In addition, the proposal envisages criminalising the dissemination of materials advertising the opportunity to commit any sexual abuse, and also the organisation of travel arrangements with that purpose.

In the context of the United Nations World Tourism Organisation a Task force for the protection of children in tourism has been set up. The Task Force is a global action platform of tourism-related key-players from the government and the tourism industry sectors, international organizations, non-governmental organizations (NGOs) and media associations. It operates as an open-ended network. Its mission consists of supporting efforts to protect children from all forms of exploitation in tourism, under the guiding principles of the Global Code of Ethics for Tourism. Although its main focus is the protection against sexual exploitation of minors, it also includes child labour and the trafficking in children and young people.

The Task Force's on-line service, the Child Protection in Tourism Watch, was launched by WTO to support the international community and tourism industry organizations in their fight against the commercial sexual exploitation of children in tourism networks. The Child Prostitution and Tourism Watch is a constantly up-dated public information server on past and present activities, partners' tourism policy documents, related facts & figures and other measures.

Under the Development Cooperation Instrument (DCI), more specifically the Investing in People thematic programme, the Commission addresses sexual violence, exploitation and abuse by supporting actions and dissemination of good practices aimed at fighting child trafficking and rehabilitating victims. The programme focuses on civil society's capacity building to promote policy dialogue and effective programming on child trafficking and related issues.

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Question no 59 by Dimitrios Papadimoulis(H-0164/09)

Subject: State aid to coastal shipping

In its answer to my question E-5029/08, the Commission states that it 'has not received any complaints so far regarding the adjudication of public service contracts for maritime transport to the Greek islands.' I should like to draw the Commission's attention to the fact that numerous articles in the Greek press refer to (a) complaints from the President of the Union of Greek Coastal Shipowners concerning lack of transparency in tendering procedures, (b) a complaint from a shipowner concerning blackmail and bribery surrounding State aid for non-profitable ferry services, (c) a ruling by the Hellenic Competition Commission against the company 'Sea Star', which controls ANEK, a company receiving State aid, and (d) an increase in State aid - 100 million euro this year and a further 200 million over the last five years - allocated directly without any transparency. The answer to question E-2619/07 should also be borne in mind, where the Commission states that a dominant position is held by one enterprise over ferry services in the Cyclades.

Does the Commission intend to examine the conditions under which certain coastal shipping services are subsidised? Do the methods employed by the Greek authorities ensure healthy competition? What amounts have been granted to each company since 2004?

Answer

(EN) The Commission can only make again the point that it has received no complaint on State aid to ferry companies in Greece nor on the violation of the transparency obligation to be respected on the occasion of the conclusion of public service contracts under Regulation 3577/92 on maritime cabotage[(25)].

An infringement procedure on Greece for the incorrect implementation of the mentioned regulation is still open, but with respect to matters which are irrelevant for the purpose of the questions raised by the Honourable Member.

As mentioned in the reply given by the Commission to Question E-5029/08, Member States are not under an obligation to notify the Commission public service contracts for maritime cabotage and the relevant compensation. The Commission is therefore not aware of the amounts paid by the Member States for the provision of public service.

Should the Honourable Member consider that the Regulation on maritime cabotage has been infringed or that illegal State aid has been given to shipping companies, he can lodge, as any citizen, a formal complaint and provide the details and circumstances of the alleged infringement which will allow the Commission's Services to start an assessment of his complaint.

The Commission has no specific information as to the existence today of any dominant position held by one ferry company in the Cyclades. It should be noted in any event that Article 82 of the EC Treaty only prohibits the abuse of a dominant position, not the existence of the dominant position as such. Any abuse of a dominant position which has an effect on trade between Member States could be investigated by the national competition authority or by the Commission. In addition, subject to the relevant conditions being met, the national authorities can take the appropriate measures according to Regulation (CEE) No. 3577/92 of the Council of 7 December 1992 on maritime cabotage[(26)].

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Question no 60 by Kathy Sinnott(H-0168/09)

Subject: Irish bank guarantee

When the bank guarantee was introduced by the Irish Government in September 2008 the Commission expressed reservations about aspects of the guarantee.

Can the Commission be specific as to all the points about which it had reservations?

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(25) Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage)

OJ L 364, 12.12.1992, p. 7–10

(26) JO L 364 du 12.12.1992

Can the Commission be specific on how these reservations were answered and how it gave its approval of the guarantee?

Answer

(EN) In September 2008, the Irish authorities sought to underpin the stability of the domestic financial system by providing a state guarantee to the current and future liabilities of certain banks operating on the Irish market. At that time, the Commission sought a number of clarifications and modifications from the Irish Government in relation to the guarantee scheme with the view to stabilising financial markets, while avoiding unnecessary distortions of competition with other banks, and negative spillovers in other Member States.

Following a series of constructive and positive exchanges, the Irish Government submitted a finalised scheme for approval by the Commission on 12 October 2008, which responded to the Commission's concerns. More specifically, the finalised scheme ensured:

non-discriminatory coverage of banks with systemic relevance to the Irish economy, regardless of origin;

a pricing mechanism that covers the funding costs of the scheme and ensures a fair contribution over time by the beneficiary banks;

appropriate safeguards against abuse of the scheme, including restrictions on commercial conduct and limits to balance-sheet growth;

accompanying measures to address structural shortcomings of certain banks, in particular if the guarantee has to be called upon;

safeguards on the use of guaranteed subordinated debt (lower tier-2 capital), in particular regarding the solvency ratios of the beneficiary banks;

review at 6-monthly intervals of the continued necessity for the scheme, in the light of changes in financial market conditions.

The Commission approved the finalised scheme under EC Treaty state aid rules on 13 October 2008.

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Question no 61 by Carl Schlyter(H-0169/09)

Subject: Price ceiling for mobile telephony

According to the Regulation on roaming of June 2007 concerning roaming costs for mobile telephony, the cost of outgoing roaming calls per minute may not exceed 0.49 euro (and should have fallen to 0.43 euro by 2009). Incoming roaming calls may cost a maximum of 0.24 euro per minute (0.19 euro by 2009). Currently, there are various contracts which levy a connection charge, which means that the price ceiling is exceeded. The connection charge is part of a voluntary agreement which results in lower costs per minute but, in the case of short calls, the cost exceeds the price ceiling.

Is this situation consistent with the Regulation on roaming? If not, what does the Commission intend to do to ensure compliance with the price ceiling rules?

Answer

(EN) Under Article 4 of the current Roaming Regulation[27] mobile operators are required to offer a Eurotariff to all their roaming customers. The Eurotariff cannot entail any associated subscription or other fixed or recurring charges and may be combined with any other retail tariff. Operators may also offer other roaming tariffs apart from the Eurotariff which may be structured differently to a Eurotariff and could therefore contain a connection charge. However, for the Eurotariff, the per minute charge cannot exceed the ceilings imposed in the Regulation.

On a related point, the Honourable Member may be aware that the Commission's review of the Roaming Regulation revealed that per minute billing for roaming calls is the most common practice in the majority

(27) Regulation (EC) No 717/2007 of the Parliament of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC

of Member States. This means that operators charge on a minimum per minute basis even where calls are less than one minute duration. The European Regulators Group estimated that consumers pay around 19% and 24% more for calls received and calls made, respectively, as a result of this practice and stated that urgent action was needed to address this 'hidden charge'.

Per minute billing practices represent a dilution of the intended effects of the Regulation. The Eurotariff is a maximum cap and is intended to provide consumers with assurance as to what they will pay. Divergent billing practices for the Eurotariff by mobile operators undermine the original aim of the Regulation which is to provide a common price ceiling across the Community.

In its proposals for extension of the Roaming Regulation[(28)], the Commission proposed a move to per second billing for retail and wholesale roaming calls. The Commission believes that this is an essential step to address the dilution and lack of effective harmonisation of the Eurotariff price ceiling. In relation to making a roaming call, the Commission considers that it is reasonable to allow a minimum initial charging period of up to 30 seconds at retail level so that operators are able to recover minimum fixed retail costs involved in setting up a call.

The Commission is hopeful that its proposals to extend the Roaming Regulation, including the new measures for billing unitisation, will be adopted by the Parliament and Council in time for customers to benefit this summer.

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Question no 63 by Ewa Tomaszewska(H-0180/09)

Subject: Lower VAT on fruit and vegetables

During the discussions on the threat of obesity, in particular among children (debate of 18 November 2008 on the report by Niels Busk (A6-0391/2008) on the School Fruit Scheme), a proposal was made to cut the rate of VAT on fruit and vegetables, with a view to promoting a more healthy diet.

Has the Commission taken that suggestion into account, and will it draw up a proposal to amend tax legislation accordingly?

Answer

(FR) The honourable Member is asked to refer to the answer given by the Commission to written question E-5202/07 by Mr Marios Matsakis[(29)].

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Question no 64 by Magor Imre Csibi(H-0181/09)

Subject: Weight loss products

Many manufacturers make extraordinary claims about their products, which risk misleading consumers and patients and may be contributing to the so-called yo-yo diet effect. Some products are 'medicines', which are licensed and have to undergo clinical trials and rigorous testing, whereas others are regulated under, for example, 'food supplements' or 'medical devices legislation', which have no or very limited efficacy requirements.

Is the Commission aware of the percentage of EU citizens using weight-loss products and services to try to maintain a healthy weight? Does the Commission plan to review the scope and tighten up the EU legislative framework regarding weight-loss products, considering the different EU regulatory regimes governing the manufacture, sale and marketing of these products? More specifically, does the Commission intend to put greater legal emphasis on enforcing the efficacy of these products? What action is the Commission taking to prevent the possibility of unscrupulous manufacturers misleading vulnerable consumers?

(28) COM(2008)580 Final

(29) OJ No …

Answer

(EN) The Commission does not have quantitative data on the percentage of EU citizens using weight loss products since such products can be either centrally or nationally authorised medicinal products, with or without prescription or food suplements or even medical devices.

If weight loss products are medicinal products, they need according to EU legislation (Directive 2001/83/EC and Regulation (EC) 726/2004), like any medicinal product, a marketing authorisation before being placed on the market in the EU. It may be authorised at the Community level by the Commission following an evaluation by the European Medicines Agency (EMEA) or nationally by the Member State.

Assessments conducted before the marketing authorisation is granted, are based on scientific criteria to determine whether or not the products concerned meet the necessary quality, safety and efficacy requirements set out in the EU legislation. The Commission considers that the requirements in the EU legislation are adequate to assure a positive risk-benefit balance in favour of patients of these products once they reach the marketplace.

The testing of these medicinal products is defined in the scientific "Guideline on clinical investigation of medicinal products used in weight control" adopted by the Committee for Medicinal Products for Human Use (CHMP) in 2006. This Guideline is intended to provide guidance for the clinical evaluation of medicinal products used to promote weight loss in obese adult patients. The efficacy testing of these medicinal products is clearly provided for and defined in this Guideline. Therefore, there are no plans to review the scope and tighten up the EU legislative framework regarding medicinal products against obesity.

Weight loss medicinal products are marketed as prescription as well as non- prescription medicinal products. Rules on the advertising of medicinal products for human use are harmonised under the Articles 86 to 100 of Directive 2001/83/EC. EU legislation forbids direct advertising to consumer of prescription medicines. It allows for advertising only of non-prescription medicines. This situation has not been changed by the current proposal (COM/2008/663).

As regards medical devices, in some rare cases, weight-loss products may fall under the medical devices legislation. The medical devices legislation sets requirements to ensure that devices do not compromise the clinical condition or the safety of patients, of users or, where applicable, of other persons. As part of these requirements, the medical device must achieve the performances intended by the manufacturer. Moreover, it is required that conformity with the legal requirements must be demonstrated by means of clinical evaluation in accordance with Annex X of Directive 93/42/EEC.

Foods intended for use in energy restricted diets for weight-reduction are specially formulated foods which, when used as instructed by the manufacturer, may replace the whole or part of the total daily diet. They are part of the group of foodstuffs for particular nutritional uses (dietetic foods) for which specific provisions regarding the composition and labelling have been laid down by a specific Directive (Directive 96/8/EC on foods intended for use in energy restricted diets for weight-reduction[30]); specifications as regards the amount of energy provided by these foods as well as their content in protein, fat, fibre, vitamins, minerals and amino acids have been established after consultation of the Scientific Committee for Food. As regards the labelling, advertising and presentation of these products no reference in particular shall be made to the rate or amount of weight loss which may result from their use.

Without prejudice to Directive 96/8/EC, health claims referring to 'slimming or weight-control or a reduction in the sense of hunger or an increase in the sense of satiety or to the reduction of the available energy from the diet' are subject to the rules laid down in Regulation (EC) N°1924/2006 on nutrition and health claims made on foods[31] and are to be based on and substantiated by generally accepted scientific evidence.

Consequently, the Commission considers that the prevailing legal framework as such should ensure the safe placing on the market and use of weight loss products. The Commission therefore does not intend to take further action concerning these products. It should be stressed however, that it is of paramount importance that there is correct implementation in the Member States and subsequent follow-up by the competent authorities of the relevant EU legislation. If the Honourable Member is aware of any relevant information

(30) OJ L 55, 6.3.1996, p. 22

(31) OJ L 401, 30.12.2006, p.1

regarding lack of proper implementation, the Commission will analyse it and, if appropriate, take the necessary action.

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Question no 65 by Małgorzata Handzlik(H-0184/09)

Subject: European counterfeiting monitoring centre

Counterfeit goods are a major threat to the competitiveness of European industry. What is more, they often pose a threat to consumer health. An ever wider range of goods is being counterfeited – not just luxury goods, but also food, toys, medicines and electronic equipment. As part of efforts to combat counterfeiting and piracy, the European Council has decided to set up a European counterfeiting monitoring centre. In connection with that decision, can the Commission say how the centre will operate and what its composition, organisational structure and remit will be? What other steps does the Commission intend to take in the near future with a view to combating counterfeiting and piracy?

Answer

(EN) The Observatory will primarily serve as the central resource for gathering, monitoring and reporting information and data related to IPR infringements. However, it will also act as a forum for exchanging ideas, expertise and best practices. As a result, it will become the recognised source of knowledge and a central resource for business and public authorities engaged in enforcement activities.

Its two initial aims are to bring together policy makers, public authorities and stakeholders engaged in the enforcement of IP to foster regular exchanges of ideas and share best practices and bring together information and data to better understand the problems and methods used by infringers and to help to target resources more effectively.

Both functions are inter-linked since they aim at improving the knowledge base and require a close working partnership between public and private bodies.

The Observatory will overcome existing gaps in the knowledge base by improving the collection and use of information and data, promoting and spreading best practice across public sector authorities, exploring and spreading successful private sector strategies and raising public awareness;

This work will provide the basis for both general and sector specific reports to identify vulnerabilities within the EU, to highlight challenges and threats, and to provide specific information on core work areas. The reports will provide a solid knowledge base, from which strategies can be formulated. They could also become central tools in setting priorities and measuring progress.

The Observatory will be managed by the Commission, under the coordination of a dedicated unit in the Directorate General Internal Market and Services (with the assistance of external contractors).

Concerning other steps taken with a view to combating counterfeiting and piracy, it should also be noted that the new EU Customs Action Plan to combat IPR infringements for the years 2009 to 2012 has been agreed and formally endorsed by the European Council on 16 March 2009[(32)].

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Question no 66 by Marie Anne Isler Béguin(H-0186/09)

Subject: Exploitation of uranium in Niger

European companies are exploiting uranium in Northern Niger. Niger is one of the least developed countries. However, its people derive no benefit from these activities. On the contrary, exploitation of uranium is leading to an environmental and health disaster: the mines have high levels of radioactivity and the mining waste presents a health risk to the people who live alongside the mines. Moreover, groundwater has been drained for exploitation of the deposits. The EU must ensure that European companies established in Africa assume their responsibilities.

(32) OJ C71, p.1., 25.03.2009

What is the Commission's approach for ensuring that European uranium mining companies in Niger respect the local people's right to good health and the need to preserve groundwater? Can the Commission make sure that the local people share the economic benefits of the mining, particularly by means of the trade agreements between the EU and Niger?

Answer

(FR) The Commission is following closely the situation in Niger, where the exploitation of uranium affects several aspects of life in that country. First of all we must remember that this resource is essential for the budget of a state that is one of the least developed countries. Like the other mineral resources in the country, its contribution to the budget is significant on account of the activities of a number of European, Asian and American international companies.

The environmental impact of this exploitation is considerable and takes place in a context where the challenges to be tackled are multiple and often significant. One has only to mention desertification, deforestation and the problem of water. Environmental legislation in Niger to deal with these issues is considered completely acceptable. Implementing regulations, however, are all too often lacking and the civil service staff, both centrally and in the interior of the country, is often very inadequate, with the result that strategies and regulations can very rarely be implemented. That is why it is important to have adequate budgetary resources available. The Commission helps Niger to respond to these challenges through cooperation. Considerable resources from the 10th European Development Fund (EDF) for rural development and budgetary support are contributing to this effort, as well as specific projects from the 8th EDF that are still in progress, such as support for the Ministry of Mines, or sanitation and waste-water treatment at Arlit.

The exploitation of mineral resources, especially uranium, is also a source of internal conflict, particularly in the north of the country. The Commission has begun discussions with the Council about the problems linked with the issues of development and security in the region and it sees the participation of local people in resource management as essential for peacemaking, particularly through decentralisation, which it strongly supports and which is beginning to be translated into action. Major improvements in the management of local natural resources are anticipated on these bases, although local skills are still very weak.

With regard to transparency in the management of public funds and mineral resources, the Commission supports establishing commitments from Niger in connection with the Extractive Industries Transparency Initiative (EITI), of which Niger is a signatory country. Under the Cotonou Agreement these issues will, on the one hand, be followed up in the context of implementation of the EDF, given the importance attached to issues of governance in the 10th EDF, and, on the other hand, these issues may be raised within the framework of political dialogue under Article 8 of the Cotonou Agreement.

With regard to any possible action against European companies or in the context of trade agreements between these companies and the authorities in Niger, the Commission has no actual competence in this area nor any right of sanction, but it supports adherence to codes of conduct such as the EITI, as mentioned above.

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Question no 67 by Jens Holm(H-0188/09)

Subject: Negotiating mandate for the Anti-Counterfeiting Trade Agreement (ACTA)

According to the Commission's negotiating mandate for a plurilateral anti-counterfeiting trade agreement dated 26 March 2008, an 'intellectual property group' will be attached to the ACTA negotiations. This information was reported in the Swedish media (e.g. Dagens Nyheter and Europaportalen), which quoted from the negotiating mandate. Who are to be the members of this group? Will the Commission provide details of all those involved (individuals, companies, civil organisations)? Are there any other expert or consultative groups attached to the ACTA negotiations? Who are the members of those groups?

Answer

(EN) The Council's Directives for the negotiation by the Commission of a plurilateral anti-counterfeiting trade agreement (ACTA) do not provide for the creation of an "intellectual property group" to follow the ACTA negotitions (nor for any other expert or consultative groups of a non-governmental nature attached to the negotiations). However, in line with the negotiating mandate, the Commission will conduct the negotiations in consultation with relevant regular committees of the Council of Ministers of the EU, in particular the Article 133 Committee, but also the Council's Working Party on Intellectual Property. The

latter is a regular body within the Council, consisting of representatives of the governments of the 27 EU Member States, which meets regularly to discuss intellectual property rights (IPR) related issues.

In order to involve civil society in the process of negotiation of ACTA, the Commission is also organising Stake-holders' Consultation meetings. A first one was held in June 2008, and a second one has taken place on 21 April 2009. These meetings were open to the public (individuals, companies, associations, press, NGOs, etc.) and are widely advertised. Additionally, the Commission has invited interested parties which were unable to attend the meetings to provide written submissions.

A different question is the possibility of providing ACTA with some kind of mechanism to involve stakeholders after the Agreement has been signed and entered into force. Since IPR are, by nature, private rights, the Commission considers that it could be valuable to foresee the possibility for interested parties to be associated to the functioning of ACTA. But this question, as well as any other aspects about the future institutional structure of ACTA, are still being negotiated and no final decisions have been taken.

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Question no 68 by Brian Simpson(H-0189/09)

Subject: Implementation of the Code of Conduct for CRS

Can the Commission confirm that IATA believes that airlines are not covered by Article 7.3 of the above legislation relating to the disclosure of travel agent identity in all marketing, booking and sales data products?

Can they further confirm that IATA has informed the Commission that it will refuse to conceal the identity of individual travel agencies in those products, even if IATA does not have the agencies' specific consent to have their identity revealed in IATA's data products (called by IATA Passenger Intelligence Services)?

Thirdly, will the Commission confirm that only agreements concerning the rights of anonymity protected by Article 7.3 made after March 29th 2009 will be valid? What does the Commission intend to do to ensure IATA complies with the law?

Answer

(EN) Article 7.3 of the Code of Conduct for computerized reservation systems (CRS) is very clear on the protection of business data. It provides that any marketing, booking and sales data resulting from the use of the distribution facilities of a CRS by a travel agent established in the Community shall include no identification either directly or indirectly of that travel agent. This applies unless the travel agent and the CRS agree on the conditions for the use of such data. This applies equally to the supply of such data by the CRS to any other party for use by this party other than for billing settlement.

Therefore, the Commission can confirm to the Honourable Member that airlines are covered by Article 7.3 of the above legislation relating to the disclosure of travel agent identity in all marketing, booking and sales data products.

The Commission considers that the protection of business data is a fundamental point of the Code of Conduct. Therefore, it is in close contact with Interntional Air Trarnsport Association (IATA), the CRS and the travel agents on this matter.

At this stage, the Commission is not aware that IATA will refuse to mask the identity of individual travel agencies in those products if it does not have the agencies specific consent to have their identity revealed in IATA's data products.

The Commission confirms that only agreements respecting the rights of anonymity protected by Article 7.3 and in force after March 29th 2009 will be valid under the Code of Conduct. The Commission intends to take every necessary measure to ensure that all players respect the Code of Conduct. This applies to IATA and others.

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Question no 69 by James Nicholson(H-0192/09)

Subject: Electronic sheep tagging

Considering that there will be no improvement with regard to traceability, will the Commission review the decision to implement its proposals for electronic sheep tagging, as the cost is prohibitive and will put many sheep farmers out of business?

Answer

(EN) The current Community rules on individual identification and traceability of sheep and goats were prompted by the foot and mouth disease crisis of 2001 in the United Kingdom (UK), and the subsequent reports of the Parliament, the Court of Auditors and the so-called "Anderson report" to the UK House of Commons that indicated that the existing "batch" traceability system was unreliable.

Electronic identification is the most cost-effective way to achieve individual traceability in particular when animals are frequently moved through markets and fattening farms. It is now ready to be used under practical farming conditions, even the most difficult ones.

In December 2007 the Council, supported by an opinion of the Parliament, established that electronic identification will be compulsory for animals born after 31 December 2009, with limited exceptions.

The Commission is taking all reasonable measures to facilitate the smooth introduction of these rules and with this aim it has recently published an economic study to assist Member States and sheep farmers to minimize implementation costs.

Financial support may also be granted to sheep farmers within the framework of the rural development policy or by means of state aids.

The Commission is also ready to consider how the implementing rules may facilitate the practical application of the principle of individual traceability established by the legislator.

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Question no 70 by Ivo Belet(H-0193/09)

Subject: Grants under Action 4.1 of the Youth in Action Programme

Informal discussions reveal that, in providing grants for bodies active at European level in the field of youth (Action 4.1 of the Youth in Action Programme), account has been taken of the number of activities that these bodies organise annually. On the basis of this criterion an order was established for providing support.

This evidently happened without comparing the number of activities with the size of the organisation or the number of its members. This makes it de facto impossible for smaller organisations to continue to qualify for European support, whereas European support is crucial to them for their survival.

Can the Commission confirm this practice? Will the Commission operate the same criteria for selecting / establishing the order for grants under Action 4.1 in future? Is the Commission prepared in future to balance the number of activities against the size of the organisation?

Answer

(FR) In general, the Youth in Action Programme is implemented with the intention of reaching the greatest possible number of organisations, whatever their size, even small, informal groups of young people in some cases. It does not therefore particularly target larger organisations.

With regard to Action 4.1 in particular (2% of the programme's budget), it should be noted that it aims to support organisations likely to have a major impact on young people. It is true that the criteria for awarding these operating grants include the number of activities planned by the grant applicant. The number of activities, however, is not the only criterion taken into account in making an award. In accordance with the decision whereby the programme was established, only organisations whose structure covers at least eight countries that participate in the programme are considered eligible for grants. That means we can be sure of their impact, despite a relatively small budget.

Since 2007 Action 4.1 has made it possible to support medium-sized or even small organisations. The grants paid out in 2009 to certain organisations do not exceed EUR 45 000, but may nonetheless represent up to 80% of their annual budgets.

The Commission considers it right to continue with this approach, so as to provide a certain structure in this section of the programme.

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Question no 71 by Jan Cremers(H-0194/09)

Subject: Definition of 'self-employed'

In response to questions posed by MEP Jan Cremers (E-0019/09) with regard to the need to define and implement the concept of what constitutes a genuinely self-employed person within the EU, the Commission replied that it is not considering proposing a definition of self-employment or specific indicators for employment relationships at European level.

How does this relate to the definitions formulated in the Commission's proposal COM(2008)0650 with regard to 'mobile workers'? Is the Commission aware that there are various definitions already in place in certain Member States that go further than the one proposed by the Commission, whilst at the same time there is a total lack of regulation in other Member States? Would it therefore not be advisable and necessary to adopt a general and clearcut definition of what constitutes a self-employed person before proposing sector-specific measures?

Answer

(EN) The Commission is aware that mobile road transport activities imply special constraints and risks. Specific measures have been taken at Community level to improve road safety, prevent the distortion of competition and guarantee the safety and health of mobile workers. In this context, the Commission draws the Honourable Member's attention to Directive 2002/15/EC[(33)] on the organisation of the working time of persons performing mobile road transport activities, which is a Lex specialis in relation to the general Working Time Directive[(34)] and seeks to provide solutions to problems specific to the road transport sector.

As from March 2009, self-employed drivers are to be covered by Directive 2002/15/EC, without prejudice to a review exercise, to be conducted by the Commission, which could result in their inclusion or exclusion from that Directive's scope.

In this connection, with a view to complying with Directive 2002/15/EC, the Commission has reported on the consequences of excluding self-employed drivers from the scope of the Directive and now proposes to amend its scope to include 'bogus' self-employed workers but to exclude genuine self-employed drivers.

The Commission also refers the Honourable Member to its answer to Written Question E-0019/09.

The Commission is aware of the differing definitions of employment relationship existing in the various Member States. As it noted in its answer to the above-mentioned written question, following the public consultation on its Green Paper 'Modernising labour law to meet the challenges of the 21st century'[(35)], the Commission is carrying out work that will lead to a comprehensive overview of the legal concept of employment relationship, the main characteristics, trends and problems encountered in regulating the latter in the various Member States, and an inventory of the main measures taken, including indicators to determine the existence of an employment relationship.

In the light of the above, the Commission does not envisage adopting a general definition at this stage of what constitutes a self-employed person.

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(33) Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities, OJ L 80, 23.3.2002, p. 35.

(34) Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, OJ L 299, 18.11.2003, p. 9.

(35) COM(2007) 627 final of 24 October 2007.

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Question no 72 by Athanasios Pafilis(H-0196/09)

Subject: Hexavalent chromium in drinking water

Further to my Oral Questions H-0663/07[36], H-0775/07[37] and H-1020/07[38], I should like to return to the problem of substandard drinking water supplies in the unauthorised industrial area situated in and around Oinofyta caused by groundwater pollution from dangerous industrial effluent containing high levels of heavy metals, including hexavalent chromium. The recent scientific draft produced by the US Department of Health and Human Services (Agency for Toxic and Disease Registry) entitled 'Toxicological Profile for Chromium' of September 2008 (Chapter 3.2.2. 'Oral Exposure') indicates that the systematic ingestion of substances containing hexavalent chromium produced serious cardiovascular, gastrointestinal, haematological, hepatic and renal disorders, together with cancer, in human subjects and in animals used as guinea pigs. On the other hand, this was not observed following the ingestion of trivalent chromium, even where the dosages were up to 100 times higher than those of hexavalent chromium.

Does the Commission persist in its view that the risk levels attached to hexavalent chromium are of the same order of magnitude as those attached to trivalent chromium? If not, does it plan to introduce separate and more stringent limits for hexavalent chromium levels in drinking water as it did for food and drink packaging[39]? Did its investigation into the 'presumed pollution of the Asopos river'[40] produce any results and if so, what were they?

Answer

(EN) The Commission is currently assessing the toxicological profile for chromium presented by the US Department of Health and Human Services (ATSDR[41]). This draft report develops the toxicological differences between trivalent (III) and hexavalent chromium (VI).

In its reply to oral question H-0775/07 the Commission already stated that hexavalent chromium was recognised as the most toxic of the three valences in which chromium occurs, which is confirmed and substantiated by the draft report in the case of inhalatory exposure. However, for oral and chronic exposure (which applies to drinking water), there is no solid evidence in the report for quantitative comparison of risks related to exposure to hexa- and trivalent chromium.

The Commission acknowledges the findings published in the draft report, which indicate that oral intake of hexavalent chromium can be carcinogenic for rats[42], and that for accidentally very high intake by humans (higher than 100mg/person/day), cardiovascular and renal effects have been reported. The Commission takes also into account that the EU risk assessment on chromium (VI) substances[43] concluded that for mutagenicity and carcinogenicity no threshold below which there would be no risk to human health can be identified.

The Commission is very concerned about the risks caused by the intake of chromium and will remain focussed on the evolution of health standards as published by inter alia the World Health Organisation both for chromium (III) and for chromium (VI). It will take toxicological and scientific evolution into account for the revision of the Drinking Water Directive[44].

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(36) 1 Written answer of 25.9.2007.

(37) 2 Written answer of 23.10.2007.

(38) 3 Written answer of 17.1.2008.

(39) 4 Directive 94/62/EC, OJ L 365, 31.12.1994, p. 10-23, Article 11.

(40) 5 Answer to Oral Question H-1020/07

(41) US Agency for toxic substances and disease registry

(42) NTP (National Toxicology Program) , intake 9 mg/kg bodyweight/day

(43) http://ecb.jrc.ec.europa.eu/DOCUMENTS/Existing-Chemicals/RISK_ASSESSMENT/REPORT/chromatesreport326.pdf

(44) Directive 98/83/EC, OJ L 330, 5.12.1998, p. 32-54

However, it must be repeated that the Drinking Water Directive's limit values apply to drinking water as it is delivered and not to river- and ground water in the Voiotia and Evvia area

Referring to the Commission's reply to question E-5250/08, the Commission confirms that the Greek authorities have forwarded updated information to the Commission on the authorisation regime of the industrial units of the wider region (Voiotia and Eastern Attiki) and carried out continued inspections of the industrial units.

The results of the controls carried out by the national authorities demonstrate the lack of adequate planning and management of hazardous waste. The Commission has already brought a horizontal infringement case on the latter issue against Greece before the Court (C-286/08). The example of Asopos has been used in the framework of this infringement procedure, which is currently pending before the European Court of Justice.

In addition, it appears that the Greek authorities have taken adequate measures to comply with the requirements of the Directive on Drinking Water (i.e. no further exceedances of the limit values for chromium were observed).

As regards the obligations resulting from Directive 2006/11/EC[45] on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community and Directive 80/68/EEC[46] on the protection of groundwater against pollution caused by certain dangerous substances, the information available has not allowed the Commission to identify and adequately substantiate any possible breaches. The Commission will continue the assessment of the information available and will take all necessary measures, including, if required, the initiation of an infringement procedure, to ensure that EC environmental legislation is complied with.

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Question no 73 by Konstantinos Droutsas(H-0197/09)

Subject: Elimination of small dairy farmers by dairy industries in Greece

The dairy industries in Greece are ruthlessly eliminating small dairy farmers - who are responding with demonstrations - by constantly lowering producer prices for cow's milk in order to increase their profits. One of the major companies has announced that, as of 1 May 2009, the milk cartel is to stop buying milk from 120 small producers and will limit the distribution of fresh milk in favour of long-life milk, increasing imports. Another dairy industry has announced a reduction in milk prices and an extension of the payment period by one month. The number of milk producers in Greece has fallen by 80% over the last 15 years and production, which is no more than 800 000 tonnes, covers less than one half of consumption.

What is the Commission's position on the disappearance of small and medium-sized dairy farmers in a country with a milk production deficit, the reduction in producer prices with a simultaneous increase in consumer prices, the abrupt change in consumer habits and the reduction in nutritious substances in milk through limiting the consumption of fresh milk caused by the CAP and the relentless pursuit of profit?

Answer

(EN) Subsequent reforms have changed the Common Agricultural Policy into a policy with lower guaranteed prices coupled with direct income support to allow farmers to better react to market signals.

The more targeted rural development measures give the Member State the possibility to address specific problems or priorities in the respective Member States, for example support for small farms. Small farmers, receiving less than € 5000 direct income support are not subject to reductions under modulation.

In the Health Check it was decided to allow the redistribution of funds via the so called Article 68 and modulation.

Article 68 provides for the possibility to use funds to address specific disadvantages affecting, amongst others, dairy farmers.

[45] OJ L 64, 4.3.2006, p. 52–59

[46] OJ L 20, 26.1.1980, p. 43–48

Modulation provides additional funds for the so called new challenges, including restructuring of the dairy sector.

This clearly shows the importance the Commission gives to milk farmers.

While Greek raw milk prices are among the highest in the EU-27, the Commission does agree that it is unusual that farm gate milk prices are decreasing while retail prices are increasing, especially if a large share of Greek milk is sold via the Greek retail channel.

The Commission will implement in 2009 the roadmap proposed in its Communication "Food Prices in Europe" through a joint Task Force involving relevant Directorates General (including DG AGRI). This work will feed into a wider analysis of the retail sector in Europe, currently conducted by the Commission. The final reports for both undertakings are expected at the end of 2009.

As regards the roadmap mentioned above, the Commission therefore intends to conduct a review of the main potential anti-competitive practices in the food supply chain, including an analysis of the distribution of bargaining power within the chain. It also plans to review regulations impacting the food supply chain in order to identify potential simplification of regulations at Community, national and local levels. Another objective of the Commission's roadmap will be to design and set-up a permanent tool to monitor the functioning of the whole food supply chain and to provide increased transparency on consumer prices and pass-through mechanisms.

Therefore you can be assured that competitiveness in the food supply chain remains high on the Commission's agenda.

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Question no 74 by Anne E. Jensen(H-0198/09)

Subject: Consideration of short sea shipping in the Energy Efficiency Design

Currently, the International Maritime Organisation is preparing a tool for enhancing the environmental performance of new ships. The so-called 'Energy Efficiency Design' will help evaluate ships on the basis of design requirements in the construction phase. This is intended to reduce CO2 emissions in the shipping industry.

However, in this approach no consideration was given to the difference between long range and short sea shipping. Furthermore, no analysis of this matter was made before the design was proposed.

Does the Commission agree that short sea shipping plays a vital role in the future demand for European transport?

Does the Commission agree that the current proposal runs the risk of hampering the competitiveness of short sea shipping? Does the Commission agree that such a development could lead to transport being shifted to less environmentally friendly modes of transport?

How does the Commission intend to approach further negotiations on the matter? Will the Commission ensure that freedom of choice is maintained for short sea shipping?

Answer

(FR) Short sea shipping often offers advantages in terms of economics, energy, security and infrastructure costs compared with overland transport operating between the same geographical areas. That is why the European Commission supports short sea shipping through its programmes and legislation and in international negotiations.

The trend towards an increase in congestion, the desire to reduce pressure on the environment, and economic constraints will further enhance the advantages of this mode of transport in the medium term. For short sea shipping to play its full part, however, its intrinsic qualities must also be improved and in particular there must be a further reduction in conventional and greenhouse gas emissions.

The Commission will continue to propose, in the appropriate international forums as well as at European level, proactive but balanced legislative and support measures for short sea shipping. To this end it will

continue to prepare intiatives applying the rules of good governance and, in particular, analysing as thoroughly as possible the advantages and disadvantages that they bring for operators in general.

With regard to the specific question of the development by the International Maritime Organisation (IMO) of a CO2 index for the design of new ships (Energy Efficiency Design Index, EEDI), the Commission supports the work of the IMO in aiming to develop an index appropriate for most ships. Nonetheless, it has to be said that there is much still to be done and issues regarding the application of this index have yet to be addressed in the IMO. The Commission will pay particular attention to the arrangements for any potential application of the index to ships operating on short sea shipping lines. Furthermore, the index is one of several instruments that would apply to new ships. There are measures being prepared for existing ships, in particular the development of a CO2 index for the operation of ships, voluntary measures in relation to the ship's operation and the development of a financial instrument such as a mechanism for trading emission rights or a fund fed by a tax on marine fuels.

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Question no 75 by Christa Klaß(H-0200/09)

Subject: Use of analogue cheese

European consumers should be given objective information about foods so that they can decide for themselves what to buy and what to eat. Cheese suggests the consumption of milk and healthy eating, but an imitation cheese is currently making huge advances in the food market. The use of analogue cheese in finished food products such as pizza or lasagne is on the increase. This product is made from palm oil, starch, milk protein, salt and flavour enhancers. The picture on the packaging gives the consumer the impression that cheese has been used. At a time when sales of good milk products have levelled off or are falling, they are facing further predatory competition from these substitute products.

Does the European Commission know about this cheese substitute and does it have figures on the market share for these products?

Can the Commission put a figure on the economic damage or loss of turnover for the milk and cheese market?

Does the Commission share the view that consumers are being misled here when the advertising gives the impression that this is 'cheese' although no cheese is used, and should compulsory labelling not therefore be introduced for the use of analogue cheese?

Answer

(EN) The Commission is aware that some products with mixtures of dairy ingredients and some fats or protein from other sources are marketed as "cheese analogue".

The EU legislation restricts the use of the designation "cheese" to products which are manufactured from milk and from milk products and where milk ingredients are not replaced by usually cheaper ingredients from a different origin. If that is the case the product designation can not be "cheese" nor "cheese analogue" as this designation would be an abuse of the protected designation.

The EU legislation is clear where it lays down that products which are not in the list of protected designations for milk products shall not use in the label, commercial documents, publicity material or any form of advertising or any form of presentation, any claims or suggestion that the product is a dairy product.

Member States shall enforce the application of EU legislation and are responsible for the controls.

The Commission has no data on the importance of such products.

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Question no 76 by Georgios Toussas(H-0202/09)

Subject: Undermining of social security in the public sector

The judgment of the Court of Justice of 26 March 2009 in Case C-559/07 adds between 5 to 17 years to the age at which female civil servants in Greece are eligible for retirement on the pretext of equalising the retirement age for men and women. It also considers that the public pension insurance system does not

constitute a social security scheme but a professional insurance system, which means that there are no guarantees in respect of age limits, the level of pensions and benefits in general. The judgment paves the way for the privatisation of social security in the public and private sectors, while making employment relations more flexible, reducing the social security rights of men and women and exacerbating in the extreme the problems faced by working-class families.

What is the Commission's response to the storm of protests which have erupted among women, and among workers more generally, in the public and private sectors alike?

Answer

(FR) In its judgment in the case of the Commission v. Greece made on 26 March 2009, the European Court of Justice condemned Greece for having failed to fulfil its obligations under Article 141 of the EC Treaty, which lays down the principle of equal pay for men and women.

According to the case law of the Court of Justice of the European Communities, retirement pensions constitute pay for the purposes of Article 141 of the EC Treaty when they are paid to workers because of the working relationship linking them to their former employers. In the matter in question, the Court held that pensions paid under Greek law met the criteria laid down by the Court's case law and could therefore be treated as pay for the purposes of the Treaty.

The Commission emphasises that the Court considered that the disputed provisions of the pension scheme in question in this matter did not remedy the problems that female workers might encounter during their professional careers but that, on the contrary, by being limited to granting female workers more favourable conditions than those applicable to male workers with respect to retirement age and minimum service required at the point of retirement, these provisions were discriminatory.

Finally, it must be pointed out that the Court's judgment concerns solely the problem of the age difference on retirement for men and women. It does not in any way affect the organisation of the system, whether it be public or private, the number of years of contribution necessary before taking retirement or the amount of benefits.

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Question no 77 by Daniel Bautista(H-0204/09)

Subject: Commissioner Louis Michel's visit to Cuba

Can the Commission explain why Commissioner Louis Michel systematically ignores Cuban dissidents during his visits to Cuba, including his latest visit in March 2009, and meets only the Cuban authorities, which is in clear breach of the mandate given in the Council's conclusions of June 2008, according to which European authorities visiting Cuba should pursue a dialogue with the democratic opposition in Cuba and address, in their discussions with the Cuban authorities, the issue of respect for human rights, the transition to a pluralist democracy on the island and the demand for the immediate release of all political prisoners, including those detained during the 'Black Spring' of 2003?

Answer

(FR) The European Council's Conclusions of 2005 state that during high-level visits contact with dissident groups must be decided on a case by case basis. It is also specified that during these visits the human rights situation must be addressed with the Cuban authorities in a transparent manner. The same principles apply in the text of the Council Conclusions of 23 June last year.

It is in that way that the Commission maintains direct and open dialogue with the government about human rights, including the issue of political prisoners. That approach was also followed during the last high-level visits by ministers from the Member States of the European Union.

The Commission considers that normalising relations between the European Union and Cuba is the way that will allow us to have greater impact on human rights issues.

The Commission maintains regular direct contact with civil society in all countries in the world, including Cuba. The Commission's role in that country is very much appreciated and supported by civil society and by opposition groups. The Commission's delegation to Cuba regularly receives representatives from civil

society and opposition groups and the Commission services in Brussels have an open door policy for anyone or any organisation wishing to have a constructive discussion about Cuba or any other country.

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