

THURSDAY, 5 FEBRUARY 2009

IN THE CHAIR: MR VIDAL-QUADRAS

Vice-President

1. Opening of the sitting

(The sitting was opened at 10 a.m.)

2. Documents received: see Minutes

3. The placing on the market and use of feed for animals (debate)

President. – The next item is the report (A6-0407/2008) by Mr Graefe zu Baringdorf, on behalf of the Committee on Agriculture and Rural Development, on the proposal for a regulation of the European Parliament and of the Council on the placing on the market and use of animal feed (COM(2008)0124 – C6-0128/2008 – 2008/0050(COD)).

Friedrich-Wilhelm Graefe zu Baringdorf, rapporteur. – (DE) Mr President, Commissioner, today we are discussing what is known as the ‘open declaration’. This is about transparency with regard to feed as the basis for healthy food for consumers, and it is about giving purchasers of compound feed an overview of what is supplied to them.

It has been a long road but, if we adopt this Regulation today, I hope this brings matters to a successful conclusion, and I should like to thank the Commission, which has helped us a great deal with its constructive work on the issues. The Commission encountered absolute political will on the part of Parliament to push through this open declaration, and also experienced a stubborn but fair debate with the Council. We can be proud of the results.

Let us take a brief look at the history. We had the BSE crisis and, in 1997, the Temporary Committee of Inquiry issued its final report in which Parliament called for this open declaration. The Commission presented a proposal, which subsequently became Directive 2002/2/EC. In a compromise with the Council – this went through all the bodies – the Directive pushed through the open declaration, which meant that labels had to state the ingredients with a $\pm 15\%$ tolerance, and the exact composition had to be provided on request.

That was a directive rather than a regulation, and Member States implemented it only very hesitantly or not at all. The feed industry brought an action to the European Court of Justice, and the Court gave the following first-class confirmation: apart from the exact information, the legality of this Directive was not in dispute. We then took account of this judgment in a further procedure in Parliament, and have now brought matters to a conclusion in the form of this Regulation. I had the honour of being rapporteur each time and, throughout this long period, I enjoyed extremely intensive cooperation with the Commission that was based on trust.

Today we have a result that has been fought for hard but fairly, and of which we can be proud. It is also apparent that it enjoys the support of the majority in this House and of the groups. There are no amendments, from which I conclude that this Regulation will indeed be adopted by a large majority. Therefore, we have a good Regulation that brings about the open declaration in three steps – you know what they are – firstly, the components in descending percentage order; secondly, the provision of information to feed businesses with a $\pm 15\%$ tolerance – in this regard we have not laid down a reservation of intellectual property rights in this legislation, but rather referred to the general legislation – and thirdly, the provision of exact information to the authorities.

I also wish to point out that we have set up a register. No feeding or admixing of components will now take place in the European Union without such components being published, as they must be included in the register. This is important not only to the supervisory authorities but also to the public and to customers. From the point of view of the rapporteur, therefore, I can say that I am very satisfied with the result overall.

Androulla Vassiliou, Member of the Commission. – Mr President, first of all I would like to thank the Committee on Agriculture and Rural Development for its work on this dossier, and especially the rapporteur, Mr Graefe zu Baringdorf, as well as all the shadow rapporteurs, who all played an important role.

Mr Graefe zu Baringdorf has managed to steer discussions during the negotiations with great skill, and we are very grateful to him.

The compromise package maintains the high level of feed safety achieved in the EU. It strikes the right balance between consumer protection and intellectual property rights. It removes the burden of the pre-market authorisation procedure for bio-proteins, modernises the labelling of feed through proper information for the customer and places coregulation at the heart of legislative procedures. It improves market transparency through the notification system for new feed materials, facilitates innovation and competitiveness in the EU feed business and marks a concrete step against the misleading of feed users – be they farmers or pet owners.

The result of the negotiations is the compromise package submitted for your vote, which amounts to simplification and modernisation of the current legal framework. The provisions concerning the so-called 'open declaration' allow for a more modern type of labelling. Feed materials incorporated into compound feed for food-producing animals will have to be labelled by weight, in descending order.

On top of this, the exact percentage of weight has to be indicated for highlighted feed materials, and in the case of voluntary labelling.

Furthermore, the provision that certain information concerning compound feed can be transferred from the competent authorities to the purchasers on grounds of urgency improves the appropriate information to the user in cases such as feed contamination incidents.

In this context, the Commission makes the following declarations. First, in order to adapt Annex III on the tolerances for the compositional labelling of feed materials and compound feed to scientific and technical development, the Commission and its services envisage taking up examination of that Annex. In this context, the Commission will also consider certain feed materials with a moisture content in excess of 50%.

Second, with regard to the labelling of additives, the Commission will study whether the principles of information through labelling of feed could also apply to the additives and premixtures authorised under the Regulation on additives for use in animal nutrition.

Finally, the Commission understands that any urgencies relating to human and animal health and the environment may include urgencies generated, among other things, by negligence, international fraud or criminal acts.

Albert Deß, *on behalf of the PPE-DE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, on behalf of the Group of the European People's Party (Christian Democrats) and European Democrats and myself, I should like to extend the warmest of thanks to our rapporteur, Mr Graefe zu Baringdorf. I believe that the approach taken to this report is a model for the parliamentary work in this House.

Today's vote does not involve any amendments, as the work on this was technically very sound and encompassed the entire political spectrum. I believe that this result is one to be proud of. It is a balanced result that safeguards the interests of farmers as users of feed, feed manufacturers, and all other links in the food chain.

It improves transparency, and my group, in particular, sets great store by the setting up of a register in which the raw materials mixed into feed must be entered. Food scandals occur time and again and not even the new legislation will prevent this, as no European rules are designed to prevent criminal activity; but these rules will help ensure that, when these scandals do occur, it will be easier to detect what substances have been mixed in.

I also think it a good thing that manufacturers of feed may provide further information on a voluntary basis, and I consider it an excellent proposal that, if they provide such information, this must be scientifically proven. I am of the opinion that this new feed law significantly improves protection and that the decreasing order enables farmers to see the proportions of each feed component and what is the best feed for their animals, and to choose accordingly.

I reiterate my thanks to all those who contributed to making this such a good report.

Rosa Miguélez Ramos, *on behalf of the PSE Group*. – (ES) Mr President, Commissioner, as I have already done in the Committee on Agriculture and Rural Development, I would firstly like to congratulate the rapporteur, the shadow rapporteurs from the other political groups and also the Council for the work carried out.

This work has allowed us to reach agreement at first reading and furthermore, has been an excellent running-in process for the codecision procedure that will be standard practice in our committee in the near future.

Ladies and gentlemen, at present, legislation on the movement of raw materials for feed and compound feed for animals, including pets – a sector that represents some EUR 50 billion in trade at Community level – is regulated by several directives and some 50 amendments and implementing acts.

The simplification of the legislation and its harmonised application are the main objectives that will doubtless be achieved by this Regulation.

Parliament's Committee on Agriculture and Rural Development has already debated the placing on the market of animal feed, back in 2006. We will all recall that we unanimously asked the European Commission, in future review, to endeavour to find a fair balance between the interests of farmers in obtaining detailed information on feed ingredients and the interests of the industry in ensuring sufficient protection of its know-how.

The compromise reached on the main sensitive points of the Commission's proposal, the open declaration of raw materials and the creation of a Community list of raw materials, is a good reflection, in my opinion, of this balance. Proof of this is the welcome the compromise has received from all those involved.

In fact, by means of the open declaration, the compromise protects the rights of purchasers to be informed and of manufacturers to retain ownership of their know-how by indicating that information should be provided without prejudice to the 2004 Directive on intellectual property rights.

There is no question, ladies and gentlemen, that in a relationship of trust between supplier and user, the formulae should be known, but it would not be logical to be obliged to give the recipe to the first client who came through the door. Many of us have drunk Coca-Cola for many years. Although we do not know its recipe, this does not mean that we doubt that the product's characteristics are observed and that health standards are respected.

The Court of Justice judgment previously mentioned strictly establishes that the obligation to inform customers of the exact composition of feed, if they so request, is not justified by a desired aim to protect health.

That said, I must remind you that the competent authority will have access to the precise composition at all times and, as established in the compromise reached, any emergency related to human or animal health or the environment will mean that the purchasers will have access to precise information on the composition of the feed in question once the legitimate interests of both the manufacturers and the purchasers have been considered.

With regard to the list of good labelling practices, this remains voluntary for the professionals in the sector without at any time becoming a positive list of raw materials for the manufacture of compound feeds, as this is something that has not been requested.

The legislation will include, at the European Parliament's request, a new annex comprising a list of raw materials for animal feed of which the placing on the market or use is prohibited or restricted. This is information, whether an annex or a list, that the Commission can update.

The Socialist Group in the European Parliament, whom I represent, supports the compromise reached and has not tabled any amendments for the plenary. We are fully in favour of the position as presented today in this House and, as such, we will vote in favour of it.

Jan Mulder, *on behalf of the ALDE Group*. – (NL) I, too, should like to start by congratulating the rapporteur, Mr Graefe zu Baringdorf. The Group of the Alliance of Liberals and Democrats for Europe shares the view that the compromise that has been struck is a good one, and so we will be able to vote in favour of it later today.

What matters most is for the intellectual property of the cattle feed manufacturers to be safeguarded. If we in the sector want innovation – as indeed, yesterday, we voted on a climate report – there is much room for improvement in the cattle feed sector too, so that the emission of all kinds of gases caused by livestock can be reduced. Well, this is a challenge we need to confront squarely. When cattle feed manufacturers decide to innovate, they should not be impeded by excessively strict legislation on disclosure. This disclosure is, to my mind, safeguarded, as others have already mentioned, and could be done at the request of the government or a certain customer, for example. There is nothing stopping the cattle feed manufacturers from doing this on a voluntary basis.

The ingredients as such are not the most important thing: the precise nutritional value of cattle feed is much more important, and should be correctly labelled. Everything that is on the label, such as energy, protein, and suchlike, is valuable information. In short, the Group of the Alliance of Liberals and Democrats for Europe will be backing this compromise. We will also say to the cattle feed manufacturers that if they wish to innovate in their production processes and their cattle feed composition, for example, this is a good compromise that will help them do this.

Andrzej Tomasz Zapalowski, *on behalf of the UEN Group*. – (PL) Mr President, the market for feedstuffs and their use in animal production is extremely important, because it concerns the health of hundreds of millions of citizens in EU Member States.

Unpleasant experiences from the past in the form of animal diseases caused by unsuitable feedstuffs brought about huge material and social costs in the countries of the Community. This is why defining the composition of feeds is also extremely important, in order to limit the use of improper feeds. Effective enforcement of the provisions contained in the regulation is also important, so that they will not be merely hollow declarations.

Currently, when millions of people and even entire countries in Europe are against the consumption of food produced using animal feeds which contain genetically modified plants, those people have the right to know what is happening. Therefore, it is not only farmers who should be informed about the contents of animal feed, but food processing plants should inform customers about this on product labels. And this is not being done.

Several months ago in this Chamber, we debated the increasing numbers of obese people in Europe. This problem, however, in great measure concerns precisely the contents of animal feeds, because it is these contents which significantly affect the quality of meat. It is very good that in the draft regulation, much attention has been paid to the hygiene of feed production and to the problem of the addition of contaminated materials during production. That practice has sometimes been used by many producers.

Alyn Smith, *on behalf of the Verts/ALE Group*. – Mr President, I will be no exception in offering my congratulations to my group colleague, Friedrich-Wilhelm Graefe zu Baringdorf, who has worked very hard on what must be one of the more technical dossiers we have dealt with. He has also displayed the wisdom of Solomon in striking a balance between the needs of the consumers and the very legitimate needs of manufacturers for the protection of their product and their intellectual property.

This is what I would call back home one of the more classic European Parliament dossiers. Looking at our guests in the visitors' gallery, it is pretty safe to say that animal feed labelling is probably not one of the most glamorous subjects they could have heard us talking about today, but it is crucially important and it is a real example of where this Parliament adds value, and where we can ensure our consumers', our citizens' and our voters' faith in the food chain of the food they eat.

It is important to remember where this issue came from. The BSE crisis proved that what we feed our animals needs to be regulated. This Regulation needs to be transparent, and there needs to be a balance struck between consumers' needs and the needs of the manufacturers, but it can go wrong. It has gone wrong and we must ensure it does not go wrong again. This report is crucial in taking that forward.

I have had numerous meetings with the industry in Scotland, and with consumer groups and the farmers themselves, and there has been pretty well universal support and approval for the way that the Commission and Parliament have taken this forward, and particularly for our rapporteur.

This dossier does add value. It is a good example of Parliament working. We often say that there has been good cooperation between the Commission and Parliament. On this one, there really has been, and the fact that there are so few amendments being tabled to this report demonstrates that it will go through with a big majority. Parliament has had a good day today.

Witold Tomczak, *on behalf of the IND/DEM Group*. – (PL) Mr President, the compromise achieved concerning feedstuffs does have certain advantages – it harmonises and simplifies EU legislation – but it also has fundamental flaws: it does not offer sufficient guarantee of the safety of animal feeds and of foods, it affords weak protection of the interests of the five million farmers who breed and raise animals, and it does not sufficiently protect our health.

The access of animal feed users to information about the contents of the feed will still be limited by the protection of intellectual property rights. If the producer of a feedstuff uses a dangerous ingredient, we will still be vulnerable. The problem of feedstuffs is further proof of the mistaken direction being taken by

agricultural policy which, in spite of declarations, supports industrial agriculture first and foremost and, in such agriculture, farmers do not have to have their own feedstuffs and can raise animals using feedstuffs produced by specialised businesses. These businesses are, of course, profit-driven and will always find a way to reduce costs, but will not necessarily take into account the safety of animals or our health. As a consequence, we have to multiply specific provisions and increase monitoring, which takes the matter to an absurd level.

Is it not time to reverse these tendencies and to return to the sustainable development of agriculture, in which farmers will have their own feedstuffs and will not be exposed to the losses caused by dioxins or BSE? Progress in agriculture does not have to mean the concentration of production or the concentration of feedstuff production. We should bear in mind that in the EU, we currently have 15 million farms, and as many as 95% of these are small and medium-sized farms. Most of these farms can use the sustainable model of agriculture for the good of farmers, the environment and of us all. We only need to radically change our approach to agriculture, and in doing so to change our approach to current common agricultural policy.

Jean-Claude Martinez (NI). – (FR) Mr President, what is good about animals is that the years go by and the problems remain the same. For example, we always mention jaw traps when talking about wild animals, and the question of transport, breeding and feed always arises in relation to farm animals. Animal feed is a classic case; it is a mishmash, a load of rubbish. Antibiotics, clenbuterol, growth hormones, even the remains of other animals, are used, and this is what the United Kingdom's contaminated feed problem from the 1990s was all about.

However, today we are told that the junk-food era is over. There has been a 2002 directive and a 2005 Court of Justice ruling and, now, there is the desire to reconcile the market and profit – which is referred to as intellectual property – with consumer safety.

Thus, here we find ourselves today armed with a regulation. Using the classic tool of labelling, all the components are going to be indicated, in descending order of weight, and there will also be an open declaration, an Annex III and a tolerance of $\pm 1.5\%$. Moreover, the most inquisitive among us will even be able to request the exact composition.

Only two big questions remain. The first concerns imported animals which have not been labelled. Mr Parish is here; he has taken a great interest in animals arriving from Brazil, which are not marked and which have been fed clenbuterol. When it comes to the safety of these animals, we do not know a great deal.

And then there remains the big question of imported feed, namely raw materials that have been arriving from the American continent since the 1960s. In the 1960s, this came in the form of corn gluten feed – molasses, oilseed residues – and, today, it is in the form of transgenic soya from Argentina, Paraguay and Brazil, and transgenic maize from Canada and the United States. And this, dare I say it, because people are against local GMOs, but not immigrant GMOs.

The fact is, we are talking here about two-thirds of the feed of our herds, and that is a real health issue. The single issue of European health security is obscuring the wider issue of global health risks, due to the Uruguay Round agreement and the Blair House agreement, which oblige us to import our oilseeds to feed two-thirds of our herds.

Neil Parish (PPE-DE). – Mr President, I should like to congratulate the Commissioner and Mr Graefe zu Baringdorf on their excellent work and the good cooperation we have had.

Let me say to the last two speakers and to the guests we have in the gallery: please eat your food safely this afternoon when you have your lunch, because, if we are to believe the last two speakers, there is nothing safe to eat anywhere as far as I can see!

The whole idea of this legislation is to bring safety to the food we eat, and, of course, what our animals eat is essential because we eat those animals. I know it is a very simplistic approach to take, but that is exactly why we are here.

Yes, we have made mistakes over the years, and I would be the first to admit that the feeding of meat and bone meal back to cattle caused the BSE problem – which was not anybody's finest hour – and that is why we are bringing this legislation forward.

The whole argument now is not about whether we should have transparency and have the ingredients on the label, because that is precisely what will be there. The manufacturers' argument was to ask whether they

had to put the precise percentages, because somebody could then turn round and copy that feed and make exactly the same feed.

That is where the compromise and the work that Mr Graefe zu Baringdorf, the Commission and Council have done is so good, because we have reached a situation now where we can really trust our feed. If you have looked recently at the problems that we have had in Europe – and we have had problems in various countries with animal feed – this is not because the labelling system and the processes have been wrong, but because companies have broken the law.

Therefore, we must ensure not only that we get this law right but also that the Commission and Member States monitor this law and inspect the feed companies to make sure that they are not breaking the rules, because, again, people and consumers must have confidence in our food.

I would say to you that European food is as safe as we can get it, but we must never let up, to make sure that our consumers are absolutely satisfied that what they are eating is safe. I would say to our guests: please go and have a good lunch and be assured that it should be safe!

Bogdan Golik (PSE). – (PL) Mr President, Commissioner, I heartily congratulate Mr Graefe zu Baringdorf on another excellent report.

Efforts at simplifying current legislation in the area of the marketing and use of feedstuffs and in the area of required and additional information placed on packaging and in freight documentation are a justified step.

It is certain that simplifying technical provisions and an enlargement of purely administrative provisions will have a beneficial effect on the growth of competitiveness of the EU feedstuffs sector and on food safety, which Mr Parish has just spoken about. I am certain that this assumption is itself justified.

However, I would like to draw attention here to a question which may be problematic. I think that the obligation to label products with a freephone number placed on small and medium-sized producers of feedstuffs for domestic pets is unnecessary. Introduction of this provision may cause a financial burden which is too great for these small and medium-sized producers, and most feedstuff producers fall into these two categories.

In summary, I would like to stress that we must strive to simplify the entire system of legislation in the area of the marketing and use of feedstuffs. In so doing, care should be taken over safety. However, the introduction of controversial provisions which generate excessive costs may unfavourably affect precisely those small businesses which produce for local markets.

Samuli Pohjamo (ALDE). – (FI) Mr President, Commissioner, ladies and gentlemen, I would also first like to thank the rapporteur, Mr zu Baringdorf, for the thorough work he has done in preparing for this debate.

Food safety in the EU has been shaken by many crises in recent years, such as BSE and several dioxin scandals, the latest of which apparently occurred last autumn. The causes of the crises have often been found to be contaminated feed, due to negligence or even criminal activity. This regulation to simplify and clarify legislation is welcome. The regulation must bolster consumer confidence throughout the European food chain. Consumers need to be protected and they must be able to tell where and how the food they buy has been produced.

Another objective is the legal protection of farmers. They have to make choices on the basis of labelling, and they must be able to have faith in the impeccable quality of feed. The manufacturing rights of the producers of feed must also be safeguarded, as Mr Mulder said earlier on.

In many Member States, things are well under control, but the regulation before us, which will make labelling clearer and make it easier to trace the origin of feed, is needed to ensure things are put right throughout the EU, and to end differences of opinion when it comes to interpretation.

I would nevertheless like to point out that it is crucially important with this regulation, and others, that there is proper implementation and monitoring. Clear and precise regulations will not help unless they are complied with in practice. When monitoring the quality of feed, it needs to be ascertained that it is safe and fit for purpose and that it meets the legal requirements. This way we can improve the safety of the entire food chain and protect consumers.

Giovanni Robusti (UEN). – (IT) Mr President, Commissioner, ladies and gentlemen, a few years ago in Italy, it was claimed that foodstuffs mixed in the shed by farmers were to be considered as feed, and thus the sheds

were to be considered as feed factories. Agricultural producers would never have been able to comply with complex health regulations, HACCP and traceability, and would therefore have been forced to purchase from real feed factories the foodstuffs that had been made on the farm for centuries. At the time, we managed to avoid this snare.

The report that we are debating today defines feed but not feed factories. So that Europe does not get the blame once again, it must be crystal clear that foodstuffs for livestock, mixed on the premises of the livestock company, does not constitute feed, but simply extemporaneous mixing of foodstuffs and raw materials produced directly in the fields, and that the agricultural business is not a feed factory. Perhaps it is a partisan position, but one can never be too careful when interpretations have considerable economic significance.

Jim Allister (NI). – Mr President, in the aftermath of the dioxin contamination in the Republic of Ireland which visited such losses on innocent producers and processors in Northern Ireland, we discussed new measures on the labelling of feedstuffs.

The obvious question for me is: would any of these proposals have saved my producers from their present losses? Sadly, the answer is 'no'. They will, of course, impose greater transparency which is, of itself, all to the good, but only in respect of EU feedstuffs fed to animals within the EU, not in respect of feed fed to animals whose meat we then import into the EU.

Providing maximum detail on the precise composition of feedstuffs is right and understandable, but we must not so undermine intellectual property rights as to make them meaningless. In that respect, I have some residual fears on aspects of these proposals. Compound mixes are trade secrets built up over years of research and trial. They must be adequately protected.

I trust that the 15% margin in description precision will be enough. I, for one, do not want to see feed mills in my constituency, which have worked hard and invested heavily in producing premium product, being gazumped and their intellectual property rights raided by manufacturers operating in cheaper production areas, either within or outside the EU.

I trust this regulation will not be either misused or abused in that regard. Yes, farmers are entitled to maximum information on compound contents, but within the confines of preserving the viability and the future of the mills from which they buy.

Esther de Lange (PPE-DE). – (NL) I should like to echo all the compliments that have already been paid to our rapporteur. Needless to say, public and animal health should be at the heart of cattle feed legislation. This translates into clear rules regarding the use and labelling of raw materials. This should, of course, remain workable and not lead to a greater administrative burden or, as has already been mentioned, jeopardise the manufacturers' intellectual property. We will continue to monitor this with a critical eye, but it looks as if the new regulation will meet these requirements.

I should like to make an observation with regard to inspection. Once again, effective controls and sanctions to separate the wheat from the chaff will make or break this legislation. The regulation stipulates that the penalties which the Member States may apply themselves must be effective, proportionate and dissuasive. I would urge the European Commission to closely monitor the situation in the near future, to make sure this is the case in all the countries of the European Union. It is, after all, unacceptable for one country to be stricter than another. An excellent case in point is, to my mind, the suspended sentences that were given this week, ten years after the event, in the Belgian dioxin scandal.

Finally, I should like to mention a topic that cannot remain untouched, namely meat and bone meal. Following the emotional speech of the first speaker from the Non-Attached Members, I shall confine myself to the facts. Meat and bone meal in animal feed has been banned since the BSE crisis. However, in the case of chickens, for example, this leads to a shortage of animal protein in their feed, quite apart from the fair criticism that valuable proteins are destroyed. Moreover, animal feed is the largest overhead for the five million cattle farmers in the European Union who have not got it easy to begin with.

Of course, we do not want to revert back to a situation in which animal proteins from within the same species end up in the feed. Cannibalism: never again! We need to put tests in place in order to handle this situation properly. The European Commission has indicated that these tests could be available in 2009, which means that meat and bone meal could be reintroduced in the feed of chickens or pigs, for example, in a safe manner. I should like to find out from the European Commission what the latest is on this score and what steps we can expect in this respect in the coming year.

Wiesław Stefan Kuc (UEN). – (PL) Mr President, Commissioner, the quality of food products of animal origin (meat, eggs, milk) and the protection of consumers against poor food quality has been a subject of EU interest for many years.

For products of animal origin to be of good quality, good quality feedstuffs are essential – this is the most important factor – as well as suitable living conditions for the animals. Most of the ingredients of feedstuffs are produced by agriculture itself, but the additives which are used are most often chemical products. It is these which create the most controversy. Therefore, we should fight for the exact composition of industrial feedstuffs to be declared. It has nothing to do with intellectual property rights and their protection. Only when a patent office grants a protection certificate is a product protected.

When they have not been tested sufficiently, new animal feed additives may be harmful to our health, although they ensure the best growth or the best appearance of the product. A farmer does not have the facilities to test feedstuffs and can only rely on information supplied by the producer. We should remember BSE and the results of adding meat and bone meal to animal feeds. Industry will do everything for profit. This is why I support Mr Graefe zu Baringdorf's report in its entirety.

Czesław Adam Siekierski (PPE-DE). – (PL) Mr President, I hope that the proposals contained in the compromise package which we are debating today will bring about the simplification of provisions in the area of the marketing of feedstuffs and that in so doing, they will raise the competitiveness of the feedstuffs sector in the European Union. I also hope that the new rules will not increase costs for small and medium-sized producers of animal feed mixes.

When discussing the subject of labelling, it should be remembered that often the problem is not a lack of information on the product label, but a lack of understanding on the part of the ordinary consumer. Too much information on the label may actually hinder the buyer when making a choice. On the one hand, we must ensure that our citizens have access to information, while on the other, we must safeguard the intellectual property rights of producers.

I endorse the idea of drawing up a list of ingredients which may not be fed to animals. One thing is certain – we cannot allow a repeat of food-related scandals. Irish pork contaminated with dioxins or melanin in milk from China are examples of incidents which should not have happened. We ought to ask why the monitoring system did not function correctly and why the contamination arose.

The system of monitoring therefore requires greater supervision. Procedures must be transparent and unambiguous. Fines for not complying with the monitoring system or for breaching it should be high, because they are related to human health. In spite of the incident in Ireland, I would like to give my assurances that in Europe, farmers and producers maintain the highest standards in the world. Our food is characterised by its acknowledged reputation and quality. The food in Europe is safe.

Elisabeth Jeggle (PPE-DE). – (DE) Mr President, Commissioner, let me start by giving my very sincere thanks to our rapporteur, Mr Graefe zu Baringdorf. Not only in this report but also over many years in the past, he has always followed a clear line, which aims to achieve what we have achieved today: creating clarity for farmers and setting out clear requirements in the field of placing feed on the market and the use thereof.

Today, we are discussing the second step, and this, in particular, has become clear time and again. Commissioner, yesterday evening, last night, we discussed the first step: production. I should like to return to this. The type of production and the type of controls on production are the most important prerequisites for this report, to ensure that ultimately, we have healthy, safe feed from which to produce healthy, safe food.

I should like to reiterate my conviction that businesses that also process food to make feed should be subject to better scrutiny, that the HACCP concept should be required as a basis for authorisation – possibly for authorisation throughout Europe – as that has also been a problem in both yesterday's and today's debates. We need the same controls for the same risks throughout the European Union. Although we can never rule out abuses, this report and also yesterday's debate have laid good foundations for safety without going over the top. This is another point made in today's report, of course: that we have learned from developments following the BSE crisis, and that we now know that quite a few things can – and must – be done differently.

I wish to reiterate my thanks to our rapporteur, who has produced a good report today out of all the negotiations here. I hope that he receives one hundred per cent support from this House.

Véronique Mathieu (PPE-DE). – (FR) Mr President, the excellent report by our fellow Member – whom I congratulate – on which we are going to vote today, is important because the European animal feed sector

is one of our main agricultural sectors, both in terms of production, since it accounts for half of the agricultural production within the European Union – 120 million tonnes – and of turnover – around EUR 50 billion. Within the European Union, there are, in fact, 5 million farmers and 60 million pet-owning households.

In the past, the European Union has come to terms with a number of health crises, which means that, today, we have to be more vigilant with regard to transparency, in order to meet the expectations not only of farmers, but also of consumers. The provisions laid down in this report have the advantage of representing a minimal cost for the industries and a great benefit for consumers, who are paying more and more attention to the quality of the goods they buy. Adopting this report will make it possible to limit the risks by guaranteeing better quality goods, better monitoring, more traceability, and better information for farmers and, therefore, ultimately, for consumers.

Today, with the increase in international trade, it is vitally important to strengthen all prevention systems, so as to ensure that the food crises that we have experienced in the past do not happen again.

This report succeeds in reconciling the right to information, while strictly defining the nutritional elements that must appear on the labels, with the right to intellectual property, which is so important when it comes to preserving the competitiveness of our industries.

I believe that manufacturers should actually be obliged to give immediate notification of the use of any new raw material going into animal feed, in order to guarantee transparency and to facilitate the inspections performed by the competent authorities. Including an urgency procedure that enables a new dangerous substance to be incorporated into the list of prohibited materials seems altogether crucial to me.

Equally, giving farmers the opportunity to question the competent national authority or the European Commission in case of doubt about an unfair allegation enables the system to be controlled better and customers to be protected, while fair trading is also preserved.

I therefore wish to offer my full support to this excellent report, for experience shows that a regulation on the labelling of animal feed that prioritises quality, transparency, traceability and monitoring is the best means of preventing further health crises in Europe.

Mairead McGuinness (PPE-DE). – Mr President, I would like to thank the rapporteur for this report, which is a very technical one and answers the Court's question about protecting the rights of farmers and the rights of those who produce the animal feed they purchase.

I support the idea that intellectual property rights are worth protecting. We cannot have formulations being copied by operators who come in and out of the marketplace, so the report is successful from that point of view.

The issue of rogue operators has been brought up in the debate here this morning. The truth is that we will only keep a check on the industry if we check those who do not comply. That can only be done by regular monitoring, inspection and control at every point along the way. We debated that very vigorously last night in this Parliament and I was glad to hear that improvements will be made.

Lastly, a bigger point on the volatility of commodity prices. The Agriculture Commissioner is joining us. This is a big issue for the feed industry and for farmers, and it is one that we need to address.

James Nicholson (PPE-DE). – Mr President, firstly, I welcome this report and wish to congratulate the rapporteur, who is to be commended for his report and hard work.

We do indeed need transparency, and have to know what is in compound feed – there is no doubt about that. I have no problem with a company keeping its intellectual property rights confidential. However, recent events in the Republic of Ireland, with the dioxin problem, bring home very clearly to all of us the need for control. Farmers can have the highest possible standards of livestock husbandry and do everything right but, as we have witnessed, all can be lost when events way beyond their control destroy all their good and hard work.

This is a good day for Parliament, and it shows what we can achieve through cooperation. Maybe it also shows what we can actually achieve within agriculture for a better future for farmers throughout the European Union.

I am pleased that Commissioner Fischer Boel is here with Commissioner Vassiliou this morning, because it is very important that we make the point of the serious danger of farmers in Northern Ireland – eight farmers

at this moment in time – losing everything because the local Assembly has not been prepared to support them.

Agnes Schierhuber (PPE-DE). – (DE) Mr President, Commissioner, ladies and gentlemen, I wish to start by thanking our rapporteur, Mr Graefe zu Baringdorf, as he has succeeded in producing a genuinely workable compromise at first reading. It has also proved possible to reconcile consumer protection and food safety with the necessary protection of intellectual property.

Farmers must be able to trust that the feed they are using contains what is stated on the label. Black sheep in the feed industry have caused great economic losses in agriculture and far beyond. Thank you once again, Mr Graefe zu Baringdorf.

Avril Doyle (PPE-DE). – Mr President, I should like to make two quick points.

Firstly, yes, consumers and farmers depend on clear and transparent labelling, and I support the rapporteur's amendment to allow the manufacturer to refuse to disclose information if he or she is able to prove that intellectual property rights could be infringed on any ingredient which constitutes less than two per cent of the ration. We urgently need more investment in research, especially into ruminant feed to reduce the methane and nitrous oxide emissions.

Secondly, is it not long past the time for reference points for action, or RPAs, for dealing with the adventitious presence of minuscule levels of GMO in feed, rather than the present zero-tolerance regime, which results in criminally disproportionate waste of feed and cereal shipments and criminally disproportionate sanctions? I refer, of course, to the presence of previously authorised GMs by the European Food Safety Authority (EFSA), so that they are fully risk-assessed by definition, or perhaps a GMO that is fully authorised in another jurisdiction.

Lutz Goepel (PPE-DE). – (DE) Mr President, Commissioners, I do not have anything to add about the content, as enough has been said in this regard. I should like to thank the rapporteur, who showed good staying power in the dialogue.

This report has been a long haul. As we know, the European Court of Justice issued a judgment, which was followed by clean, fair discussion. We had opportunity to discuss this at length and, as rapporteur, Mr Graefe zu Baringdorf has shown that a satisfactory solution can be achieved in a short space of time even as part of a first reading agreement. I have crossed swords with him a fair few times since 1994, but our teamwork has always been fair, and I should like to thank him once again for his work.

Albert Deß (PPE-DE). – (DE) Mr President, I had run out of speaking time, so I do have some new things to say. If we now adopt new European feed legislation here in Parliament, by what will probably be a large majority, and the Council accepts this legislation, we shall have achieved a new, high quality standard in Europe.

I should like to ask the two Commissioners present to insist on these European standards in the case of imports of feed and food as well in future. Europe can face up to global competition only if the same standards are applied to imports. Therefore, the Commission must also press for our European standards to form part of the WTO negotiations and to become a global standard – then we need not fear this global competition.

Androulla Vassiliou, Member of the Commission. – Mr President, I would like to thank everyone for their remarks, and shall now reply to some of those remarks. First of all, on the question of safety, safety of feed is guaranteed by the negative list of feed materials which cannot be used in feeds. The proposal contains the list of feed materials which are forbidden. The Commission will extend that list every time it is convinced that it is necessary to add to that negative list.

On the other hand, I wish to remind you that there is a large list of maximum levels of contaminants, such as dangerous micro-toxins, heavy metals and dioxins, which has been in force, under the Directive on undesirable substances, since 2002.

I would agree with all those who said, as I confirmed, that European food is safe. However, as I also indicated last night during our discussions, laws and regulations are as good as we make them, and we therefore have to remain vigilant and see to it that Member States, feed dealers and, indeed, the Commission, ensure that everybody sticks to their obligations in ensuring that laws really are enforced and that they are good laws.

The recent Irish meat incident highlights the need for stringent enforcement and controls on legal requirements, and my services will continue to examine how that can be improved. I am confident that, once the new rules come into force, regulation of the feed market will be significantly improved, in the interests of both feed manufacturers and users.

Last but not least, I would like to thank the rapporteur once again for his excellent contribution, and all Members for their constructive and positive role in reaching an agreement on this important initiative.

Friedrich-Wilhelm Graefe zu Baringdorf, *rapporteur*. – (DE) Mr President, Commissioners, I wish to express my thanks for the many kind words that have been said today. I believe this is a good report.

On the subject of whether criminal activity can be prevented, this report cannot do so, of course, but the improved intensity of controls it provides may deter such activity. Criminal activity always focuses where it sees an opportunity, where it sees loopholes, and we have now been able to close these in some areas. I hope – as Mr Nicholson said – that both the feed industry and farmers will understand that there is something to be defended here, that a community is being formed against these attempts to dispose of toxic substances via feed. I am fairly sure that this will also curb criminal activity.

I should like to make clear once more that we are not creating a separate line for intellectual property here, but rather making reference to the legislation already in force, which also applies to this field. We wanted to prevent the duty of information from hiding behind these intellectual property rights. That is why this is a good arrangement.

Let me conclude by thanking the shadow rapporteurs. Here, too, there were arguments, of course – after all, we hold different opinions in this House – but I believe that what we subsequently created now has everyone's support. I should also like to thank our committee's administrative team – in this case Mr Emmes – who did outstanding groundwork. Although we Members of the European Parliament always play a leading role in the political field, in the administrative field we do need to be able to fall back on this groundwork. Here, too, this was very successful.

I should like to add that, when we have codecision, parliamentarianism is fun. It was always said that codecision in agriculture would make everything much more complicated and time-consuming. This is not true, as we have seen that, given good work, a good understanding of matters, good groundwork and good political opponents, things can be staged very quickly. I think that this is proof that the expertise of the European Parliament can serve, and help, to set good legislation in motion.

President. – The debate is closed.

The vote will take place today at 12 noon.

4. Information provision and promotion measures for agricultural products (debate)

President. – The next item is the report (A6-0004/2009) by Mr Dumitriu, on behalf of the Committee on Agriculture and Rural Development, on the proposal for a Council Regulation amending Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries (COM(2008)0431 – C6-0313/2008 – 2008/0131(CNS)).

Constantin Dumitriu, *rapporteur*. – (RO) I am pleased that we have this opportunity to debate in a plenary session an issue which is important not only for the Community's agricultural sector, but also for the European economy's competitiveness as a whole.

At a time when the economies of our countries are suffering as a result of the global crisis and when increasing the demand for agricultural products is an imperative, amending Regulation No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries offers us additional leverage to support agricultural producers and, by extension, the EU economy.

European Council Regulation No 3/2008, which combines in a single text regulations 2702/1999 and 2826/2000, has accommodated the European Commission's new political approaches on simplifying legislation, while also achieving the objective of facilitating administrative procedures within the European institutions. Based on this regulation, the Community can take information provision measures for a certain number of agricultural products on the internal market and on the markets of third countries, while also preserving the specific nature of the measures, according to the market in which they are implemented.

This policy provides a response to a real need on the part of Member States to promote the image of their agricultural products, especially the benefits in terms of quality, nutritional value and food safety standards, both among European consumers and consumers in other countries. It also helps open up new market outlets and has a multiplier effect for national and private sector initiatives.

The amendments initiated by the European Commission are aimed at allowing interested Member States to devise a relevant programme where the organisations involved in drawing up proposals do not wish to present programmes to be implemented in third countries. As a result of this, Member States will have the opportunity to expand the area of application of the measures targeted by these programmes and also seek the assistance of international organisations in implementing these measures. The draft report we are discussing proposes certain additions and adaptations to the Commission proposal, which are necessary in order to clarify and supplement the logic of the regulation.

First of all, we are proposing to introduce consultations with professional associations and organisations operating in the target sectors of the Member States, which are involved in the process of devising information programmes for agricultural products, both on the internal market and in third countries. In view of their expertise and the important role these associations and organisations also play in guaranteeing and controlling quality, it is absolutely paramount that they are consulted. At the same time, we support these programmes being drawn up based on an assessment of the need for them and their timeliness, providing us with the assurance that the funds are being spent effectively in programmes which meet the objective of helping promote Community products.

We are also proposing to extend the areas where international organisations can be assigned the implementation of information programmes for third countries. Promotion and publicity measures are also relevant to the wine sector, both on the EU internal market and in third countries. As is the case with the olive oil and table olive sector, international bodies exist in the wine sector, such as the International Organisation of Vine and Wine, which can ensure the implementation in third countries of programmes proposed by Member States, thereby disseminating information about the characteristics and advantages of wines with a protected designation of origin and those with a protected geographical indication.

Another amendment which we are proposing to you is aimed at increasing the European Union's cofinancing percentage from 60% to 70% at a time when it is increasingly more difficult for small producers to gain access to financing due to the financial crisis. Without any financial support, they risk going bankrupt as they do not have the leverage to promote their products and are facing a drop in market demand.

The ultimate aim of these proposals is to generate greater market demand in order to boost production and support the European economy as a whole. Attaining this goal will help us overcome these difficult times we are going through. The quality of the European Union's agricultural and food products is an advantage which we need to utilise in order to guarantee the European economy's competitiveness and higher incomes for producers.

I hope that the recommendations we are going to adopt will be implemented as soon as possible by the European Commission and Member States because we cannot afford to waste time in such circumstances when European citizens are being hit by the effects of an extremely deep economic recession. The measures being proposed will obviously not resolve all the problems linked to marketing and promoting the Community's agricultural and food products.

Simplifying the red tape involved with registering traditional products, introducing a 'Made in the European Union' label and solving the problem of products imported from third countries of lower quality and safety standards are just some of the areas which we need to consider in order to boost the market share for Community products. Thank you for your attention and I look forward to your comments and questions.

IN THE CHAIR: MR COCILOVO

Vice-President

Mariann Fischer Boel, *Member of the Commission*. – Mr President, firstly I would like to thank the rapporteur, Mr Dumitriu, and the members of the Agriculture Committee, for an excellent report on the Commission proposal on information and promotion measures for agricultural products on the internal and external markets.

I would like to stress the importance of the issues addressed in this report. I think we all agree that the promotion of European agricultural products is of huge importance, both internally and externally. I am

convinced that trade in agricultural products will continue to grow in the future – even if we have to admit that we face a setback at the present time owing to the economic crisis. However, there will be huge opportunities for our European products in third-country markets, and our promotion campaign should help European producers explore those new markets.

Before going into the content of the report, I would like to put it into perspective. In 2008, the Commission adopted 42 programmes on the internal market and on third countries, representing a budget of EUR 128 million over three years. According to the rules, half of that amount was then to be financed by the Community.

The aim of the Commission proposal is to make it possible for Member States to launch programmes cofinanced by the European Union in third countries – as described by the rapporteur – because today this possibility only exists for the internal market. It should also be possible for those programmes to be implemented by international organisations.

The three most important amendments from the rapporteur and his colleagues are as follows: firstly, to make it compulsory for Member States to consult trade associations about the proposed programmes; secondly, to specify that implementation by international organisations is not only a possibility reserved for the International Olive Oil Council, but a general possibility, for example – as mentioned here today – also in the wine sector; and, on the budget side, to increase the cofinancing rate.

With regard to those amendments, I would emphasise that Member States do, in fact, already consult trade associations in order to make sure that they have the support of producers. I would prefer that partnership approach to continue on a voluntary basis.

My mentioning of the International Olive Oil Council is only meant as an example, because of the discussions that have recently taken place on the whole olive oil sector. It certainly does not exclude other international organisations, such as the International Organisation of Vine and Wine.

Regarding the funding of the budget, there is, of course, ongoing discussion on the level of cofinancing by the Community, but we discussed this issue when merging the two regulations dealing with promotion and information in 2008, so I do not think we should re-open the discussion on this issue.

Could I just take the opportunity to say that, when we agreed the wine reform, we did recognise the importance of promoting our products on third-country markets. Therefore, in the interests of spending the budget for wine in a smarter and more intelligent way, we proposed the earmarking of EUR 120 million each year for the promotion of our wine products on third country markets as a special budget line. However, since Member States – and especially the new Member States – did not want to be in a position where that money was earmarked in such a way that, if it was not spent, then it was lost, we included the EUR 120 million in the national envelopes, so that Member States can decide for themselves. In any case, this gives a clear signal that the Community does care and does recognise the importance of strong promotion of our European products. I look forward to the discussion here today.

Petya Stavreva, *on behalf of the PPE-DE Group*. – (BG) Mr President, Commissioner, ladies and gentlemen, I would like to congratulate the rapporteur, Mr Dumitriu, for his objective report which reflects the real needs of this Community sector in terms of promoting European producers.

The report contains measures which will help open up new markets and make our farmers' agricultural production profitable. This policy meets the actual needs of Member States wishing to promote their agricultural production, both among the Community's consumers and among those in third countries.

It provides an excellent opportunity for the emphasis to be placed on quality, nutritional value, production methods and the safety of the food produced. I support the rapporteur's proposal offering the opportunity to interested countries to put forward information programmes for third countries if the latter do not have this facility.

This amendment will allow European countries to extend the practical scope of the measures envisaged by these programmes and to seek assistance from international organisations in implementing them. I believe that during the process of devising these programmes, consideration should be given to the important role played by the associations and industry organisations in the individual countries, which have an objective view of what is happening in the individual industries.

We must note the importance of certain international bodies in promoting the specific characteristics and advantages of food products typical of particular EU regions. I support the rapporteur's proposal for increasing the percentage rate for the Community's financial participation so that additional assistance can be provided to the projects selected by Member States. I urge you to support Mr Dumitriu's report.

Bogdan Golik, *on behalf of the PSE Group*. – (PL) Mr President, Commissioner, I sincerely congratulate Mr Dumitriu on a good report – a continuation of the reports which were drawn up earlier, in which we talked about promotion and sums of money allocated to promotion of the European Union in third countries.

Information provision and promotion measures for agricultural products on the internal market and in third countries play an enormous role in creating a positive image of the 'Made in Europe' brand. I have been stressing this for a long time, and for several years I have been active in efforts to simplify the entire information provision and promotion system. In my speeches I have repeatedly stressed the necessity of promoting the 'Made in Europe' brand in third-country markets. This is especially legitimate in the formal and legal conditions of today.

In accordance with the Declaration of the Sixth WTO Ministerial Conference in Hong Kong, the use of all forms of export subsidies and disciplines on all export measures with equivalent effect will be eliminated in 2013. In view of the complicated nature of organising promotional campaigns in third-country markets and the higher costs of such measures at a significant distance, particularly in Asia or America, the mechanism for supporting promotional activities did not attract much interest from trade organisations.

The proposal of the European Commission allows for stimulation of their activity. Promotional programmes carried out by Member States offer the opportunity for entities to work together, where they have not managed to run and finance these activities on their own. Nevertheless, efforts to increase the percentage share of the Community in financing this type of project should be continued. I will mention as an example the United States of America, where several times more is spent on promotional activities than all the money allocated to wine and to activities in the area of other promotional products in the entire European Union.

In the face of liberalisation of the commercial flow of agricultural products, an instrument to support the promotion of Community production in third-country markets might be the only tool available which accords with the guidelines of the Agriculture Framework Agreement in the WTO Doha Development Agenda Round. Promotion of the 'Made in Europe' brand is the chance to maintain competitiveness and, on a longer time-scale, even to strengthen the attractiveness of European agricultural and food products and to extend their market.

I would like to thank the Commission for these measures, which we have repeatedly spoken of in Parliament, and which have been included, and especially for the reduction in contributions from trade organisations from 20% to 10% and for increasing the funds available for promotional activity.

Seán Ó Neachtain, *on behalf of the UEN Group*. – (GA) Mr President, I warmly welcome Mr Dumitriu's report and I would like to congratulate him on the work he has done.

This budget gives Member States an excellent opportunity to find markets both inside and outside of Europe. Coming from Ireland, I would like to say that selling our healthy, fresh, food products on world markets, particularly in Asia, is of great help to us in Ireland.

Like my colleagues, however, I would like to say that I see a better opportunity here to simplify the rules related to this budget so that accessing the money supply for trading would be easier than it is currently and, of course, the budget must also be increased as has been said. This is very important, not only to the Member States, but to Europe as a whole.

Friedrich-Wilhelm Graefe zu Baringdorf, *on behalf of the Verts/ALE Group*. – (DE) Mr President, Commissioner, I agree with you that advertising is important. Yet advertising comes about not only as a result of professional offensives but also of occurrences in the region from which the foodstuffs originate.

When the world associates us with BSE, when we have turned our heraldic animal mad, or when, as now, countries are issuing product recalls because of the dioxin problem – which, of course, is also going around the world – and when millions of slaughtered sick cattle are shown on television news around the world, this is also a kind of advertising: negative advertising.

We must be careful to avoid contradiction here. On the one hand, there is our talk of good products but, on the other, there are the negative reports – but we are working on this, as we have just seen with the debate and what we have concluded.

If we wish to advertise externally – yes, that is right, we have good reason to do so, as we have good products – I do not want it to be generalised advertising, but advertising showing European diversity. As you know, we have the situation in Germany where the Federal Constitutional Court has ruled against a kind of compulsory advertising with a compulsory levy. It pointed out that advertising that does not differentiate between the individual qualities does not increase sales, and that instead, it is important that the individual producers be able to advertise for their specific products.

In addition, it is increasingly important – not only within Europe but also externally – to describe not only the quality of the end product but also the quality of the process. What is the situation with regard to animal protection, to the environment, to the ingredients, to the structure of the farming, to fair trade? These are all criteria that do not necessarily affect the quality of the end product, but are becoming increasingly important to consumers. We must incorporate this into our advertising too, therefore, and must see that Europe's reputation in the world is further enhanced as a result.

Ilda Figueiredo, *on behalf of the GUE/NGL Group*. – (PT) Mr President, Commissioner, ladies and gentlemen, we need to bear in mind that it is important to improve the conditions and support for information provision and promotion measures for agricultural products, both in the European Union and in third countries, broadening the scope of the proposals that the European Commission has presented.

We therefore support the proposals of the rapporteur and of the Committee on Agriculture and Rural Development, namely those aimed at greater intervention and strengthening the role of trade associations and organisations operating in the sector, in view of their expertise and the important part they also play in ensuring quality control, including the associations and organisations of the Member State that draws up the programme, as well as increasing the percentage of the Community's financial participation. It is important that there is additional aid, especially for projects selected by the Member States.

Likewise, we believe that promotion and advertising actions in third countries should be able to benefit other important products in addition to olive oil and olives, with emphasis on wines with designations of origin or protected geographical indications. In this respect, I will also mention here the important role of farmers' associations, with emphasis on cooperative wine cellars and other associations of small and medium-sized farmers, whose existence is fundamental in ensuring the flow of the produce of farmers who, on their own, would not be able to survive.

Once again, I would call for there to be enhanced support for these farmers' organisations to be able to completely fulfil their role in upholding family farming and promoting the high-quality agricultural products they produce, which are essential in guaranteeing a healthy diet for the population of our countries.

We will therefore vote in favour of this report.

Witold Tomczak, *on behalf of the IND/DEM Group*. – (PL) Mr President, Commissioner, the European Union is a significant exporter of many agricultural products, but the future of EU agriculture will be determined by consumption in the internal market. Stimulation of this may bring benefits to farmers, consumers and whole economies.

In many Member States, the consumption of food products essential for good health is not high, and its growth, by means of good information and promotion, is most desirable. However, it is important that EU farmers benefit from the programmes under discussion and, in particular, small and medium-sized farms, which comprise 95% of all farms.

These programmes should enrich consumers' knowledge of healthy eating and, at the same time, leave the choice to them. This is why it is worth taking the following steps: organising consultations with specialists in the field of healthy diet and training salespeople, who should also be consumer advisors in matters of healthy diet. Good presentation of information about the health benefits of the products being promoted, and about the way the foods are produced, is essential. Information on food labels is insufficient.

This programme may be threatened by the promotion of food mass-produced by large food corporations, which can prepare effective programmes and which have the best specialists at their disposal. Except will this not then compromise the promotion of high quality foods?

Legibility of the expiry date on products is also very important, as is a rise in consumer awareness of the significance of all the information which is to be found on product labels.

Maria Petre (PPE-DE). – (RO) I would first of all like to congratulate my colleague for all the hard work he has put in as rapporteur in terms of simplifying EU legislation to reduce the administrative burden, something we very much need to do.

The information provision measures taken by the European Union are a response to a real need on the part of Member States to promote the image of their agricultural products, both among European consumers and consumers in other countries, especially as regards quality and nutritional value, as well as food safety and safe production methods. As quality rapporteur, I greatly cherish this competitive edge that our European products have.

This legislative amendment will offer interested Member States the possibility to propose information programmes, including when there are no programmes put forward for third countries. As a result of this amendment, Member States will have the opportunity to expand the area of application of the measures targeted by these programmes and seek the assistance of international organisations in implementing these measures. The percentage rate of the European Union's financial participation needs to be increased in order to provide additional support for the projects selected by Member States, at a time of a general tightening of the conditions in which national organisations and authorities seek to obtain the amounts they must contribute to cofinancing.

I support the idea that the organisation tasked with implementing the selected programme should be an international organisation, especially where the programme is aiming to promote the olive oil and table olive sector, not to mention the sector for wines with a protected designation of origin and those with a protected geographical indication in third countries.

At the same time, we must bear in mind the important role which professional associations and organisations operating in the target sectors of the Member States have in devising information programmes for agricultural products. I would like to conclude by thanking the rapporteur once again, and especially Commissioner Vassiliou, because she has accepted all the proposals we have made within the report.

Alessandro Battilocchio (PSE). – (IT) Mr President, ladies and gentlemen, over the last few months, above all during this parliamentary term, we have witnessed a steady decline in direct support for our farmers and in the rules that used to protect our industry from cheap imports from outside the EU, in order to free up the resources needed to meet the new environmental, economic and social challenges of this millennium and to comply with international trade agreements.

As a member of the Committee on Agriculture and Rural Development and, most importantly, as a representative of a country that has earned worldwide recognition and respect for the quality of its agricultural produce – I am thinking of olive oil, wine and cheeses – I cannot help but approve of any action whatsoever that the Commission may propose to safeguard high quality European produce and to promote, where possible, the marketing of this produce both on the internal market and abroad.

This information programme is, in fact, particularly significant, since it is to make clear to European and other consumers that our produce is not in competition with that, which may be cheaper, from other countries, but rather that it represents an alternative that focuses on quality and on a production model that respects the environment and social and animal welfare standards which, in turn, naturally benefits human health.

The legislation that we vote on in this House every day can come at a price, above all for our producers. That is why we must offer them all the help we can, so that the richness and quality of our produce is not lost and does not become ironed out in an ever-more homogeneous global market. For this reason, I support the rapporteur's amendments, which are aimed at increasing Commission cofinancing, adding to the activities that can be funded and, most importantly, increasing participation in producers' associations, which are best-placed to defend the qualitative features of their produce to ever-more exacting consumers.

Alexandru Nazare (PPE-DE). – (RO) Today we are discussing a report that is extremely important for European agriculture. As the rapporteur himself has emphasised, the quality and safety of European products provide a competitive edge which has not been sufficiently utilised yet.

Measures aimed at providing information about and promoting these products, their quality and the food safety standards they comply with may trigger a chain reaction by boosting demand, increasing farmers'

production and profits and creating new jobs, which also implicitly means economic growth. These measures must be directed equally at consumers in the internal market and those in third countries.

Let us not forget the competition we are facing on the internal market from producers from other countries, offering products which are sometimes cheaper, but where, very often, the quality and safety standards are much lower. Consumers need to recognise Community products and know why they are healthier than others. Last but not least, they must know that buying these products supports European farmers and agri-food producers and, therefore, the European economy.

I particularly appreciate the initiative from the rapporteur on recognising the important role which professional associations and organisations play because, in most cases, they have the expertise which the country's institutions do not have. They are also much more familiar with the real situation on the market and its requirements. At the same time, I think that the proposal to increase the cofinancing percentage is an absolute necessity in the current credit crisis. I strongly believe that this will increase the rate of use of these funds.

Finally, I would like to congratulate the rapporteur, Mr Dumitriu, on all his hard work and his proposals, a view which I believe all my fellow Members share.

Silvia-Adriana Țicău (PSE). – (RO) I would like to congratulate the rapporteur, Mr Dumitriu. The agricultural sector is important for the Member States' economies because it provides food for the population, agricultural products for export, not to mention a large number of jobs. The European Union must be able to provide sufficient quantities of food for its population at affordable prices.

It is obvious that in a competitive market, information provision and promotion measures for agricultural products on the internal market and in third countries are becoming increasingly important. Professional associations or organisations must be consulted when it comes to drawing up the programmes for promoting agricultural products. I believe that this regulation will encourage European farmers to promote their agricultural products.

Romania has a huge number of agri-food products which we do not, unfortunately, come across on European markets, even though many of them are environmentally friendly. A campaign to promote these products will benefit both European consumers and Romanian agricultural producers. Particularly at times of economic crisis, the agricultural sector obviously remains one of the sectors which must be given special attention, along with adequate programmes and funding.

In a crisis situation, Member States must focus greater attention when setting their priorities. This is why I believe that agriculture must remain an area which is supported because it is important for the European economy.

Nicodim Bulzesc (PPE-DE). – (RO) I would first of all like to congratulate the rapporteur on all his hard work on this report, which raises a very important issue. There is a real need on the part of Member States to promote the image of their agricultural products, both among European Community consumers and those in other countries.

I would like to highlight two proposals mentioned in this report. A request is being made for the percentage of the European Community's financial participation to be increased in order to provide additional support for the projects selected by Member States, at a time of a general tightening of the conditions in which national organisations and authorities seek to obtain the amounts they must contribute to cofinancing.

The second paragraph of this amendment seeks a financial participation of 70% from the European Community for measures to promote fruit and vegetables specifically for children in schools. I feel that these amendments are appropriate and I hope that this initiative will be supported by as many MEPs as possible.

Iosif Matula (PPE-DE). – (RO) I would like to congratulate the rapporteur for all his hard work and for his contribution to expanding the area of application of the programmes for providing information about and promoting agricultural products on the internal market and in third countries.

One of the most important amendments being put forward by this report is the 10% increase both in European cofinancing for programmes promoting European agricultural products and in the budget allocations for promoting the consumption of dairy products, fruit and vegetables in schools.

On the one hand, Europe will benefit from a larger number of agricultural products being promoted more actively while, on the other, the biggest beneficiaries of the Community's aid will be children and pupils.

I think that the measures which have been proposed are extremely important as, now more than ever, we need investment in the areas which are developing rapidly and can lead to economic recovery. Agriculture is one such area and the European Union can make a significant contribution to promoting it.

Mairead McGuinness (PPE-DE). – Mr President, the major food manufacturers around the globe spend billions promoting themselves – maybe using EU-produced food, but concentrating not on its origin but on their own brands. We have celebrity TV chefs promoting their particular version of food production, with access to the airwaves and budgets of millions. And here we are talking about a relatively small amount of money to promote all of Europe's food, both throughout the world and internally. It is a big ask! It is a very good report, which I fully support, and I endorse the comments of our Commissioner here today.

I am particularly interested in the idea that we need to promote outside our borders, and I would agree wholeheartedly with that, but we also have to be realistic about how we are going to compete, and whether we are competitive on a global market. Perhaps the Commissioner would take that up in her responses. The question of our standards has got to be acknowledged and recognised. Is that being acknowledged and recognised at the WTO?

Jim Allister (NI). – Mr President, I very strongly support promotion of our high-quality food. In today's difficult market, the quality product is the best refuge, but it does need fulsome promotion. 60% cofinancing would be good if it can be obtained, and I regret that the Commissioner was unable to be as forthcoming as we hoped she would be in that regard.

In respect of my own region, I would very emphatically call upon the regional government – not one blessed with much initiative or with funds given how much it wastes on its top-heavy administration and needless cross-border bodies – to exert itself to draw down this EU funding, and thereby give our excellent local produce the best chance in the marketplace. Along with what I hope will be 70% support from Europe to promote food and vegetables to our schools, I trust this opportunity will not be lost by a lackadaisical local department.

Avril Doyle (PPE-DE). – Mr President, I wish to begin by thanking the Commission for the recent approval of 50% funding for An Bord Bia's proposal on information provision for meat in Asia over the next three years, which is much appreciated.

While I am very supportive of this proposal, could I be allowed two commercial caveats. Firstly, some countries, such as Ireland, may be unlikely to draw up information programmes if the trade does not show an interest. Secondly, while the proposed increase in funding to 60%, and to 70% for fruit and vegetable promotion would be very welcome in the current economic environment, realistically, the incentive to expand generic promotion may be limited as contributors and non-contributors alike will benefit from the programmes.

I would like to thank the rapporteur.

Călin Cătălin Chiriță (PPE-DE). – (RO) I wish to express my support for the report presented by Mr Dumitriu on the information provision and promotion measures for agricultural products on the internal market. I believe that we need to increase the percentage rate of the European Community's financial participation in order to provide additional support for the projects selected by Member States.

In particular, it is vital to increase the European Community's financial contribution to 70% of the real cost of the new programme for promoting fruit and vegetables specifically for children in the European Union's schools. This measure will make a substantial contribution to the implementation of the programme for promoting fruit and vegetables in schools, which is an effort that must be made for the benefit of our children's health.

Neil Parish (PPE-DE). – Mr President, I would like to congratulate the rapporteur on a very good report.

Commissioner, I would like to endorse what you said. I believe the future of European agriculture policy is very much with the market. We have got to go out there and promote our high-quality products. You mentioned the wine reform – previously, we were taking a lot of low-quality wine out of the market, buying it into intervention and then making it into biofuel, which was absolutely the wrong way to go. What we should be doing is promoting quality food. We have got a great diversity of wines, cheeses, meats, olive oil, fruits, vegetables – you name it. Europe is rich in all these and we must go out and market them in the future.

I think, as we move beyond the Health Check into the new agriculture policy in 2013 and beyond, we have got to make sure that we use more money to promote our products and to link into the marketplace, because that is where the future lies.

As one last comment, can I say to the Commissioner that perhaps he should go to America and convince President Obama that Roquefort cheese is extremely good and that perhaps he can reduce the tariff that President Bush put on it before he left office.

Czesław Adam Siekierski (PPE-DE). – (PL) Mr President, European and third-country consumers receive too little information about the quality and standards of European food. The requirements which we place on European producers are exceptionally high. Consumers should be aware of this, because it will affect their decisions concerning the choice of suitable products.

I am for promotion and information, although I more often speak of information as a more objective form of message. We must also have specific requirements and standards concerning the quality of information and the method of promotion. Finally, I am in favour of the EU and also national budgets supporting information provision and promotion programmes in the field of food. At a time of crisis, it is important to have promotion and information which will counteract the fall in demand and consumption, including food consumption.

Mariann Fischer Boel, Member of the Commission. – Mr President, my thanks for all the contributions. It is great to hear such enthusiasm and interest in this important issue. I think that all the comments here are, to a certain extent, very much in line with the Commission's view on the proposal.

I would like to take this opportunity to respond to some of the questions or issues raised here. First of all on the financing – this has been raised by quite a few of you – to increase the cofinancing rate. I think, though, that we have to be very cautious and careful when we try to monitor the benefit of the Community financing because I fear that if we increase the cofinancing, the bottom line will be that there will be less promotion. That would be a bad outcome and that is the reason why we have maintained our proposal.

Quality has been mentioned quite a few times today and I agree with you. I think we have a golden opportunity to discuss this quality issue that is also linked to how we promote our products in the Third World, how we explain to consumers what they get when they buy European.

Last October, we presented a Green Paper on quality and we have had lots of contributions; there are more than 1 000 contributions on the website from all over Europe. We are now digesting all these different ideas and we will present a communication in May. We should take this opportunity when the discussion takes place here in Parliament on communication to make a link – how do we improve our possibilities to make it visible and make it understandable. Here the labelling issue, which is both difficult and important, comes into the discussions, so I am looking forward to having a discussion with you on this issue in the autumn.

Finally, regarding the school fruit scheme which has been raised here today – it is not part of the proposal, but just to keep you updated – we introduced a school fruit scheme with a cofinancing rate of 70% to increase the awareness of young people and to take the opportunity to underline the importance of good eating habits among school children.

Once again, my thanks to the rapporteur, Mr Dumitriu, for a very good report. I think it is very well mirrored here today by the dynamic discussion that we have had.

Constantin Dumitriu, rapporteur. – (RO) I wish to apologise if I run over my allotted two minutes by a few seconds. Thank you for the extremely relevant comments and views you have expressed about this report. I am confident that our remaining fellow Members will consider that the new regulations being proposed are appropriate and that we will vote in favour of them.

I would like to advise fellow Members that I will support their suggestions, especially those aimed at promoting European diversity, introducing European quality labelling and more consistent financial support from the Community. I have been asked: why wine, along with olive oil among the international organisations which can implement promotion projects? I would like to respond with another question: why olive oil then? My response is positive on both counts. They are highly successful export products from European Union Member States. They have powerful, experienced international organisations which have already demonstrated their ability to manage complex programmes. Indeed, the report's provisions do not exclude other areas. As regards the second question about the 70% rate for cofinancing, the initial percentage rate was 60% and I felt that, in the current economic climate, it was necessary to increase it.

As experience from the uptake of European funds has shown so far, one of the biggest problems remains how to obtain cofinancing, especially at the moment when we are faced, on top of this, with a credit crisis. This is why this rate needs to be increased, otherwise we risk ending up with the funds not being used. Mrs Fischer Boel, I would like to thank you for the importance you have given to this report, in particular for the views you have expressed. Although this is a consultation report, I hope and I would like these amendments to be included in the Commission's new proposal.

To finally sum up, there are two reasons why this report is necessary. Member States will have the opportunity to expand the area of application of the measures targeted by these programmes and seek assistance from the international organisations in implementing these measures. It assigns a greater role to professional organisations and associations in the process of drawing up and implementing product information and promotion programmes. Last but not least, it is part of the logic of the proposals for adapting European legislation in order to make the use of European funds more accessible by increasing the cofinancing percentage rate during a time when it is extremely difficult to gain access to credit. As a further recommendation, I would also like to mention that the report was adopted unanimously by the members of the Committee on Agriculture and Rural Development.

I would like to take this opportunity to thank my colleagues on the Committee for the support they provided. I would personally like to thank Neil Parish for the support he gave me and, last but not least, Lutz Goepel for the trust he placed in me when he assigned me this report.

President. – The debate is closed.

The vote will take place later today.

IN THE CHAIR: MR PÖTTERING

President

5. Voting time

President. – The next item is voting time.

5.1. Information provision and promotion measures for agricultural products (A6-0004/2009, Constantin Dumitriu) (vote)

5.2. Implementation in the EU of Directive 2003/9/EC on the minimum standards for the reception of asylum seekers: visits by the Committee on Civil Liberties 2005-2008 (A6-0024/2009, Martine Roure) (vote)

– Before the vote:

Martine Roure, rapporteur. – (FR) Mr President, we have not been able to hold a debate in plenary on this very important report, which is why we feel it is necessary, on behalf of the Committee, to take the floor before you today.

We have all worked together, and I commend the outstanding work of the shadow rapporteurs. We visited no fewer than 26 detention centres in 10 EU Member States, and we noted several key points. We observed, in certain centres, an obvious state of decay and an obvious lack of hygiene, and we denounced the failure to respect human dignity. We found that access to healthcare was not always possible and that the children's right to education was not always respected.

We call for respect for clear, fair, effective and proportionate asylum procedures, and we call for the implementation of a permanent system of visits and inspections of detention centres. We must show the reality on the ground and stand up for a right to inspect these centres – something that these kinds of visits permit – and we must do so in order to take action so that things change.

The press has asked me why we did not cite any countries in this summary report. I replied that it was my choice, that it was our choice, since we have a collective responsibility with regard to what goes on in detention centres in Europe, and the purpose of this report is not to rank the Member States.

We will not stop calling for European solidarity in the area of asylum. We cannot leave the Member States, at Europe's borders, on their own to face large migratory flows. I repeat once again: we have a collective responsibility.

(Applause)

President. – Many thanks, Mrs Roure. I can see that even the top jurists here in plenary, or those who see themselves as such, are unaware that the rapporteur is entitled to make a two-minute statement when a report has not been discussed in plenary. Therefore, Mrs Roure has this right, which she has exercised, and everyone should accept this as it is laid down in our Rules of Procedure.

(Applause)

5.3. European SMEs in international trade (A6-0001/2009, Cristiana Muscardini) (vote)

– Before the vote:

Cristiana Muscardini, *rapporteur*. – (IT) Mr President, ladies and gentlemen, please excuse me and accept my thanks for your patience.

As we know, the European Parliament has wished for many years to express its views on small and medium-sized enterprises, which represent 99% of all European companies and 75 million jobs, while today only 3% of these SMEs access the foreign, external market and only 8% access the internal market.

We are therefore asking the Council and the Commission to take account of these facts in multilateral and bilateral negotiations, in access to external markets, in the fight against counterfeiting, in the use of trade protection instruments and in competitive tendering. Trade is the key to greater prosperity.

I would like to thank my colleagues at the Committee on International Trade and, most of all, the shadow rapporteurs of the two largest groups, Mrs Saïfi and Mrs Locatelli, and offer my heartfelt thanks to the secretariat and to Dr Bendini in particular. I believe that after all our work, we are today handing shared thoughts and proposals to the Commission, on a topic close to Mrs Ashton's heart, as we heard from her opening speech as Commissioner, and one that must be tackled without delay if we want to resolve, at least in part, the serious economic and financial crisis that is haunting our workers and citizens.

5.4. International Trade and the Internet (A6-0020/2009, Georgios Papastamkos) (vote)

5.5. The placing on the market and use of feed for animals (A6-0407/2008, Friedrich-Wilhelm Graefe zu Baringdorf) (vote)

5.6. Development impact of Economic Partnership Agreements (EPAs) (A6-0513/2008, Jürgen Schröder) (vote)

5.7. Kosovo (vote)

– Before the vote on Amendment 2:

Johannes Lebech (ALDE). – Mr President, we found that it would not be fair to mention just one of the parties, so we would like to take out the reference to the Kosovo authorities. The amendment would then read: 'Underlines the importance of full regional economic cooperation and the obligation to comply with and fully implement the provisions of the CEFTA Agreement'.

(The oral amendment was accepted)

5.8. Trade and economic relations with China (A6-0021/2009, Corien Wortmann-Kool) (vote)

- Before the vote (concerns Amendment 1):

Corien Wortmann-Kool, *rapporteur*. – Mr President, I would like to move an oral amendment in the form of an addition to paragraph 64a. That addition reads as follows: ‘where this does not require statehood, for instance, in the ILO’.

So the last part of paragraph 64a will read as follows: ‘supports Taiwan’s participation as an observer in relevant international organisations where this does not require statehood, for instance, in the ILO’.

I would ask colleagues not to oppose this oral amendment, because it is important for the Socialists to give their support to this resolution, and broad support is very important in order to send a strong signal to the Commission and to China.

(The oral amendment was accepted)

IN THE CHAIR: MR MAURO

Vice-President

6. Explanations of vote

Oral explanations of vote

- Report: Constantin Dumitriu (A6-0004/2009)

Zuzana Roithová (PPE-DE). – (CS) Mr President, I was delighted to support a report which will lead to administrative and legal simplification, which will increase consumer awareness about the quality and nutritional value of food both in Europe and in third countries, and which will also provide clarification to consumers about the use of safe production methods. I did not agree with the prioritisation of the olive oil or the olive sector and I trust that the Commission will also include the wine sector in the specific programmes in order to improve public awareness of the high quality wines produced in various regions of the European Union.

Mairead McGuinness (PPE-DE). – Mr President, I just wish to say that I supported this report. I was interested to hear during the debate that the Commission confirmed 70% cofinancing funding for the school fruit scheme, which will be hugely significant in the uptake of this scheme, and I clearly welcome it.

- Report: Friedrich-Wilhelm Graefe zu Baringdorf (A6-0407/2008)

Mairead McGuinness (PPE-DE). – Mr President, thank you again for giving me the floor. I supported this report because it makes good sense that we should have a regulation that protects farmers’ interests and the interests of those who produce their feed. I think what we now need is to communicate with the stakeholders what it means for them, as either feed operators or as users of animal feed, because it will not be enough that we have this regulation in place until there is good communication between all stakeholders.

Ewa Tomaszewska (UEN). – (PL) Mr President, I endorsed the report on the placing on the market and use of feed because it represents the interests of farmers and producers, as well as the health security of farm animals, and, by the same token, the health security of those who will later consume consumer the meat – people.

Clear definition of the ingredients of feedstuffs and the Community Register of Feed Additives will make it easier for farmers to make responsible decisions about the choice of the right type of feed. This is a step in the right direction. I will, however, permit myself to point out that protection of a trade secret of producers cannot justify a lack of essential information, and cannot lead to situations like the ‘mad cow disease’ epidemic or the appearance of dioxins in feedstuffs.

- Report: Jürgen Schröder (A6-0513/2008)

Syed Kamall (PPE-DE). – Mr President, in November 2007, I visited Uganda to meet with local entrepreneurs and local NGOs. As we were leaving Kampala on a dusty road, the driver drew my attention to some booths selling pre-paid telephone cards. He turned to me and said: 'Those telephone companies, those private companies, have done more to take people out of poverty in this country than any of your white, Western NGOs'. I thought that was a little unfair at the time, but it highlights the feeling that so many entrepreneurs have towards European Union development policies.

In fact, entrepreneurs in many poor countries have told me that they believe our aid programmes and our NGOs actually have an interest in keeping them poor. I still think that is a little unfair, but it highlights the fact that we need to show that we are supporting entrepreneurs in developing countries, and one of the best ways to do that is through encouraging open markets globally.

Nirj Deva (PPE-DE). – Mr President, I am delighted to be able to rise in support of Mr Schröder's excellent report on this issue. Economic Partnership Agreements are very key as a development instrument. It is trade, not aid, which is going to uplift poor countries from poverty.

We are now in a global economic condition with the global recession where there are the beginnings of the whiff of protectionism coming from the developed world, especially from the United States, and I hope not from the European Union. If we create a protectionist climate, then the whole question of trade, not aid, to help alleviate poverty will be blown off course and thrown out of the window. We do not wish the developing countries which do want to trade with us to be stopped by our own selfish needs which are misguided to protect our own markets. In the long term, that would be a disaster for our economies.

- Motion for a resolution: Kosovo (B6-0063/2009)

Philip Claeys (NI). - (NL) I voted against the resolution on Kosovo for two reasons. First of all, there is a paragraph that states that the Member States that have not yet recognised Kosovo's independence should still do so. Well, a paragraph of this nature is in contravention of the principle of subsidiarity. It is up to the Member States themselves to decide, and they do not need any external pressure from the European Commission, the Council or Parliament.

The second reason why I have voted against the resolution is to do with the paragraph that states that Kosovo, and the entire region, in fact, should have a clear prospect of EU membership. It is wrong, in my view, for Parliament to make promises of this kind. As things stand at the moment, there are many problems related to enlargement, and also related to a number of new Member States, and it would be totally wrong to make promises at this point to countries like Kosovo that they will be able to join the European Union at some stage.

Daniel Hannan (NI). – Mr President, whence comes our obsession with preserving multi-ethnic states regardless of the wishes of their inhabitants?

Kosovo had an unquestioned right to self-determination: it was expressed in a referendum with a participation rate and a turnout of more than 90%. However, by an extension of that logic, so, surely, have those Kosovans of Serb extraction, who are clustered conveniently close to the border with Serbia proper. Why not allow them also to enjoy self-government? We do it de facto, so why do we not do it de jure?

The answer is because we would rather keep Kosovo as a European protectorate – as a satrapy, such as it was in Ottoman times. We forced on them a version of our 12-star flag and a version of our national anthem. We have a Kosovan Parliament and institutions subject to the overriding decisions of an appointed European commissar.

We should allow the people of Kosovo to have referendums on partition – if that is what they want – and on ethnic self-determination, and we should allow that same right to the subject peoples of the European Union. *Pactio Olisipiensis Censenda Est!*

- Report: Corien Wortmann-Kool (A6-0021/2009)

Kathy Sinnott (IND/DEM). – Mr President, China is a very important trade partner for the European Union, as is Taiwan. I wanted to draw attention to a very positive development in the Committee on Foreign Affairs. They voted an opinion which calls on China to respect women and children's rights by ending forced abortion and forced sterilisation. It also calls on China to end political persecution and other human rights abuses.

I think this raises the issue that we cannot separate trade from other factors. I made this point in the Gaza speech about our trade with Israel – if we do not bring up issues of human rights abuse, we are in danger of having our money used to encourage human rights abuse. So I want to congratulate the Committee on Foreign Affairs for recognising the coercive nature of China's one-child policy and bringing this into the trade issue.

Zuzana Roithová (PPE-DE). – (CS) Mr President, ladies and gentlemen, China obtained some enormous advantages when it joined the WTO in 2001. We opened our markets to China but China does not adhere to the terms and conditions it signed up to, and we have basically taken this lying down for a number of years. I am very much in favour of establishing a strategic partnership with this major economic player. However, the strategic partnership must be founded on the obligation of China to respect human rights, because we need partnerships with countries which are democratic, not totalitarian. We in the new Member States are all too familiar with totalitarianism.

Philip Claey's (NI). – (NL) I have voted in favour of the amendment tabled by the Group of the European People's Party (Christian Democrats) and European Democrats, because at least it takes account of the fact that Taiwan is an important economic business entity and supports Taiwan's participation as an observer in the relevant international organisations. In actual fact, this amendment is still far too restrictive. Since Taiwan is a democratic country that enjoys *de facto* national sovereignty, it is a disgrace, really, that Taiwan is not recognised as a fully-fledged member state in all the different international institutions. The amendment refers to Taiwan's participation in these institutions in the capacity of observer. Well, I think that Taiwan should be able to take part as a fully-fledged member state.

Syed Kamall (PPE-DE). – Mr President, thank you very much for giving me this opportunity to explain my vote on the EU-China report. Overall, it was a very balanced report and I am very pleased that the rapporteur, on the whole, was able to stick to the issue – which was trade – rather than focus on a number of other issues that I know a number of colleagues wanted her to focus on.

However, I did have one major concern about this report, which was the reference to trade defence instruments. We have to recognise that consumers in my country – Britain – and in many other countries across the European Union, have benefited from open trade with China. It helped us at the time to fight perils such as inflation. However, protecting uncompetitive EU producers at the expense of other parties who benefit is something that we should tackle with care. We should make sure that we get the right balance and do not ignore the benefits of trade with China for consumers, companies with globalised supply chains and the retail sector. On the whole, trade with China is to be welcomed. Eventually, that will lead to all the other issues being tackled, such as better human rights and labour issues.

Nirj Deva (PPE-DE). – Mr President, China is one of our most important trading partners. It also contains one quarter of the world's population.

For many years, we have treated China as though it were some sort of small child that needed to be chided and argued about, as though we were some superior institution. We must not forget that China's history exceeds ours by thousands of years. China has maintained her cultural traditions and her values.

We want to have China as a part of our international community, but China is very important for the EU as a trading partner and the way we should treat China is as an equal partner with respect.

If we do that, then China will not only listen to us, but will trade more with us, we will be able to invest more in China and China invest more with us. At the moment, China has an enormous amount of money which will have to be invested outside China. The European Union should be the place where they invest it.

Tunne Kelam (PPE-DE). – Mr President, I supported Mrs Wortmann-Kool's amendment to consider Taiwan as an economic and commercial entity because Taiwan has been a democracy for a long time and is a viable free market economy. We must make at least political and moral efforts to support the status of Taiwan, and also to provide it with international access to organisations which are not connected with statehood.

Written explanations of vote

- Report: Constantin Dumitriu (A6-0004/2009)

Nicodim Bulzesc (PPE-DE), in writing. – (RO) I voted in favour of this report because the information provision measures taken by the Community are a response to a real need on the part of Member States to promote the image of their agricultural products both among Community consumers and consumers in

other countries, especially as regards quality and nutritional value, as well as food safety and safe production methods. It also helps open up new market outlets and has a multiplier effect for national and private sector initiatives.

This legislative amendment will offer interested Member States the possibility to propose information programmes, including when there are no programmes put forward for third countries. As a result of this amendment, Member States will have the opportunity to expand the area of application of the measures targeted by these programmes and also seek assistance from international organisations in implementing these measures.

Avril Doyle (PPE-DE), in writing. – This proposal aims to extend the reach of Article 9 of Regulation (EC) No 3/2008 which enables Member States, in the absence of proposals from industry, to propose information and promotion campaigns in third country territories without the requirement of funding from industry. The present requirements necessitate a 20% industry contribution to funding when the EU provides a maximum of 50% of the funding.

This latitude would provide Member States with the ability to self-start promotional and information campaigns without the financial participation of industry. The potential of this proposal to provide impetus in the fruit and vegetable industry is considerable and also desirable given the current economic conditions. I am accordingly pleased to support this proposal.

Duarte Freitas (PPE-DE), in writing. – (PT) Member States need to promote the image of their agricultural products, both among Community consumers and with the consumers of third countries, particularly with regard to quality and nutritional information, food safety and safe production methods.

I agree that, in the absence of programmes put forward by organisations in the agri-food sector, the Member States must be able to draw up programmes and select, by means of an award, an organisation to implement the programme.

The Commission's proposal, inasmuch as it enables the Member States to outline national programmes, will improve the existing legislation.

I support the Dumitriu report and welcome the inclusion of the wine sector within the scope of this proposal.

Nils Lundgren (IND/DEM), in writing. – (SV) The June List believes that the common agricultural policy (CAP) should be abolished and that agricultural products should be sold on a free market without the EU investing financial resources in information campaigns and sales-promotion measures for these products. It is a particularly serious matter that the EU is to fund sales-promotion measures in third countries, a policy that will result in unfair competition with the agricultural products of non-EU countries.

What is the EU doing? Is it really reasonable for the EU to use European taxpayers' money in advertising campaigns to convince the same citizens that they should buy the goods that they have already subsidised? Of course not. The whole proposal reeks of concealed protectionism.

In January 2009, a new advertising campaign was initiated in Sweden, Finland and Denmark in which the Swedish people were urged to buy more tulips. According to the newspaper *Resumé*, the EU is investing a total of SEK 14 million over three years in the tulip campaign in the three countries mentioned. Such a blatant waste of EU money must stop.

I am strongly opposed to this report. I would observe once again that it is fortunate that the European Parliament does not have powers of codecision on EU agricultural policy. Otherwise, the EU would fall into the trap of protectionism and of heavy subsidies to all of the groups within the agricultural industry.

David Martin (PSE), in writing. – I support this proposal which seeks to simplify and enhance information programmes on agricultural products. I support this proposal because it will provide funding to third country markets to provide and improve the information on the quality, nutritional value and safety of foodstuffs and the methods of production.

Luca Romagnoli (NI), in writing. – (IT) I voted in favour of Mr Dumitriu's report on information provision and promotion measures for agricultural products on the internal market and in third countries. I share the view expressed many times by the Commission that we need to simplify administrative procedures within the European institutional framework.

This regulation in fact allows the Community to provide information about a number of agricultural products on the internal market and on markets in third countries, while tailoring such activities to each location.

I agree with the political break that has been made, which respects the needs of Member States hoping to encourage consumers both within and outside the EU to view their agricultural produce above all in terms of its quality, nutritional characteristics, food safety and production methods.

Flaviu Călin Rus (PPE-DE), in writing. – (RO) I voted in favour of the European Parliament legislative resolution on the proposal for a Council regulation amending Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries (COM(2008)0431 – C6-0313/2008 – 2008/0131(CNS)), because I consider that the population needs to be properly informed about the agricultural products which they are consuming. I also feel that good promotion of any product can provide consumers with useful information.

- Report: Martine Roure (A6-0024/2009)

Avril Doyle (PPE-DE), in writing. – The status of refugee is that accorded to a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality, and is unable to or, due to such fear, is unwilling to avail him- or herself of the protection of their own state. This is a 1951 UN definition.

This review of the 2003 'Reception Conditions Directive', which laid down minimum standards for the reception of people seeking asylum in Europe, aims to enforce the implementation of these rules, such as access to information, education, healthcare and standards regarding reception facilities. The Directive allows Member States to determine the length of time during which an applicant cannot have access to the labour market.

Ireland unfortunately did not opt into the 2003 Directive, and operates a 'direct provision' system, providing accommodation, food and EUR 19.10 per week per adult, designed to discourage asylum seekers from choosing Ireland, and keeping them out of the official labour market for the entirety of their application procedure. Legislation currently before the Oireachtas – the Immigration, Residence and Protection Bill 2008 – seeks to extend this prohibition, despite grave concerns about the impact of such decisions. Other measures in the Irish legislation include criminalising 'spurious' appeals and the prospect of fines to legal representatives who take on such cases.

As Ireland is not party to the 2003 Directive, I felt obliged to abstain, but commend the aims of the report.

Bruno Gollnisch (NI), in writing. – (FR) Mr President, ladies and gentlemen,

Mrs Roure is calling for some particularly attractive reception conditions for asylum seekers: convivial, open accommodation centres – it is easier to vanish into thin air that way – widespread access to healthcare, including psychiatric care, to legal advice, to translators and interpreters, to training and even to jobs!

She appears to have forgotten about the way in which immigrants themselves abuse applications for international protection in order to bypass national laws on foreigners entering and residing in our countries, when their true motives are social and economic. She also 'forgets' that they can lie about their origins and languages, and can destroy their papers and so on, so as not to be deported.

She also appears to 'forget' that what she is demanding for these foreigners is often not accessible to our own fellow citizens, starting with decent housing, jobs and access to high-quality public services, particularly in areas in which, as in Mayotte, the tidal wave of immigration creates huge economic and social problems for the inhabitants.

I can understand the distress and the dreams of migrants, but we do not have the scope and even less so the means to accommodate all those who are destitute in the world. This report is harmful, and its effects are perverse.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) We are already used to the majority in Parliament approving resolutions without legislative consequences, with content that runs counter to the legislative resolutions it adopts. This propensity is on the increase as the elections to Parliament draw nearer.

We are faced with an example of these 'two faces', the true one and its mask, in this case the latter.

There is no doubt that – and we have consistently maintained this for a long time – it is necessary to guarantee the rights of asylum seekers in terms of their reception, access to information and right to interpretation, free legal aid, healthcare and employment.

It is certainly important to condemn the increase in the number of persons detained within the Dublin System, with the near-routine use of detention measures and limitations on access to reception standards.

It is also necessary, however, to demand the end of detention centres and to reject a Community policy that establishes, by means of the lowest common denominator, reception standards and the procedure for granting asylum.

If Parliament is genuinely concerned about respect for the rights of immigrants and asylum seekers, then it should not have approved the 'Return' Directive (which criminalises immigrants and expels them), the 'Blue Card' Directive (which selects them) and the 'Employers' Sanctions' Directive (which also punishes the workers), which the Portuguese Communist Party rejected.

Carl Lang (NI), in writing. – (FR) When it comes to the rights granted to migrants on European Union territory, the rule is certainly one of giving more and more. The question must be asked as to whether the one-upmanship within the European institutions is not misplaced.

This report is merely a long list of proposals and recommendations aimed at the Member States so that they grant to the hundreds of thousands of people who each year enter their territory legally or illegally rights that are not only equal to those of their nationals, but also more numerous and effective.

Indeed, the Member States of the Union are, for instance, being called on to remove the barriers to labour market access for these immigrants and to adopt national laws which, moreover, promote such access.

Must one conclude from this that, from now on, nationals will have to step aside in favour of the legitimate suffering of people fleeing their countries of origin, be it for economic, political, climatic or family reasons? Yes, and this is the meaning of selective immigration, which President Sarkozy wholeheartedly recommends.

In contrast to this, we believe – particularly in times of crisis – that jobs, in Europe, should be reserved for Europeans, and, in France, for French nationals. The national recovery of the European nations depends on it.

Nils Lundgren (IND/DEM), in writing. – (SV) This report contains several points that I fully support, such as the fact that asylum seekers should be treated with dignity and that human rights should always be guaranteed. The criticism directed at a number of so-called reception centres is justified. A number of European countries fall short when it comes to receiving asylum seekers and refugees in a dignified way.

However, the report contains some points that I am unable to support. The essential aim of the report is that the EU should have a common immigration and asylum policy. Among other things, it calls on the other Member States to support those EU countries that are 'most affected by the challenges of immigration'. The June List believes that asylum and immigration policy is a matter for the Member States, provided that international conventions and agreements are respected. A common immigration and asylum policy would run the risk of leading to 'Fortress Europe', something that we are already seeing clear signs of today.

Mairead McGuinness (PPE-DE), in writing. – I abstained in the vote on this report as Ireland did not participate in the adoption of the 2003 Directive.

The principal reason for this position relates to access to the labour market for asylum seekers.

The prohibition on asylum seekers entering the labour market is to be re-enacted in a bill currently before the Dáil.

Athanasios Pafilis (GUE/NGL), in writing. – (EL) The report does not reflect the true extent of the miserable conditions experienced by refugees and immigrants in the reception and detention centres in the Member States of the EU. It confines itself to noting the tragic conditions in which they survive, but ascribes them to the poor application of EU directives.

Thus, on the one hand, it supports the overall anti-immigration legislation and policy of the EU and governments, as laid down in the Immigration Pact and the Dublin System for asylum and, on the other, it protests about its inhumane results. It is, at the very least, insulting for the political powers of the 'one-way street' in Europe who voted in the European Parliament for the directive providing, apart from anything else,

for the detention of 'illegal' immigrants for a full 18 months, to express in this report their alleged regret about their inhumane conditions of detention and to call for them not to be detained.

The European Parliament's 'crocodile tears' cannot acquit the EU of its inhumane, exploitative policy. Even the most fundamental measures, let alone measures of proper support for immigrants and refugees and measures to safeguard their rights, can only be implemented by confronting and overturning the policy of the EU and the structure of the EU itself.

Dimitrios Papadimoulis (GUE/NGL), *in writing*. – (EL) The Member States, including Greece, need to do more, by making use of the demands and proposals of the European Parliament. The European Parliament blames the governments' attitude towards the poor immigrants who pass daily through the gates of the EU, putting their lives at risk.

Countries, such as Greece, which lie on the external borders of the EU, should take advantage of the potential assistance offered by the EU and, on the basis of respect for the rights of refugees and asylum seekers, try to secure humane conditions of reception for them.

Even with the unacceptable 'discounts' which the Commission and the Council have been granting recently with respect to immigrants' rights as they continue on their path towards 'Fortress Europe', Greece is well below Community standards for the protection of fundamental rights.

Luís Queiró (PPE-DE), *in writing*. – (PT) The granting of asylum is the ultimate gesture of a state and an entire community, accepting their inability to defend human rights globally and the will, nevertheless, to act according to that scale of values.

The system governing it must therefore be clearly separate from immigration. The more we try to broaden the concept, including what is not relevant to it, the less value it will have, and the confusion can only harm legitimate asylum seekers. It is therefore important for the rules to be clear, the procedures swift, and treatment dignified in all circumstances. Even though there is a need to coordinate actions and options, asylum, in terms of numbers, size and in conceptual terms, does not raise the same issues as immigration, even in an area without borders. The Member States have their own traditions with regard to asylum and this difference should not be overlooked within the framework of the aforementioned coordination.

As for asylum seekers whose application is or has to be refused, this concept, the result of a generous but narrow notion of asylum, cannot give rise to any less humanity in the reception and treatment of people who will always be vulnerable by virtue of their condition.

Luca Romagnoli (NI), *in writing*. – (IT) I voted against Mrs Roure's report on the implementation in the European Union of Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers and refugees. Indeed, although I deplore the fact that some visits have shown that the current directives were poorly implemented or not applied by certain Member States, I do not agree with the rapporteur's assertion that there are a number of deficiencies regarding the level of reception conditions.

Furthermore, I do not agree that the open accommodation centres set up by certain Member States have low capacity and do not appear to meet migrants' needs. Lastly, I disagree with the call for priority to be given to the reception of asylum seekers in open reception centres rather than in closed units.

Michel Teychenné (PSE), *in writing*. – (FR) Thanks to this report, the European Parliament is reaffirming its commitment to fundamental rights, such as the right to dignity. It is unacceptable that, within the European Union itself, the reception conditions of migrants and asylum seekers are not exemplary.

The detention centre visits by MEPs between 2005 and 2008 have enabled this report to be drafted, under the leadership of Mrs Roure. The report reveals the extent of the irregularities in the migrant detention system in Europe, pointing the finger at problems to do with legal advice, medical care, hygiene, promiscuity and information.

It is therefore an alarm bell that the European Parliament is today sounding. Member States must take note of this and, where necessary, must apply the existing 'reception' and 'procedure' directives as soon as possible, or make progress in implementing them.

- Report: Cristiana Muscardini (A6-0001/2009)

Glyn Ford (PSE), in writing. – The European Parliamentary Labour Party abstained on this report not because we are opposed to enhancing the role of European SMEs in international trade, but because Mrs Muscardini has produced a Trojan horse that contains within it unacceptable positions on Trade Defence Instruments.

We are disappointed that the Commission has shelved the review because of difficulties in securing a consensus on the way forward. Our view remains that there is an urgent need to amend the Community's trade defence regime so that it takes better account of developments in the global economy. Lack of reform means that our industry is badly placed to take advantage of the benefits of globalisation. While we welcome the Czech Presidency's inclusion in the work programme of improving the transparency of Trade Defence Instruments, this is not enough.

Bruno Gollnisch (NI), in writing. – (FR) We voted in favour of Mrs Muscardini's report on SMEs. It is a harsh criticism of the European Union's trade policy, even though it is worded in the toned-down and technocratic language that this House holds dear.

It covers everything: policies focused on the needs of large enterprises; the weakness of measures promoting access to foreign markets and ensuring the application of reciprocity by third countries; difficulties in accessing trade protection instruments for small enterprises; the fallibility of measures to protect against counterfeiting and the illicit or fraudulent use of geographical indications of origin; and so on.

Indeed, it is time for the European Union to stop sacrificing its enterprises and its workers on the altar of a form of competitiveness and of free trade that it is the only one in the world to practise. It is time to support SMEs in the export business, to really protect them against unfair competition, and to do what is reasonable to protect our markets.

The fact is that, by remaining committed to the globalisation of enterprises as an end in itself, the rapporteur continues to promote a system based on the absolute freedom of movement of goods, services, capital and labour, a system that has led us into a profound economic, financial and social crisis, a system with which the European Union absolutely must break.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) It is not by chance, with the approach of the elections to Parliament, that resolutions are appearing that attempt to retract the responsibilities of policies adopted by the EU (in particular in the last 5 years) concerning the very serious situation in which micro, small and medium-sized enterprises generally find themselves, especially in Portugal.

It is small and medium-sized enterprises, and not the major transnationals, that are the victims of the market liberalisation promoted by the EU (as if a framework where 'survival of the fittest' rules could work in their favour). There are many small and medium-sized enterprises that 'participate' in 'international trade' by virtue of their dependency on the major transnationals, for which they manufacture at prices that often do not correspond to production costs.

Undoubtedly, it is necessary to provide (and implement) trade defence instruments, intellectual property rights, designation of origin and geographic indications of agricultural products, and to support the internationalisation of small and medium-sized enterprises.

So why is it that the majority of political forces represented in Parliament, which correspond to the majority represented in the Commission and the EU Council, do not adopt the regulation on origin marking, do not apply to imported products the same safety and protection standards required of products produced in the EU, do not use the 2007-2013 Financial Framework to protect production and employment, supporting small and medium-sized enterprises?

Małgorzata Handzlik (PPE-DE), in writing. – (PL) I am very pleased that the European Parliament has adopted Mrs Muscardini's report, on which I had occasion to work as a consultant for the Committee on Internal Market and Consumer Protection. Much is being said at present about the improvement in conditions for small and medium-sized enterprises in the internal market of the European Union, especially in the context of the proposed Small Business Act.

Small and medium-sized enterprises make up over 99% of all enterprises in Europe. However, undertaking business activity which crosses national borders is more the domain of large firms. Barely 8% of small and medium-sized enterprises export to destinations beyond their own national borders. If, however, we are

talking about undertaking business activity beyond the borders of the European Union, this step is taken by barely 3% of enterprises.

We should not forget that internationalised enterprises show great innovative ability. And innovativeness is the key to competitiveness and growth of the European economy. I therefore hope that internal market policies will offer SMEs the full range of benefits which the common market brings, and when it is possible, that they will lay the foundations for internationalisation of the activities of SMEs. Small and medium-sized enterprises should also receive greater support from Member States and the European Commission, in areas including the promotion of exports or the search for potential trade partners, in particular, in relation to market-leading products and services and new technologies.

Mieczysław Edmund Janowski (UEN), in writing. – (PL) The report which Mrs Muscardini has presented concerns an important economic and social question. It is significant especially now, in the face of economic collapse. The number of SMEs (up to 250 employees; turnover ≤ EUR 50 million) in the EU reaches 23 million, which comprises around 99% of all firms active in our market. Over 75 million people work in these SMEs.

The calls directed to the Commission, Member States and regional and local authorities for effective support of these businesses, including unhindered access to loans, are therefore justified. In addition, trade needs to be made easier and bureaucratic export and import barriers need to be lifted.

In relation to public procurement, whose complicated and not always unequivocal procedures hinder the access of SMEs, the market should be made more open, both inside the EU and in third countries. As I have shown in my report on innovation policy, the role of SMEs in this sector is difficult to overestimate. This is because they are more flexible and open to modern technologies and organisational methods.

Special treatment is required for SMEs in the agriculture and food sector, where care needs to be taken over protection of the designations of origin of products, and imitations which are harmful to the health of consumers need to be resisted. I also endorse the idea of organising European SMP Week in May 2009. This should be a good opportunity to make a wide range of information on the subject available throughout the EU.

Syed Kamall (PPE-DE), in writing. – While we all acknowledge and support the role that SMEs play in international trade, it is a real shame that a large part of this report was dedicated to defending so-called Trade Defence Instruments. In reality, TDIs are being used by inefficient producers as a form of naked protectionism to shelter them from competition, not only from non-EU competitors, but also from more efficient competitors across the EU that have taken advantage of globalisation and established global supply chains.

TDIs punish retailers and consumers who are forced to pay higher prices for goods that they could obtain at better value elsewhere. They also punish the most efficient and innovative SMEs. We all know of many SMEs in our constituencies that are punished by the very same TDIs that this report seeks to praise. It is for this reason that Conservatives reluctantly voted against this report.

Rovana Plumb (PSE), in writing. – (RO) SMEs account for 23 million enterprises (99% of the total) and 75 million jobs (70%) within the European Union.

I voted in favour of Mrs Muscardini's report as it reveals the key strategy for the SMEs' survival during a difficult economic period. This relates to political and financial support aimed at fostering product and process innovation and improving access to financial and fiscal information, including internationalisation. It also means the adoption of a firm stance in the negotiations on trade facilitation procedures in order to lower the costs of customs formalities, which can account for up to 15% of the value of the goods traded, as well as effective recording of the origin of goods and updated customs controls.

As far as Romania is concerned, the internationalisation of SMEs is a solution which, in the current economic crisis, will crucially help them to survive and develop their business, thereby playing an essential role in creating new jobs.

I welcome the organisation of a 'European SME Week' in May 2009, the main purpose of which is to provide information to SMEs on how to internationalise their business.

Luís Queiró (PPE-DE), in writing. – (PT) At a time when the world is seeking a response to the global economic crisis, and when protectionist tendencies are proliferating, as was the recent case of the discussion on the 'Buy American' clause in the United States Congress, it is the duty of the governments and the

institutions of the Community to look after the interests and guarantee respect of the rules applicable to small and medium-sized enterprises and international trade.

The value of accessibility to international markets for small and medium-sized enterprises is obvious. As studies show, when these companies operate on the extra-Community market, they tend to gain good practice, innovate and be more competitive. Even so, we know that some of them cannot and will not be able to withstand the competition.

Bearing this value in mind, however, and in the knowledge that the bigger companies are better supported in these times of protectionism, it is necessary for the authorities to act in defence of these companies, by monitoring and enforcing compliance with international agreements.

At the same time, this claim has to apply in respect of third countries. International trade will only be fair if it is so for both parties.

Luca Romagnoli (NI), *in writing*. – (IT) I voted in favour of Mrs Muscardini's report on enhancing the role of European SMEs in international trade. For the European Union, a landscape characterised for the most part by small and medium-sized enterprises, the international presence of SMEs holds considerable importance. Currently, only 8% of SMEs have an international dimension, and the majority of exports remain within the European Union.

The few SMEs that do export outside of the EU tend to focus on developed and basically saturated markets such as the United States, Canada and Switzerland; it is rare for them to take their products to emerging countries. Thus, despite the European Community's good intentions, such as the SBA project, we still have a long way to go before all European companies can be in a position to acquire a truly international dimension.

- Report: Georgios Papastamkos (A6-0020/2009)

Vasco Graça Moura (PPE-DE), *in writing*. – (PT) E-commerce is an excellent commercial opportunity for small and medium-sized enterprises and for young entrepreneurs. It helps to overcome traditional non-technical barriers by providing access to otherwise inaccessible markets.

For the same reason, this kind of commerce also guarantees greater participation by the least developed countries in international trade. Inclusion of these partners, however, depends on the creation of a basic infrastructure, to which we should contribute unconditionally.

We should also take into consideration that piracy, counterfeiting or data violation are not intrinsic to this type of commerce, but rather adaptations of old practices. With the proper adaptations, we need to provide all the guarantees of traditional commerce.

The legal web surrounding e-commerce is caught up in various aspects, preventing us from viewing it with a critical eye: for example, governance of the Internet is yet to be made subject to a suitable, internationally respected structure, and there are issues of international private law or inspections.

When it comes to the WTO, there is confusion over e-commerce, and despite many persistent requests, negotiations on this type of commerce continue to be relegated to dangerous bilateral compartments.

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) The Internet has assumed an ever more important role in trade relations and also in international trade. There remain, however, serious failings in terms of the protection of users and consumers, in terms of the protection of their personal data, and guaranteeing the quality of service provided or product purchased.

This report, despite mentioning these facts, does not put forward proposals that would make it possible to enhance user protection and the quality of the service provided, based on the use of a service as imminently public as communications.

While it incorporates some aspects that we view positively, its central objective is to promote the development and use of e-commerce as a tool to facilitate international trade and as an instrument to help overcome current difficulties in opening up more markets. This means that its main concern is to facilitate and promote e-commerce, that is, the production, promotion, sale and distribution of products through telecommunications networks, in favour of the liberalisation of world trade.

We therefore abstain.

Małgorzata Handzlik (PPE-DE), in writing. – (PL) The Internet has given rise to new possibilities in the trade of goods and services. This also concerns cross-border transactions. The growth in recent years of transactions made over the Internet engenders optimism concerning the level of confidence which consumers have in the Internet.

However, barriers still exist, such as language, which will be difficult to eliminate. Another serious threat to international trade over the Internet is the lack of legal certainty and consumer protection. I hope that the proposed directive on consumer rights will eliminate some of these and will be an additional stimulus to the development of Internet commerce.

It should be noted that the Internet allows small and medium-sized enterprises to participate in international markets with very low costs in comparison with traditional methods, and offers possibilities previously unavailable to them to develop their business.

However, Internet commerce also gives rise to questions, especially about the sale of counterfeit products which are protected by intellectual property rights. Counterfeit products are a serious problem for Internet trade, especially because people who sell counterfeit products internationally cannot easily be brought to justice. Consumers who use the Internet are also often the victims of fraud, such as the theft of money by electronic means. All these phenomena undermine consumer confidence in Internet trade, and this slows down the development of international Internet trade.

Syed Kamall (PPE-DE), in writing. – I commend this report as a wide-ranging and well-balanced report that effectively deals with the influence that the Internet has had on cross-border trading. The Internet has allowed even the smallest companies access to a global market previously unthinkable only a few years ago, boosting trade and allowing the positive aspects of globalisation to come to light. It has opened up new markets and broken down barriers to trade.

The report has rightly pointed out that, although there has been a rise in fraud and counterfeiting, this should not be attributed to the Internet itself, but rather regarded as an issue that existed before and that needs tackling in new and innovative ways, as long as this does not impinge on our civil liberties. It also points out that it should be viewed as an opportunity for cultural diversity rather than a threat. Finally, it recognises that liberalisation of services connected to the Internet, such as telecoms, has led to a boom in infrastructure investment, so I believe we should be cautious about applying further regulation on such industries, as the Commission seems intent on doing at the moment.

David Martin (PSE), in writing. – I welcome this report which highlights the new opportunities and new markets created by the nature and the technological development of the Internet. It acknowledges the role which the Internet could play for bridging the trade gap between North and South in opening up new channels connecting developing countries with advanced commercial systems, and increasing their trade flows. The report states that this should facilitate the harmonious incorporation of developing countries into the world trading system, which I support.

Alexandru Nazare (PPE-DE), in writing. – (RO) I welcome the report from my colleague on the role played by the Internet in boosting trade. In view of the ever-growing number of Internet users, better regulation needs to be put in place in this expanding area. European policies must encourage e-commerce as an effective alternative to the conventional method of doing business and as a way of boosting cross-border trade within the EU.

A series of Community measures is required to eliminate the potential obstacles hampering better use of the Internet for commercial purposes. This includes measures designed to discourage and prevent fraud and theft of personal data. These Community measures must also encourage users to have greater trust in the online environment.

At the same time, Community standards must be defined for e-commerce transactions. The EU needs to facilitate the implementation of these standards, thereby offering e-commerce agents the opportunity to be recognised as reliable suppliers.

Thanks to the global nature of the Internet and the opportunity to carry out beneficial commercial transactions with third countries, I hope that we will see progress too within the WTO in terms of promoting e-commerce worldwide.

Rovana Plumb (PSE), in writing. – (RO) I voted in favour of this report because its aim is to highlight the areas of international trade where the Internet has acted as a catalyst, creating new conditions for developing trade globally.

It also recognises the need for open standards and their important contribution to innovation and competition, as well as for the real possibility of choice for the consumer. The rapporteur proposes that the commercial agreements signed by the EU should promote the open, extensive use of the Internet for e-commerce, provided that consumer access to services, online products and their use are not limited, except where they are banned by national legislation.

I support the rapporteur's request to the Commission to devise an overall strategy that will help eliminate the obstacles which still exist for SMEs in terms of using e-commerce and creating a database designed to offer information support and advice on managing the new participants without any e-commerce experience.

Luca Romagnoli (NI), in writing. – (IT) I voted in favour of Mr Papastamkos's report on international trade and the Internet. Indeed, I support the rapporteur's aim to highlight areas of international trade in which the Internet has acted as a catalyst, creating new conditions for international trade to develop at world level.

It is plain to see that international trade and the Internet are mutually beneficial. What is more, I firmly believe that the development of online trade holds considerable advantages for consumers. The main benefits, whether at national, European or world level, are a far wider choice of goods and services, competitive prices, lower living costs and improved quality of life.

Thanks to the increased information available, consumers now have the opportunity to find better goods and services, which can be accessed 24 hours a day, from home or the workplace.

- Report: Friedrich-Wilhelm Graefe zu Baringdorf (A6-0407/2008)

Duarte Freitas (PPE-DE), in writing. – (PT) I voted in favour of the compromise reached and I consider the new regulation to be very positive because it will make it possible to harmonise the conditions for the placing on the market and the use of animal feed, and will ensure that adequate information is provided both to livestock farmers and consumers of meat, thereby guaranteeing the proper functioning of the internal market.

I wish to highlight the importance of the 'open declaration', a list of substances used in the feed mixture in decreasing order of their relative weight, which will help to maintain a high level of confidence on the part of farmers and consumers.

Furthermore, producers will now have clearer rules for placing animal feed on the market, enabling possible criminal practices to be more easily avoided.

Nils Lundgren (IND/DEM), in writing. – (SV) The European Parliament's report contains some constructive amendments, such as including on the label the fact that meat and meal is contained in certain compound feed for non-ruminants.

However, the report's amendments also include details that should be dealt with by officials at authority level and not by politicians. For example, the wording of the citable text 'oral animal feeding: the introduction of feedingstuffs into an animal's gastrointestinal tract through the mouth with the aim of meeting the animal's nutritional needs and/or maintaining the productivity of normally healthy animals', 'licking buckets containing minerals' or of 'faeces, urine as well as separated digestive tract content resulting from the emptying or removal of digestive tract, irrespective of any form of treatment or admixture'.

These are certainly important issues relating to food safety, but they should be left to national authority experts to take care of.

I have voted in favour of the report, as it contains some proposals that are, in principle, important, but this does not mean that I support its approach in terms of its involvement in specific details.

Adrian Manole (PPE-DE), in writing. – (RO) The Baringdorf report on the placing on the market and use of feed is of major importance to agriculture and the food market, in the light of recent scandals involving animal nutrition, diseases triggered in animals for reasons including a lack of knowledge of the ingredients contained in the feed they were given, the dioxin scandal, mad cow disease, etc.

Greater freedom and responsibility will be given to operators from the fodder sector. However, this means that if a serious problem occurs involving contamination with poisonous substances or harmful feed, this

will hugely affect the animals' development or the environment. If the producer does not have sufficient financial resources to resolve the problem, even more serious problems may occur.

I think it is necessary, which is the reason why I have voted in favour of this report, for farmers and agricultural workers in general to be given accurate information about animal feed composition, but also to be sufficiently protected from financial, social and economic loss in the event of a disaster.

Zdzisław Zbigniew Podkański (UEN), *in writing*. – (PL) I sincerely thank the rapporteur for devoting his attention to such a difficult and controversial subject. Feed labelling and its coordination at Community level requires reconciliation of the interests of consumers, who have the right to know what product they are buying, whether it is safe and what it is made of, and the rights of producers, who want to defend their right to protect their intellectual property.

The appeal of businesses and Member States against the requirement to place 'specific information on request' on feed labels shows the fundamental conflict of interests between these interest groups.

The compromise procedure worked out with the help of the European Court of Justice appears, at first glance, to be reasonable, but it is, however, detached from reality, for it is difficult to imagine a farmer who, while already working night and day in principle, is sufficiently interested in the matter to waste time and money on complicated appeal procedures.

Specific information on the composition of feedstuffs should be available on the label, not only because of the inalienable right of the consumer but, above all, because of the basic objective of the directive, which is to protect health. Who, if not the producer, will guarantee that the feed has not been genetically modified, for example? The protection of intellectual property must not favour abuses.

Luca Romagnoli (NI), *in writing*. – (IT) I voted in favour of Mr Graefe zu Baringdorf's report on the placing on the market and use of feed. I support the proposal, which calls for a complete overhaul of European legislation on animal feed, to involve not only simplifying existing standards, but also bringing this legislation into line with food law.

Among the main points, I am undoubtedly in favour of the listing of feed materials from which compound feed is composed and of its precise quantities (the 'open declaration'), which was one of the key demands of the European Parliament following the bovine spongiform encephalopathy (BSE) crisis. Lastly, I agree with the rapporteur on protecting consumers' rights to information and on the labelling of feed.

- Report: Jürgen Schröder (A6-0513/2008)

Marie-Arlette Carlotti (PSE), *in writing*. – (FR) The Commission is making EPAs the alpha and omega of its development strategy. The Schröder report and the European right are doing the same.

Supporting as we do the countries concerned, the European socialists do not endorse this approach. As far as we are concerned, these EPAs are a con. There is still time to promote another way of thinking, to make EPAs real development instruments, by supporting the re-opening of negotiations on the points on which there is most conflict, as Mr Barroso and Mrs Ashton have promised to do; by opting for selective regionalisation, as conducted by the ACP countries themselves; by honouring our commitments concerning the trade-related assistance pledged in 2005 rather than 'plundering' the EDF; by guaranteeing real parliamentary control of the process, with the ACP parliaments taking a leading role, and the involvement of the civil societies in the south; and by rejecting the 'bulldozer strategy' aimed at extending the negotiations on services and the 'Singapore' issues, when the ACP countries are not ready to do so.

This is not the 'road map' described in the Schröder report. That is why I shall vote against it.

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) Once again, particularly owing to the resistance of various countries in Africa, the Caribbean and the Pacific (ACP), despite being obliged to use 'politically correct' language, the majority in Parliament is unable to conceal the true origin and real intentions of the Economic Partnership Agreements between the EU and the ACP countries.

While Article 36(1) of the Cotonou Agreement enshrines the conclusion of 'World Trade Organisation (WTO) compatible trading arrangements, progressively removing barriers to trade between them and enhancing cooperation in all areas relevant to trade', what the EU intends to do is to go beyond what is currently established and reach what, to date, has not yet been achieved in the WTO, even though the 10th

European Development Fund is implemented for that purpose while, at the same time, reducing public development aid. In other words, trying to enter through the window after failing to get in through the door.

The EU's aim is the liberalisation of trade, on the basis of which the major financial and economic groups endeavour to ensure the opening up of markets, to sell goods and services, exploit raw materials and impose a production model aimed at export, in accordance with their interests.

Another policy is needed to promote effective independence, sovereignty, cooperation, solidarity, development and social justice.

Luca Romagnoli (NI), *in writing*. – (IT) I voted in favour of Mr Schröder's report on the development impact of Economic Partnership Agreements (EPAs).

The 'stepping stone' agreements signed thus far are just the beginning of a long and fruitful collaboration with these extra-European countries. In the case of the EPAs, a liberalisation process of 15 years was considered acceptable by the EU and the ACP countries. In addition, the minimum requirement for covering 'substantially all trade' would be not less than 80% of trade between partners. I am thus persuaded that the development of further agreements can only improve the economic position of both contracting parties.

Bart Staes (Verts/ALE), *in writing*. – (NL) The own-initiative report about the influence of economic partnership agreements (EPAs) on development cooperation contains a few valid points. It calls for more government aid (after all, ACP countries take the brunt of the financial crisis) and emphasises that EPAs are a development instrument that should not adversely affect regional integration in the South. Despite this, I back the alternative resolution tabled by the Group of the Greens/European Free Alliance. It would, after all, be more logical if Parliament waited to show its endorsement of the EPAs until the parliaments of the ACP countries involved had determined their positions. In my view, the parliamentary body that monitors the EPAs should be the ACP-EU Joint Parliamentary Assembly and not a body that has been set up for this specific purpose. This would only have a divisive effect and weaken the position of the countries in the South that do not have the financial or personal means at their disposal to attend all these meetings. Moreover, a separate body is non-transparent and would prevent a holistic approach to development-related topics.

Michel Teychenné (PSE), *in writing*. – (FR) Although the Economic Partnership Agreements (EPAs) give a great deal of structure to the EU's relations with the countries of Africa, the Caribbean and the Pacific (ACP), the European Parliament is sending out a very bad message by adopting this report.

Europe absolutely must reverse the way in which it negotiates and trades with the ACP countries, if it does not wish to contribute to their ruin. This report validates a system based on an alleged equality between the parties, when the EU is, in reality, the world's leading economic power, and the ACP countries have a huge amount of catching up to do. There is now an urgent need to adopt an asymmetric and consensual approach that will finally give these states a chance where global competition is concerned.

My colleagues from the Socialist Party in the European Parliament and I have voted against the report. Its adoption by Parliament is indeed proof that Europe is governed by the right, and that this must change!

- Motion for a resolution: Kosovo (B6-0063/2009)

Martin Callanan (PPE-DE), *in writing*. – The recognition of Kosovo as a sovereign state by many countries has probably created more problems than it will solve. I am sceptical as to whether Kosovo was ready for independence. The fact that some EU Member States will not recognise Kosovo's independence for fear of setting precedents within their own borders has further complicated Kosovo's future.

The EU has now taken on primary responsibility for assisting Kosovo internally. This commitment should not be open-ended either in terms of time or financial resources. Genuine concerns exist about Kosovo's political stability, the extent of corruption, the influence internally and externally of organised crime and the treatment of minorities, including Serbs.

It is vital that the EU institutions remain vigilant and ready to intervene if Kosovo fails to live up to the high standards that must inevitably accompany sovereign statehood.

Notwithstanding my concerns, I gave my support to this resolution.

Bruno Gollnisch (NI), *in writing*. – (FR) There is nothing pleasing about the situation in Kosovo or about the role being played by the European Union there.

EULEX, the Union's mission in Kosovo, is, in the case in point, merely the UN's 'military' arm, in charge of overseeing the implementation of a permanent Kosovar government and administration, in breach of UN Resolution 1244, which recognises Serbia's sovereignty over this province.

The good intentions expressed in this House, the advice and the requests have a hard job of hiding a tragic reality: the oppression of the minorities, in particular, the Serb minority, in a territory now given over – because of the international and, in particular, European community – to corruption, organised crime, the Albanian mafia and perhaps even to Islamist terrorist groups.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) The purpose of this resolution is to downplay the EU's support for the illegal unilateral declaration of independence by the Serbian province of Kosovo.

Parliament's aim is, unacceptably, to 'legitimise' the creation of a protectorate created and enforced, through aggression and military occupation, by the US, NATO and the EU, guaranteeing their political, economic and military dominance in this highly important region of Europe. The existence of a 'pseudo-state' under 'supervised sovereignty', protected by the EU/NATO, specifically by means of their 'EULEX' and 'viceroys', the 'International Civilian Representative' and the 'EU Special Representative', who have judicial, police and customs powers, as well as 'executive functions' and monitoring functions, constitute unacceptable acts of neo-colonialism.

With this resolution, we found out that 'the most important of the European Security and Defence Policy (of the EU) missions to date' is a flagrant violation of the United Nations Charter and a dangerous precedent in terms of international law, with unpredictable consequences for the stability of borders, particularly on the European continent.

Some of those who clamoured for respect of international law, and the territorial integrity, sovereignty and independence of Georgia are, in the end, the same ones who promoted and supported the aggression against Yugoslavia.

This resolution merely represents yet another exercise in hypocrisy and cynicism by the majority in Parliament.

Erik Meijer (GUE/NGL), in writing. – (NL) For nearly 20 years, this Parliament has stood by and watched while the people of Kosovo gradually bade farewell to Serbia. In this plenary, debates on Kosovo are usually not about Kosovo itself, but mainly about the effect it has on the rest of the world. Those in favour and against independence are mainly concerned about each decision setting a precedent for other regions and about the risk of the European Union indulging in self-aggrandisement as a result.

I have been arguing in favour of the opposite for 30 years, both within and outside this Parliament. Democracy requires us, above all, to look at the needs and desires of the people themselves. After centuries of Turkish rule and the last century of Serbian rule, the last thing they need is coercion from outside. If they are not allowed to annex to Albania, they want true independence.

For the past 10 years, I have been advocating politics from the grassroots up, from the viewpoint of the poor, the disadvantaged, the people who suffer as a result of a lack of democracy and public provisions, the victims of environmental disasters or wars, in short, everyone who is disadvantaged due to a lack of equality for all people. I will be voting against the EULEX project because it does not provide solutions in the interests of the ordinary people of Kosovo.

Athanasios Pafilis (GUE/NGL), in writing. – (EL) The resolution by the European Parliament not only recognises Kosovo as a separate state, but also insultingly urges those Member States of the EU which have not yet recognised its independence to do so, in blatant violation of international law and UN Security Council Resolution 1244 itself.

Towards this end, it supports the setting up of a Kosovo Security Force (KSF), in other words, a separate army which, of course, will operate under the aegis of the KFOR occupying NATO force.

The aim of establishing and developing the repressive EULEX police/judicial force in Kosovo and the reforms which it is promoting, such as privatisations and so on, is to impose EU interests and speed up its incorporation into Euro-unifying structures. This will complete the conversion of Kosovo to a Euro-NATO protectorate.

The first bloody cycle of the break-up of Yugoslavia and the re-drawing of new borders is closing with the opening up of new wounds at Balkan and global level with the imperialist law of divide and rule, which will give rise to new tensions and interventions.

The Communist Party of Greece voted against this unacceptable resolution, highlighting the need to step up the anti-imperialist fight and confront the EU and its policies by demanding that the Greek and all the Euro-NATO occupying armies leave Kosovo and the Balkans as a whole.

Maria Petre (PPE-DE), in writing. – (RO) I voted against this resolution as Romania does not recognise the independence of the province of Kosovo.

Luca Romagnoli (NI), in writing. – (IT) I voted against the motion for a resolution on Kosovo, because I disagree with several points contained in it.

Personally, I do not regard the establishment of a functioning witness-protection programme as essential for effective legal action against high-level offenders in Kosovo, in particular, with regard to war crimes. Furthermore, I do not believe that it is vitally important for Kosovo to promote projects aimed, for example, at restoring vandalised graveyards with the direct involvement of local actors: the fact is that such projects would have no practical value for the communities in Kosovo and would not contribute to a better inter-ethnic climate.

Brian Simpson (PSE), in writing. – Members of this House will be well aware of my views in the past with regard not only to Kosovo, but to the whole Balkan region.

In my opinion, the issue of Kosovo can only be resolved through a consensual approach involving not only Serbia primarily, but also neighbouring countries.

There is a lot in this report that I can ally myself with, but the insistence that every EU Member State should recognise an independent Kosovo is not an area that I can support.

Independence for Kosovo is something that can only be achieved by consensus and agreement with Serbia. Failure to recognise this is merely, in my view, harbouring problems for the future and raising an anti-Serbian attitude in this Parliament.

Therefore, the passing of Amendment 3 renders this resolution partisan and seriously undermines the rest of the text. This means that sadly, I cannot support it.

Anna Záborská (PPE-DE), in writing. – (SK) The vote on Amendment 3 and the final vote were, in my view, extremely important. I voted against in both cases. In Amendment 3, the EP is asking EU countries to recognise the independence of Kosovo. In my opinion, the entire independence process is hasty and ill-conceived. I am aware that negotiations between Kosovo and Serbia, even in the presence of international personalities and organisations, were lengthy and many people saw no chance that they would produce a solution or even that they would continue. That is why most EU countries and the USA accepted the Ahtisaari plan. This notwithstanding, I believe that all unilateral declarations of independence are merely a source of future problems and potential conflicts. The period since the Kosovo declaration of independence only confirms this. If we are to preserve peace in our region, then any time spent in negotiations is neither long nor pointless.

- Report: Corien Wortmann-Kool (A6-0021/2009)

Martin Callanan (PPE-DE), in writing. – This report reflects China's growing power as a trading nation. It also draws attention to trade between China and Taiwan, which looks set to grow following the signature of cross-Straits commercial agreements.

Closer economic ties between China and Taiwan have the potential to facilitate a more positive approach to the wider issue of cross-Straits relations. However, this détente makes little sense unless it is accompanied by Taiwan's integration into international organisations, especially those related to trade, like the World Health Assembly and the International Maritime Organisation.

Parliament should voice strong support for the Council's declared policy of supporting Taiwan's meaningful participation in international organisations. Parliament should also press China on its continued reluctance to permit Taiwan a voice on the international stage. The prosperity and health of the 23 million citizens of Taiwan should not be held hostage for political purposes.

Given my support for Taiwan's meaningful participation in international organisations, I voted in favour of this report.

Călin Cătălin Chiriță (PPE-DE), in writing. – (RO) I voted in favour of the Wortmann-Kool report as I support the development of economic relations between the EU and China. This country has seen dramatic economic

growth, making it one of the biggest economic actors on the global market. Commercial relations between the EU and China have expanded considerably in recent years, making Europe China's biggest trade partner since 2006. China was number two on the EU's trade partners list in 2007.

Nowadays, we need exceptional cooperation between the EU and China in order to provide a solution to the current economic and financial crisis. I think that as China is one of the engines driving global development, it should fully assume responsibility for guaranteeing the sustainable and balanced development of the global economy. The EU's commercial relations with China should be based on the principles of reciprocity, sustainable development, protection of the environment, prevention of climate change, fair competition, compliance with the World Trade Organisation's rules, not forgetting human rights.

The EU must insist on compliance with consumer protection regulations so that European citizens are no longer at risk of buying products which are dangerous to their health, goods with hidden defects or counterfeit products.

Bruno Gollnisch (NI), in writing. – (FR) Each year, this Parliament adopts a text on trade and economic relations with China, and each year its findings get worse: violations of human rights, unfair trade practices, dumping, non-compliance with China's international commitments, be it at the WTO or at the ILO (International Labour Organisation), counterfeiting, a patents policy that is as good as theft, and so on. The list is getting longer and it is frightening.

More frightening still is the rapporteur's enduring belief in the myth of 'democratic change through trade', the sharpest contradiction of which is the current situation in China. This myth serves as an alibi for all those who put the commercial interests of a few above respect for the values that they proclaim, so as certainly not to have to take the necessary decisions: implementing trade protection and sanction instruments.

You no doubt believe that China should become the world's workshop, producing at low cost, goods of more or less – the focus being on less – high quality.

We prefer a policy that consists in producing in Europe, with Europeans, the goods that we consume, and in regaining an industrial independence within a European market that is ultimately protected.

Vasco Graça Moura (PPE-DE), in writing. – (PT) Since 2006, the EU has been China's leading trading partner, and since 2007, China has been Europe's second largest trading partner. China currently accounts for 6% of world trade.

The PRC has made great strides since the report that I had the honour of presenting in this House in 2002. It appears, however, that many of the aspects that needed to be remedied at the time still persist, even though, in some respects, they have been resolved by remarkable advances.

In terms of social and environmental impact, there is a clear lack of preparation by Chinese industry, and this requires greater European incentive.

China and the EU have been negotiating a Partnership and Cooperation Agreement since October 2007, with results that have yet to be seen. In view of European support for many aspects of international trade, China should not breach commitments undertaken within the WTO. Obstacles have been introduced in the form of rules and regulations, which restrict access by European companies in strategic sectors.

In November, the PRC declared its intention to abandon the system in place since 2007 of dual control of textile and footwear imports. The available statistics do not facilitate a discussion, but we may be facing a trade controversy.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) Since it is not possible to consider the many issues raised by this resolution, we believe it is essential to emphasise that we advocate the strengthening of real and effective cooperation relations between the countries of the EU and China, based on a mutually advantageous response to the needs of the different peoples, and which contribute to reciprocal development, respecting the principle of non-interference and respect for national sovereignties.

On the basis of these principles, and although the resolution contains some aspects that we agree with, we clearly oppose it because it claims the neo-liberal matrix as its own, namely by fighting for the continuation of trade liberalisation, in this case, with China.

The resolution, by disguising the very serious consequences of the liberalisation of world trade, is an incentive to proceed with the opening up of markets between the EU and China, emphasises efforts to accelerate

negotiations within the framework of the WTO and 'stresses that the new EU-China PCA should aim to establish free and fair trade'.

As shown in other similar parliamentary resolutions, the aim is to provide a response to the expansion needs of the EU's major economic and financial groups, which runs counter to the response to the needs of the workers and small and medium-sized enterprises in various EU countries, particularly Portugal.

David Martin (PSE), in writing. – I support the recommendations in this report on improving market access to China, lifting barriers to trade by increasing accessibility of foreign companies in China and focusing on creating a level economic playing field.

Alexandru Nazare (PPE-DE), in writing. – (RO) In the current global economic and financial crisis, relations between the EU and its main external economic partners are assuming much greater importance than in the past. Economic stability and the sustainability of trade flows involving the EU are becoming ever more relevant to our future security. I voted in favour of Mrs Wortmann-Kool's report on economic and commercial relations with China because I believe that this is a step towards a better structure of commercial relations between the European Union and a crucial global partner.

The need for this report is highlighted by the hard reality of the trade deficit of EUR 160 billion. However, most of the elements in this report are not only requests from the European Union in relation to certain aspects of Beijing's economic and trade policy, but also suggestions whose implementation will bring benefits to China internally, as well as looking ahead to its future development. Better regulation and protection of intellectual property, the reduction of the social and environmental impact from our Asian partner's dramatic economic growth and the reduction in the counterfeiting and piracy of goods are areas for action where Beijing has already made notable progress. If this can be maintained in the future it will only help boost China's development.

Zita Plešinská (PPE-DE), in writing. – (SK) Based also on my own personal experience obtained during a meeting of a delegation from the Internal Market and Consumer Protection Committee in China between 16 and 21 March 2008, I voted for the Corien Wortmann-Kool report on commercial and economic relations with China.

Trade between the EU and China has increased dramatically since 2000. The EU is China's largest trading partner and China is the second largest trading partner of the EU.

Although China enjoys significant advantages as a result of its membership of the WTO, European firms must overcome major obstacles in trying to gain access to the Chinese market, the main ones being breaches of patent rights and an ambiguous system of standards. I welcome the intention of launching a 'Gateway to China' programme aimed especially at establishing training programmes for managers in China with a view to supporting access to the Chinese market for European SMEs by 2010.

The report provides recommendations for improving trade relations between Europe and China which must be based on principles of reciprocity, sustainable development, respect for environmental limits, contributions to global targets on combating climate change, fair economic competition and trade that is in accordance with our shared values and with WTO rules. I welcomed the amended proposal in which the EU regards Taiwan as a commercial and trading entity and supports Taiwanese participation as an observer in relevant international organisations.

Luís Queiró (PPE-DE), in writing. – (PT) The debate on trade relations with China always brings us back to the issue of human rights in that country. It is understandable. The objections raised by the relationship with China can be understood in the light of various assessments, which are, in most cases, justifiable.

The perception that Chinese economic growth has no parallel in the respect of human rights and democracy in that country, nor in its actions at international level, the exploitation of workers, a regulatory framework on labour that is incomparably less demanding, disregard for environmental matters and for rules on intellectual property and patents, all these factors are barriers to open trade relations that are marked by respect for international good practice. Nevertheless, this trade is there, and it is growing. China's role in the modern world economy is unequalled and its participation in overcoming the present crisis is vital.

It is therefore necessary to insist on respect for the rules and principles of international trade, for equal access to markets and for the defence of democracy and human rights, without rejecting the reality and our growing interdependency. In fact, we need to make the most of this situation, if only to better influence this great country.

Bogusław Rogalski (UEN), in writing. – (PL) In the vote on the Report on Trade and Economic Relations with China, I voted for its adoption.

China is the second largest trading partner of the EU, and the EU has been China's largest trading partner since 2006. It is a country which is a driving force of world growth. It is very important that the trade relations of European countries with China be based, above all, on the principles of reciprocity, sustainable development, respect for environmental limits and fair competition.

Development of trade relations with China should go hand in hand with political dialogue which should include the subject of human rights. China should increase efforts in the area of enforcement of intellectual property rights and address the problem connected with the production of counterfeit and pirated goods inside China.

The high level of pollution caused by Chinese industry and its growing consumption of natural resources is also disturbing.

The breakdown in negotiations with envoys of the Dalai Lama casts a shadow over relations with China. China should cease all forms of persecution of the Tibetan people.

In order to guarantee the correct level of trade relations with China, they must be based on engagement and strategic partnership that enshrines the principles of reciprocity, fair competition and trade, according to our common values and adherence to WTO rules.

Luca Romagnoli (NI), in writing. – (IT) I do not welcome Mrs Wortmann-Kool's proposal on Trade and Economic Relations with China, since I disagree with various points made in the report.

For example, with regard to future steps to be taken by the European Union, I do not agree that it is necessary to prevent problems through bilateral dialogue. The fact is, bringing together senior decision makers from the Chinese leadership and their counterparts from the European Commission cannot adequately address issues of mutual concern, especially in the areas of investment, market access and intellectual property rights protection and other strategic issues related to trade. This is due to a failure, on the part of the Chinese Government, to abide by the economic agreements put in place with the European Union.

Charles Tannock (PPE-DE), in writing. – This report mentions China's growing trade with Taiwan, which I welcome. Under President Ma, Taiwan has made great strides towards normalising its trade relations with China and trying to end the obstructionist attitude that Beijing's communist rulers have previously taken towards commercial relations with Taiwan.

However, if Taiwan is ever to be fully integrated with the regional economies of south-east Asia, it needs to be accepted into international organisations, regardless of whether or not it is recognised as an independent sovereign state.

Given various health scares in East Asia in recent years related to the movement of goods and people – such as SARS, avian influenza and the melamine milk scandal – it is essential that Taiwan is given the status of observer at the World Health Assembly. Such a move would strengthen cross-straits trade, drive up quality standards in the region and elevate Taiwan on the international stage.

The way that China has used its disagreements with Taiwan to play politics with matters of public health is to be deprecated. So too is the shameful silence that so many people in Europe keep in the face of China's pressure.

I voted in favour of this report.

7. Corrections to votes and voting intentions: see Minutes

(The sitting was suspended at 12.35 p.m. and resumed at 3 p.m.)

IN THE CHAIR: MRS KRATSA-TSAGAROPOULOU

Vice-President

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

9. Request for the waiver of parliamentary immunity: see Minutes

10. Composition of committees and delegations: see Minutes

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

11.1. Situation in Sri Lanka

President. – The next item is the debate on four motions for resolutions on the situation in Sri Lanka.⁽¹⁾

Tobias Pflüger, author. – (DE) Madam President, a humanitarian disaster is currently taking place in the north of Sri Lanka that is receiving relatively little attention. The Sri Lankan army is carrying out attacks on the civilian population that could even be described as massacres. A hospital has even come under fire and, according to humanitarian organisations, the overall situation is disastrous. The Red Cross has raised the alarm.

The situation in Sri Lanka has escalated, and the European Union is not blameless in this, having torpedoed the negotiations that were held under the leadership of Norway by placing the LTTE on the EU list of terrorist organisations. This meant that negotiations within the European Union were no longer possible.

In Sri Lanka itself, freedom of the press no longer exists. Recently, a journalist was killed. The German ambassador, who spoke at his funeral, was described by the President as someone who should leave the country. All he had done was to describe the situation accurately.

There is talk of thousands of refugees in the north, and I must make it quite clear that the whole situation there is one on which we should be focusing much more attention. The European Union should be coming out very much more clearly against what the Sri Lankan Government is currently doing. The attacks by both the Sri Lankan army and the LTTE are wrong; it is clear that it is mainly civilians who are being hit.

We need to help the people trapped in the north and to achieve an immediate cease-fire, as it is quite clear that very large numbers of civilians are being killed there. This is unacceptable, and the European Union shares the blame for this if it fails to state much more clearly that the support for the Sri Lankan Government must end.

Charles Tannock, author. – Madam President, Sri Lanka's bloody civil war seems finally to be coming to a conclusion. The LTTE, which has been blacklisted by the EU as a terrorist organisation, must now surely lay down its arms and surrender. The EU and other Co-chairs have urged the LTTE to do so. The LTTE's response will show us whether it really has the best interests of Tamils at heart.

The LTTE is using its front organisations in Europe to maximum propaganda effect and raising money by extortion internationally. Some LTTE militants may even try to seek asylum within the European Union.

Throughout this ferocious 26-year civil war, the LTTE has pioneered atrocious terrorist tactics, such as suicide bombings, that are now used in many other parts of the world – regrettably. The Sri Lankan army has had, therefore, to deploy all the means at its disposal to counteract this brutal insurgency. However, it is clear that the casualty figures claimed by the LTTE have been exaggerated. Some have now been withdrawn – for instance, the *Agence Presse* story of 300 civilians killed, after the supposed author denied authorship. Nevertheless, the death of civilians in a war zone is tragic whenever and wherever it occurs.

Clearly, the Sri Lankan armed forces cannot claim an unblemished record either, but they have not sought to deliberately exploit civilians and put them in harm's way, like the LTTE has allegedly done.

If the war really is soon to be over, it is essential that Sri Lanka turn its attention now to post-conflict disarmament, demobilisation and reintegration. The marginalisation of Tamils, at the expense of the majority Sinhalese, needs to be addressed in an urgent and permanent manner in order to ensure a stable and sustainable multiethnic society with regional devolution.

⁽¹⁾ See Minutes.

The EU should also ensure resources are put at Sri Lanka's disposal to support post-conflict development. Although we should support the Government's offer of amnesty for the majority of the LTTE, it is vital that no one responsible for the most serious war crimes is allowed to get away with impunity.

Marios Matsakis, author. – Madam President, Sri Lanka has been afflicted by internal fighting for decades. This tragic situation came about as a result of the armed conflict mainly between separatist insurgent forces in the north and the Sri Lankan army. During this fighting, thousands of innocent people were killed and injured and much destruction to property, infrastructure and the environment has been caused.

This sorry state of affairs has been exacerbated in recent months mainly due to the Government's large-scale military offensive against the Tamil Tigers. Reports coming out of Sri Lanka indicate that the situation in certain areas has, in recent weeks, deteriorated tragically, with hundreds of civilians displaced and caught up in the fighting. According to Amnesty International, there have been violations of international conventions and human rights by both Government and Tamil Tiger forces.

Admittedly, it is very difficult in such circumstances to be absolutely sure as to who is to be blamed for some of the tragic events in Sri Lanka, but we must call on both sides to exercise restraint and to pay utmost attention and respect to innocent civilians, and to observe the conventions of war.

Since the Sri Lankan Government has the upper hand in the situation and is the internationally-recognised authority in the country, our call must, by necessity and logic, go mostly to them. At the same time, we must call on the Tamil Tiger leaders to abide by the calls of the international community, take advantage of the Government's offer of amnesty, renounce violence and seek to achieve their aims through political dialogue.

We must also once again advise emphatically that fighting solves no problems, and that lasting peace and stability can only be achieved at the negotiating table, which will inevitably happen sooner or later. In these negotiations, compromises will have to be made by both sides and a solution found which will be for the benefit of the citizens of this beautiful country. We hope that through this resolution we will help to lessen the suffering of the Sri Lankan people and to bring about much-needed peace in that country.

Robert Evans, author. – Madam President, the Socialist Group in this Parliament is formally refusing to take part in this vote on Sri Lanka. Last month, Parliament held a full debate, with Council and Commission statements, on the situation in Gaza. On this side of the House, we attach the same importance to Sri Lanka and believe it deserved equal and proper discussion, but I regret that not one other group supported us in this stand.

A short debate this afternoon with a handful of people on a Thursday is an insult to the thousands of people under attack and dying in the north of Sri Lanka. We wanted to call, as in the joint USA and UK declaration from Washington earlier this week, for an immediate and unconditional cease-fire by both sides, but the PPE refused to include that in the text.

We wanted to condemn, unreservedly, the bombing of hospitals and aid workers, but Mr Van Orden, negotiating for the PPE, refused to condemn it. That is why it is not in the resolution before you. To him – and presumably to Dr Tannock as well – everything the Government of Sri Lanka says is a fact and just about every aid organisation on the ground, from the Red Cross to the UN, can be dismissed. Amnesty International today suggests the Sri Lankan army could be guilty of war crimes for its use of cluster bombs on a hospital – a 16-hour bombardment, according to Amnesty International.

The PSE also wanted to condemn the murders of journalists and other media workers by government agents. Paragraph 4 of the resolution asks the Government – the very same Sri Lankan Government – to investigate their own serious human rights violations.

Colleagues, some of you may want to associate yourselves and your groups with those kinds of sentiments, but we do not. Vote for this text and you are condoning attacks on hospitals and ignoring allegations of war crimes. I note that Mr Van Orden has not even had the courage to stand here and defend his bloody handiwork, but I am hardly surprised. In our negotiations, he just dismissed and laughed off as propaganda allegations of rape by Sri Lankan soldiers, so what you can expect?

In the Middle East, millions of people – including many Jews – were outraged at what Israel did to Gaza, but that did not make them supporters of Hamas. Sadly, anyone who does not support the Sri Lankan Government is labelled an apologist for terrorism and a supporter of the LTTE.

However, our motion was critical of the LTTE and their tactics. We do condemn their attacks and we do want them, the Tamil Tigers, to sit round the negotiating table, but this war must be stopped immediately. The Government must end its military campaign that has brought – as others have said – humanitarian disaster to hundreds of thousands of ordinary people in the north of the island.

Sadly, this resolution does not call for an immediate end to the fighting, so we will not endorse that approach by taking part in today's vote. We dissociate ourselves, President and colleagues, from this motion and I urge anyone else with the same views to do likewise.

Raül Romeva i Rueda, *author*. – (ES) I would like to start by saying that the resolution finally agreed is absolutely not one that I would have drafted. I believe that it suffers from excessive complacency in relation to the government in Colombo. I fear that it is another case of simplification, criminalisation and continued persecution of a group by simply arguing that it is a terrorist group. In fact, things are much more complex.

However, I do believe that the current situation is such that Parliament should send out clear messages about certain issues. For example, one of the key points that I consider important to emphasise is the Tokyo appeal on the need for both sides, namely the LTTE (Liberation Tigers of Tamil Eelam) and the government, to understand that a cease-fire must be agreed to allow humanitarian aid to get through and for the wounded and ill to be evacuated.

Secondly, I think that it is essential to remember that there cannot be a military solution, Mr Tannock. This cannot happen, it is simply impossible.

Now is therefore the time to negotiate terms for the cessation of violence, demobilisation and disarmament. However, for this to occur, the government must stop seeking a military victory that merely prolongs the suffering of so many people.

A goodwill gesture would be, for example, to allow independent media and humanitarian personnel to enter the north.

Moreover, in relation to the Generalised System of Preferences Plus, the GSP Plus, I am one of those who think that it should never have been granted to a country such as Sri Lanka, given the serious and continuing breaches of fundamental human rights in the country, many of these breaches being instigated by government authorities. I think that we should seriously consider opening an in-depth debate on the relevance of applying this preferential framework and, above all, on the consequences that it has for many groups, including workers.

For these reasons I call upon the European Commission to carry out an *in situ* investigation to establish the effects of the measure and to review it if necessary.

Ewa Tomaszewska, *author*. – (PL) Madam President, the civil war in Sri Lanka has lasted 25 years. Over 70 000 people have died in the conflict. Today, between the Sri Lankan government army and Tamil Tiger forces, in an area of about 300 km², around 250 000 civilians are bearing the drastic costs of this war. Hundreds of defenceless people have died in the conflict zone since the middle of January. There were around 500 people in the hospital at the time it was bombarded by artillery.

According to the International Red Cross, the shells hit the paediatric department. The terrified people are afraid to flee, despite the 48-hour cease-fire announced by the government. They fear death or injury. Both sides in the conflict draw attention to human rights violations committed by the other side, and both sides violate these rights. The government predicts that victory over the Tamils is near. The people who are trapped between the two armies may not live to see the end of hostilities.

We call on both sides of the conflict to minimise civilian losses and to commence peace negotiations.

Thomas Mann, *on behalf of the PPE-DE Group*. – (DE) Madam President, as a member of the SAARC Delegation, I was able to visit Sri Lanka several times. I saw for myself on the ground how much the population is suffering as a result of the civil war that has been going on for 25 years and has claimed 70 000 lives. Fighting between government forces and the LTTE has further escalated. Large parts of the north have been brought under control and strongholds of the Tamil rebels have been taken.

What human rights organisations in both Colombo and Jaffna told me at the time is unfortunately confirmed time and again: 'war is an institution'. The humanitarian situation is alarming. There are refugees in their thousands. There is a lack of medical care and of food. Aid agencies must be given unrestricted access to the

civilian population in a cease-fire to be agreed. The government has set up corridors to facilitate the evacuation of civilians from the combat areas; it is incomprehensible that the Tamil Tigers have failed to respect this safe zone, are continuing to fire and are using people as human shields.

The Tokyo group, consisting of Japan, the United States, Norway and the European Union, has called on the LTTE leadership to negotiate the details of a cease-fire with the Sri Lankan Government at long last. The launch of a peace process is in the interests of everyone – including the Tamils. I expressly welcome the decision by the government to comply with the 13th Amendment to the Sri Lankan Constitution and hand over the competent provincial council to the elected representatives of the north and the east. We also expect it to respect a guarantee of a careful, neutral investigation into the human rights violations we have just discussed and the violations of press freedom. Security and stability must not remain a pipe dream for Sri Lankans.

Marie Anne Isler Béguin, *on behalf of the Verts/ALE Group*. – (FR) Madam President, ladies and gentlemen, what do we know and what do we see in relation to Sri Lanka? What reports do we have to go on when all the NGOs, except the Red Cross, have been evacuated from the country since September? Who should we believe? The Sri Lankan Government or anonymous witnesses?

One thing is certain: the situation is developing into a final assault, into a kill for a government set on using force to put a stop to a rebellion that has lasted too long for its liking. Once again, who is picking up the pieces, ladies and gentlemen? All the civilians, women, children, the elderly, of course, who are stuck in the middle and suffering unbearable violence. This has to stop. It is high time the international community really put pressure on the Sri Lankan Government so that it stops this escalation of violence and killing.

The European Union must adopt a very clear position and not make the Tamil civilians the people history overlooked and the martyrs of indifference. Our European Parliament must not stop at this joint resolution. We must demand an immediate and unconditional cease-fire, which will mark the beginning of a stronger commitment in favour of a peaceful end to this conflict, with respect shown for human rights and cultural identities.

Bernd Posselt (PPE-DE). – (DE) Madam President, the dramatic images from Sri Lanka reveal that a brutal civil war that has spanned decades is coming to a head. As we all know, whilst it may be possible to end a war by means of weapons, it is not possible to establish lasting peace this way. In addition, there can be no effective, lasting fight against terrorism, in particular, by means of weapons, as terrorism always finds a way. Therefore, it is important to get to grips with the causes.

The next step must be to reach a peace settlement based on the following fundamental elements. Firstly, a clear monopoly of power on the part of the unitary State. No State can allow ethnic groups or sections of the population to arm and engage in armed conflict. This requires, however, that this State comply with democratic rules and the rule of law and actively seek a political solution along the lines of autonomy, one that finally resolves Sri Lanka's nationality problems, which are an old historical legacy and also a legacy of colonial times, and which need to be tackled urgently.

Therefore, I wish to appeal quite clearly to the European Union and all the countries of this earth to help with the development of democracy and the rule of law, with the strengthening of autonomy and of minority rights, and of course also with the economic development of a country that has been bled dry so appallingly by the terror of this civil war.

Therefore, if the guns were to fall silent at long last – unfortunately we are not at that stage yet – this would not mean the end of developments, but only the beginning of movement towards a peace based on the rule of law, freedom, human rights, minority rights and national autonomy.

Zuzana Roithová (PPE-DE). – (CS) The Tokyo Conference signalled that the crisis in Sri Lanka might end and that there was hope for peace. However, a quarter of a million civilians trapped in the conflict zone need safe passage and they must be provided with humanitarian aid. Foreign observers must have access to the area in order to assess humanitarian needs. However, the recent attacks on journalists provide no guarantee of safety for humanitarian organisations. Although the government has promised to investigate the attack on journalists, that is no solution. We must also put pressure on the Sri Lankan Government to sign up to the Ottawa Convention and to remove land mines. I am sorry that MEPs from the socialist group preferred to go home instead of taking part in today's debate and thus defending their different views on how to solve the Sri Lanka problem.

Catherine Stihler (PSE). - Madam President, I just want to add my support to the approach that Robert Evans has taken. I think it was Mr Posselt who described the conflict as a civil war and, sadly, the people who tabled this joint motion for a resolution refused, according to my colleague, to term it a civil war.

I want to add support to what previous speakers have said about an immediate cease-fire. The recent upsurge in fighting between the LTTE and Sri Lankan government forces has exacerbated the situation, and an estimated 230 000 internally displaced persons are trapped in the Wanni region as we speak. Atrocities such as the shelling of a PTK hospital make the situation on the ground much worse and more perilous.

It is a very sad day, but we cannot support this, and I hope in the next part-session we will see a greater debate with more people participating on this very serious situation in Sri Lanka.

Leopold Józef Rutowicz (UEN). - (PL) Madam President, the scenario of tragic events in Sri Lanka is similar to that of other such cases. In speaking of the tragedy of poor people, we forget that people are also the cause of the tragedy – not poor people, but people who come from the same environment. To gain power, they use religious, tribal and ethnic differences, historical misunderstandings and other available means to sow discord between sections of society in the country concerned. This leads to the destruction of usually very weakly rooted elements of democracy and to civil war with all its cruelties, to a disregard for human rights and for information, and to the total destruction of the opponent.

I endorse the resolution as an expression of disapproval towards those who resurrect civil wars and towards those who give them material and political support. One kind of warning to the creators of such inhumane scenarios could be the awareness that they will be captured, for example, by international special forces, and sentenced to life imprisonment.

Nirj Deva (PPE-DE). - Madam President, Mr Evans makes a speciality of getting his facts wrong and so it has impelled me to stand and correct him. No hospital has been bombed. The press agency that filed the report withdrew that story saying it was erroneous. There are not 230 000 civilians trapped: there are 113 000 who are being used as a human shield by the LTTE. If they really cared about the Tamil people they would not use Tamil people as a human shield to protect themselves. What bravery is this?

Sri Lanka has suffered 25 years of civil war. We need to help that country to remain what it has always been: one of the oldest democracies in the world. It has a longer history of democracy than 22 of the 27 Member States of the EU. It has had 16 general elections, five presidential elections and has conducted itself as a member of the family of nations of democracy. It is a democracy that fought against a terrorist campaign. And it has won.

Erik Meijer (GUE/NGL). - (NL) I should like to remind you that, a few years back, we held a debate on Sri Lanka in this House and that, at that time, the Sri Lankan Government was in the process of creating room to obtain maximum freedom of movement, including from the European Union, based on the principle of non-interference rather than mediation, to reach a solution.

I note that all the fears I expressed during that debate of what would happen in the future have now come to pass. I therefore believe that we really should return to the position of mediation and fight for autonomy within Sri Lanka on behalf of the Tamil people in the North East. If we do not do this, then Europe is partly to blame for the dreadful bloodbath that is currently taking place over there.

Mariann Fischer Boel, Member of the Commission. - Madam President, as one of the Tokyo Co-Chairs of the Sri Lanka peace process, the European Commission is closely following developments in Sri Lanka. We are deeply concerned by the current situation and the tragic humanitarian consequences of the conflict as expressed in the statement issued locally by the Co-Chairs on 3 February 2009.

We look with concern at the difficult situation of thousands of internally displaced persons trapped by fighting in northern Sri Lanka. Both Commissioners Ferrero-Waldner and Michel have already communicated publicly their preoccupation about the consequences of the hostilities on the civilian population and have called on both parties, the LTTE and the Sri Lankan authorities, to protect the civil population, as required under international humanitarian law, and to allow the safe and voluntary movement of people away from the combat zone.

The Commission is concerned about the information it has received concerning the conditions in which internally displaced people are living in the so-called 'welfare centres' once they have escaped from the territory controlled by the Tamil Tigers into Government-controlled areas. It is also important that international standards be respected in these temporary camps. UN agencies, the Red Cross and other

humanitarian organisations should have full access to these centres in line with international humanitarian law.

The Commission continues to be alarmed about the human rights situation in Sri Lanka, against a background of reports of extrajudicial killings, abductions and serious intimidation of the media. It is very important that the Government follows up on the most prominent high-profile cases. In her recent meeting with the Sri Lankan Foreign Minister, Commissioner Ferrero-Waldner called upon the Government of Sri Lanka to take decisive action to tackle human rights abuses, including action against the perpetrators, and to guarantee press freedom.

The Commission continues to be convinced that there can be no military solution to Sri Lanka's ethnic conflict. An inclusive dialogue is required to agree on a political settlement so that lasting peace and reconciliation can be achieved by addressing the concerns which led to the insurgency in the first place, and to provide adequate space for all communities.

President. - The debate is closed.

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

11.2. Situation of Burmese refugees in Thailand

President. - The next item is the debate on six motions for resolutions on the situation of Burmese refugees in Thailand.⁽²⁾

Erik Meijer, author. – (NL) Madam President, Burma is known as a violent military dictatorship in which a caste of profiteers has been able to hang onto power for many years. Oppression and poverty have caused many people to flee the country, or to try to do so.

The country's ethnic diversity both justifies and reinforces this dictatorship. In large areas, minority peoples are in the majority. They pursue autonomy and organise protests against the central dictatorship. The military leaders consider their dictatorship necessary to be able to keep the country together permanently and to subjugate the rebellious people. They are more interested in the territory than in the people who live in it. By issuing major exploitation concessions to foreign businesses, vital sources of income are taken from the indigenous people, with nature and the environment being seriously damaged in the process.

The need to flee the country is further reinforced by the fact that no consideration is given to the regional majority peoples. The regime is keen to eliminate troublesome groups, either by killing them or by chasing them out of the country. Many flee into the sea in makeshift dinghies, running the considerable risk of drowning. Burma's neighbour, Thailand, has seen many refugees cross the border: according to some estimates, as many as two million people have fled over the past 25 years, and tens of thousands who have been refused entry remain homeless in the no man's land along the border.

Unfortunately, feelings of sympathy or solidarity with refugees are even less well developed in South East Asia than they are in Europe. Very often, refugees are sent home, even if this means certain death. Public opinion shows little interest, even if it involves people who share their religion, such as the Muslim boat refugees who ended up in Indonesia from Burma.

Governments also give priority to good relations with their colleagues in dictatorial states, instead of bringing pressure to bear in order to improve the situation there. Some in Europe even tend towards adopting a similar attitude, and we can see the disastrous impact this has in Asia. This is another reason why we should urge the Asian countries to find a solution.

Charles Tannock, author. – Madam President, this case highlights the plight of a minority in a country where minorities are at best marginalised and at worst brutalised. The Rohingya people have suffered double discrimination for years. As Muslims, they are being denied the right to practise their faith freely, a right that we in the EU recognise as fundamental, and their mosques have been damaged and desecrated. As an ethnic minority, the Rohingya people are systematically denied civil rights that most of the rest of the world take for granted: the right to marry, the right to move freely, the right to citizenship of the country they live in, and the right to a proper education.

⁽²⁾ See Minutes.

In praising our own progressive achievements in the field of human rights, we in the EU can tend to lose sight of the fact that many people in the world lack even these basic entitlements. We in this House are well aware of the plight of the people of Burma generally, but since the riots by Buddhist monks of 2007, that country has rather faded somewhat from the public consciousness.

The appalling fate of the little-known-about Rohingya people, especially those fleeing by boat as refugees that are the subject of this resolution, has renewed our attention on the despotic regime in Burma, a country so rich in human potential otherwise. The brutality of the military junta stands in stark contrast to the action of Thailand, which has only partially, in my view, discharged its responsibility for the Rohingya refugees as it unfortunately alleges that most of them are purely economic refugees which I believe to be highly unlikely, and tried sending them back. Thailand must take more seriously its growing role as a force for stability and humanity in the region.

In contrast, we can expect very little from the brutal Burmese military leaders, impervious as they have been to our many pleas for years. I hope that the junta generals' contempt for civilised opinion one day comes back to haunt them, possibly in an international criminal tribunal, when Burma is finally freed of tyranny.

Marios Matsakis, *author*. – Madam President, the brutal regime governing Burma has, for some time now, been causing thousands of civilians to leave that country in search of a more secure future and a better standard of living in neighbouring Thailand or, via Thailand, in other South-East Asian countries.

Amongst these destitute people are the indigenous Rohingya community of Western Burma who, in recent years, have been the victims of ethnic cleansing carried out by the Burmese Government. Unfortunately, the Thai authorities have not provided those refugees with the humanitarian assistance they so clearly deserve. Instead, it is reported that these people have been fiercely persecuted. We call on the Thai Government to respect the human rights of Burmese refugees and to treat them with respect, compassion, dignity and humanity.

This resolution also gives me the opportunity to deal with the issue of the 41-year-old Australian writer of Cypriot origin, Harry Nicolaides, who was sentenced to three years' imprisonment in Thailand for allegedly insulting the country's Royal Family in a novel he wrote in 2005. Mr Nicolaides was teaching English at a Thai university at the time, and in his novel he only makes an anonymous reference to a member of the Thai Royal Family, and the incriminated work is clearly fictitious.

During his trial, Mr Nicolaides was paraded in front of the international media in chains and told reporters that he had endured unspeakable suffering. Mr Nicolaides has apologised to the Thai Royal Family and has made an appeal for royal grace.

We believe that Mr Nicolaides has been subjected to enough punishment and ill-treatment by the Thai authorities, who have handled this case most insensitively and inappropriately, and we call on them, as well as the Royal Family, to effect Mr Nicolaides' immediate release and return to his home in Australia. To not do so would be most unwise, pitiful and damaging to Thailand.

Marcin Libicki, *author*. – (PL) Madam President, today we are talking about Sri Lanka, Burma and Thailand. During other sessions, we have talked about other countries. However, it is always about unceasing civil wars, about murders, about the violation of basic human rights.

We will never stop these atrocious crimes if we do not recognise the political forces and the unscrupulous external interests which lie behind these wars. These wars would never be able to last indefinitely in poor countries, which would not be able to afford them at all, if there were not external interests behind it all.

Therefore, we must do two things to check this process. Firstly, we must recognise what these interests and political forces are and, using political methods, tell them to stop. Secondly, we must establish an expeditionary, police and military corps which will take preventative measures where political means do not work. The European Union is able to do this.

Catherine Stihler, *author*. – Madam President, the treatment and discrimination of the Rohingya people appals us all. As a Muslim minority in Buddhist Burma, they are not recognised as one of Burma's ethnic minorities. They have few legal rights and, as Amendment 3 tabled by Glenys Kinnock highlights, they face deliberate impoverishment, denial of citizenship, denial of freedom of movement, arbitrary taxation, land confiscation and the denial of permission to marry.

It is no wonder that many attempt to leave Burma as they have no other option. The shocking reports that a thousand Rohingya boat people over a 12-day period, who, instead of being brought to safety by the Thai authorities who discovered them, were instead towed into international waters without navigational equipment, food and water and left to fend for themselves, sickens anyone with an iota of human decency.

Only yesterday, an article in *The Guardian* highlighted other incidents. The latest case involved 220 men, who were discovered in an open craft by fishermen. These refugees claimed they were detained by Thai authorities on a remote island for two months, and that they were beaten before being forced onto boats and left to their fate.

The abuse and lack of international coordinated action to help the Rohingya must be addressed. Thailand must also take responsibility. The Thai Prime Minister must act. The problems of abuse at the hands of Thai officials must be seriously addressed. The Thai Government must sign the 1951 UN Convention relating to the status of refugees and the 1967 Protocol. As Joel Chamy, Vice-President of Washington-based Refugees International, said, the Rohingya need protection and asylum.

Thailand has said it is unwilling to grant that, but that is a problem that will not go away. There are ongoing reports of the treatment of Burmese refugees who enter Malaysia. Many of these people are sold as slaves, the women and children are forced into sexual slavery and the men are sold as forced labour onto fishing vessels. Some of this fish may even enter the EU market. I hope that today, we can highlight the plight of Burmese refugees and particularly the plight of the Rohingya.

Raül Romeva i Rueda, author. – (ES) Two weeks ago, I had the opportunity to visit the people of Burma and the border between Thailand and Burma. There I saw with my own eyes the injustice with which we treat some parts of the world in political and media terms.

All too often, we are only moved by headline news. What we have seen in Burma, which is now no longer on the front pages, is a drama that is not so different from what has mobilised us in many other cases.

We have very clear examples of persecution, torture, illegal detention, rape and other atrocities committed by the Burmese military junta. One of the most shameful recent actions has been the adoption of a so-called constitution that violates the most basic democratic principles and guarantees almost complete impunity for all the acts I have just mentioned.

It is quite understandable that people flee from this situation, as the Karen population has been doing for several years and, as we are today reporting in the resolution, the Rohingya people has also done, being intercepted in Thailand.

In this respect, I noted during my visit that both Thailand and the international community have assumed a disturbing attitude of submission to the junta. For example, many lawyers associations, opposition parties, refugees and political prisoners have alerted us to the terrible consequences that would befall the Burmese people if the international community and, in particular, the European Union were to support and endorse the sham elections that have been called by the SPDC for 2010. They warn us that this would give carte blanche to the junta to continue committing a wide range of crimes with impunity.

The political and ethnic groups that oppose the junta are very well organised and have drawn up an alternative constitution that is much more in line with the principles that we say we defend in the European Union. Therefore, for us to abandon them to their fate would be a mistake and would make us accomplices, whether active or passive, to the Burmese dictatorship.

Giovanna Corda, on behalf of the PSE Group. – (FR) Madam President, Commissioner, ladies and gentlemen, yesterday I saw some images of Rohingya refugees from Burma. It is human suffering that characterises life on board these makeshift boats.

After a brief detention period, the Thai navy guided them out of their territorial waters and left them destitute. And yet, Thailand wants to show itself as being welcoming to refugees and asylum seekers. Moreover, as a direct neighbour of Burma's, Thailand is well aware of the inhumane living conditions created by the junta, which is driving many Burmese to emigrate, risking their lives during crossings that I would describe as death crossings.

We call on Thailand and the other ASEAN countries to search for a lasting solution for the refugees, and mainly for the Rohingya people, whom we are talking about today.

We should also like to call on Thailand to ratify the 1951 United Nations Convention on Refugees and the 1967 Protocol.

Urszula Krupa, *on behalf of the IND/DEM Group*. – (PL) Madam President, the problem of human rights violations in Burma has been discussed several times during the current term of office of the European Parliament.

Burma, a country known for its wonderful Buddhist temples which abound in gold, is also a prison for thousands of Burmese. They live in one of the biggest political regimes in the world, from which they try to escape – to the USA, Australia, Canada and to European countries and their neighbours. After adopting resolutions calling for the release of thousands of political prisoners, including many opposition leaders and with a Nobel Prize laureate foremost among them, and after protests from international organisations against the conscription of children in Burma, who are then forced to work and are denied proper care, today we are discussing the problem of human rights violations.

During their flight from this Burmese hell, thousands of people – members of the Muslim minority – have been captured in their boats in Thai territorial waters, towed into international waters and left without navigational equipment or food supplies, and some have been imprisoned.

The Muslim ethnic minority is also being persecuted by the ruling military regime in Burma. This includes incidents of denial of citizens' rights, imprisonment, limited access to education, barriers to marriage, restrictions on free movement, and the destruction of mosques, churches and other places of worship. Although we should appreciate the permission granted by the Thai authorities for the temporary stay of refugees there, and also the declaration of the Prime Minister of Thailand in which he has announced an investigation, recent events are nevertheless an obvious example of the violation of human rights by the Thais.

Of course we endorse the resolution which, however, does not alter the human tragedies in the region, where the background to the conflicts is not only the inhumane military regime and religious conflicts, but also the interests of various forces. It is therefore necessary to oppose more effectively both the military junta and the separatist tendencies of groups which persecute people who profess a different faith.

Lidia Joanna Geringer de Oedenberg (PSE). – (PL) Madam President, in recent years, thousands of Burmese have left their country for fear of repression by the ruling military regime and because of the spreading hunger, seeking refuge in Thailand or in neighbouring countries of South-East Asia. This problem mainly concerns the Rohingya ethnic minority, who live in the western part of the country. They are systematically denied citizenship, their freedom of speech and freedom of movement are limited, and they are denied other basic human rights.

The problem of Burmese refugees has a regional dimension, and neighbouring countries, such as India, Bangladesh and Indonesia, must work more closely together to resolve the problem and to provide the refugees with suitable care and shelter. International agencies are reporting cases of the inhumane treatment of Burmese refugees and of their brutal deportation, which is synonymous with sentencing them to certain death. When the Thai Coastguard pushed out to open sea a boat with a thousand refugees but no food supplies on board, it was an inhumane act and led to the deaths of many of the refugees.

In addition, the actions of the Burmese military regime and the acts of violence against the Rohingya minority should be strongly condemned, and calls should be made for them to have full citizens' rights restored.

Justas Vincas Paleckis (PSE). – (LT) There are two sides to these tragic events on the Burma-Thailand border. It is regrettable that the Thai authorities have resorted to indefensible measures, all the more so because Thailand is known as a state which respects human rights and which takes in many refugees. The Prime Minister has stated that these events will be investigated and that those who behaved improperly towards the Burmese boat refugees will be punished. Let us hope that these pledges will be fulfilled. On the other hand, it is not the first time we have discussed the brazen and inadmissible conduct of the Burmese regime. I think that the European Union should take stricter measures and, certainly, we expect not just words but actions on the part of the larger states. China, in particular, must put pressure on Burma to respect the rights of the opposition and minorities there.

Tunne Kelam (PPE-DE). – Madam President, today this House adopted a report on minimum standards for the reception of asylum seekers. This must also be relevant to countries like Burma or Thailand. It is to

the credit of representatives of the European Parliament that we are standing up today in defence of the rights of a Muslim minority in Burma.

The situation has become shocking and alarming, with Thai soldiers forcing these Burmese refugees out into the ocean in boats without engines; at least 500 are believed to have died. For Thailand, the survivors' accounts are damning, to say the least. Sending refugees back to danger is bad enough, but casting them adrift to die is much worse. Others have been left to work as slave labour in Thailand.

The Prime Minister, to his credit, has promised a full investigation, but we need to support him in acting independently of his army and following the international norms of human behaviour.

Ewa Tomaszewska (UEN). – (PL) Madam President, in this Chamber, we have spoken many times of the situation in Burma. Therefore it surprises no one that the endangered Burmese people should make such drastic attempts at escape across the Andaman Sea.

Those who reach the coast of Thailand are often treated in an inhumane manner. They are sent out to sea with tied hands and in boats without engines. Forty-six members of the Rohingya minority have been taken prisoner by the Thailand Internal Security Operations Command after reaching the island of Phrathong. They do not have legal assistance, neither do they have contact with lawyers for refugee affairs. Immediate humanitarian aid and refuge is needed for Burmese refugees.

Mariann Fischer Boel, Member of the Commission. – Madam President, the European Commission, as a matter of priority, is following the situation in Myanmar and Thailand, including the recent incidents where refugees from Bangladesh and Myanmar were stranded in Thailand.

Thailand hosts approximately 140 000 refugees in nine camps along the border. More than one million Myanmar citizens constitute an important part of the workforce in Thailand in the agricultural sector, in textiles and in the tourism sector. The Rohingya boat people trapped in Thailand are part of the multi-faceted, forced or voluntary emigration from Myanmar. Moreover, Thailand has other refugee issues to settle as well, such as the Hmong people from Laos.

The complexity of these issues requires a comprehensive political, humanitarian, economic and social solution. The Commission is conducting an intensive debate with the international community and the Thai Government, in a search for possible solutions.

Recent political uncertainties in Thailand interrupted the dialogue with the Government on this issue, but that is temporary. Thus, the Commission expects that the EU's initiative vis-à-vis the Government will result in a constructive approach.

On 29 January 2009, the EU Troika, at ambassador level in Bangkok, expressed its concerns to the Thai authorities. It welcomed the Thai Government's intention to investigate the incidents fully, and to share its findings, and urged the Thai Government to treat boat people arriving in Thai waters according to international humanitarian and human rights standards.

The Commission welcomes the Government's intention to allow the Office of the UN High Commissioner for Refugees access to the boat people.

The Commission encourages the Thai Government to seek regional cooperation, involving also the UN High Commissioner for Refugees, as the Rohingya issue and the other displacement issues mentioned earlier need a comprehensive response.

In conclusion, a sustainable solution cannot be the result of short-term security considerations, but must take into account long-term humanitarian, political and socio-economic concerns.

Despite the fact that Thailand is not party to the 1951 Refugee Convention, the Royal Thai Government has, in the past, displayed a measure of humanitarian concern. The Commission will continue to remind the Thai authorities to strictly adhere to international human rights standards as a prerequisite for any solution.

President. - The debate is closed.

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

11.3. Refusal of the extradition from Brazil of Cesare Battisti

President. – The next item is the debate on six motions for resolutions on Brazil's refusal to extradite Cesare Battisti.⁽³⁾

Mario Mauro, author. – (IT) Madam President, ladies and gentlemen, Antonio Santoro, prison officer, Lino Sabadin, butcher, Perluigi Torregiani, jeweller, and Andrea Campagna, state police officer: these are the names of four citizens who, together with many others, lost their lives between 6 June 1978 and 19 April 1979, killed by the insane homicide of terrorist organisations that attempted to overthrow the democratic order in Italy. And the name of one of the murderers is Cesare Battisti.

First of all, I would like to echo the regret expressed by President Napolitano of Italy at the decision made by Mr Lula, the Brazilian president, to grant political refugee status to the Italian terrorist Cesare Battisti, who was sentenced by the courts to life imprisonment for committing those four murders, during the 'Years of Lead'.

Let me remind you that Battisti was found guilty not only by the Italian judiciary, but also by the French judiciary and by the European Court of Human Rights. This is an inexplicable and extremely serious act, which cannot and must not go unnoticed by the European institutions. We have a duty to the relatives of Battisti's victims, but most importantly, we are also bound because the European Union has, for many years, determined an anti-terrorism strategy to guarantee citizens' safety and to safeguard democratic institutions. To stand by and watch would thus be to thwart the efforts made over the years to fight side by side against an ever-present threat.

The Group of the European People's Party (Christian Democrats) and European Democrats also hopes that Brazil will reconsider and think hard about what is a very delicate, but utterly rightful and legitimate request. Brazil is a great democratic country and has always enjoyed an excellent relationship with Europe and with Italy, which is precisely why we have been taken by surprise by this door slammed in our face. Indeed, for the sake of the friendship and respect that joins our countries, for the sake of the friendship and cooperation and partnership agreements linking Brazil and the European Union, whether politically or economically, the response of all parties must be decisive and effective.

Europe must unite behind the action of the Italian Government, which is using every legitimate form of political and diplomatic pressure and legal recourse so that justice may be done. The decision taken by Brazil conflicts appallingly with the image of the European Union, since it appears to presume that political persecution and torture is practised within one of its Member States. In short, we are dealing with an unacceptable situation which, above all, has no grounding in reality.

Manuel Medina Ortega, author. – (ES) Madam President, I think that Mr Mauro has described the facts very well. This man is a murderer: he has killed four people. He has also been found guilty by the Italian courts of other acts such as belonging to an armed group, possession of firearms – a serious crime in most European countries – and acts of violence.

This man has been found guilty by an Italian court. Yet we find that on 17 December, the Brazilian Government, a democratic government, has granted him political refugee status.

As Mr Mauro said, the European Union must express its solidarity with the Italian government and show Brazil, a friendly, democratic country, that a mistake has been made.

The Brazilian authorities inform us that the matter is still awaiting an appeal before the federal supreme court, but it is lamentable that the case has proceeded in this manner.

It must also be remembered that the European Court of Human Rights rejected Mr Battisti's request for protection and that the European Union now bases its action on the respect of fundamental human rights, which is an essential component of the European Constitution.

Therefore, taking into consideration the bonds of friendship between the European Union and Brazil, the Brazilian authorities should be reminded that the EU is a good ally and friend and that we hope, in return, that they will not act in this manner, as has been the case in the past.

⁽³⁾ See Minutes.

Carl Schlyter, *author*. – (SV) I wish that we had discussed the Philippines instead, where the EU could have made a real contribution to saving the lives of many people. We are now discussing an individual legal case that is currently being tried in court, in connection with which we have the gall to say that we will stand up for the principle of the rule of law. Where I come from, one of the most fundamental principles of the rule of law is that a parliament does not interfere in individual court cases.

My group and I think that it is quite wrong to discuss an ongoing individual court case in a parliament. Unfortunately, this is not even the first or the last time, because we will soon be voting on the Medina report, which does the exact same thing. In an ongoing copyright case against Pirate Bay in a Swedish court, Parliament commented on the question of guilt while the case was still in progress. I really hope that this does not become a habit because, if it does, it would be us here in Europe who would be opposing and resisting our own principles of the rule of law and that would be extremely unfortunate. Thank you.

Sorry, I forgot to mention something important.

If we are not happy with how Brazil and Europe are handling extraditions and if we are not happy with how our laws are interpreted in national courts, we should change the laws so that they are the same for everyone. We should not barge in and try to influence an individual case. That is the job of the judges, prosecutors and defence lawyers, not of Parliament. We make the laws, and the principles of the rule of law dictate that it is the courts which subsequently interpret them.

Cristiana Muscardini, *author*. – (IT) Madam President, ladies and gentlemen, it is truly disgraceful that an MEP should take the floor in this House without having even read the text of a resolution written and signed by all the major groups, and so say things that are not true: the proceedings have been closed for many years.

Allow me to examine our problem. The ravings of a terrorist and multiple murderer, condemned many times, cannot be defended by the government of a friendly country with whom we collaborate. We want to highlight the need, already expressed in a letter to the President-in-Office of the Union, for a debate in the Council that, starting with this incredible situation and taking account of new, internationalised terrorism, will tackle and decide on a shared rule on extradition, whether within the 27 countries of the Union or between the Union and third countries.

Nobody can allow someone who has killed unarmed people and has used every possible means to evade justice and the victims' relatives to assume the attitude of a victim of persecution and to create dangerous precedents to the detriment of the law and society.

Marios Matsakis, *on behalf of the ALDE Group*. – Madam President, those who are found guilty by our courts of law must face the consequences and not be given refuge by any country in the world.

Cesare Battisti is a convicted murderer in Italy, and the stance taken by the Brazilian authorities to protect him from the reach of EU justice is not only unacceptable but also condemnable and deplorable in the strongest possible terms and we, and any other authority and any other body in the EU, have every right to say so. I hope that the Brazilian Government will come to its senses and, in re-examining this case, will do what is expected of it and extradite Mr Battisti to Italy as soon as possible and before this affair begins to have serious consequences for the otherwise good EU-Brazil relations. Brazil must not become a safe haven for convicted criminals and the EU must never allow murderers to escape punishment.

Roberta Angelilli, *on behalf of the UEN Group*. – (IT) Madam President, ladies and gentlemen, with this joint motion for a resolution, this Parliament will make its authoritative voice heard, at international level, for reconsideration of the extradition of Cesare Battisti and, above all, it will pay tribute to the memory of the victims and show its solidarity with their families who, for more than 20 years, have been waiting for their fundamental right to justice, denied for so long, to at last be fulfilled. There is no need to say more, and so, Madam President, ladies and gentlemen, I would like to dedicate the few remaining seconds of my speaking time to observe a moment's silence in remembrance.

(The House observed one minute's silence)

Mario Borghesio (UEN). – (IT) Madam President, ladies and gentlemen, thank you, Mrs Angelilli, for that important gesture, which illustrates how different the attitude of this House is to that of the European Union, which, like Pontius Pilate, is hypocritically washing its hands of the affair, while in fact there are two countries involved in this case: Italy, which has paid an extraordinarily high price for terrorism with its victims and very difficult years, and France, which is involved up to its neck thanks to the woeful interest of the infamous

left-wing 'caviar' lobby, which already distinguished itself in the Petrella case and probably also in the role of the secret services.

In this way, Europe is undermining its anti-terrorism directives and losing all authority in the global strategy for combating terrorism. I wonder whether the same thing would have happened if it had been perhaps a German terrorist from the Red Army Faction? Europe is, however, saying to Brazil that to fail to extradite a common criminal and communist like Battisti, who today even in prison dares to mock his victims, would be to downgrade itself to a country of refuge for the worst criminals and terrorists.

Such behaviour would call into question all partnership agreements and, I believe, participation in the G8. We must emphasise quite clearly: it is not acceptable to make agreements with terrorists. Terrorists, sentenced under lawful proceedings – because our country has a great legal system, where no one is tortured and proceedings are legitimate – must then serve their sentence to the very last day. Terrorists, murderers and communists!

Albert Deß (PPE-DE). – (DE) Madam President, I asked to speak because I was Chairman of the German-Brazilian Parliamentary Group in the lower house of the German Parliament for 10 years and I know Brazil very well. I am indeed surprised at the refusal of the Lula administration to extradite this convicted murderer to a European Member State. I hope that the proceedings in Brazil will be concluded very quickly.

The Lula administration has made a particular commitment to human rights. One aspect of human rights is that convicted murderers be brought to justice, and so I hope that this motion for a resolution receives strong support. I personally shall make use of my contacts with Brazilian parliamentarians to see to it that pressure is put on the government at domestic level, too, to grant this extradition request.

Janusz Onyszkiewicz (ALDE). – (PL) Madam President, after the end of the Second World War in Europe, many Nazi criminals fled to South America to escape from justice. Attempts to bring them back and to bring them to court have been extremely difficult. This led to such desperate steps as the actions of Israeli operatives who simply kidnapped Eichmann from South America so that he could be brought to court.

It is evident that the tradition of escapes to South America is not dying out, neither is the conviction that refuge can be found there and that it will be possible to live out one's days peacefully and with impunity despite the crimes which have been committed. Actions of this kind, like those of the Brazilian Government, maintain such a conviction and may, unfortunately, cause the feeling of impunity to spread greatly. Therefore, it is extremely important that this motion for extradition be adopted.

Mariann Fischer Boel, Member of the Commission. – Madam President, the Commission is aware of the Brazilian Justice Minister's recent decision to grant political asylum to an Italian citizen, Cesare Battisti, condemned in absentia to a life sentence by the Italian judiciary.

We have carefully considered the Commission's role in this situation, especially after Italy's European Affairs Minister, Andrea Ronchi, called on Vice-President Barrot last week for the EU to support Italy's extradition request to the Brazilian Government.

As was also explained to the Italian Government, there is no scope for an involvement of the Commission in this case. The EU Treaty is very clear on this matter: the European Union's and Commission's legal powers in the field of cooperation in criminal matters are restricted to the legal space of the EU-27. The European Union can facilitate extradition between Member States, but has no competences regarding Member States' relations with third countries on criminal cooperation matters. Italy's bilateral relations with Brazil on this matter are governed by a bilateral agreement signed in 1989.

President. – The debate is closed.

We shall now proceed to the vote.

12. Voting time

President. – The next item is the vote.

(For outcome of the vote and other information on the vote: see Minutes)

– Before the vote:

Martine Roure (PSE). – (FR) Madam President, you are going to think me bad-tempered, but I feel that such important reports, such important resolutions voted on by so few Members – and it is not those who are here, of course, who are to blame – frankly, I find the situation hopeless and, really, I do question our credibility.

Therefore, personally speaking, I will not be able to accept there being so few of us for much longer, and, at some point, the question will have to be asked as to whether there should be a quorum. I am well aware that there have to be 40 Members before a quorum may be requested. Since there are just over 40 of us, this is difficult, but I still think that something will have to be done.

(Applause)

President. – As fewer than 40 members have raised the matter, we shall proceed to the vote.

Marios Matsakis (ALDE). – Madam President, this has happened for the last five years. It is not just today that it has happened. It is a little bit too late to note it today.

Zuzana Roithová (PPE-DE). – (CS) I would just like to emphasise that this problem applies to socialists and possibly to some other groupings as well, but not to the European People's Party, which is aware of its responsibilities regarding this important topic and it is present here in significantly larger numbers than others.

Gérard Onesta (Verts/ALE). – (FR) Madam President, you are absolutely right. The quorum procedure may be applied only at the request of 40 Members, or by the president of the sitting. Therefore, if you so wish, if you believe, as Mrs Roure said, that this debate is too important to be closed now, you yourself can now call for a quorum and have this vote dropped, if you think it worthwhile.

Mario Mauro, author. – (IT) Madam President, I thank Mr Onesta but I think yet another attempt to save *in extremis* a terrorist who has been condemned many times over has been lost.

Bernd Posselt (PPE-DE). – (DE) Madam President, I just want to say that it is on Thursday afternoons that the most important issues are discussed and that, therefore, on account of their urgency, these important issues must indeed be dealt with on Thursday afternoons. The only ones to blame are those who are absent on Thursdays. They are shirkers, and should give some thought to whether they wish to run for the European Parliament once again.

President. – The matter has a broader political dimension. A great many people are to blame: the political groups and each member. I cannot go against procedure, Mr Onesta. The rule says that I can reply to a request by 40 members, which does not apply at the present moment in time.

12.1. Situation in Sri Lanka (vote)

– Before the vote on paragraph 2:

Manuel Medina Ortega, author. – (ES) I am here at this meeting but, as a result of an agreement made by the Socialist Group in the European Parliament, I will not participate in the vote. However, I am here.

Charles Tannock, author. – Madam President, I am asking for a last-minute change to the wording of the oral amendment – if the House will allow – because we have now managed to establish what the confusion was in the joint resolution.

The wording originally said 'non-fire period', and that did not make any sense to us, so we changed it to 'cease-fire'. It now transpires that the official text from the Declaration of the Co-Chairs, which includes the European Union, uses the wording – which is strange, but nevertheless they use it in writing – 'no-fire' period. So, could we change the 'non-fire' to 'no-fire' rather than the word 'cease-fire', as this would reflect the official text of the Co-Chairs?

Marios Matsakis (ALDE). – Madam President, I think there is something else further down the line and I think Mr Tannock should tell us about that as well before we vote. There is another small change.

Charles Tannock, author. – Madam President, including the word 'humanitarian' aid, which is just to make it clear what kind of aid we are talking about.

But the important thing is to declare a 'no-fire period', which is the wording in the Co-Chairs' declaration.

Raül Romeva i Rueda, author. – (ES) Yes, there is something, but I do not know if this is a misunderstanding or not. In theory, the version that we have from the oral amendment is that the text should read 'cease-fire', not 'non-fire'. Is this right or have I misunderstood?

The text should read 'cease-fire'.

Charles Tannock, author. – Madam President, I have just realised that, owing to the order in which the amendments have been printed on the voting list, I was actually reading out the oral amendment to recital K. I apologise for the confusion, but in fact we are now amending paragraph 2. That may explain why there was some confusion. Could we switch the voting list around? I do apologise, but I have things down in the wrong order on my list. I was actually reading out the change I wanted to make to recital K, rather than to paragraph 2, so that is the one we will be voting on next. I do apologise for the confusion.

The amendment to paragraph 2, which should have been the one we took last time, is: 'Believes that a military victory over the LTTE, as envisaged by the Government of Sri Lanka, will not obviate the need to find a political solution in order to ensure a lasting peace'. That is as it is on the voting list.

(Parliament agreed to accept the oral amendment)

Marios Matsakis (ALDE). – Madam President, in order to be correct, I think we have to vote on recital K now.

- Before the vote on recital IA:

Charles Tannock, author. – Madam President, I will now repeat it correctly for the sake of Mr Romeva i Rueda.

Recital K, as amended orally, should read now: 'whereas the Tokyo Co-Chairs have called jointly on the Government of Sri Lanka and the LTTE to declare a no-fire period to allow for evacuation of the sick and wounded and provision of humanitarian aid to civilians,'.

(Parliament agreed to accept the oral amendment)

12.2. Situation of Burmese refugees in Thailand (vote)

- Before the vote on paragraph 2:

Charles Tannock, author. – Madam President, I notice once again that the officials have not actually written the oral amendments in the same order as they are actually voted on, so I will be very careful to pick the right order myself this time. For paragraph 2, we want to add the words at the end of the paragraph, 'as well as deliberate impoverishment, arbitrary taxation and land confiscation'.

(Parliament agreed to accept the oral amendment)

- Before the vote on paragraph 5:

Charles Tannock, author. – Madam President, amended orally as follows for paragraph 5: 'Welcomes the Thai Government's cooperation with the United Nations High Commissioner for Refugees and calls for immediate and full access to all the detained Rohingya boat people in order to define their protection needs; calls, at the same time, on the Government of Thailand to sign the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol thereto,'.

(Parliament agreed to accept the oral amendment)

Charles Tannock, author. – Madam President, I will read out the entire text for paragraph 6 as amended orally: 'Stresses that the boat people issue which affects Thailand and other countries is essentially a regional one; views positively the efforts of the Thai Government to increase cooperation among regional neighbours to address the Rohingya issue; welcomes in this respect the meeting held on 23 January by the Permanent Secretary of Foreign Affairs, Kasit Piromya, with the Ambassadors of India, Indonesia, Bangladesh, Malaysia and Burma; and appeals to the members of ASEAN and, in particular, the Thai chair and relevant international organisations, to work on a permanent solution to this long-standing problem,'.

(Parliament agreed to accept the oral amendment)

Charles Tannock, *author*. – Madam President, recital E should read as follows: ‘whereas the United Nations refugee agency has voiced its concern about the reports of mistreatment of the Burmese refugees and gained access to some of the 126 Rohingya still kept in custody by the Thai authorities’.

(Parliament agreed to accept the oral amendment)

12.3. Brazil’s refusal to extradite Cesare Battisti (vote)

13. Corrections to votes and voting intentions: see Minutes

14. Action taken on Parliament’s positions and resolutions: see Minutes

15. Decisions concerning certain documents: see Minutes

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

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

18. Dates of forthcoming sittings: see Minutes

19. Adjournment of the session

(The sitting was closed at 4.35 p.m.)

ANNEX (Written answers)

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

Question no 6 by Mairead McGuinness (H-1046/08)

Subject: Food prices

Can the Council comment on the Commission Communication on Food Prices in Europe (COM(2008)0821), published last December? Does the Council think the Communication adequately addresses the current market situation where agricultural commodity prices and energy prices have fallen dramatically?

Does the Council have a view on the need for greater market monitoring and intelligence in order to deal with fluctuations in both commodity prices and food prices?

Answer

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

The Council would like to inform the Honourable Member that the Commission Communication on food prices in Europe was presented to the Council at its session on 19 January 2009. This Communication follows up on a request by the June 2008 European Council to investigate the causes of the sharp increase in food prices following the even stronger rise in commodity prices.

The Communication reviews recent developments in agricultural commodities and food prices. It proposes, in particular, ways of improving the functioning of the food chain in Europe, setting out a work programme to improve its functioning. In addition, a need to balance the global supply and demand for food and to remove barriers in international trade is also, *inter alia*, noticed.

The Presidency considers that the Council's discussions were useful in giving Members of the Council the opportunity to exchange views on this important issue. During the course of the discussions, a number of views were expressed. Several delegations, for instance, raised the weak position of producers in the face of big retail chains and the need to reflect price decreases throughout the whole food supply chain.

Most delegations agreed on the need to monitor closely the market, and the Commission undertook to report back on this issue by the end of 2009.

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Question no 7 by Seán Ó Neachtain (H-1048/08)

Subject: Stability of the Central African Republic

In December 2008 the 'Crisis Watch' of the International Crisis Group declared that the risk of renewed violence in the Central African Republic has never been greater than it is today. Caught between Chad, Sudan and the DRC, the CAR also has internal instability risks. Fears have been expressed that fragile stability in the country will not be maintained, due to a lack of well-trained, experienced and adequately equipped peacekeeping troops and a lack of political will on the part of the international community. What can and will the Council do to ensure that the CAR does not become another Chad or DRC?

Answer

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

The Council has repeatedly expressed its concern about the continuation of the humanitarian crisis in the North-East of the Central African Republic (CAR). The Council is also aware of the need to create conditions

in this area (CAR) which are favourable to the voluntary, secure and sustainable return of refugees and displaced persons, and to the reconstruction and the economic and social development of the region.

For this reason, the EU provides many different types of support to the Central African Republic, just as it does to Chad. The ESDP operation EUFOR Chad/RCA is one part of this multidimensional response. Action by the Commission in support of development cooperation, as well as the provision of humanitarian aid, offer additional support.

The EU operation EUFOR Chad/RCA had already made a considerable contribution to the stabilisation of the region, together with the UN mission MINURCAT as well as UNAMID in Darfur. EUFOR Chad/RCA in particular provided protection for refugees, displaced persons and humanitarian staff.

EUFOR Chad/RCA is a military bridging operation for twelve months and will end on 15 March 2009. The Council has underlined the importance of full deployment of the United Nations Mission in Chad and CAR (MINURCAT), approved by Resolution 1861 (2009) of the UN Security Council when the EUFOR mandate expires. Full deployment of MINURCAT is key to providing an effective response to the non military threats of banditry and crime.

Against this background, and having consulted the Central African authorities, the Council has insisted that all steps be taken to ensure that arrangements on the follow-up to the EU's operation be put in place, including through a United Nations operation, in accordance with Article 10 of Resolution 1778.

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Question no 8 by Liam Aylward (H-1051/08)

Subject: New initiatives to combat child labour

What new initiatives is the Council pursuing to combat global child exploitation and child labour?

Answer

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

The fight against child labour is a core element of the European Union's human rights agenda and needs to be tackled at all levels and in different areas of action. The EU is pursuing a comprehensive approach to the elimination of all forms of child labour, covering the political, trade and development governance dimensions and actions with regard to the alleviation of poverty, the labour market, the social dialogue and social protection, with an emphasis on free and universal primary education.

The Czech Presidency intends to initiate discussions on a number of issues related to child protection. The Presidency will focus in particular on active police cooperation in searches for missing children, improved use of the Schengen Information System (SIS) for these purposes and joint action to combat illegal content on the Internet. Furthermore, the Czech Presidency will follow up on the activities of the French Presidency as well as on the conclusions of the Council concerning the Child Alert project. Child protection was the topic of an informal meeting of Justice and Home Affairs ministers in Prague on 15/16 January and will also be discussed at the ministerial conferences "Safer Internet for Children" and "Children Friendly Europe", both taking place in April.

As regards child labour, based on the conclusions of the GAERC from May 2008, the European Commission is working on a report aimed at outlining the existing measures available for combating child labour; CZ PRES is awaiting its results.

Moreover, the Commission plans to submit a revision of the Council framework Decision on combating the sexual exploitation of children and child pornography to the Council in March 2009. The Czech Presidency is prepared to launch actively the negotiations of the respective initiative, which aims to create a more effective instrument for fighting against the sexual criminality concerning children. Furthermore, under the Czech Presidency a criminal law conference on "Protection of vulnerable victims and their standing in criminal proceedings" will be held in March 2009 in Prague.

In the Human Rights context, the aim of the Czech Presidency will be to improve the cooperation and partnership of EU institutions with non-governmental organisations and to contribute to the increased

effectiveness of the relevant financial tools of the EU. The evaluation of the renewed European Instrument for Democracy and Human Rights (EIDHR) is expected to take place in 2009. EIDHR includes actions aimed at preventing the recruitment of children for armed conflicts and at encouraging their release and reintegration.

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Question no 9 by Eoin Ryan (H-1053/08)

Subject: Better regulation and supervision of the global financial services market

What initiatives is the Council pursuing with the United States, China and India to ensure better regulation and supervision of the global financial services market?

Answer

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

The Council Presidency is engaged in regular ministerial meetings and summits at Head of State level, with a range of third countries, including the US, China and India. At these meetings topics of mutual interest, including financial services are discussed and a common understanding is sought, where possible. Nevertheless, in the absence of a proposal from the Commission the Council is not in a position to adopt any legislative act. The current financial crisis makes the meetings with partners on the global level utmost important.

As regards the relation to the US the importance of the Transatlantic Economic Council (TEC) should be stressed. It was established in 2007 to oversee the EU-US framework on transatlantic economic integration, this covers i.a. integration of the financial markets.

In addition, for several years the European Commission has been developing regular dialogues in the area of financial services regulation and, in some cases, macroeconomic dialogues with key economic partners. These started with the EU-US regulatory dialogue in 2002 and the EU-China dialogue followed in 2005 and the EU-India dialogue in 2006.

The Council does not participate in these dialogues, but monitors progress through the Financial Services Committee and the Economic and Financial Committee. Where appropriate the Council is briefed by the Commission on progress and has an informal exchange of views.

Finally, I recall that the G 20, including the US, China and India, held an initial meeting in Washington on November 15, 2008 to meet the serious challenges to the world economy and financial markets posed by the current crisis. The Council was represented in this meeting by the Presidency. The G 20 Heads of State agreed an ambitious action plan for measures to be taken both in the short and medium term to improve international financial regulation. This process will continue - the next meeting is already planned for April 2 this year - and this work will probably set the basis for the most important international platform for better regulation and supervision of the global financial services market.

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Question no 10 by Brian Crowley (H-1055/08)

Subject: Common energy policy

What initiatives is the Czech Presidency putting in place to ensure that there will be a common energy policy and to ensure that the European Union will be able to act as one when negotiating energy supplies?

Answer

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

The recent Russia-Ukraine gas dispute has underlined the importance of strengthening the Union's energy policy. The CZ PRES has placed energy on the top of its three main political priorities long before the vulnerability of EU in terms of energy dependency was once again highlighted by the disruption of supplies.

As Prime Minister Topolánek said clearly two weeks ago in Budapest at the Nabucco summit, the common energy policy for Europe is an ultimate need. It is now the task of the CZ PRES to use the momentum and political will generated by the crisis to bring the most pressing short-, medium- and long-term measures into being to prevent major supply disruptions in the future, and improve our ability to cope with the consequences should the need arise. An Extraordinary meeting of the Energy Council took place on 12 January and identified a set of measures that need to be taken in this respect.

As for long-term strategic measures – diversification of supply routes, suppliers and sources is an answer. Be it Nordstream, Nabucco, Southstream or LNG terminals, diversification is beneficial in terms of lowering our energy dependency and thus strengthening the bargaining position of EU vis-à-vis its partners.

As for medium-term measures, missing energy infrastructure and interconnections should be identified and work on them should be accelerated. European internal energy market will never work unless crossborder transfers are easily possible. The same goes for European solidarity. Problems of energy islands need to be tackled. The precondition for that is to mobilise necessary financial resources, i.e. via EIB or EBRD. The Presidency will strive that priority is given to energy infrastructure projects within the frame of the European economic recovery plan.

Last but not least, short-term emergency measures should enable us to assist Member States in need. The examples of Slovakia and Bulgaria pointed sharp to the necessity to enhance bilateral and regional solidarity arrangements.

Several other useful measures have been identified, such as improved transparency as regards gas flows, demand and storage volumes both in member states and supply /transit countries followed by the installation of the reliable metering system. The Early Warning Mechanism should be assessed and extended to the transit countries.

The revision of the Directive on the Safeguard of Security of natural gas supply can play important role too. All these measures will strengthen EU and thus enable us to talk with one voice to our energy suppliers.

The Union's energy policy is based on the Action Plan adopted by the European Council in March 2007. Work on implementing this Action Plan is underway. It will be further enhanced in the light of the Commission's Second Strategic Energy Review which was submitted to the Council in November 2008, and which focuses in particular on energy security and the need for solidarity.

The Council will review the situation on 19 February and decide on further concrete measures set out in the Second Strategic Energy Review, as well as follow up on the measures agreed on 12 January. This work will provide the basis for the European Council in March to agree on the responses which are necessary if the Union will pursue the aim of developing a common energy policy and in particular if it is to enhance its energy security.

Another important element of the common energy policy is energy efficiency. In this area, the Council will address the various legislative proposals which the Commission has recently submitted, together with the Second Strategic Energy Review, namely the recast proposal on the energy performance of buildings, the recast proposal on energy efficiency labelling of energy related products, and the proposal on the fuel efficiency labelling of tyres.

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Question no 11 by Marie Panayotopoulos-Cassiotou (H-1057/08)

Subject: Subsidiarity in matters of education and social affairs

How does the Council intend to uphold the principle of subsidiarity in matters relating to education, social affairs and private law?

Answer

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

The Council is committed to respect fully the principle of subsidiarity. It will continue to ensure, in conformity with Article 5 of the TEC, that any Community action will only be taken if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States.

In considering any proposal for action at the Community level, the Council examines not just the content of the proposal, but also assesses whether the proposal respects the principles of subsidiarity and proportionality. The Council will not agree to any proposal where it considers that this is not the case.

This is no different in the areas of education and social affairs and private law highlighted by the Honourable Member. This is moreover the case as, in both these areas, the treaties provide that action by the Community is aimed at supporting and complementing the activities of the Member States. In particular, the Council is vigilant to ensure that Community action in the area of education respects the responsibility of the Member States for the content of teaching and the organisation of the educational systems and their cultural and linguistic diversity.

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Question no 12 by Jim Higgins (H-1059/08)

Subject: Regional development

Could the Council outline its specific objectives in the area of territorial cohesion and what efforts it will be making to address the spatial imbalances that exist in economic, social and environmental development within the Community?

Answer

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

The Council attaches importance to territorial cohesion as one of key aspects of Cohesion policy aiming at addressing territorial imbalances in economic, social and environmental development within the European Union. It recognises the importance of Cohesion policy for the period 2007-2013 in enabling Member States to take into account the territorial dimension. The Commission's Green Paper on Territorial Cohesion of 6 October 2008 is currently under the public discussion, so the Council has not yet reached a final position on its content. Preliminary outputs of this public debate will be presented during the informal meeting of Ministers in charge of regional development taking place in Mariánské Lázně (the Czech Republic) in April 2009.

Nevertheless, an interim report was drawn up by the French Presidency and is publicly available⁽⁴⁾.

The main findings of this interim report were to confirm broad support for the following broad objectives of:

- a reduction in disparities between regions in terms of development;
- sustainable and balanced development of the whole of EU territory, taking into account the specific characteristics of individual regions so as to ensure fair living conditions throughout the Union;
- promotion of the principle that each territory should have a minimum level of access to major transport infrastructure, new information and communication technologies, and the main services of general interest such as health and education;
- support for the need for both Community and national sectoral policies to take greater account of their varying impact on territories, and for better links with other European policies with a territorial impact.

However, according to the report, some delegations expressed their concerns about particular aspects of the Green Paper.

⁽⁴⁾ doc. 17580/08

The Council will continue to follow the issue closely, and in particular as a follow-up of the public debate on the Commission's Green paper. It will be able to adopt a formal position once the Commission comes forward with any proposals in the light of this debate.

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Question no 13 by James Nicholson (H-1062/08)

Subject: Origin of produce / food labelling

In light of recent events affecting the pig industry, has the Council had any deliberations regarding the introduction of labelling the origin of all food produce so that traceability and transparency can be achieved?

Does the Council accept that this is the only way to ensure consumer confidence in the food industry?

Answer

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

The question of labelling of origin is currently under discussion in both the Council and European Parliament on the basis of the European Commission's Proposal for a Regulation of the European Parliament and of the Council on the provision of food information to consumers⁽⁵⁾.

In accordance with current Community legislation, origin labelling is required

- in cases where consumers might be misled on the true origin or provenance of the foodstuffs, and
- in application of specific rules such as those for fruit and vegetables, beef, wine, honey, fish, and imported poultry.

With respect to the labelling of the country of origin or place of provenance of a food, the basic requirement in the proposed new legislation remains the same. Labelling would therefore remain voluntary, unless failure to provide such information might mislead the consumer. In this case labelling becomes mandatory. The Commission proposal also aims to clarify the conditions under which Member States may adopt national rules on origin labelling.

This approach is based on the view that food labelling, including indications on origin, is primarily an instrument of consumer information. Origin labelling cannot by itself be regarded as a tool for contributing to food safety, as it does not address the causes of contaminations such as that referred to by the Honourable Member.

All food and feed legally placed on the market in the European Union must be safe, irrespective of where it comes from. In order to safeguard consumer confidence, this basic principle must continue to be the cornerstone of EU food safety policy.

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Question no 14 by Claude Moraes (H-1064/08)

Subject: Achieving the Millennium Development Goals

In June 2008 the Council announced that 2008 'should mark a turning point in enhancing the collective efforts to eradicate poverty in the context of sustainable development, in order to ensure that by 2015 all the Millennium Development Goals (MDGs) will be achieved worldwide'.

What progress can the Council report regarding its efforts to achieve the MDGs, and does the Council feel that 2008 marked such a turning point?

Furthermore, what initiatives is the Council planning to take in the coming year to help ensure that all of the MDGs are met by 2015?

⁽⁵⁾ COM(2008)40 final - 2008/0028 (COD).

Answer

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

The EU has demonstrated its commitment to support the achievement of the Millennium Development Goals (MDG) through the "EU Agenda for Action on MDGs", endorsed by the European Council in June 2008. This Agenda for Action sets a number of milestones which will contribute to this objective, and provides examples of EU action in support of the commitments already made by the EU.

The EU Agenda identifies priority actions in key areas such as education, environment, health, water and sanitation, agriculture, pro-poor growth, infrastructure and gender equality. Action is also needed to enhance the integration of cross-cutting issues in all sectors. The EU has proposed to its partners in development to share this Agenda for Action, which should also be taken into account in the context of the joint Africa-EU Strategy and its different partnerships adopted at the Lisbon Summit. Ownership of the agenda by partner countries will represent a key factor in ensuring its success.

In light of progress made in some countries and areas, the EU is convinced that all the MDGs can still be attained in all regions of the world, provided that concerted and sustained action be taken between now and 2015. However, the EU is seriously concerned about the effects of the trend in many countries and regions, in particular sub-Saharan Africa, in terms of achievement of the MDGs.

New challenges have emerged that may undermine the achievement of the MDGs: global financial crisis, high and volatile food and commodity prices. The emergence of new actors has made the aid architecture more complex. The priority given to combating climate change and to strengthening developing countries' capacity to adapt has been continuously growing, leading to the new increased collective effort by way of additional aid. A renewed commitment from the international community in support of the Monterrey Consensus and the readiness to take further action are required if these new challenges are to be tackled.

In its Guidelines for the participation in the Doha Conference on Financing for Development, the EU stated that the poorest countries and countries in situation of fragility should not be the victims of the current crisis, which must not undermine the implementation of commitments in support of the Monterrey consensus and the achievement of the MDGs.

Against this background, the EU will maintain its leading role in providing financial support towards achievement of the MDGs including to maintain its ODA commitments and will make every effort to ensure an ambitious action oriented response by the wider international community. The Council will discuss these issues in detail during the GAERC meeting in May 2009.

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Question no 15 by Bernd Posselt (H-1068/08)**Subject: Human rights in Cuba**

How does the Council view the human rights situation in Cuba, and particularly the situation of Ricardo González Alfonso, who has been in prison for more than five years and whom Reporters without Borders chose as Journalist of the Year in December 2008?

Answer

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

The respect and promotion of human rights and of the freedom of opinion and expression is a core element of the EU's external relations policy.

In its conclusions of 23 June 2008, the Council called upon the Cuban Government to improve the human rights situation by, inter alia, releasing unconditionally all political prisoners, including those who were detained and sentenced in 2003. It also called on the Cuban Government to facilitate access of international humanitarian organizations to Cuban prisons. The Council has also "reaffirmed its determination to pursue a dialogue with the Cuban authorities as well as with representatives of civil society and democratic opposition,

in accordance with EU policies, in order to promote respect for human rights and real progress towards a pluralist democracy. The EU will continue to offer to all sectors of society practical support towards peaceful change in Cuba, and will press the Cuban Government to grant freedom of information and expression including access to the Internet.

The dialogue with the Cuban authorities was re-opened at the ministerial meeting of 16 October 2008. It provided an opportunity for the EU to outline to the Cuban Government its views on democracy, universal human rights and fundamental freedoms. At the same time the EU maintains its contacts with the democratic opposition.

The evolution of human rights and of the freedom of opinion in Cuba will be an important element in the evaluation of the EU's relations with Cuba including the effectiveness of the political dialogue process.

As concerns individual cases, the Council follows them closely and raises them with the Cuban authorities at every available opportunity.

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Question no 16 by Gay Mitchell (H-1070/08)

Subject: European Parliament elections

Despite a steady increase in the power and responsibility of the European Parliament, voter participation in European elections has steadily declined from a Union-wide average of 63% in 1979 to 45.3% in 2004. With fresh elections due in June, how does the Council propose to engage the electorate in each Member State, communicate the importance of the European Parliament and reverse this trend?

Answer

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

The issue of electoral participation is a matter for each individual Member State and information campaigns concerning elections to the European Parliament are organised in each Member State in accordance with national legislation. It would not therefore be appropriate for the Council to take a position on this issue nor to undertake any particular initiatives.

However the European Parliament, Council and Commission in their political declaration of 22 October 2008, entitled "Communicating Europe in Partnership" underlined the utmost importance of improving communication generally on EU issues in order to enable European citizens to exercise their right to participate in the democratic life of the Union.

The Council, for its part, in its conclusions on "Communicating Europe in Partnership", has pointed out that "occasions such as direct elections to the European Parliament provide good opportunities to enhance communication with citizens on EU issues and to inform and encourage their participation in the political debate".

In accordance with that declaration, the Council recognises the importance of addressing the communication challenge on EU issues in partnership between Member States and the other institutions to ensure effective communication with, and objective information to, the widest possible audience at the appropriate level.

Under the declaration the Council, the European Parliament and the Commission highlighted the "European Parliament elections" as one of the inter-institutional communication priorities for 2009.

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Question no 17 by Dimitrios Papadimoulis (H-0002/09)

Subject: Need to impose political, diplomatic and economic sanctions against Israel

On 8 December 2008 the Council of the European Union (EU) adopted a text (17041/08) setting out its conclusions on strengthening bilateral relations between the EU and its Mediterranean partners; this text upgrades EU-Israel relations, despite the fact that Israel had imposed a blockade lasting months on the Gaza

Strip and extended settlements and stepped up violence against Palestinians. By this decision, the Council signalled its support for Israeli intransigence and aggression and exposed the EU to criticism in the Arab world.

Given the continuing criminal Israeli attack on Gaza in which hundreds of Palestinians have been killed and thousands wounded, the great majority of them civilians, will the Council say whether it intends to invalidate the decision upgrading EU-Israeli relations together with the previous EU-Israel defence cooperation agreement (1993)? What other political, diplomatic and economic measures will it take against Israel to prevail upon it to put an end to its policy of genocide against the Palestinians?

Question no 18 by Pedro Guerreiro (H-0007/09)

Subject: EU-Israel relations

In December 2008 the EU reaffirmed its policy of stepping up its bilateral relations with Israel, in the context of the adoption of a new instrument, planned to replace the present Action Plan from April 2009. The guidelines for reinforcing the political dialogue with Israel include: more bilateral summits at all levels; more frequent Israeli access to the Union's Political and Security Committee; facilitation of the hearing of Israeli experts by the Council's groups and committees; systematisation and enlargement of the informal strategic consultations; encouragement of Israeli alignment with the CFSP; enabling of cooperation at ground level in the area of the Union's European Security and Defence Policy; and encouragement of Israel's participation and involvement in multilateral bodies such as the UN. Israel's ambassador to the EU has now stated that there is no question of any reconsideration of that decision and the associated process and that Israel's and the EU's positions are currently convergent.

In view of the renewal by Israel of its brutal and unjustified attacks on the Palestinian people in the Gaza strip, the horrendous crimes perpetrated by the Israeli army, and Israel's total disregard for international law and human rights in the occupied Palestinian territories, can the Council state why it has not issued a condemnation of Israel and suspended the agreements with that country and any process tending to reinforce those agreements?

Question no 19 by David Martin (H-0012/09)

Subject: EU-Israel trade relations

In light of the ongoing military action in Gaza, the excessive and disproportionate use of force by Israel and in light of the thousands of civilian casualties and the killing of innocent Palestinian citizens, in what way does the Council plan to reconsider its trading relations with Israel?

Question no 20 by Jens Holm (H-0014/09)

Subject: Suspension of agreement with Israel

During the Christmas holidays, Israeli launched Operation Cast Lead. At the time of writing, more than 900 Palestinians have been killed and thousands injured. Article 2 of the EU-Israel cooperation agreement requires respect for human rights. It is more evident than ever that Israel has violated that provision. In October 2005, the EU suspended the cooperation agreement with Uzbekistan with reference to Article 2.

Is the Council prepared to enforce the human rights requirement in the trade agreement with Israel and suspend the agreement? What other measures are planned to persuade Israel to cease the violence?

Question no 21 by Willy Meyer Pleite (H-0018/09)

Subject: Freezing of EU-Israel Association Agreement for breach of Article 2 on human rights

The recent war in Gaza has once again highlighted the Israeli Government's violation of international criminal and humanitarian law in its conflict with Palestine.

The EU-Israel Association Agreement contains a clause making the agreement conditional upon respect for human rights. The Israeli Government's failure to comply is obvious: the army's use of excessive and indiscriminate force resulting in civilian deaths, civil infrastructure (hospitals, universities, bridges, roads, electricity supply, sewers) damaged or destroyed, houses demolished, the fencing in and isolation of Gaza's population, arbitrary detention combined with ill-treatment and torture.

In view of this situation, does the Council feel that the current EU-Israel Association Agreement should be frozen as Israel is not observing the clause on respect for human rights?

Question no 22 by Georgios Toussas (H-0024/09)**Subject: Ban on Arab parties taking part in elections in Israel**

On 12 January, the Central Elections Committee of Israel decided to ban the two Arab political parties which sit in the Israeli Parliament (Knesset), the United Arab List-Ta'al and Balad, from taking part in the forthcoming elections in February. This decision, which excludes Israeli citizens of Arab origin from political life, deprives the Arab community in Israel of their democratic civil rights and is a flagrant violation of civil liberties and the right to freedom of expression. This ban on Arab parties is part and parcel of the Israeli Government's criminal war against the Palestinian people and the brutal slaughter of thousands of Palestinian civilians in the Gaza Strip, including hundreds of children.

In the light of Israel's policy, which is in blatant violation of international law and democratic freedoms, does the Council condemn Israel's actions and will it suspend the EU's association agreement with Israel?

NJoint answer

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

The Council fully shares the preoccupations of the Honourable Member on the dire situation of civilians in the Gaza strip.

The European Union deeply deplores the loss of life during this conflict, particularly the civilian casualties. The Council has reminded all parties to the conflict, most recently in the conclusions of its meeting on 26 January, to fully respect human rights and comply with their obligations under international humanitarian law. The Council continues to raise its serious human rights concerns with Israel in the framework of all high level meetings, most recently during the EU Foreign Ministers' dinner with Israeli Foreign Minister Tzipi Livni on 21 January 2009.

The issues of the EU-Israel Association agreement and of the upgrading of the relations with Israel, raised by the Honourable Members, were not addressed in the conclusions of the Council meeting of 26 January. In general, the Council considers it vital to keep all channels of diplomatic and political contact open and that positive persuasion and dialogue is the most effective approach for conveying messages from the EU.

Concerning the specific issue of the ban on two Arab parties taking part in elections in Israel, the Council has taken note of a decision of the Supreme Court of the State of Israel which on 21 January 2009 overturned a decision by the Central Elections Committee banning the "National Democratic Assembly - Balad" and the "United Arab List and Arab Movement for Change" political party lists from standing in the upcoming elections to the Israeli parliament (Knesset) scheduled to take place on 10 February 2009.

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Question no 23 by Linda McAvan (H-0003/09)**Subject: Teachers in developing countries**

Efforts to increase attendance at school in the developing world have had considerable success, but the increase in the number of pupils in schools has not been matched by an increase in the number of teachers. In many classrooms in developing countries, the pupil-to-teacher ratio is often 100:1, or even higher. Current International Monetary Fund conditions attached to loans to developing countries place restrictions on public sector spending as a whole, and also impose a ceiling limit for teachers' wages. Millions of school children are not getting the education they need because fiscal rules prevent developing countries from employing enough teachers.

Given that providing children with a decent education is vital to ensuring real, lasting development, will the Council put pressure on the IMF to allow greater fiscal flexibility so that developing countries can provide their children with the teachers they so desperately need?

Answer

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

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

The Council fully shares the concerns of the Honourable Member about the low number of teachers – and other key professionals such as doctors or nurses – in many developing countries.

To achieve universal primary education by 2015 is the second of the Millennium Development Goals. In line with this objective, the Union has identified education as one of the multi-dimensional aspects of poverty eradication in the European Consensus on Development. Where circumstances permit, the EU also encourages the use of general or sectoral budget support for education budgets.

The issue of lack of teachers and their low wages is a particular problem for developing countries, where the empowerment of teachers is critical to the provision of education in general. In accordance with the principle of ownership, it is for the partner countries to establish their own development priorities and to allocate the share of the budget to be dedicated to education accordingly. At the same time, teachers' wages should be set at a reasonable level in comparison with the average national wages within the public sector.

As far as the IMF is concerned, the Member States of the Union are just some of the 185 countries which are members. Most of these are developing countries, which of course also have a say on how the IMF operates. In the event that member countries experience difficulties in financing their balance of payments, the IMF is a fund that can be tapped to facilitate recovery. A policy program supported by financing is designed by the national authorities in close cooperation with the IMF, and continued financial support is conditional on the effective implementation of this program.

The IMF also provides low-income countries with loans at a concessional interest rate through the Poverty Reduction and Growth Facility (PRGF) and the Exogenous Shocks Facility (ESF).

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Question no 24 by Tadeusz Zwiefka (H-0010/09)**Subject: Broadcast of outlawed TV station al-Manar**

Recently, Germany banned the operations of al-Manar TV across Germany. The ban order makes it illegal for anyone to cooperate with al-Manar TV. This follows broadcasting bans on al-Manar TV in France, Spain and the Netherlands because of al-Manar TV's violation of European audiovisual laws.

According to the ban order, issued on 11 November by the German Federal Minister of the Interior, the 'purpose and activity of al-Manar TV is to support, advocate and call for the use of violence as a means to achieving political and religious aims.' The ban order also describes al-Manar TV as disseminating 'calls for 'martyrdom' through suicide bombings' and lists al-Manar TV's use of verses in the Quran to justify and promote violence.

What steps is the Council planning to take in order to stop the broadcasting of al-Manar TV into Europe via Nilesat? Has the EU Counter-terrorism Coordinator made any recommendations on how to prevent the radicalisation of Muslims in Europe through terrorist television stations like al-Manar TV?

Answer

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

The Council, together as co-legislator with the European Parliament, adopted on 18 December 2007 Directive 2007/65/EC (the "Audiovisual Media Services Directive") which updated the legal framework for television

broadcasting and audiovisual media services in the EU⁽⁶⁾. Article 3b of this Directive prohibits broadcasts inciting hatred on grounds of race, sex, religion or nationality.

The scope of this Directive, and its predecessor the "Television without Frontiers Directive" can include programmes broadcast by organisations established outside the EU, such as Al Manar and Al Aqsa, but it is necessary that they use satellite facilities "appertaining to a Member State". It is on this basis, the Council understands, that the regulatory authority of France issued an order in January 2009 against the broadcasting of Al Aqsa on Eutelsat. However, the situation of Nilesat and Arabsat, on which Al Manar is still available, different due to the non-usage of EU satellite facilities. An appropriate EU response is therefore more difficult to establish.

Faced with this situation, the Council is aware that the Commission is exploring ways to highlight this issue in its political dialogue with both Egypt and the Lebanon. The Council will similarly seek to ensure that this question is addressed in its dealings with these countries.

Radicalisation and recruitment has been one of the highly important EU security issues for several years. Specific EU documents have been prepared and approved to deal with this phenomenon, including strategic documents like the European Union Counter Terrorism Strategy and its Action Plan, the EU Strategy to counter radicalisation and recruitment and its Action Plan.

The EU Counter-Terrorism Coordinator has been encouraging the development of measures to counter radicalisation in Europe and elsewhere, which is one of the main threats facing Europe as recognised in the Report on the Implementation of the European Security Strategy delivered to the last European Summit. A revised strategy and action plan to counter radicalisation was adopted by the JHA Council on 27/28 November 2008.

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Question no 25 by Kathy Sinnott (H-0015/09)

Subject: Leisure fisheries

I understand that the Czech Presidency intends to start discussions at working group level on the Commission's proposal for codification of existing EU control and enforcement legislation in fisheries. A certain aspect of the proposal related to leisure and sport fisheries will have significant implications for people in Ireland.

Can the Czech Presidency elaborate on what measures it will be discussing in relation to control of recreational fisheries?

Answer

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

The Council can confirm that a proposal for a Regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy was submitted to the Council by the Commission on 14 November 2008.⁽⁷⁾ The proposal includes measures for the control of recreational fishing, such as the registration of catches or the requirement for authorization.

Discussions at the Working Party level of the Council started on 22 January.

The Council will give its full attention to all aspects of the Commission proposal. However since the Council has only recently begun to examine the proposal, it is not yet in a position to take a substantive view on any measures contained within it.

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⁽⁶⁾ OJ L 322 of 18 December 2007 pp 27 - 45.

⁽⁷⁾ Docs. 15694/08 PECHE 312 + ADD 1 and ADD 2.

Question no 26 by Katrin Saks (H-0017/09)**Subject: Border between the European Union, Estonia and Russia**

In 1997, the European Union recommended that Russia sign a border agreement with Estonia without delay. On 18 May 2005, the States signed a border agreement from which Russia withdrew its signature because the Russian authorities did not agree with the unilateral declaration added by the Estonian Parliament referring to the Tartu Peace Treaty of 1920 and the occupation after the Second World War. At the end of August 2006, Russia proposed to Estonia that negotiations begin on new border agreements in which it would be stated that there were no territorial claims between the parties and that all previous agreements dealing with border matters ceased to apply. In an interview given to the news agency Interfax on 25 December 2007, Estonia's Foreign Minister, Urmas Paet, called on the Russian authorities to ratify the border agreement; at the same time, Estonia welcomed the entry into force of the border agreements between Russia and Latvia on 18 December 2007. Any progress towards placing relations between the EU and Russia on a firm footing in the form of treaties is in the interest of the whole EU and of Estonia too. The entry into force of the border agreement between Latvia and Russia could encourage Russia also to proceed with the border agreement between Estonia and Russia.

Could the Council Presidency specify its position and measures to be projected in support of a Member State of the Union which faces such a significant problem as contesting of State borders and refusal to recognise them?

Answer

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

The Council has for many years, and in particular since Estonia joined the European Union on 1 May 2004, insisted with Russia on the importance of the signature and ratification of the border agreement with Estonia for EU-Russia relations.

The Council welcomed the signature of the border agreement in May 2005 and the ratification by the Estonian parliament in June 2005, and was looking forward to the ratification of the agreement also by Russia and its early entry into force. The Council therefore expressed its regret when Russia decided to withdraw its signature from the border agreement.

As the matter remains unresolved, the Council will continue to insist with Russia on the importance of the signature and ratification of the border agreement for EU-Russia relations, and regrets that aspects of history have led to difficulties.

Although border issues essentially fall within the competence of Member States, the Council more generally underlines the importance it attaches to the legal certainty of the external borders of the Member states of the EU and neighbour countries, as well as to stable relations between EU Member States and Russia. In this regard, the demarcation of all EU-Russia borders should be completed according to international standards as set out in the Road Map on Freedom, Security and Justice, adopted at the EU-Russia Moscow Summit in May 2005 as an instrument for the implementation of the Common Spaces created in May 2003.

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Question no 27 by Krzysztof Hołowczyc (H-0022/09)**Subject: Road safety**

At Community level, a large number of legislative measures are taken with a view to reducing the number of people killed on EU roads. This is in keeping with Article 6(a) of the EC Treaty. However, under the Treaty the specific rules directly affecting road users are in most cases laid down in Member States' highway codes. One exception is the standardised rules for reflective products drawn up by the European Committee for Standardisation, and these rules have to be complied with by all Member States for the manufacture of such products.

Will the Council take account of the fact that only 12 Member States have rules governing the protection of road users through the use of reflective clothing, supporting measures to improve road safety in the EU which are also planned by the Presidency in the new road safety programme for 2011-2020?

Answer

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

The Council attaches the greatest importance to road safety. Recently, several EU presidencies, including the Czech presidency, emphasised the need to strengthen, at Community level, policy on road safety. In particular, the Work Programme of the Czech Presidency states that there should be an opening of a discussion on the future orientation of the EU policies concerning road safety. However, according to the EC Treaty, the Council can only take legislation action on the basis of a Commission proposal.

On the specific issue raised by the honourable member of the European Parliament - use of reflective clothing - the Council is aware of the fact that twelve Member States have already adopted legislation concerning the use of such clothing. The Commission has so far presented no legislative proposal on the matter on the basis of which the Council could consider taking action as co-legislator with the European Parliament.

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Question no 28 by Sajjad Karim (H-0025/09)

Subject: European Blue Card Directive

On 20 November 2008, the European Parliament adopted, by 388 votes to 56 with 124 abstentions, a legislative resolution (P6_TA(2008)0557) amending the proposal for a Council directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (European Blue Card Directive).

Given the significance of this proposal, has the Council set a date for its adoption?

Answer

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

The Council has reached agreement on the proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

The opinion of the European Parliament has been examined by the competent bodies of the Council and the text of the proposal is still subject to some procedural requirements, namely its finalisation by the Legal-Linguists, with a view to its formal adoption, which is expected to take place in the coming months.

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Question no 29 by Laima Liucija Andrikiienė (H-0030/09)

Subject: EU strategy in Latin America

The European Union and Latin America have enjoyed a Strategic Partnership since the first bi-regional Summit in Rio de Janeiro (Brazil) in 1999.

What are the priorities of the Czech Presidency in the Latin America region, especially with regard to EU relations with countries such as Venezuela and Cuba?

What does the Council propose to do to assist the Colombian Government in its efforts to secure the release of hostages held by FARC guerrillas and in the process of peace-building and reconciliation?

Does the Council foresee any changes in the EU's strategy in Latin America after the newly elected US President Barack Obama takes office?

Answer

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

The EU's approach towards Cuba was set out in the Council conclusions adopted on 23 June 2008. Discussions in the Council on how to pursue the implementation of these conclusions continue. At a ministerial meeting on 16 October in Paris, the EU and Cuba agreed on the resumption of a comprehensive political dialogue, including political, economic, scientific, cultural and especially human rights issues, on a reciprocal, non-discriminatory and result-orientated basis. The Council will continue to pursue the objectives set out in the 1996 Common Position and its two-pronged approach: dialogue with the Cuban authorities and with all sectors of Cuban society in order to promote respect for human rights and real progress towards pluralist democracy. The Common Position remains at the core of the EU policy towards Cuba and in particular insistence on a real and measurable improvement of the human rights situation from the Cubans and is the unconditional release of all political prisoners.

The Council continues to monitor closely the situation in Venezuela, and pursues its policy of contacts at all levels with the authorities and the institutions as well as with the opposition in order to contribute to a national dialogue and to prevent moves by any side which might endanger the stability of the country or erode democracy and the state of law. This strategy seems to be fruitful. Both sides in Venezuela acknowledged the value of our contributions.

With regard to Colombia, the Council welcomes and supports continued clear improvements in the security and respect of human rights in the country, including through the recent adoption of legislation. At the same time, the Council remains concerned at the situation in Colombia, and in particular at crimes, such as the recent murder of the husband of Mrs. Quilcué, defender of the rights of the indigenous population. The Colombian authorities have regularly been urged to provide the appropriate means for a successful implementation of the justice and peace law. The Council also reiterates its call to the illegally armed groups to release all their prisoners, to end violence and to respect human rights. The EU will continue its very regular discussions with the Colombian authorities, and will maintain its support for the disarmament, justice and peace process.

It is premature to speculate on the approach of the new US administration towards Latin America. However, the early announcements on the lifting of restrictions on family and other visits as well as on the transfer of money in relation to Cuba are encouraging. These changes respond clearly to requests by Cubans both on the island as well as in the US. These measures are in line with the EU's approach, as set out in the Common Position of 1996. The Council intends to maintain a regular dialogue with the US on Latin America.

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Question no 30 by Athanasios Pafilis (H-0033/09)

Subject: Use of white phosphorus bombs by the Israeli army in Gaza

In its attacks on the Palestinians in Gaza, the Israeli army is using white phosphorus bombs, which are particularly dangerous and have already caused extremely severe burns and injuries to the vital organs of hundreds of small children and Palestinian civilians in general. A few days ago, the head of the UN in Gaza reported that the Israeli army had also struck UN headquarters there with such bombs. As is well known, the use of such bombs in populated areas is prohibited under the 1980 Geneva Convention on Conventional Weapons.

Does the Council condemn the use of these weapons by Israel? Does it consider that their use constitutes a war crime and will it take steps to prevent their continued use?

Answer

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

The Council joins the Honourable Member in his concerns about the situation in Gaza. We deeply deplore the suffering this conflict inflicted on the civilian population.

The EU reiterates its commitment to a comprehensive and regional approach to the resolution of the Israeli-Arab conflict.

On 26 January the Council called on all parties to the conflict to fully respect human rights and comply with their obligations under international humanitarian law. The Council also stated that it will follow closely investigations into alleged violations of international humanitarian law and in this regard took careful note of the statement of UN Secretary General Ban Ki-Moon to the Security Council on 21 January.

On 15 January the Presidency condemned the shelling of a UNRWA building in Gaza by Israeli artillery and demanded that Israel undertake measures to prevent any recurrence of this attack on civilian or humanitarian targets.

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Question no 31 by Ryszard Czarnecki (H-0035/09)

Subject: Prospects for peace in the Middle East

What prospects does the Council see for peace in the Middle East in the light of the recent events in the region?

Answer

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

The Council is convinced that currently the situation in Gaza has to be improved by the full implementation of UN SCR. 1860 by both parties, which implies foremost the free and unhindered passage of humanitarian aid to and within Gaza. A durable ceasefire is needed which has to be based on a mechanism taking into account Israel's security needs by preventing arms smuggling on the one hand, and enabling reconstruction and economic development in Gaza by opening border crossings on the other hand.

The Council believes, however, that the Gaza crisis has to be seen in its broader context. On the basis of existing policy lines, as elaborated in successive Council conclusions, the Council pursues an active policy in support of both addressing the urgent challenges in the aftermath of the Gaza war as well as the medium-term actions required to renew the prospects for peace in the region. In this regard the Council believes inner-Palestinian dialogue and the resumption of the peace process to be crucial elements.

The Palestinian Authority has proved to be a reliable and efficient partner, preventing further escalation of the situation in the West Bank. The Council strongly encourages inter-Palestinian reconciliation behind President Mahmoud Abbas which is key for peace, stability and development and supports the mediation efforts of Egypt and the Arab League in this respect.

The Council is convinced that peace in the region can only be achieved by the conclusion of the peace process leading to an independent, democratic, contiguous and viable Palestinian state in the West Bank and Gaza, living side by side with Israel in peace and security. In order to maintain this perspective the Council reiterates its call on both parties to comply with their obligations under the Roadmap. Considering the Arab Peace Initiative to be a solid and appropriate basis for a comprehensive resolution of the Israeli-Arab conflict, the EU is committed to work with the Quartet, the new US-administration and Arab partners to this end. The Council welcomes the immediate nomination and engagement of the new US-special envoy for the Middle East, Mitchell, in the region and is ready to closely cooperate with him.

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Question no 32 by Konstantinos Droutsas (H-0037/09)

Subject: Problems of Greeks living in Palestine

The Greek Women's Association of Palestine reports that Greeks who are resident in the region also live under the same inhuman conditions imposed by the Israeli army of occupation as the rest of the Palestinians. In particular, the Israeli authorities render Greek passports useless by marking them with the Israeli stamp and their Palestinian identity number. This practice essentially prohibits them from leaving Tel Aviv airport

and forces them to travel via Jordan, downgrading a Greek passport to the role of a visa. Other citizens of the Member States of the EU encounter similar problems in travelling.

Will the Council lodge a complaint with Israel and demand that it put an end to this practice, which is a flagrant violation of international law, in order to protect the rights of Greek citizens?

Answer

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

The issue raised by the Honourable Member is primarily the responsibility of individual member States.

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QUESTIONS TO THE COMMISSION

Question no 42 by Eoin Ryan (H-1054/08)

Subject: Transatlantic relations

In light of the recent inauguration of US President Barack Obama on 20 January, what initiatives will the European Commission engage in to promote EU and US relations? What related policy areas will the European Commission be pursuing over the coming months?

Answer

(EN) The Commission has warmly congratulated President Obama on his inauguration. The Commission welcomes his initial moves to close the detention camp at Guantanamo, reinforce US engagement in the Middle East peace process, and reach out to the Islamic world.

The recovery of the global economy will be the top priority in the months to come. The Commission must make sure that EU and US policies are mutually reinforcing, and boost the transatlantic economy by perpetuating and improving the Transatlantic Economic Council. The Commission should co-operate to counter the resurgence of protectionist voices. The Commission wants to work closely with the US on climate change, above all to engage the emerging economies and achieve real progress in the multilateral negotiations before the end of 2009.

The Commissioner for External Relations and Neighbourhood Policy has written to Secretary of State Clinton setting out the Commission's views on the immediate external relations priorities: a sustainable ceasefire in Gaza, the need to address state-building in Afghanistan in its regional context, and how to promote stability in the EU's Eastern neighbourhood. The Commission must also promote, together, an equitable architecture of international co-operation that embraces the newly emerging powers.

Efforts to set the EU-US relationship on a new footing will build up towards the next EU-US Summit in mid-2009. Once the Commission has established a good dialogue with the new US counterparts on the priority issues, the Commission will also be taking a look at whether the institutional framework of EU-US relations – the New Transatlantic Agenda of 1995 – needs to be updated so as better to serve our mutual objectives.

The EU will have to live up to US expectations by demonstrating that the EU can be an effective partner. The EU must speak with one voice. In that respect, a rapid entry into force of the Lisbon Treaty would deliver a major boost to transatlantic relations.

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Question no 43 by Jim Higgins (H-1060/08)**Subject: Upgrading relations with Palestine**

Could the Commission indicate if it has been contacted by the Irish Government in relation to efforts to secure the upgrading of relations with the Palestinian Authorities and if the Commission supports this proposal in view of the need to help the development of the Palestinian State and its people?

Answer

(EN) The Commission and the EU Foreign Ministers have been approached by their Irish counterpart in December with a request to enhance the Commission's relations with the Palestinian Authority.

Last year, the Commission created four new sub-committees with the Palestinian Authority to institutionalise the dialogue in the following fields:

1. Economic and Financial Matters, Trade, Customs Issues
2. Social Affairs
3. Energy, Environment, Transport, Science and Technology
4. Human rights, good governance and rule of law.

The Commission organised the first sub-committee (on Human rights, good governance and rule of law) with the Palestinian Authority already in December 2008.

In addition, last December for the first time the Council organised the first political dialogue at the level of senior officials, in addition to the existing political dialogue at ministerial level.

These are important first steps towards deeper bilateral relations. They demonstrate the commitment of both parties to exploring various avenues towards achieving deeper and broader bilateral relations in the light of the joint efforts aiming to create a Palestinian State.

In any case, the Commission's Joint Action Plan with the Palestinian Authority provides many possibilities for enhanced cooperation. The Commission is ready to step up its implementation, by using the four sub-committees just established.

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Question no 44 by John Bowis (H-1061/08)**Subject: Ban on cluster bombs**

The Commission will be aware of the horrendous nature of cluster bombs, not least the hazard they present to children who pick them up thinking they are coloured balls.

Can the Commission confirm that six Member States declined to sign the Oslo Convention against the use of cluster bombs on 3 December, and will it write to these governments explaining the hazard of such weapons and urging them to sign?

Answer

(EN) The Commission welcomed the opening for signature of the international Convention on Cluster Munitions by Member States of the United Nations (UN) in Oslo on 3 December 2008. In particular, the Commission applauded the immediate adherence to the Convention by 95 of the 193 UN Member States and the swift ratification by four States. This is indeed promising and the Commission hopes that all countries, both those affected by cluster munitions and users and producers of these weapons, will sign and ratify the Convention as soon as possible, so that it can enter into force without delay.

The Convention banning cluster munitions is a milestone towards enhancing the security of victims of conflicts in many regions across the world. The Commission sees the Convention on Cluster Munitions primarily as a humanitarian instrument. At the same time, the Commission realises that such a Convention also has disarmament and defence implications for States, areas on which the European Community and thus the Commission have no specific competence. The question of signing and ratifying this Convention is up to the Member States.

In the context of its development co-operation and assistance the Commission does have an important role to play in supporting effective implementation of the Convention. The Commission plans to continue its comprehensive assistance to countries and populations in all areas of explosive remnants of war, whether it be in countering the affects of cluster munitions, de-mining, mine risk education or victim assistance programmes.

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Question no 45 by Bernd Posselt (H-1069/08)

Subject: Ukraine and Moldavia

How does the Commission view the political and human rights developments in the two closely interconnected neighbouring states of Ukraine and the Republic of Moldavia, and what should be the next steps towards stabilising these geostrategically important countries?

Answer

(EN) The Commission follows political and human rights developments closely in both Ukraine and the Republic of Moldova. Respect for human rights and fundamental freedoms, in particular, is an essential element in our relationship with both these countries. The Commission has engaged extensively in support of these issues through political dialogue and financial and technical co-operation, including support to civil society organisations. The Commission has not hesitated to express concern where progress is needed, and has repeatedly underlined that the deepening of the EU's relationship with both countries is dependent upon their progress in meeting international human rights commitments.

The Commission is currently negotiating an ambitious Association Agreement with Ukraine, and planning to start negotiations on a new enhanced agreement with the Republic of Moldova shortly. Both these agreements will contribute to locking in internal reforms in these countries, by way of binding arrangements. They will allow the Commission, in particular, to strengthen our co-operation further on human rights issues. Furthermore, the Eastern Partnership proposal foresees a multilateral track which the Commission expects will contribute significantly to increasing stability in the region. For example it will provide increased opportunities to coordinate our efforts on the Transnistria conflict and on bilateral issues of contention between Ukraine and the Republic of Moldova issues, such as the demarcation of their common border.

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Question no 46 by Pedro Guerreiro (H-0008/09)

Subject: EU-Israel relations

Israel has now been occupying the Palestinian territories of the West Bank, the Gaza strip and east Jerusalem for forty years, killing, arresting, oppressing, repressing, despoiling, exploiting, denying the most legitimate and elementary rights, and imposing the most degrading humiliations and inhuman living conditions on the Palestinian people.

In view of the renewal by Israel of its brutal and unjustified attacks on the Palestinian people in the Gaza strip, the appalling and criminal acts perpetrated by the Israeli army, and Israel's total disregard for international law and human rights in the occupied Palestinian territories, can the Commission state what measures it has taken to ensure the urgently needed humanitarian support for the Palestinian people in the Gaza strip?

Can the Commission explain why it has not taken the initiative of proposing the suspension of the agreements between the EU and Israel and of any process tending to reinforce those agreements?

Answer

(EN) The Commissioner for Development and Humanitarian Aid travelled to the region last week and on Monday 26 January, announced €32 million emergency assistance to the population in Gaza, to be used for food, shelters, health, and psychological support.

Already earlier this month, the Commission has provided more than €10 million, in response to the humanitarian situation in Gaza. This comes on top of more than €73 million of such aid during 2008. It is focused on food, emergency shelter repairs and further medical support. These are all areas identified as

priorities in the United Nations Relief and Work Agency's (UNRWA) Flash Appeal launched on 30 December 2008.

Furthermore, as you probably know, the Commission provides all the fuel to the Gaza power plant. For the sake of better coordination, the Commission has placed a full time official in the Joint Liaison Centre set up by the Israeli government, to help with the delivery of humanitarian aid.

The Commission will also continue to be a predictable donor to UNRWA. This year, the Commission will again provide an early contribution of €66 million to the Agency's General Fund, and will top up the above amounts with humanitarian and food assistance, as appropriate.

During the coming weeks, the Commission will be called upon to contribute to the emergency relief effort, and later on also to reconstruction work in Gaza. In this respect, the Commission expects that an international donors' conference, tentatively planned in Egypt on 28 February, will focus on the most urgent needs of the population. The Commission intends to play a major role throughout all this process.

As to your second question on a possible suspension of the Association Agreement with Israel, the Commission recognises the frustration of those who feel that things have gone from bad to worse in particular over the last year. On balance, however, it is the Commission's judgement (which reflects the views of the EU Foreign Ministers meeting in the External Relations Council) that measures such as suspension of our Association Agreement would make the Israeli authorities less rather than more responsive to the efforts of the international community to promote a lasting settlement.

With regard to the upgrading process, the Commission always stated that this is being influenced by developments on the ground. For the moment, the Commission is entirely dedicated to pursue another priority, i.e. the situation in Gaza, especially after the temporary ceasefire of 18 January. The population in Gaza has immediate basic needs the Commission will have to cater for.

The Commission considers therefore that the time is not right to deal with this question and will come back to it when circumstances allow us to do so.

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Question no 47 by Jens Holm (H-0009/09)

Subject: Suspension of agreement with Israel

During the Christmas holidays, Israel launched Operation Cast Lead. At the time of writing, more than 900 Palestinians have been killed and thousands injured. Article 2 of the EU-Israel cooperation agreement requires respect for human rights. It is more evident than ever that Israel has violated that provision. In October 2005, the EU suspended the cooperation agreement with Uzbekistan with reference to Article 2.

Is the Commission prepared to enforce the human rights requirement in the trade agreement with Israel and suspend the agreement? What other measures are planned to persuade Israel to cease the violence?

Answer

(EN) Respect for human rights is one of the fundamental values of the European Union, and an essential element of the EU's foreign policy. Consequently, the Commission attaches great importance to the protection of human rights in its relations with Israel.

In its meetings with Israeli authorities, the Commission expresses its concerns with regard to the human rights situation of the Palestinians, and in particular in Gaza, and continues to remind Israel of its obligations under international humanitarian law.

On balance, however, it is the Commission's judgement (which reflects the views of the EU Foreign Ministers meeting in the External Relations Council) that measures such as suspension of our Association Agreement would make the Israeli authorities less rather than more responsive to the efforts of the international community to promote a lasting settlement.

This being said, the Commission is following closely the investigations into the conduct of both parties during the most recent conflict which are currently being carried out.

In response to the outbreak of the Gaza crisis, EU Foreign Ministers held an emergency meeting in Paris on 30 December to develop proposals - the Paris Declaration - to bring the conflict to an end. Shortly after the Council meeting, the EU Troika to the region with the objective of achieving an immediate cessation of hostilities.

Since the beginning of the crisis, and under the instructions of the Commissioner for External Relations and European Neighbourhood Policy, the Commission has concentrated all its contacts and discussions with Israel on the best way to deal with the crisis. Meetings on other topics have actually been put on hold due to the priority given to the Gaza issue. This has been explained to the Israeli authorities who have understood that Gaza takes precedent to any other matter for discussion at the moment.

Following the establishment of a temporary ceasefire, the Commission is now working to make this ceasefire sustainable. At the same time, the Commission is contributing to improving the humanitarian situation of the Palestinian population, and is enabling the Gaza power plant to operate, however insufficiently.

Last week's General Affairs and External Relations Council decided to develop an EU work plan. This will focus first and foremost on immediate humanitarian relief for the population of Gaza, and will include support to the prevention of illicit trafficking in arms and ammunition, the sustained re-opening of crossing points, rehabilitation and reconstruction and the resumption of the peace process.

The Commission's priority in its relations with Israel at the moment remains to be Gaza and in particular questions of access and provision of humanitarian aid. For all this matters, dialogue with Israel is essential.

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Question no 48 by Willy Meyer Pleite (H-0019/09)

Subject: Creation of an EU commission of inquiry to investigate violations of international humanitarian law by Israel in Gaza

The United Nations Human Rights Council has decided to send a fact-finding mission to investigate violations of international humanitarian law by the occupying power, Israel, against the Palestinian population during the recent war in Gaza.

Does the Commission intend proposing that the European Union set up a fact-finding mission to investigate violations of international humanitarian law in the territory of Gaza during the war that started on 27 December 2008?

Answer

(EN) Several international actors and civil society groups have called for a full international investigation into incidents that show failures to comply with international humanitarian law (e.g. shelling of United Nations (UN) schools and facilities, use of white phosphorous in densely populated areas).

United Nations Secretary General (UNSG) Ban Ki Moon announced that the UN intends to proceed shortly with such an investigation. Israel has also launched its own investigations and we are waiting for the results. Prime Minister Ehud Olmert has assembled a special team to deal with international lawsuits against Israeli officials during Operation Cast Lead.

Last Monday's External Relations Council concluded that the EU "will follow closely investigations into alleged violations of international humanitarian law."

The Commission considers that the extremely serious allegations made by the International Committee of the Red Cross and others about the conduct of both sides during this conflict should be properly investigated. Such an impartial investigation should look at committed breaches and reiterate International Law supremacy.

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Question no 49 by Laima Liucija Andrikiene (H-0031/09)

Subject: EU strategy in Latin America

The European Union and Latin America have enjoyed a Strategic Partnership since the first bi-regional Summit in Rio de Janeiro (Brazil) in 1999.

What are the main goals and objectives for the Commission to attain in the very near future and in the longer term in the region, especially with regard to EU relations with countries such as Venezuela and Cuba?

What does the Commission propose to do to assist the Colombian Government in its efforts to secure the release of hostages held by FARC guerrillas and in the process of peace-building and reconciliation?

Does the Commission foresee any changes in the EU's strategy in Latin America after the newly elected US President Barack Obama takes office?

Answer

(EN) 1. The Strategic Partnership between the EU, Latin America and the Caribbean - which will be celebrating this year its 10th anniversary - is articulated on the following objectives: intense political dialogue, the strengthening of democratic governance and the respect of human rights, support to integration processes including the establishment of a network of association agreements, and extensive cooperation to reduce poverty, social inequalities and improve educational levels.

These objectives are constantly adapted to new developments and global challenges, such as the impact of the current financial and economic crisis, the urgent need to tackle climate change and to address energy security.

The Commission will make use of forthcoming meetings, such as the Ministerial Meeting between the European Union and the Rio Group in Prague in May 2009, and preparations for the next Latin American, Caribbean and EU Summit (in 2010 in Spain) to address these issues.

Regarding Venezuela, our objective is to strengthen relations and to establish more regular, open, constructive and structured dialogue on areas of common interest through the development of the economic dialogue and the bilateral cooperation (40 million Euros earmarked for 2007-2011 for two priorities: modernization of the Venezuelan state and diversification of its economy).

Regarding Cuba, following the Council Conclusions in 2008, development cooperation has been resumed between the EC and Cuba. The EC cooperation will, in the short term, be done on an ad hoc basis and channelled through the UN agencies and European and local NGOs. One of the main objectives of this cooperation will be to support the efforts of reconstruction and rehabilitation after the passage of the hurricanes in 2008.

Cuba is the only country in Latin America and the Caribbean with whom the EU does not have a contractual framework. The Commission hopes that in the medium term it will be possible to normalise the relations with Cuba.

2. The Commission is offering the Colombian Government every possible assistance and solidarity in its efforts to secure the release of the hostages held by the FARC. However, in view of past experience, the Colombian Government has decided on this occasion to limit the involvement of other countries or Vatican institutions, and the Commission must respect this decision.

As regards the peace-building process, the Commission is dedicating 70% of our aid (more than EUR 160 million) specifically to peace-building, alternative and sustainable development and the fight against drugs. Furthermore, 20% of this assistance will be focused on enforcing the rule of law in Colombia, through judicial institutions and by promoting human rights, among other things. Without question, building peace and stability remains our primary objective in Colombia.

3. The Commission maintains good and fluent contacts with the US Administration on Latin American issues. We have a regular political dialogue (twice a year) at the High Official EU troika level with the US, dealing specifically with Latin America and the Caribbean. We are convinced that we will continue this constructive dialogue and cooperation with the new Obama Administration.

President Obama has not yet made substantive statements on the future relationship with Latin America. But the first indications are positive, as demonstrated by the meeting he had a few weeks ago in his capacity as President elect, with President Calderon from Mexico. We have to wait to know more about President Obama's strategy and engagement towards the region. Possible fields in which we could work for an enhanced cooperation between the US, the EU and Latin America could be the fight against drugs and organised crime.

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Question no 53 by Mairead McGuinness (H-1047/08)**Subject: Social progress and the protection of workers' rights**

The conclusions of the December 2008 European Council meeting included a statement of the concerns of the Irish people on the Treaty of Lisbon as set out by the Taoiseach, Brian Cowen. Can the Commission explain what it understands the Union to mean by attaching 'high importance to social progress and the protection of workers' rights?' Would the Commission set out its work to date on this issue and its plans in the future to addressing those concerns? Does the Commission believe that the current economic situation will make it more difficult, but more essential, to protect and enhance social progress and the protection of workers' rights?

Answer

(FR) Social progress and the protection of workers' rights are objectives that have always been central to the development of the European Union. That is why the policies contained in the existing Treaties on social affairs and the protection of workers' rights have been strengthened in the Treaty of Lisbon and the decisive role of the social partners is very clearly recognised in the text.

Obviously, the context in which we are evolving determines the measures required in order to secure these objectives. Hence, the fundamental developments in our society, such as globalisation, development of new technologies, demographic changes and climate change have transformed the nature of social issues. These changes have prompted the European Union to establish the Lisbon Strategy, to adapt legislation, the European Social Fund (ESF) or the European Globalisation Adjustment Fund (EGF), to develop the Open Method of Coordination (OMC) in order to continue to ensure that the European Union's social values are appropriately maintained, while at the same time adjusting our instruments in a dynamic way.

Furthermore, in July 2008, the Commission presented its renewed social agenda in order to adapt and strengthen our European social model in the face of all these changes. We have to give everyone the same chances to succeed in life through access to education, to health or social services, take action to support those people who are most disadvantaged, on the basis of solidarity, encourage social dialogue through the revised directive on European works councils and improve protection of the rights of temporary workers.

Today the whole of Europe is affected by an economic crisis which has led the Union to take exceptional measures with an economic recovery plan that clearly demonstrates the importance it attaches to protecting the most basic of workers' rights, which is that of access to employment. Furthermore, the Commission has proposed extending the scope and increasing the flexibility of the eligibility criteria of the European Globalisation Adjustment Fund in order to enable it to give more effective help to workers affected by the crisis. At this stage and beyond these financial measures, it has clearly become urgent to carry through the reforms in progress in relation to flexicurity, active inclusion and pension schemes.

This context of crisis, therefore, only strengthens the Commission in its pursuit of social progress as well as the protection of workers' rights.

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Question no 54 by Marie Panayotopoulos-Cassiotou (H-1058/08)**Subject: Discrimination in favour of specific groups**

Does the Commission believe that European legislation allows positive discrimination so as to offset unfavourable conditions for women, young people, the elderly, the disabled, the chronically ill and members of single-parent and large families? Can positive discrimination in favour of the above categories in social security systems compensate for non-quantifiable job offers?

Answer

(FR) The Commission wishes to point out, first of all, that with regard to affirmative action for women⁽⁸⁾, the elderly and the disabled⁽⁹⁾, European legislation makes provision for Member States to adopt measures providing specific advantages intended to ensure equality between this group of people and other workers.

On the other hand, Community legislation does not make specific provisions in relation to affirmative action for young people, the chronically sick, members of single-parent or large families, as there is no legal basis for doing so.

Finally, the Commission wishes to point out that, where Community legislation makes provision for affirmative action, it is up to Member States to determine the relevant procedures. Nonetheless, in its case law the European Court of Justice has laid down specific conditions for adopting affirmative action with regard to women:

- the group in question must be under-represented in the given employment sector;
- the measure adopted must rectify the existing situation;
- the measure adopted must be proportionate to the intended goal.

In any case, the European Court of Justice has established that such affirmative action cannot result in priority being given to women automatically and unconditionally.

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Question no 55 by Claude Moraes (H-1065/08)

Subject: Multiple discrimination

In view of the recommendations from the European Commission report of 2007 'Tackling Multiple Discrimination - Practices, Policies and Laws', that multiple discrimination should be expressly prohibited, why is there no express prohibition on multiple discrimination in the draft Equality Directive (COM(2008)0426), and only one reference to multiple discrimination (in the context of women) in the preamble (i.e. No 13)?

Answer

(EN) The report to which the Honourable Member refers was drafted by the Danish Centre for Human Rights at the Commission's request.

The Commission considers that multiple discrimination is a social reality which should be addressed in an appropriate manner. However, the body of the proposal for a Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation⁽¹⁰⁾ adopted by the Commission on 2 July 2008 contains no explicit provision prohibiting multiple discrimination.

There are two reasons for this. First, the proposal concerns discrimination on grounds of religion or belief, disability, age and sexual orientation. Introducing a clause on multiple discrimination on other grounds too (such as gender or racial or ethnic origin) could be seen as going beyond the remit of the Directive. Alternatively, if multiple discrimination concerned only the four grounds of discrimination covered by the draft Directive, then such major forms of multiple discrimination as those involving gender, or racial or ethnic origin would not be tackled. Secondly, when it was preparing the abovementioned proposal, the Commission considered that this issue deserved further reflection.

⁽⁸⁾ Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions.

⁽⁹⁾ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

⁽¹⁰⁾ COM(2008) 426 final.

The Commission therefore proposed that the non-discrimination governmental expert group set up recently should work on the issue of multiple discrimination. The tasks of the group, which was established by the Commission decision of 2 July 2008⁽¹¹⁾, are:

- to establish cooperation between the relevant Member State authorities and the Commission on issues relating to the promotion of equality and the fight against discrimination based on racial or ethnic origin, religion or belief, disability, age and sexual orientation;

to monitor the development of EU and national policies in this field; and

to foster the exchange of experience and good practice on issues of common interest relating to non-discrimination and the promotion of equality.

At the group's first meeting in November 2008, the Commission agreed with the group that it would address the issue of multiple discrimination. The Commission has also asked the European Network of Legal Experts in the field of Gender Equality to draft a report on the legal aspects of multiple discrimination with a specific focus on the gender dimension. That report is expected to be completed by June 2009.

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Question no 56 by H       Goudin (H-1066/08)

Subject: Definitions relating to collective action

According to the Str     report presented in Sweden on 12 December 2008 with regard to the ECJ judgment in the Laval Case (C-341/05), the right to strike for trade unions should be restricted, in the case of foreign workers (posted workers from another Member State), only to cover minimum wages and minimum conditions in sectoral agreements.

Does the Commission share this interpretation? What is the Commission's view on defining an acceptable minimum wage under sectoral agreements? In the Commission's opinion, what collective action can unions take to secure wage levels for posted workers that they consider adequate? Does the Commission consider that there is anything new in the conclusions of the Str     report compared to the ECJ judgment in the Laval Case (C-341/05)?

Answer

(EN) It is in principle for the national authorities to assess the potential consequences of the Laval judgment for their national labour markets and to decide what needs to be done in this context in accordance with their own institutional and legal frameworks.

The Commission understands that the Str     report to which the Honourable Member refers is intended to provide recommendations that may underpin proposals to amend existing national legislation on the posting of workers in Sweden. The Commission cannot comment on preliminary stages in the preparation of legal measures.

That being said, the Commission is ready to assist and cooperate with the national authorities in their task of seeing how best to address and respond to issues of concern and remains committed to discussing bilaterally with them any concrete implementation measures envisaged with a view to ensuring that they comply with Community law.

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Question no 57 by Mihael Brejc (H-0004/09)

Subject: Health and safety at work

During a period of economic crisis, business owners seek to reduce costs in all areas of operation. According to our information costs are also being cut in the area of health and safety at work. Is the Commission aware of this? What does it intend to do to ensure that, despite the tougher business climate, there is no reduction in the standard of health and safety at work?

⁽¹¹⁾ C(2008) 3261 final.

Answer

(FR) It must be stated straightaway that the Commission does not have the information to which the honourable Member refers and according to which businesses, during this period of economic crisis, are apparently in the process of reducing costs, on a large scale, in the area of health and safety at work.

With regard to the honourable Member's concerns about the fact that cost cutting could lead to lower standards, it must be emphasised that at European Union level, the provisions relating to health and safety at work – that is those in the framework Directive 89/391/EEC and its specific directives – are legally binding. These directives must be transposed and implemented by Member States in their own national legal systems.

Consequently, any potential reduction in the standard of health and safety for workers in workplaces could not under any circumstances bring these standards below the minimum level required by the Community directives.

Furthermore, the Commission and the Bilbao Agency for Safety and Health at Work are constantly striving, even during this period of economic crisis, to make employers aware of the fact that, in economic terms, businesses that invest in health and safety for their workers achieve measurable results: a reduction in the cost of absenteeism, increased workers' motivation and improved productivity and business competitiveness.

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Question no 58 by Olle Schmidt (H-0005/09)**Subject: Access of European citizens to social security schemes**

It is common for workers in the Öresund region of Sweden to commute across the border between Denmark and Sweden to work. There have been reports in the Swedish media (e.g. Sydsvenskan of 22 November 2008 and 2 January 2009) of Swedish workers involved in accidents who have not received sick pay from their Danish employers or the Danish authorities despite the fact that, under EU rules, the social security scheme of the country in which they work should apply.

What does the Commission intend to do to ensure that European citizens who work in a country other than their own have access to social security schemes?

Answer

(EN) The Commission draws the Honourable Member's attention to the Community provisions on the coordination of social security schemes as contained in Regulations (EEC) Nos 1408/71 and 574/72. In accordance with those provisions, a person who is solely employed in Denmark but resides in Sweden would normally be entitled to social security benefits in Denmark on equal terms with persons employed and residing in that country. A frontier worker would be entitled to receive sickness benefits in kind either in Denmark or in Sweden, as he or she chooses. However, the obligation to pay sickness cash benefits, which also covers sick pay from the employer (for example in the event of an accident that occurs while the worker is commuting), would fall on the Danish social security system. It would consequently be the employer's obligation to pay sick pay to the employee, even where he or she resides in Sweden.

According to the Commission's information, the way Denmark applies the coordinating regulations does not appear to be in compliance with Community law. This matter has been brought to the attention of the Swedish authorities who have written to their Danish colleagues with a view to resolving the matter.

In view of this development, the Commission feels confident that the matter will be resolved in a manner which is consistent with Community law.

The Commission services will contact the Danish and Swedish authorities to seek information on the outcome of their cooperation and will inform the Honourable Member directly of the result.

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Question no 59 by Kathy Sinnott (H-0016/09)**Subject: 1million4disability**

The 1million4disability petition campaign gathered over 1.3 million signatures throughout the EU in an eight-month period to the end of September 2007. In a closing ceremony on 4 October 2007, attended by hundreds of people with disabilities and their supporters, the signatures were personally delivered to the President of the Parliament and to the Commission through Vice-President Margot Wallström.

It was with dismay that I discovered at a hearing of the Committee on Constitutional Affairs on the Citizens' Initiative in September 2008 that the 1million4disability petition was in the basement of the European Commission and further that the Commission had contacted the EDF and offered to return the petition to them as it was doing nothing but gather dust.

When can we expect the Commission to deal with the 1million4disability petition and respond to its call for the recognition of disability rights and disability specific legislation?

Answer

(EN) The Commission is committed to strengthening citizens' participation in the decision-making process and attaches great value to the opinion of civil society.

Vice-President Margot Wallström was present on 4 October 2007 at the closing ceremony for the '1million4disability' campaign, and on 23 January 2008 President Barroso personally acknowledged receipt of the 1 294 497 signatures, which were delivered to the Commission on 22 November 2007. The latter are kept on the Commission's premises.

The Lisbon Treaty, which stipulates that 'not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties', is not yet in force. Nonetheless, the '1million4disability' campaign was an important and highly appreciated citizen's initiative that was taken into account when the Commission drafted its proposal of July 2008 for a Directive⁽¹²⁾ implementing the principle of equal treatment outside employment to extend the scope of protection against discrimination.

The proposed Directive, and in particular Article 4 thereof, contains specific provisions on equal treatment of persons irrespective of disability, which guarantee a degree of protection equivalent to that which would have been afforded by a single-ground disability Directive. It is now for the two branches of the legislative authority to translate this Commission proposal into legislation.

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Question no 60 by Proinsias De Rossa (H-0032/09)**Subject: Ireland's transposition of the Insolvency Directive**

Further to my written questions E-3295/06, E-3298/06, E-3299/06 and E-4898/06 regarding Ireland's transposition and implementation of the Insolvency Directive, and the 2007 'Implementation Report [on] Directive 80/987/EEC⁽¹³⁾ as amended by 2002/74/EC⁽¹⁴⁾ on the protection of employees in the event of the insolvency of their employer in the EU Member States', and the European Court of Justice's ruling of 25 January 2007 in Case C-278/05 (Carol Marilyn Robbins and Others v Secretary of State for Work and Pensions), could the Commission outline what correspondence it has had with the Irish authorities regarding possible breaches of the directive by Ireland, particularly in relation to Article 8, and the Irish authorities' response?

What action will the Commission take if it comes to the conclusion that Ireland is in breach of this legislation, particularly in relation to Article 8, in the light of the above ECJ ruling?

⁽¹²⁾ COM(2008) 426 final, <http://ec.europa.eu/social/BlobServlet?docId=477&langId=en>.

⁽¹³⁾ OJ L 283, 28.10.1980, p. 23.

⁽¹⁴⁾ OJ L 270, 8.10.2002, p. 10.

Answer

(EN) In 2008 the Commission published a staff working document on implementation of Article 8 and related provisions of Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer, concerning supplementary company or inter-company pension schemes outside the national statutory social security schemes⁽¹⁵⁾.

The conclusions point out that, in certain cases, issues can be raised as regards the extent to which some of the measures adopted by Member States are sufficient to protect the interests of employees and retired persons in the event of insolvency of the employer. Further investigation is therefore needed in order to address the following issues:

how to protect employees and retired persons against the risk of under-funding of pension schemes, and to what extent;

how to guarantee any unpaid contributions to pension schemes;

how to deal with cases where the supplementary pensions scheme is managed by the employer himself.

The Commission is preparing to launch a study to cover those points.

As far as Ireland in particular is concerned, in the wake of the difficulties of the Waterford Wedgwood company reported by the press in mid-January 2009 and the risk for the pensions of its workers the Commission has requested further information from Ireland on the measures adopted to protect them, in particular as regards defined benefit schemes. Should an analysis of the reply show that these measures do not fulfil the requirements of Article 8 of Directive 2008/94/EC⁽¹⁶⁾ as interpreted by the European Court of Justice, the Commission will not hesitate to initiate infringement procedures under Article 226 of the Treaty.

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Question no 61 by Athanasios Pafilis (H-0034/09)

Subject: Open terrorism by employers against trade unionists

The murderous acid attack on Konstantina Kouneva, a trade unionist and General Secretary of the Panattic Union of Cleaners and Domestic Personnel, on 22 December 2008 is the culmination of series of incidents of open terrorism by employers against workers who belong to trade unions, claim their rights or take part in strike movements called by their unions. The most recent such incident is that of Nikos Niklopoulou, an employee at Jumbo, a toy shop in Vari, who was dismissed for taking part in a nation-wide general strike on 10 December 2008.

Will the Commission condemn these incidents of terrorism by employers against workers, which are now commonplace at workers' places of employment and have turned such places into ghettos where none of the protective provisions of employment legislation obtain, but where the despotic will of employers is imposed by all available means?

Answer

(EN) The Commission considers attacks against trade unionists as wholly reprehensible and entirely unacceptable, irrespective of whether the workers concerned are legal or illegal immigrants and whether they are from other Member States or third countries.

Everyone has the right to respect for his or her physical and mental integrity. Furthermore, everyone has the right to freedom of association, including in trade union matters. Both of these rights are enshrined in the Charter of Fundamental Rights of the European Union (Articles 3 and 12 respectively).

Freedom of association is protected by the core International Labour Organization (ILO) Labour Standards Conventions, which all EU Member States have ratified and must respect and enforce.

⁽¹⁵⁾ SEC(2008) 475.

⁽¹⁶⁾ OJ L 283, 28.10.2008, p. 36.

In principle, it is therefore for the national authorities to take the necessary measures in their own countries to combat such acts and punish those who commit them on the basis of the applicable national and international law.

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Question no 62 by Silvia-Adriana Țicău (H-1039/08)

Subject: Measures to improve the energy efficiency of buildings

The European Union has set itself the aim of improving energy efficiency and achieving a 20% reduction in greenhouse gas emissions by 2020, with 20% of the energy used coming from renewable sources. 40% of overall greenhouse gas emissions stem from buildings. Consequently, improving the energy efficiency of buildings offers great potential for reducing greenhouse gas emissions. Under certain conditions, the Member States may use part of the structural funds to improve the energy efficiency of buildings. A mid-term review of the provisions governing the structural funds is scheduled for 2010.

Can the Commission say what measures it has in mind to improve the energy efficiency of buildings in the European Union as part of the review of the provisions governing the structural funds?

Answer

(EN) Enhancing the energy performance of buildings is an important avenue towards reducing climate change and enhancing energy security and the competitiveness of the EU economy. The Commission has taken a wide range of measures to increase the energy efficiency in the building sector, such as legal measures, financial instruments and actions in order to disseminate information. One of the most important legal instruments in this field is Directive 2002/91/EC on the energy performance of buildings, of which the Commission is monitoring the implementation. In order to extend its scope and strengthen some of its provisions, the Commission recently presented a Proposal for recast.

As regards the European Regional Development Fund (ERDF) and the Cohesion Fund, it should be recalled that in all Member States the current legislation allows a broad range of energy efficiency and renewable energy interventions in buildings other than those serving housing purposes. For the latter, the current legislation foresees limited eligibility of expenditure on housing in the EU-12 depending on conditions relating to the financial allocation, the context of intervention, the type of housing, the zone and type of intervention.

In line with its Communication on the European Economic Recovery Plan⁽¹⁷⁾, on 3 December 2008, the Commission presented a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) 1080/2006 on the European Regional Development Fund as regards the eligibility of energy efficiency and renewable energy investments in housing. The modification would make all Member States eligible for an amount of up to 4% of the total ERDF allocation as regards expenditure on energy efficiency improvements and on the use of renewable energy in existing housing. The categories of eligible housing will be defined at national level, with the aim to support social cohesion.

Should the modification be adopted, then it is for Member States to decide whether they wish to re-programme their Structural Funds Operational Programmes in order to devote a greater share to energy efficiency investments.

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Question no 63 by Colm Burke (H-1041/08)

Subject: EU Member State legislation to eliminate female genital mutilation

Measures need to be put in place within the EU to address the needs of women and girls who are at risk of female genital mutilation (FGM). Ireland made a recent commitment – as one of 15 EU Member States – to launch a national action plan for the elimination of FGM. These 15 EU Member States have committed to enacting a law to place an outright ban on FGM in their respective countries.

⁽¹⁷⁾ COM (2008) 800 final

Can the Commission recommend to non-participating Member States that they consider such action plans and legislation outlawing this harmful practice? Such a law would send a clear signal to potential practitioners of this tradition that FGM is wholly unacceptable within the EU. Considering that the World Health Organisation estimates that between 100 and 140 million girls and women are living with the consequences of FGM (and three million girls are at risk each year), what is the Commission doing to minimise the detrimental effects of this tradition as part of its external relations policy?

Answer

(EN) The Commission considers that female genital mutilations (FGM) constitute a serious violation of women's and girls' fundamental rights and that all European countries should take strong measures to prevent such practices from happening both within and outside the EU.

All forms of female genital mutilation are associated with an increased risk of psychological and physical damage including haemorrhage, infection, infertility, incontinence and mental health problems. Female genital mutilation is also a cause of obstetric complications to the mother and infant including stillbirths, infant death and long term disability. These practices are a serious violation of their fundamental right to physical and mental integrity, which is recognised in all Member States of the EU. Although the Commission does not have competence to propose legislation in this area, it is consistently making Community funding available under the Daphne III Programme to assist European non-governmental organisations (NGOs) and local or regional public authorities and institutions to combat FGM.

The Daphne Programme has in particular contributed to creating and supporting the European Network of NGOs fighting FGM (Euronet-FGM), which is the coordinator of the Daphne-funded project that the Honourable Member is referring to. This project is developing national plans of action (PoA) for the elimination of FGM in 15 EU and EEA Member States (Austria, Belgium, Denmark, France, Finland, Germany, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Spain, Sweden and United Kingdom) and is also exploring the situation of FGM in 10 new Member States. The project ends in June 2009 and a final conference will be organised near the end of the project in order to present, discuss and disseminate the national PoA, to sensitise the international community for the problem of FGM in Europe and for violence against migrant women and girls in general. The Commission will be present at this event and will urge Member States which have not yet developed action plans to learn from the project results and take necessary measure as soon as possible.

In its external assistance to third countries, the Commission has three policies in use against FGM. Firstly, The Commission brings women's empowerment, human rights and women's health issues in political and policy dialogue with partner governments. Secondly, the Commission supports advocacy and lobbying initiatives for the improvement of national legislation and the development of adequate national policies for the promotion and protection of women's rights and the prohibition of harmful practices. Thirdly, the Commission supports capacity-building initiatives for government officials as well as advocacy and awareness-raising in all sectors of society.

The Commission is currently financing the following projects:

Under the "Investing in People" programme a project aiming at contributing to the abandonment in selected countries of social norms harmful to girls and women is financed in co-operation with the United Nations Children's Emergency Fund (UNICEF).

In Burkina Faso, the Commission supports a Centre for women's well-being and prevention of FMG. The Centre focuses on prevention and on treatment of FGM consequences, as well as on awareness raising on women's rights.

The Commission will provide support to the justice sector in Nigeria, to a wider variety of non-State actors, to parliamentarians and to mass media. The action will contribute to increase public awareness, to sustain the domestic debate and to promote policy advocacy on key issues concerning good governance and human rights including FGM.

In Senegal, we support a project by the Senegalese association AFELP "Association Femmes Enfant Lutte Contre la Pauvreté" in partnership with the "Secours Populaire Français". The project helps women to fight for themselves against all forms of violence of which they are victims, as well as to help them combat damaging cultural practices and promote the principles of democracy.

Under the European Instrument for Democracy and Human Rights the Commission is funding a project in Somalia, "Somali women's FGM Eradication Plan". The beneficiary organisation is the international civil society organisation Co-operation for the Development of Emerging Countries (COSPE). The Commission also recently finalised a project in Nigeria, carried out by a local organisations addressing violence against women, also including FGM. The aim of the project is to increase the report rate of gender based violence.

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Question no 64 by Georgios Papastamkos (H-1042/08)

Subject: Confiscation of counterfeit products at EU borders

Given the increase in counterfeit products seized at the EU borders, will the Commission provide information on measures to combat fraud on the basis of the results of joint operations undertaken by the customs authorities of Member States? Will it also provide information on the type and volume of confiscated products?

Answer

(FR) Combating counterfeiting and piracy is a priority for the Commission. Every year it publishes a statistical report on the goods confiscated by the customs authorities of Member States. This report is drawn up from information submitted by Member States and according to the provisions of the legislation in force⁽¹⁸⁾. The reports are available on the Europa website at the following address:

http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/statistics/index_fr.htm

The results of joint operations carried out by the customs authorities of Member States are integrated with the results they have supplied to the Commission. At present the basis for collection of statistics does not make it possible for the Commission to provide more details, particularly in relation to the operations carried out. Nonetheless some operations carried out by the Commission services have given rise to specific reports. This type of operation always focuses on certain products, certain means of transport or specific countries of origin. Consequently the results are closely linked to the criteria applied.

Operation 'FAKE'

In May 2005, the joint customs operation 'FAKE', organised by the Commission with the customs authorities of the European Union Member States, led to the seizure of 60 containers sent by sea and 140 consignments sent by air. This represents a total of more than 2 000 000 counterfeit products (including 1 258 110 packets of cigarettes) coming from China. The counterfeit goods seized were mainly textiles, shoes, bags, electronic goods, medicines, cigarettes, and other products (spectacles, belts, ink cartridges, watches, toys, razors, honey, toothbrushes).

Operation 'DAN'

In 2006, operation 'DAN', initiated by 13 Community ports and coordinated by the European Commission, focused on goods coming by sea from China. This operation led to the seizure of 92 containers with a wide range of products. Among the counterfeit products seized were, for example, tens of thousands of toys, hundreds of boxes of sunglasses, millions of pairs of shoes and numerous fake spare parts for cars, DVDs, knives, clothes and millions of lighters and cigarettes.

Operation 'DIABOLO'

In 2007, the joint customs operation 'DIABOLO', organised by the Commission with 27 European Union Member States and 13 Asian countries (

⁽¹⁹⁾), as well as Interpol, Europol and the World Customs Organization, led to the seizure of approximately 135 million cigarettes with counterfeit trademarks and 1 089 585 other counterfeit products, namely textile

⁽¹⁸⁾ Council Regulation (EC) N° 1383/2003 of 22 July 2003: OJ L 196 of 2.8.2003 and Commission Regulation (EC) N° 1891/2004 of 21 October 2004: OJ L 328 of 30.10.2004.

⁽¹⁹⁾ (Brunei, Burma/Myanmar, China, Cambodia, Indonesia, Japan, South Korea, Malaysia, Laos, Philippines, Singapore, Thaïlande et Vietnam).

products, shoes, toys, furniture, suitcases and watches. Furthermore, eight people have been questioned following this operation.

The report is available on the Europa website: http://ec.europa.eu/anti_fraud/diablo/i_en.html

Operation 'INFRASTRUCTURE'

At the end of 2007, the joint operation 'INFRASTRUCTURE', undertaken by the Commission with the support of the customs authorities of the United Kingdom, Germany, France and Belgium and the United States Customs and Border Protection (CBP) in order to enforce intellectual property rights, led to the seizure of more than 360 000 counterfeit integrated circuits with more than 40 different trademarks and some fruitful exchanges of information. This was the first joint activity targeting intellectual property rights.

Operation 'MUDAN'

In 2008, the joint customs operation 'MUDAN', organised in April 2008 by the Commission with the support of the customs authorities of the European Union Member States, focused on postal packets from China and led to the seizure of 1 300 000 cigarettes.

Furthermore, in order to coordinate and support joint customs operations of all kinds, including counterfeiting, a Permanent Operational Coordination Unit has been made available to Member States within the European Anti-Fraud Office (OLAF) in Brussels. This infrastructure, which has been used in particular for the operations 'FAKE' and 'DIABOLO', makes it possible to ensure real-time coordination of the flow of operational information during large-scale Community or international activities.

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Question no 65 by Nils Lundgren (H-1050/08)

Subject: Towards an EU defence policy

The Commission has proposed that a new licensing scheme for the transfer of defence-related products replace the current 27 national regimes (COM(2007)0765). According to the Commission, the current divergences between the Member States' systems constitute 'a considerable obstacle to the emergence of a European Defence Equipment Market.'

During the preparatory work on the proposal for a Directive, the Commission considered creating a licence-free zone and letting the EU take care of issuing licences for the transfer of defence-related products. The idea was however discarded 'because of the current lack of a common foreign policy' and 'insufficient political integration between Member States.'

Does the Commission consider that it would be possible to create a licence-free zone in the EU for the transfer of defence-related products if the Lisbon Treaty enters into force? Does the Commission consider such a zone to be desirable?

Answer

(EN) Defence-related products cover a broad spectrum of military goods and services, ranging from low sensitivity components and light arms to complex weapon systems, such as combat aircraft or war vessels, as well as highly sensitive material, such as nuclear, biological and chemical gear.

Member States can currently invoke restrictions to the circulation of defence-related products within the Internal Market on the basis of Article 30 of the EC Treaty. This Article permits certain prohibitions or restrictions on the free movement of goods between Member States on grounds of, inter alia, public policy or public security and the protection of health and life of humans, provided that such prohibitions or restrictions meet the proportionality test. This Article is not amended by the Lisbon Treaty. Two reasons play a particularly important role in this context:

1. Member States wish to ensure that such material does not eventually end up in hostile hands or failed states. Reducing the threat of terrorism and the risks of proliferation of weapons of mass destruction is a key concern of all Member States.

2. Member States also wish to ensure that defence equipment is not used by criminals within the EU. The prevention of violent crime and of terrorism within the EU requires a strict control of the circulation of many types of defence-related products.

Furthermore, Article 296 of the EC Treaty may also allow Member States, under certain conditions, to take such measures as they consider necessary for the protection of the essential interests of their security which are connected with the production of or trade in arms, munitions and war material. This Article is also not amended by the Lisbon Treaty.

As such, the entry into force of the Lisbon Treaty does not effect the possibility for Member States to introduce restrictions motivated by public security concerns. The proposal for a directive on simplifying terms and conditions of transfers of defence-related products within the Community which the Parliament voted on 16 December 2008 nevertheless constitutes a major step towards a better integrated internal market for defence-related products without jeopardizing national security concerns.

While the Commission did not foresee the possibility for the EU itself to issue licences for the transfer of defence-related products, the Directive adopted, has three important provisions which should gradually eliminate or substantially alleviate licensing requirements:

- The Directive allows Member States to exempt transfers of defence-related products from the obligation of prior authorisation in several cases, for example when the supplier or the recipient is a governmental body or a part of armed forces;
- The Directive contains an evolution clause whereby other transfers of defence-related products can be exempted from the obligation of prior authorisation, for example where the transfer takes place under such conditions as not to affect public policy or public security;
- The system of general transfer licences put in place by the Directive is not an individual licence but a general authorisation to suppliers who fulfil the terms and conditions attached to the licence, to perform transfers of defence-related products to be specified in the licence to a category or categories of recipients located in another Member State.

This Directive will abolish many superfluous administrative formalities while allowing Member States to perform the necessary controls in order to prevent the wide dissemination of defence equipment and the risk of diversion.

The Commission will review the functioning of the Directive and submit a report to the Parliament and the Council in which it will evaluate whether, and to what extent, the objectives of the Directive have been achieved, with regard to the functioning of the internal market.

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Question no 66 by James Nicholson (H-1063/08)

Subject: Origin of produce / food labelling

In light of recent events affecting the pig industry and in order to improve the current situation, which is totally inadequate, will the Commission now bring forward proposals for clear 'country of origin' labelling of food so that consumers are able to make clear and informed choices?

Answer

(EN) The fundamental principle of European Union (EU) food law is that all food and feed legally placed on the market in the EU must be safe, irrespective of where it comes from. A wide range of measures to ensure food safety and to assist in the removal of unsafe food/feed from the market have been introduced under Community legislation.

In accordance with the General Food Law Regulation⁽²⁰⁾, traceability on EU territory is compulsory for food business operators at all stages of the food chain, from the importer up to the retail level. That means that

⁽²⁰⁾ Regulation (EC) No 178/2002 of the Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002).

food operators must have in place systems and procedures to identify food business operators from whom they have received and to whom they have delivered products.

In particular for products of animal origin, including products from outside the Community, the food hygiene legislation enhances further the traceability rules of products of animal origin covered by Regulation 853/2004⁽²¹⁾ by requiring the application of a health mark or identification mark on such products.

The Commission does not agree that the system is inadequate. The recent contamination incident of Irish pork and beef with dioxins has demonstrated that the traceability of food of animal origin has significantly improved compared to similar contamination incidents in the past. Once the contamination was known, possibly contaminated Irish pork and beef was withdrawn from the market in 25 Member States and 12 third countries in a very short period of time thanks to the traceability systems in place. The rapid removal of possible contaminated meat from the market is the key to protect public health and to maintain consumer confidence.

As to the mandatory indication of labelling of origin for all foods in general, it must be underlined that origin labelling is not a tool for contributing to food safety. The Commission views origin labelling as primarily an instrument of consumer information, particularly about the characteristics and, as the case may be, about the quality of the food.

Origin labelling is required in cases where consumers might be misled on the true origin or provenance of the foodstuffs, and in application of specific rules such as those for fruit and vegetables, beef, wine, honey and fish. In addition, an indication of origin must be shown for imported poultry meat and, with effect from 1 July 2010, the origin of pre-packaged foodstuffs labelled as organically produced must be shown on an EU product (and on imported products if the Community logo is used).

The recent Commission proposal for a Regulation of the Parliament and of the Council on the provision of food information to consumers⁽²²⁾ does not extend the items to which compulsory origin labelling applies, but provides for rules in order to ensure that voluntary origin indications are based on the same criteria.

In particular, as regards meat different from beef and veal, the draft Regulation foresees that voluntary origin indications should provide information on the different locations of birth, rearing and slaughter of the animal in so far as that animal has not been born, reared and slaughtered in the same country or place.

The Commission is certainly aware that the issue has given rise to further debate. In its Green Paper on agricultural product quality⁽²³⁾, the Commission specifically asked whether an obligatory indication of place of production of primary products, such as 'EU' or 'non-EU', could be useful to ensure a better connection is made between the farming input and the final product. The Green Paper was open for responses from stakeholders and the public. The consultation ended on 31.12.2008.

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Question no 67 by Dimitrios Papadimoulis (H-1074/08)

Subject: UN Convention against Corruption and Siemens' slush funds

The judicial inquiry into the Siemens company has resulted in admissions of the existence of slush funds which were used to bribe political parties and persons in positions of responsibility. Owing to the short statute of limitations period, however, offences have been time-barred and the political figures involved remain unpunished. The United Nations Convention against Corruption, which the European Community has signed (15 September 2005) and ratified (25 September 2008), is another instrument which can be used to carry out a full investigation into the Siemens' case and identify the guilty parties, in particular Article 29 thereof concerning 'Statute of limitations' and Article 30 concerning 'Prosecution, adjudication and sanctions'.

In view of the fact that this company, in collaboration with other companies, has undertaken projects co-financed by Community funds, will the Commission say which Member States are parties to the

(21) Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 39, 30.4.2004. Corrected version in OJ L 226, 25.6.2004).

(22) COM(2008)40 final

(23) (COM(2008 641)

abovementioned Convention? Would the Commission recommend that the Member States adapt their national legislation to that Convention and, in particular, Article 29 thereof, which prescribes a long statute of limitations period? What measures will it take to ensure that a full investigation is carried out and the guilty parties identified in this case?

Answer

(EN) According to the relevant website of the United Nations (UN), apart from the European Communities, Austria, Belgium, Bulgaria, Denmark, Finland, France, Greece, Hungary, Lithuania, Luxembourg, The Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden and the UK have signed and ratified the United Nations Convention against Corruption (UNCAC). Italy, Ireland, Germany, the Czech Republic and Cyprus have signed but not yet ratified the UNCAC Convention.

Corruption is a major threat to society and nobody can say this will not happen to us. The Commission's line has always been to invite Member States to sign, ratify and implement UN Conventions and other international instruments that contribute to the fight against corruption.

As regards the conduct of investigation in the matter referred to by the Honourable Member, the Commission would refer the Honourable Member to the Commission's reply to his oral question H-0746/08, setting out in detail the respective roles that the Commission services, including the European Anti-Fraud Office (OLAF) and the Member States have in this matter. In this regard, the Commission would reiterate that concerning allegations of possible corruption in Member States, it is the responsibility of the competent authorities of the Member States concerned to take appropriate action. The Commission services, including OLAF, stand ready to assist the national authorities if such assistance is deemed necessary and possible under EU law, in particular if EU funds are concerned.

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Question no 68 by Manolis Mavrommatis (H-0001/09)

Subject: Infant mortality in the EU Member States

According to the EURO-PERISTAT findings published in 2008, the rate of infant mortality (death occurring during the first 27 days after birth) in the EU Member States is around 0.2% in Cyprus and Sweden, rising to 0.57% in Latvia. Furthermore, the percentage of underweight babies appears to vary with the geographical location of the country concerned, the number of newborn babies weighing less than 2.5 kilograms being greater in the countries of southern and eastern Europe.

How will the Commission respond to these figures? What steps will it take with a view to eliminating the problem of infant mortality in the Western world of the 21st century, particularly in Europe, which is facing severe demographic problems?

Answer

(EN) The Commission is glad to have supported the production of this report, which complements the data on infant (including perinatal, late foetal and neonatal) mortality annually collected by Eurostat. It provides a reference point which can guide action by Member States. And as the question identifies, the report shows significant variations across the European Union.

Regarding action to be taken, according to Article 152 of the Treaty, in the health domain the primary responsibility lies with the Member States. It is therefore primarily up to individual Member States to consider what issues this report identifies for them, and to take appropriate action.

Nevertheless, addressing inequalities in health is one of the objectives of the EU Health Strategy. The Commission plans to publish a Communication on tackling health inequalities later in 2009.

The Commission has already taken action in this area. For example, the Commission has supported Member States in their actions aimed at reducing risk behaviours relating to perinatal and infant mortality in their populations. This includes informing women of risks associated with smoking and drinking during pregnancy.

The Commission also supports improvements in healthcare systems, such as through investment under the Structural Funds, and through research into better health technology and techniques under the Research framework programmes.

The Commission will also continue to produce this kind of comparable information on health and health-related behaviour of the population, on diseases, and on health care systems. As this PERISTAT report shows, such information enables benchmarking across Europe and helps to promote concrete action within Member States to help spread best practice throughout the EU.

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Question no 69 by Saïd El Khadraoui (H-0006/09)

Subject: Application of Regulation (EC) No 261/2004 on the rights of air passengers

Since 2004 there has been legislation, in the form of Regulation (EC) No 261/2004⁽²⁴⁾, governing the rights of air passengers in the event of denied boarding, cancellation or long delay of flights.

In 2007 the Commission acknowledged that further initiatives were needed to improve the application of this regulation in practice and therefore called for consultations with the national air transport authorities and with stakeholders. At the time it was decided that, where necessary, first of all warnings would be issued, and then infringement proceedings brought, against Member States which were wrongly or inadequately applying the rules on passenger rights.

How many complaints from air passengers have the Member States and the Commission received since the entry into force of Regulation (EC) No 261/2004? What was the nature of these complaints? What action has been taken as a result of these complaints? Has the number of complaints risen or fallen, and can any trends be observed in the nature and number of complaints?

What initiatives has the Commission taken since then to improve the application of Regulation (EC) No 261/2004 in practice? How many infringement proceedings have since been brought against Member States and/or airlines?

Does the Commission plan to take further measures to improve the application of the regulation? Are there plans for new legislative initiatives to improve the existing regulation?

Answer

(EN) 1. There is no legal obligation for the Commission or the Member States to keep statistics or to report on the application of Regulation 261/2004. Therefore, the Commission has no information on the number of complaints received by National Enforcement Bodies for the period mentioned by the Honourable Member of the European Parliament.

However, in its role of monitoring the correct implementation of the Community legislation, the Commission made reference to the number of complaints received in 2005-2006 in its Communication of 4 April 2007⁽²⁵⁾, (page 5 of SEC(2007)0426). Moreover, the European Consumer Centres (ECC) which are co-financed by the Member States and the Commission also issued two reports based on the complaints received by them in 2005 and 2006. These complaints concerned only cross-border cases (no national flights therefore) and also problems with luggage which are not covered by the Air Passenger Rights Regulation. These reports can be found in the Commission web page as well as in any of the ECC web pages.

In addition, the Commission has sent a questionnaire to all competent national authorities in November 2008 with deadline 15th of January asking for relevant information, including information on complaint handling on the operation of Regulation 261/2004 in 2007-2008. The answers to the questionnaires are currently under translation and analysis by the Commission services. The Commission intend to send soon a similar letter to the airline associations. The Commission services will compile and analyse all the available data and inform the Parliament about the outcome of this exercise in the second semester of 2009, as it was the case in 2007. The ECC has planned to issue their third report in 2009 on the complaints they have received in 2007-2008.

⁽²⁴⁾ OJ L 46, 17.2.2004, p. 1.

⁽²⁵⁾ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL pursuant to Article 17 of Regulation [EC] 261/2004 on the operation and the results of this Regulation establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights (COM(2007)0168 & SEC(2007)0426)

2. Under article 16 of the Regulation, Member States are in charge of the enforcement and, therefore, it is for the Member States to proceed against the airlines that do not fully apply the Regulation. The Commission only can open infringement procedures against the Member States that do not respect their obligations on enforcement.

The Commission considered in its Communication of 2007 that a period of stability was required to allow NEB, airlines, Member States and the Commission itself to develop a practical, consistent and harmonised application of the Regulation. Further to the Communication, the Commission brought together In 2007, all the stakeholders (notably airline associations and NEBs) to set up a set of documents that would improve the application of, and adherence to, the regulation. All these documents are available on the Commission's website⁽²⁶⁾. 2008 has provided us with the necessary period of stability that allowed all stakeholders to put into practice all the procedures and mechanisms that were agreed in 2007.

Since all the NEB were fully committed to this voluntary approach and started improving their enforcement, no infringement procedures were opened in 2007-2008, during the stability period.

The meeting held in Brussels last 2 December, which gathered together again all the stakeholders, closed the period of stability and initiated the new evaluation phase, in which the Commission will analyse whether and why regulation 261/2004 may still be not adequately respected, and will take the necessary solutions.

In January 2009 the Commission is about to initiate contacts on three files with two Member States in the 'EU Pilot' system for problem-solving, two regarding lack of action of the Italian NEB and one regarding lack of action of the Spanish NEB. Subject to the answer of the competent national authorities in these cases, the Commission may open infringement procedures against them. Secondly, the Commission services will send a letter to several Member States in the coming weeks asking for further information regarding the way they enforce the Regulation vis-à-vis non-national air carriers. If the information to be provided by these Member States is not satisfactory, the Commission will open infringement procedures against them in 2009.

3. Since only a reduced number of passengers which are dissatisfied with the airline or the NEB answers write to the Commission, the Commission considers that these complaints may not be representative of the overall situation in Europe. However, these complaints are very useful for the Commission to monitor how the Regulation is actually applied by member states and the air carriers, and to act accordingly whenever it seems necessary.

The Commission sends to the competent national enforcement authority all the letters of passengers providing information suggesting that the airline does not respect their obligations under the Regulation. The Commission follows up with the National enforcement bodies their work on these cases and keeps informed the passengers that request so.

The Commission encourages NEB to collaborate and to exchange information among themselves to ensure a more homogeneous implementation of the Regulation. To do so the Commission organises regularly meetings with the NEB. The last one took place on 2 December 2009, the next one is likely to take place in May through a joint meeting of the NEB-ECC-CPC networks. Points raised in passenger complaints are systematically discussed during these meetings.

4. The number of complaints received by the Commission has fallen since 2005 and it has stabilised around 2200 letters and mails per year since 2007. The two kind of incidents mentioned by passengers more often are problems related to their luggage (regulation 889/2002 implementing the Montreal Convention), and long delay or cancellation of a flight (Regulation 261/2004). Further to the adoption of Regulation 261/2004, the number of overbooking and downgrading cases has clearly diminished.

5. The Commission intends to provide another report to the Council and Parliament on the operation and the results of Regulation 261/2004 in Autumn 2009. The Communication to be adopted by the Commission on the second semester this year will analyse the 4 years of operation of the regulation in order to assess its success in reducing the number of incidents and improving the protection of air passenger rights. It will also announce the Commission's intentions regarding future legislative measures.

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⁽²⁶⁾ <http://apr.europa.eu>

Question no 70 by Tadeusz Zwiefka (H-0011/09)**Subject: Broadcast of outlawed TV station al-Manar**

Recently, Germany banned the operations of al-Manar TV across Germany. The ban order makes it illegal for anyone to cooperate with al-Manar TV. This follows broadcasting bans on al-Manar TV in France, Spain and the Netherlands because of al-Manar TV's violation of European audiovisual laws.

According to the ban order, issued on 11 November by the German Federal Minister of the Interior, the 'purpose and activity of al-Manar TV is to support, advocate and call for the use of violence as a means to achieving political and religious aims.' The ban order also describes al-Manar TV as disseminating 'calls for 'martyrdom' through suicide bombings' and lists al-Manar TV's use of verses in the Quran to justify and promote violence.

Did the Commission raised the broadcasting of al-Manar TV into Europe via Nilesat during the EU-Egypt Association Committee meeting on 16 December 2008? If not, can the Commission explain why not?

Answer

(EN) The Commission shares the concern of the Honourable Member that some of the material broadcast by al-Manar TV amounts to incitement to hatred.

The first meeting of the EU-Egypt Association Committee on 16 December 2008 took stock of progress made on the implementation of the Association Agreement and the joint Action Plan under the European Neighbourhood Policy. Among other items on the agenda, the Association Committee discussed the conclusions of the different sub-committee meetings which were held during 2008; but no specific topic was raised in detail, as this is done in the relevant sub-committee.

The sub-committee on political matters with Egypt is the appropriate mechanism for raising issues related to the fight against racism, xenophobia and intolerance. This includes the undertaking in the joint EU-Egypt Action Plan to "strengthen the role of media in combating xenophobia and discrimination on the grounds of religious belief or culture" and encouraging the media "to assume its responsibilities in this regard".

The first meeting of the sub-committee on political matters with Egypt on 2-3 June 2008 did not raise the issue of incitement to hatred via the media. In light of the many other pressing developments that had to be addressed, as well as the EU's priorities for this dialogue, it had been decided with the Member States that this issue would not be discussed in this first sub-committee meeting (see reply of the Commission to oral questions H-0480/08 and H-0491/08).

The Commission has raised the issue of al-Manar's broadcasts on several other occasions: For instance, following an intervention of the Commission at the 2nd EU-Lebanese sub-committee meeting on Human Rights, Governance and Democracy on 17 November 2008 the Lebanese Government made a statement that they had never received an official complaint on al-Manar TV. In addition, the issue was discussed at the meeting of the Working Group of the Audiovisual Media Services Regulatory Authorities⁽²⁷⁾ on 4 July 2008. At the meeting of the Contact Committee⁽²⁸⁾ on 16 December 2008, the Commission asked the Member States whether recent evidence exists that al-Manar TV still incites to hatred and, if this was the case, whether they would consider to launch a diplomatic complaint with the Lebanese Government (and inform the Commission thereof).

The Commission continues to follow this issue closely and may raise it on another occasion under the EU's regular political dialogues with Egypt and Lebanon or at any other forum.

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⁽²⁷⁾ Established by Directive 89/552/CEE as lastly amended by Directive 2007/65/CE on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services - OJ L 332 of 18 December 2007.

⁽²⁸⁾ Established by Directive 89/552/CEE as lastly amended by Directive 2007/65/CE on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services - OJ L 332 of 18 December 2007.

Question no 71 by Krzysztof Hołowczyc (H-0020/09)**Subject: Fair competition and consumer rights in the Community air transport sector**

The aim of Directive 2005/29/EC⁽²⁹⁾ is to standardise laws on unfair commercial practices within the Community. The directive seeks to harmonise measures combating unfair competition in business-to-consumer practices. The Commission communication COM(2007)0099 on EU consumer policy strategy 2007-2013 reaffirms the goals of the directive.

Although the dynamic growth of the budget airlines market is a positive development, will the Commission say what measures it is taking to ensure that these airlines provide accurate fare information?

Does the Commission not think that the practice followed by the Irish budget airline of systematically charging fares for tickets purchased online much higher than those originally advertised runs counter to the objectives of the abovementioned directive?

Answer

(EN) The Commission is aware of the problem of clear and complete pricing in the airline sector and has taken action in order to ensure that airlines improve their practices. In September 2007, the Commission coordinated with national authorities an EU sweep targeting websites selling air tickets, including airlines websites.

More than 400 websites were checked and the results showed that about a third had irregularities with misleading price information being one of the most common irregularities. Often airfares, sometimes advertised as free, would not include taxes and charges and therefore the final price charged would be substantially higher than the price advertised. 60% of these irregularities were rectified⁽³⁰⁾ within the subsequent 13 months. The other 40% remain under investigation.

The Unfair Commercial Practices Directive⁽³¹⁾ obliges traders to provide consumers with the information they need, in a timely and clear manner, in order to make an informed choice. Traders must also provide clear, complete and final prices, inclusive taxes and other charges, where prices are advertised.

The Directive also states that even where information provided is technically correct, it will be deemed misleading where it deceives or is likely to deceive the average consumer. In addition to this, the Directive's blacklist prohibits misleadingly describing a product as free where it is not.

More specifically however, the Regulation on common rules for the operation of air services in the Community⁽³²⁾, which came into force on 1 November 2008, obliges airlines to display complete airfares. These should include taxes and airport charges and all other foreseeable fees.

In November, the Commissioner for Transport and I met with the representatives of the aviation industry to raise the level of compliance of their website with the EU consumer rights legislation. A checklist of compliance for their websites has been provided to the industry and the Commission has informed them that an independent study shall examine this spring which websites are in compliance with the checklist.⁽³³⁾

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⁽²⁹⁾ OJ L 149, 11.6.2005, p. 22.

⁽³⁰⁾ IP/08/1857

⁽³¹⁾ Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC and 2002/65 of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive).

⁽³²⁾ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast)

⁽³³⁾ IP/08/1857

Question no 72 by Georgios Toussas (H-0021/09)**Subject: Deterioration in coastal shipping (maritime cabotage)**

According to substantiated data provided by Greece's Directorate-General for Competition, 14 coastal shipping companies, together with the Union of Coastal Shipping Companies (UCSC), are being accused, inter alia, of harmonizing their prices policy, fixing schedules, indirectly fixing freight charges and coordinating policies within the UCSC to cut routes to the Aegean and Dodecanese islands in order to boost shipping line profits. The legislative framework drawn up in Greece by the Nea Dimokratia and PASOK governments and in other Member States, on the basis of EEC Regulation No. 3577/92⁽³⁴⁾, has led to an overall deterioration in coastal shipping links, causing serious problems to workers and the islands' inhabitants. It is unacceptable, with the end of this parliamentary term fast approaching, that even though seven years have now elapsed since the last report on maritime cabotage was published (COM(2002)0203), the Commission has yet to publish a new report.

Why has the Commission failed to publish such a report and when does it intend to do so? Does it intend to abrogate Regulation No 3577/92 which is against the interests of working people and institutionalized the full immunity of shipowners and cartels in coastal shipping?

Answer

(EN) The Commission notes the concerns expressed by the Honourable Member regarding the alleged practices of the Greek carriers but would like to highlight the fact that since 1 May 2004⁽³⁵⁾ the Commission and national competition authorities ("NCAs") as well as national courts of the EU Member States share responsibility for the enforcement of the EC competition rules. The Commission trusts the Greek Competition Authority will apply EC competition law if applicable in the case at hand. In that case, the Greek Competition Authority is obliged to closely cooperate with the Commission (Article 11 Regulation 1/2003).

The purpose of the Cabotage Regulation⁽³⁶⁾ is to liberalise the maritime cabotage services by applying the freedom to provide these services within any EU Member State to the Community shipowners operating vessels registered and flying the flag of a Member State. It should be noted that the Regulation has liberalised these services while respecting the particular needs for public transport to/from islands by leaving to Member States the choice of whether and to what extent public service should be provided.

The Commission is monitoring the application of the Cabotage Regulation very closely. Furthermore, pursuant to Article 10 of the Regulation the Commission has an obligation to submit a report on its application to the Council every two years. As noted by the Honourable Member, the last (fourth) report covering the period 1999-2000 was adopted in 2002. In agreement with the Council⁽³⁷⁾ the Commission decided to cover by the fifth report a longer period in order to fully analyse the evolution of cabotage market within the Community, including Greece, which was the last country benefiting from the derogation. The Commission is currently preparing this fifth report. In the framework of this exercise the Commission intends to consult the stakeholders before adopting the report and, if necessary, submitting additional proposals.

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Question no 73 by Konstantinos Droutsas (H-0023/09)**Subject: Catastrophic impact of the commercial crisis on farming households**

Implementation of the rules adopted in the wake of the mid-term review to individual products has led to a collapse of prices so that they no longer even cover production costs. For instance, the price of durum wheat fell from 0.50 euros a kilo in 2007 to 0.30 euros a kilo in 2008; the price of cotton fell from 0.40 to 0.20 euros a kilo and the price of olive oil fell from 3.5 euros a kilo to 2.4 euros a kilo over the same period.

⁽³⁴⁾ OJ L 364, 12.12.1992, p. 7.

⁽³⁵⁾ Council Regulation (EC) No 1/2003 on the implementation of the rules of competition laid down in Articles 81 and 82 of the Treaty, OJ L 1, 4.1.2003, p. 1.

⁽³⁶⁾ 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.

⁽³⁷⁾ Council conclusions of 5.11.2002

Since these reductions mean that most Greek farming households are facing bankruptcy, is the Commission thinking of taking measures to tackle the catastrophic impact of the commercial crisis? If so, what measures does it envisage?

Answer

(EN) After a sharp and rapid increase at the end of 2007 and beginning of 2008, the prices of many agricultural commodities fell drastically due mainly to the strong production development in 2008 at EU and world level. They are now back to levels similar at or even below those before the price spikes. Furthermore, the price decline has been exacerbated by the increased nervousness and uncertainty about the economic outlook and the general turbulence in the global financial system.

The price drop led to some income decline in 2008 in many EU Member States, although higher input prices (in particular energy and fertilisers) were in fact the main driving factor behind the fall in agricultural income. In Greece, the agricultural income per worker declined by 7% in real terms, despite a 3% rise in the value of agricultural products (resulting from a 4% increase in output volume and a slight fall of 1% in output prices).

In spite of these unfavourable price trends, the income of farmers in Greece in 2008 were substantially supported by the granting of the EU decoupled direct payments, which are paid regardless of the prevailing market price environment and which make up for around 40% in Greek agricultural factor income. Furthermore and in an attempt to countervail the current trend of decreasing agricultural market prices, the Commission has recently adjusted its market management in the dairy sector.

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Question no 74 by Sajjad Karim (H-0026/09)

Subject: Cross-border video-conferencing

On 18 December 2008, the European Parliament adopted a resolution with recommendations to the Commission on e-Justice. As regards the current system of gathering criminal evidence in other Member States, the resolution states that it is still based on slow and ineffective instruments offered by mutual assistance in criminal matters, and that, where appropriate and only where it would not be detrimental to the legal position of the person giving testimony, the use of technological tools such as video-conferencing would be a great step forward in the taking of evidence at a distance.

However, no statistics are yet available on the practical application of video-conferences and it appears that video-conferencing is still not being fully exploited.

Does the Commission envisage specific measures with regard to full exploitation of video-conferencing, including providing a list of countries and concrete locations where video-conferencing may take place?

Does the Commission agree that there is a specific need for appropriate safeguards to be put in place to ensure that the rights of citizens and the integrity of justice systems are protected?

Will the Commission consider or even acknowledge the disadvantages of video-conferencing?

Answer

(EN) 1. The Commission shares the view that the possibility of using videoconference for the taking of evidence in cross-border cases could be a way to facilitate procedures for citizens concerned by such cases.

European legislation already provides for possibilities and rules for using videoconferencing in cross-border cases:

Council act of 29 May 2000 establishing in accordance with Article 34 on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union

Council Regulation 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil and commercial matters

Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims

Regulation 861/2007 of the Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure

The 2001 Regulation enables a Court from one Member State to request a Court in another Member State to take evidence in another Member State. This Regulation provides for the use of the most advanced technological means and privileges videoconference. To support the implementation of this regulation, 50 000 copies of a practice guide on this Regulation were disseminated at the beginning of 2007 and served to raise awareness among the judiciary on these provisions.

In criminal matters, the 2000 Convention indicates that Member States shall agree to a request from another Member State about hearing a witness or an expert by videoconference, provided that it is not contrary to the fundamental principles of their national law and that they have the technical means to carry out the hearing.

The judicial authority of the requested Member State summons the person to appear in accordance with its national law. During the hearing, a member of the judiciary of the requested Member State has to be present. The person may claim the right not to testify in accordance with the law of the requested or requesting Member State.

These rules apply only to the hearing of witnesses and experts. However, Member States may also agree to apply the rules to the hearing of accused persons in accordance with national law and relevant international instruments.

The 2003 Agreement on mutual legal assistance between the European Union and the United States of America also includes provisions for the use of videoconference.

The Parliament's Resolution and the Council's Action Plan on e-Justice encourage consideration of all possible uses of videoconference tools in court cases.

2. On 5th December 2007, the Commission adopted a report on the application of the Council Regulation 1206/2001⁽³⁸⁾. To prepare this report, a survey was carried out and published in March 2007⁽³⁹⁾. It showed that, regarding the use of advanced communication technology in the taking of evidence,

62,2 % of the legal professionals indicated that it was rarely used,

17,7% had seen it being sometimes used and

4,2% often.

The use of advanced communication technologies was considered by 24,3% of these professionals as of interest to improve the efficiency of evidence-taking, to cut costs and to significantly reduce timescales.

Current discussions in the e-Justice Working Party of the Council have shown that, while videoconference is not yet widely used, recent efforts in all Member States have resulted in a much more widespread equipment of courts and increased interest in the use of videoconferencing facilities for cross-border cases.

A survey organised by the Council has shown that the equipment installed in different Member States respects the same international technical standards. However, organisational (such as contact points, testing phases, etc) and legal questions (sufficient understanding of another legal system and structure) may constitute stumbling blocks or hurdles to more widespread use of videoconference in cross-border cases.

3. The Atlas of the European Judicial Network (EJN) in civil and commercial matters⁽⁴⁰⁾ includes a directory of Courts of all Members States. If the national Contact Point of the EJN has provided the information, it is possible to identify which courts are equipped with videoconferencing tools and to get in contact with them.

The future European e-Justice portal which is expected to be presented at the end of December 2009, will include more detailed information about the use of videoconference and location of videoconferencing equipment in Courts.

4. European e-Justice is a priority for the Commission. In discussions regarding the use of IT tools to improve efficiency in cross-border cases the protection of the rights of victims and defendants is a key element. The

⁽³⁸⁾ COM (2007) 769 final

⁽³⁹⁾ http://ec.europa.eu/justice_home/doc_centre/civil/studies/doc/final_report_ec_1206_2001_a_09032007.pdf

⁽⁴⁰⁾ http://ec.europa.eu/justice_home/judicialatlascivil/html/index_en.htm

organisation and legal background of the use of videoconference in national cases is the responsibility of Member States.

However, the Commission welcomes all comments and proposals aimed at improving the integrity of justice systems and protecting the rights of citizens. The Commission has direct contacts with European as well as national organisations of legal practitioners. In 2009, the use of videoconference in cross-border cases will be discussed at one of the meetings of the Justice Forum⁽⁴¹⁾. The purpose is to stimulate exchanges of experiences and discussions on the best use of this tool.

5. It is necessary to assess properly the benefits and potential negative consequences of the use of videoconference in cross-border cases. It is essential to ensure full respect of citizens' rights and to ensure that the quality of legal professionals' work is not negatively affected, and to take due account of the needs of citizens and legal professionals when adapting to a tools.

For example, in cross-border cases, the procedure may take place in a multilingual context. Quality of interpretation is thus a crucial issue, which has to be considered in detail, both for on-site interpretation and remote interpretation.

The Commission supports research on the specific needs of interpreting in the framework of videoconference exchanges.

To achieve the full potential offered by videoconferencing and to ensure best use it is necessary to assess and promote best practice, to understand the difficulties and to provide practical answers. Additional legislation might be needed at a later stage, but it does not constitute the main barrier at the moment.

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Question no 75 by Mikel Irujo Amezaga (H-0027/09)

Subject: Maps correctly indicating 'Euskal Herria'

In his question P-6678/08, José Javier Pomés Ruiz, MEP, incorrectly disputed the correctness of the term 'Euskal Herria'. Article 1 of the Statute of Autonomy of the Basque Country (Organic Law 3/1979) states: 'The Basque people, or Euskal Herria, as an expression of its nationality and in order to attain self-government, constitutes itself as an autonomous community within the Spanish state under the name of Euskadi or the Basque Country, in accordance with the Constitution and with the present Statute, which is its fundamental law'. In addition, Article 2 of the same Statute states that '[the provinces of] Álava, Guipúzcoa and Vizcaya, as well as Navarre, have the right to be part of the Autonomous Community of the Basque Country'.

It should therefore be clear that the term 'Euskal Herria' is recognised by the Organic Law, in other words by a higher legal authority, and that the term also includes Navarre.

In the light of the above, can the Commission make it clear that there is no question of any 'technical error' having been perpetrated, despite the statement made in Commissioner Wallström's answer to the question?

Answer

(EN) The maps of Europe published by the Commission for information purposes give only the official names of Autonomies and follow the territorial division as decided by the Member State.

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Question no 76 by Ryszard Czarnecki (H-0036/09)

Subject: Progress in combating corruption in Balkan countries

In the Commission's view, what progress has been made in combating corruption in the Balkan candidate countries?

⁽⁴¹⁾ http://ec.europa.eu/justice_home/news/information_dossiers/justice_forum/index_en.htm

Answer

(EN) Combating corruption is one of the key issues closely monitored and promoted by the Commission with regard to candidate countries and potential candidates in the Western Balkans. This is done in close cooperation with other major stakeholders, such as the Council of Europe, International Financial Institutions as well as non-governmental organisations (NGOs). In our annual Progress Reports we refer in detail to the developments in this area. Fight against corruption is also a key benchmark for the visa liberalisation dialogue.

Overall, despite considerable efforts made in some countries, corruption remains a serious problem in most of the Western Balkans. In particular, conviction rates for corruption cases are usually low, leading to allegations of corruption within the judicial system. Financing of political parties, privatisation and public procurement are areas most vulnerable to corruption, but also other sectors such as education and health care are affected.

With regard to the candidate countries, there is some further progress:

In Croatia, the legal framework to combat corruption is now largely in place and the Office for the Fight against Corruption and Organised Crime (USKOK) continues to become more active. However, corruption remains widespread. Further efforts are required in tackling and prosecuting high level corruption as well as in the field of public procurement. A culture of political accountability is lacking.

The former Yugoslav Republic of Macedonia has made some progress in implementing anti-corruption policy and improved some of its anti-corruption laws. However, the fragmented legal system that has resulted from the large number of legislative acts continues to make implementation and monitoring difficult. Overall, corruption remains a particularly serious problem. Further steps are necessary, in implementing provisions on financing of political parties and election campaigns.

With regard to the potential candidates, the situation is as follows:

In Albania, progress in the fight against corruption remains slow. A new anti-corruption strategy for 2007-2013 with an action plan was adopted in October 2008. Implementation needs to start and monitoring mechanisms remain to be assessed. Corruption in Albania remains a particularly serious problem.

As regards Bosnia and Herzegovina, progress also remains slow. The Commission highlighted in meetings with BiH political leaders the need to demonstrate political will and take determined action to fight corruption. The country needs to improve its anti-corruption legislation and more vigorous investigation and prosecution.

In Montenegro, efforts have been stepped up in monitoring, awareness raising and the adoption of the necessary legal framework for fighting corruption. However, corruption continues to remain a serious and widespread problem, with limited results in securing adequate prosecution and convictions.

Serbia has made some progress in fighting corruption and developing a comprehensive anti-corruption policy. The legislative framework improved, and specialised departments within the courts and prosecution offices were set up. However, practical results in fighting corruption so far have been limited and corruption continues to be widespread and to pose a serious problem in Serbia.

In the case of Kosovo, under United Nations Security Council resolution (UNSCR) 1244/99, corruption is still widespread and a major problem. This is due to insufficient legislation and implementing measures as well as a lack of clear political determination and the weakness of the judicial system.

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